

EATON COUNTY BOARD OF COMMISSIONERS
DECEMBER 15, 2021

The Eaton County Board of Commissioners met in regular session at the County Facilities, in the City of Charlotte, Wednesday, December 15, 2021 including the availability of virtual participation by the public.

Chairman Whittum called the meeting to order at 7:00 p.m.

The Pledge of Allegiance to the Flag was given by all.

Commissioner Ridge gave the invocation.

Roll call. Commissioners present: Tim Barnes, Blake Mulder, Terrance Augustine, Brandon Haskell, Jeanne Pearl-Wright, Jane M. Whitacre, Mark Mudry, Joseph Brehler, Brian Droscha, Dairus Reynnet, Wayne Ridge, Brian Lautzenheiser, Jim Mott, Jeremy Whittum and Barbara Rogers.

Commissioners absent: None

Commissioner Lautzenheiser requested the following addition to the Public Works & Planning Committee: Item #5 - Appointments. Commissioner Mulder requested the following addition to the Ways and Means Committee Report: Item #8 Resolution for a Partial Termination of a Farmland Development Rights Agreement-With Pre-Existing Structure.

Commissioner Lautzenheiser moved the approval of the agenda as amended. Seconded by Commissioner Augustine. Carried unanimously.

Commissioner Lautzenheiser moved the approval of the November 17, 2021 meeting minutes as presented. Seconded by Commissioner Rogers. Carried unanimously.

Communications: Letter of appreciation from Jane Sprague for her reappointment to the Construction Code Board of Appeals.

Letter of invitation from McLaren Greater Lansing's President and CEO, Kirk Ray to their Grand Opening Gala – Passport to Care.

Letter from Kim Laforet in opposition to vaccine mandates.

Public Comment: Bruce Barlund, Windsor Township resident, supported the resolution condemning vaccine and testing mandates and the ORV ordinance.

Katherine Schmidt, Potterville resident, supported the resolution condemning vaccine and testing mandates and the ORV ordinance.

Will Pitylak, Eaton Township resident, supported the resolution condemning vaccine and testing mandates and the ORV ordinance.

Andrea Smith, Charlotte resident, supported the resolution condemning vaccine and testing mandates.

Frank Holmes, Brookfield Township resident, supported the resolution condemning vaccine and testing mandates.

Livi Ranshaw, Pottersville resident, supported the resolution condemning vaccine and testing mandates.

Mark Goodrich, Bellevue Village resident, supported the resolution condemning vaccine and testing mandates and the ORV ordinance.

Brian Roes, Hamlin Township resident, supported the ORV ordinance.

Jennifer Dingman, Benton Township resident, supported the ORV ordinance.

Jamie Reed supported the ORV ordinance.

Drew Marks, Sunfield Township resident, spoke in opposition of DCA recommended by the Planning Commission.

The Annual Report of the County Treasurer Performance Bond – P.A. 211 of 2007 was received. (On file)

Commissioner Mott moved the approval of #21-12-125 Resolution to Condemn Federal Vaccine & Testing Mandates.

A resolution to condemn President Joe Biden's decision to impose vaccine requirements on private and public employers and healthcare facilities receiving funds from The Centers for Medicare & Medicaid Services (CMS) and urge the Governor and Attorney General of Michigan to pursue all available avenues to challenge these unlawful mandates.

WHEREAS, on September 9, 2021, President Biden announced his administration's plan to impose strict COVID-19 vaccine requirements on private businesses. Effective January 4, 2022, employers with over 100 employees will be required to ensure employees are vaccinated or impose burdensome weekly testing regimens; and WHEREAS, on November 5, 2021, Centers for Medicare and Medicaid Services (CMS) also issued a federal vaccine mandate for staff within all Medicare and Medicaid-certified facilities including nursing homes, hospitals, dialysis facilities, ambulatory surgical settings, and home health agencies, among others, as a condition for participating in the Medicare and Medicaid programs, as well as, federal contractors, and the majority of federal workers; and

WHEREAS, these requirements are capricious and arbitrary, infringing on Americans' civil liberties. Health care decisions, including whether or not to get vaccinated, are

deeply personal and should not be subject to governmental edicts that cannot account for unique, individual medical needs; and
WHEREAS, the vaccine requirement will impact two-thirds of the nation's private sector workforce. Imposing sanctions, such as lost employment, on the most economically vulnerable is unnecessarily cruel; and
WHEREAS, federal overreach will exacerbate supply chain shortages; interrupt manufacturing production; risk destabilizing our critical water, sewer, and energy infrastructure; put additional life-threatening pressure on our health care industry; cause interruption in our education system; and cause additional labor shortages across all industries; and
WHEREAS, employers are already experiencing significant resource and workforce shortages that will only be made worse by adding additional requirements that limit the number of workers available; and
WHEREAS, to date, at least 27 states have filed legal challenges or expressly stated an intention to push back against this type of federal government overreach. Resistance to the federal mandate by state leaders has been bipartisan, as three states with Democrat governors – Kansas, Kentucky, and Louisiana – have joined the lawsuits. However, Governor Gretchen Whitmer and Attorney General Dana Nessel have thus far acquiesced to President Biden's intrusion upon our state's sovereignty and policymaking process; and
WHEREAS, on September 7, 2021, the administrator of the Eaton County Healing and Recovery center, Martha Richard, stated during her Semi-Annual Update that the vaccine mandate would further exacerbate staffing shortage; and
WHEREAS, on November 6, 2021, the U.S. Court of Appeals for the Fifth Circuit placed a hold on President Biden's vaccine mandate; and
WHEREAS, on November 12, 2021, the U.S Court of Appeals for the Fifth Circuit, further affirmed, it's hold on the vaccine mandate; and
WHEREAS, on November 29, 2021, The US District Court of Missouri ruled against implementation and enforcement of CMS vaccine mandates; and
WHEREAS, on November 30, 2021, a federal judge issued a preliminary injunction to halt implementation of the President's mandate for health care workers, which had been set to being this week; and
WHEREAS, on December 2, 2021, the President clearly articulated that his policy goals for the business and medical communities has not changed or evolved in light of the afore mentioned judicial action. While announcing his Winter Covid 19 plan, President Biden stated he believes that " all Americans can rally around" this plan and stated that the plan, including vaccine mandates, "should get bipartisan support.", and left ALL of the afore mentioned vaccine mandates in place, with implementation pending judicial review.
NOW HERE BY, BE IT RESOLVED, by the Eaton County Board of Commissioners, That we, on behalf of the citizens of Eaton County, condemn President Biden's decision to impose vaccine requirements on both public and private employers; and
BE IT FURTHER RESOLVED, that we call upon Governor Gretchen Whitmer and Attorney General Dana Nessel to join those leaders who have filed suit to protect the

interests of their states and their citizens and pursue all available avenues to challenge President Biden's unlawful mandate; and
BE IT FURTHER RESOLVED, that copies of this resolution be transmitted to the President of the United States, the Governor of the State of Michigan, the Michigan Attorney General, and the commissioners of the other Michigan counties.

Seconded by Commissioner Reynnet. Discussion held. Roll call. AYES: Commissioners Barnes, Mulder, Droscha, Reynnet, Ridge, Lautzenheiser, Mott, Rogers and Whittum. NAYS: Commissioner Augustine, Haskell, Pearl-Wright, Whitacre, Mudry, and Brehler. Carried.

Commissioner Barnes moved the approval of #21-12-126 Resolution to amend the Sheriff Department Fee Schedule.

WHEREAS, the Eaton County Board of Commissioners has approved a User Fee Schedule for the Eaton County Sheriff Department; and

WHEREAS, the Public Safety Committee has reviewed and is recommending an increase to the rate for dedicated patrol/enforcement contractual services, to \$60 per officer per hour; and

NOW, THEREFORE, BE IT RESOLVED, that the Eaton County Board of Commissioners approves the attached recommended Sheriff Department User Fee Schedule effective January 1, 2022; and

BE IT FURTHER RESOLVED, that any other User Fee Schedules established by the Sheriff Department are superseded by the attached schedule.

Seconded by Commissioner Haskell. Carried unanimously.

Commissioner Barnes moved the approval of #21-12-127 Resolution to Approve Emergency Management Performance Grants American Rescue Plan Act (EMPG ARPA) Grant Amendment.

WHEREAS, the County received Emergency Management Performance Grant funding the Federal Emergency Management Agency passed-through the Michigan State Police for the period of October 1, 2020 through September 30, 2021; and

WHEREAS, the Department of Emergency Management has been notified that additional funding of up to \$16,619, is available for eligible expenditures for the same time period; and

WHEREAS, the grant would provide additional funding for the program manager's salary and fringe benefit costs.

NOW, THEREFORE BE IT RESOLVED, that the Board of Commissioners authorize the Department of Emergency Management to submit a grant amendment for an amount not to exceed \$16,619 for the period of October 1, 2020 to September 30, 2021; and

BE IT FURTHER RESOLVED, that the Controller be authorized to approve any necessary budget amendments to increase expenditures and increase grant revenue if the grant is approved by the State of Michigan; and

BE IT FURTHER RESOLVED, that the Chairperson of the Board of Commissioners be authorized to sign any necessary documents.

Seconded by Commissioner Pearl-Wright. Discussion held. Roll call. AYES: Commissioners Barnes, Mulder, Augustine, Haskell, Pearl-Wright, Whitacre, Mudry, Brehler, Droscha, Reynnet, Ridge, Lautzenheiser, Mott, Rogers and Whittum. NAYS: None. Carried unanimously.

Commissioner Barnes moved the approval of #21-12-128 Resolution to Schedule Public Hearing for Proposed Off-Road Vehicle (ORV) Ordinance.

WHEREAS, the Eaton County Public Safety Committee has discussed and developed a proposed Off-Road Vehicle (ORV) ordinance as provided for in MCL 324.81131; and WHEREAS, the statute requires a public hearing to be conducted before such an ordinance can be adopted by the Board of Commissioners; and

WHEREAS, the statute requires that such a public hearing be noticed by the County Clerk not less than 45 days prior to the public hearing to the county road commission, to the legislative body of each township and municipality located within the county, to the state transportation department if the road intersects a highway.

NOW, THEREFORE, BE IT RESOLVED, that the Eaton County Board of Commissioners hereby schedule a public hearing on the proposed Off-Road Vehicle (ORV) ordinance for Wednesday, February 16, 2022 at 7:00 pm; and

BE IT FURTHER RESOLVED, that Board of Commissioners directs the County Clerk to publish notice of this public hearing and provide specific notice to those entities and agencies as required by MCL 324.81131(2).

Seconded by Commissioner Augustine. Discussion held. Roll call. AYES: Commissioners Barnes, Mulder, Augustine, Haskell, Pearl-Wright, Whitacre, Mudry, Brehler, Droscha, Reynnet, Ridge, Lautzenheiser, Mott, Rogers and Whittum. NAYS: None. Carried unanimously.

Commissioner Lautzenheiser moved the approval of #21-12-129 Resolution to approve DCA-12-21-6.

PREAMBLE: The Eaton County Land Development Code, an Ordinance adopted by the Commissioners of the County of Eaton pursuant to Public Act 183 of 1943, and administered pursuant to Public Act 110 of 2006, may be amended from time to time by following procedures outlined in Article 13 of the Development Code.

WHEREAS, The Eaton County Planning Commission initiated a petition for a Comprehensive Amendment to the Eaton County Land Development Code (zoning ordinance) to clarify the intent, update language and improve comprehension. Amendments are proposed to the following: Article 5 Definitions (amend Sections 5.3.3. C. and 5.3.18. R.), Article 6 General Provision (amend Sections 6.2.10. C., 6.5, 6.51, and add 6.5.5), Article 7 Land Development Districts (amend Section 7.2.2. C., 7.3.2. F., 7.4A.2 B., 7.4B.2 C., 7.4C.2 D., 7.5A.4), and Article 14 Specific Provisions and

Requirements (amend Section 14.10 Educational Institutional and Government Facility and 14.25 Surface Mining); and

WHEREAS, the Eaton County Planning Commission held a duly advertised and noticed public hearing on December 7, 2021; and

WHEREAS, the Eaton County Planning Commission found the requested amendment to be consistent with the required findings of fact (Items A through G) contained in Section 13.6 of the Eaton County Land Development Code; and

WHEREAS, the Eaton County Planning Commission has taken action on December 7, 2021 to recommend the adoption of the ordinance amendments for reasons stated at the meeting.

NOW THEREFORE BE IT RESOLVED that the Board of Commissioners of the County of Eaton, Michigan having considered the findings of facts and recommendations hereby:

APPROVES the request by Eaton County Planning Commission for a Comprehensive Amendment to the Eaton County Land Development Code (zoning ordinance) to clarify the intent, update language and improve comprehension to Article 5 Definitions (amend Sections 5.3.3. C. and 5.3.18. R.), Article 6 General Provision (amend Sections 6.2.10. C., 6.5, 6.51, and add 6.5.5), Article 7 Land Development Districts (amend Section 7.2.2. C., 7.3.2. F., 7.4A.2 B., 7.4B.2 C., 7.4C.2 D., 7.5A.4), and Article 14 Specific Provisions and Requirements (amend Section 14.10 Educational Institutional and Government Facility and 14.25 Surface Mining).

Seconded by Commissioner Augustine. Carried unanimously.

Commissioner Lautzenheiser moved the approval of following two resolutions.

#21-12-130 Resolution to Approve Contract for Battery Recycling.

WHEREAS, the County is charged by the Public Act 451, Part 115, as amended, Eaton County Solid Waste Management Plan Update of February 1999 to enhance the separation, collection, and utilization of materials to increase the percentage of the solid waste stream diverted; and,

WHEREAS, the County Department of Resource Recovery operates a household battery collection program, which diverts potentially hazardous materials from improper disposal; and,

WHEREAS, the Department of Resource Recovery currently utilizes, Battery Solutions, LLC to recycle all household batteries brought to Eaton County collection sites per Federal and State guidelines and in accordance with the proposal submitted to the Department of Resource Recovery; and

WHEREAS, the County Department of Resource Recovery recommends extending the current contract through December 31, 2022; and

WHEREAS, the Public Works and Planning Committee recommended this contract be extended between the County and Battery Solutions, LLC for a one-year period at its regular meeting held on December 8, 2021; and

NOW, THEREFORE, BE IT RESOLVED, that the Eaton County Board of

Commissioners officially approves the recommended contract extension.

#21-12-131 Resolution to Approve Michigan Energy Great Lakes and Environment 2020 Scrap Tire Grant Extension.

WHEREAS, the Resource Recovery Department has been established for the development and administration of the County Solid Waste Management Plan under Act 641; and

WHEREAS, key components of the Resource Recovery Department include increasing the amount of materials recycled; and

WHEREAS, the Michigan Department of Environment Great Lakes and Energy has awarded Eaton County with a Scrap Tire Recycling Grant designed to provide assistance in the removal of residential scrap tires; and

WHEREAS, the County has been notified of the availability of excess funds within its FY2020-2021 grant award; and

WHEREAS, the Michigan Department of Environment Great Lakes and Energy has proposed an extension to the terms of the current grant to December 31, 2022 in order to provide the availability to utilize said excess funds.

NOW, THEREFORE, LET IT BE RESOLVED that Eaton County approves the extension of the Scrap Tire grant; and

BE IT FURTHER RESOLVED, that the Chairperson of the Board of Commissioners, or his designee, is authorized to sign any necessary grant documents; and

BE IT FURTHER RESOLVED, that the Controller is authorized to make budget amendments to the adopted budget, in the event the grant is authorized.

Motion on both resolutions seconded by Commissioner Haskell. Carried unanimously.

Commissioner Lautzenheiser moved the approval of #21-12-132 Resolution to Prioritize Property for Submission to Michigan Agricultural Preservation Fund Board for Purchase of Development Rights Grant Funds.

WHEREAS, a PDR Ordinance was adopted by the Eaton County Board of Commissioners on April 16, 2003, as amended December 16, 2020, to preserve farm land and open space; and

WHEREAS, the Eaton County Farmland and Open Space Preservation PDR Program ("Program") is qualified to apply to the Michigan Agricultural Preservation Fund; and

WHEREAS, the Eaton County Purchase of Development Rights Committee scored, ranked and prioritized two applications in a public meeting on December 6, 2021, for consideration into the Program; and

WHEREAS, the Purchase of Development Rights Committee recommends both applications for submission to the Michigan Agricultural Preservation Fund Board for Purchase of Development Rights Grant Funds; and

WHEREAS, only application property owners willing to follow the Michigan Preservation Fund Board Guidelines will be awarded involvement in the Program.

NOW THEREFORE BE IT RESOLVED, that the Eaton County Board of Commissioners hereby approves and authorizes Community Development Department staff to prepare and submit an application to include these parcels (as recommended by the PDR Committee and attached to this Resolution) to the Michigan Agricultural Preservation Fund Board for Purchase of Development Rights Grant Funds.
Seconded by Commissioner Rogers. Carried unanimously.

Commissioner Lautzenheiser moved the approval of Public Works & Planning Committee appointments as follows:
Parks & Recreation Commission - 3 year term expiring December 31, 2024
Christopher Arndt

Eaton County Transportation Authority - 3 year term expiring December 31, 2024
Vicky Beers - representing NW Quadrant

Purchase of Development Rights Selection Committee – 2 year term expiring December 31, 2023
Ellen Lambright
James Garvey

Brownfield Redevelopment Authority Board – 3 year term expiring December 31, 2024
Robert Sepeter
Tim Cattron
Charamy Cleary
Seconded by Commissioner Droscha. Carried unanimously.

Commissioner Mulder moved the approval of #21-12-133 Resolution to Approve Delta Township Corridor Improvement Authority Tax-Sharing Agreement.

WHEREAS, the Delta Township Board of Trustees held a public hearing on November 15, 2021, for the purpose of adopting an Ordinance creating a Corridor Improvement Authority (CIA) and establishing the boundaries of the CIA district; and
WHEREAS, Eaton County property tax revenues are subject to capture by a Tax Increment Financing (TIF) Plan that may be proposed by the Delta Township CIA and approved by the Delta Township Board of Trustees; and
WHEREAS, pursuant to MCL 125.4618 (5), Eaton County may exempt its property taxes from capture by the Delta Township CIA by adopting a Resolution to that effect within sixty (60) days of the November 15, 2021 public hearing, which Resolution takes effect when filed with the Delta Township Clerk; and
WHEREAS, pursuant to MCL 125.4618(3), Eaton County may enter into agreements with the Delta Township CIA and the Delta Township Board of Trustees to share a portion of the County's captured taxable value of the CIA district; and
WHEREAS, it is the policy of Eaton County not to permit the capture of County property tax revenues in any new or amended TIF Districts unless the Board of

Commissioners has approved a Tax Sharing Agreement with the CIA and the affected municipality; and

WHEREAS, Delta Township and the Delta Township CIA have proposed a tax-sharing agreement, attached and hereby included by reference, to allow for the capture of eighty (80%) percent of the incremental tax increases; and

WHEREAS, the remaining twenty (20%) percent of incremental tax increases would be returned to the County; and

NOW, THEREFORE, BE IT RESOLVED, that pursuant to MCL 125.4618 (5), Eaton County hereby exempts its property taxes from capture by the Delta Township CIA; and

BE IT FURTHER RESOLVED, that Eaton County approves the proposed tax-sharing agreement between the Delta Township CIA and the Delta Township Board of Trustees, pursuant to MCL 125.4618(3) to share a portion of the captured taxable value of the CIA District, attached to this resolution; and

BE IT FURTHER RESOLVED, that the County Clerk is directed to provide the Clerk of Delta Township with a copy of this resolution.

Seconded by Commissioner Whitacre. Discussion held. Roll call. AYES:

Commissioner Barnes, Mulder, Augustine, Haskell, Pearl-Wright, Whitacre, Mudry, Brehler, Droscha, Reynnet, Ridge, Lautzenheiser, Mott, Rogers and Whittum. NAYS: None. Carried unanimously.

Commissioner Mulder moved the approval of the following two resolutions:

#21-12-134 Resolution Authorizing Entry of Participation Agreements in Partial Settlement of the National Prescription Opiate Litigation.

WHEREAS, the Eaton County, Michigan 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 Corp. (a prescription opioids wholesaler distributor);
3. Cardinal Health, Inc. (a prescription opioids wholesaler distributor); and
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 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 Eaton County, Michigan'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; and
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, Eaton County, Michigan authorizes the execution of 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, Amerisource Bergen and McKesson), 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.

#21-12-135 Resolution Authorizing Entry of State Local Government Interstate Agreement Concerning Allocation of Settlement Proceedings in the National Opioids Litigation.

WHEREAS, the Eaton County, Michigan 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); and
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 Eaton County, Michigan'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; 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, Eaton County, Michigan 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, Eaton County, Michigan authorizes the execution of 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. Eaton County, Michigan 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.

Motion on both resolutions seconded by Commissioner Ridge. Carried unanimously.

Commissioner Mulder moved the approval of #21-12-136 Resolution to Approve Interim Agreement for the Operation of the Youth Facility.

WHEREAS, the Board previously adopted an agreement to allow the Youth Facility to continue to be operated under the direction of the Family Division of the Circuit Court; and

WHEREAS, such agreement expires December 31, 2021; and

WHEREAS, the Ways and Means Committee has reviewed the operation of the Youth Facility over the past year and feels it should remain under the operation of the Family Division of the Circuit Court.

NOW THEREFORE BE IT RESOLVED, that the Agreement be extended for another year to expire on December 31, 2022. Prior to such time, it will be reviewed again by the Ways and Means Committee.

Seconded by Commissioner Pearl-Wright. Carried unanimously.

Commissioner Mulder moved the approval of MERS Adoption Agreement Addendum-Division 01.

Seconded by Commissioner Lautzenheiser. Carried unanimously. (On file)

Commissioner Mulder moved the approval of #21-12-137 Resolution to Approve FY 2021-22 Budget Amendments.

WHEREAS, the Board previously adopted an agreement to allow the Youth Facility to continue to be operated under the direction of the Family Division of the Circuit Court; and

WHEREAS, such agreement expires December 31, 2021; and

WHEREAS, the Ways and Means Committee has reviewed the operation of the Youth Facility over the past year and feels it should remain under the operation of the Family Division of the Circuit Court.

NOW THEREFORE BE IT RESOLVED, that the Agreement be extended for another year to expire on December 31, 2022. Prior to such time, it will be reviewed again by the Ways and Means Committee.

Seconded by Commissioner Droscha. Carried unanimously.

Commissioner Mulder moved the approved the claims as audited by the Ways & Means Committee for \$308,378.58 and to accept the report of previously authorized payments.

Seconded by Commissioner Rogers. Carried unanimously.

Commissioner Mulder moved the approval of #21-12-138 Resolution for a Partial Termination of a Farmland Development Rights Agreement-With Pre-Existing Structure.

WHEREAS, on December 6, 2021, Eaton County Clerk received a request from Nellie Eglon for approval to have a certain parcel released from Farmland Development Rights Agreement number 23-42581-123133 which was executed in accordance with the provisions of PA 116 of 1974, commonly known as the Farmland and Open Space Preservation Act ("The Act"); and

WHEREAS, Eaton County Board of Commissioners has reviewed this request and determined that at least one structure located on the parcel was present prior to the original execution of said agreement; and

WHEREAS, the parcel proposed for release from the agreement is two acres or less in size OR applicant provided documentation for larger than two-acre parcel; and

WHEREAS, Eaton County, as zoning authority for Brookfield Township, finds that the request for release of the particular parcel is acceptable;

NOW THEREFORE BE IT RESOLVED, by the Eaton County Board of Commissioners as follows:

- (1) That the Eaton County Board of Commissioners hereby approves the request to release the following described piece of property from said Farmland Development Rights Agreement,

A parcel of land in the Southeast 1/4 of Section 36, T1N, R4W, Brookfield Township, Eaton County, Michigan, described as: Beginning at the East 1/4 Corner of said Section 36; thence S00°05'05"E along the East Section line 167.00 feet; thence N89°49'06"W parallel with said East-West 1/4 line 348.00 feet; thence N00°05'05"W parallel with said East line 167.00 feet to said East-West 1/4 line; thence S89°49'06"E along said 1/4 line 348.00 feet to the point of beginning; said parcel containing 1.33 acres more or less; said parcel subject to a right of way for road purposes along Segar Road and Royston Road; said parcel subject to all easements and restrictions if any.

and

- (2) That the Eaton County Board of Commissioners hereby certifies that at least one structure located on the certain piece of property was present prior to the original execution of said Farmland Development Rights Agreement.

(3) That the Eaton County Clerk is hereby directed to transmit certified and sealed copies of this resolution to the person making the request and to the Farmland Unit of the MI Dept. of Agriculture.

Seconded by Commissioner Mott. Carried unanimously.

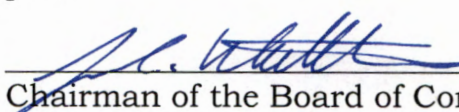
Public Comment: Katherine Schmidt, Potterville resident, and Bruce Barlund, Windsor Township resident, thanked the Board for the passing of the vaccine mandate resolution.

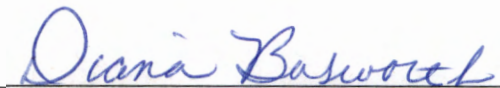
Mike Brady, Kalamo Township resident, thanked the board for the passing of the DCA.

Commissioner Comment: Commissioner Droscha announced County retiree Karen Silcox passing. Commissioner Augustine thanked Prosecutor Lloyd for communications to school parents the seriousness of school threats. Commissioner Haskell congratulated parents on 40th anniversary. Commissioner Reynnet thanked public for vaccine mandate resolution. Commissioner Rogers announced a former resident of Eaton Rapids, Amy (McManus) Yoder giving the commencement address at Michigan State University this December.

There was no Unfinished Business, Old Business or New Business.

Chairman Whittum adjourned the meeting to Monday, January 3, 2022 at 7:00 p.m.


Chairman of the Board of Commissioners


Clerk of the Board of Commissioners

EATON COUNTY BOARD OF COMMISSIONERS**Resolution To Condemn Federal Vaccine & Testing Mandates****December 15, 2021**

Submitted by Commissioners Reynnet, Droscha, and Mulder on
behalf of the Eaton County Republican Women Alliance

Introduced by the Health and Human Services Committee

Commissioner Mott moved the approval of the following resolution. Seconded by Commissioner Reynnet.

A resolution to condemn President Joe Biden's decision to impose vaccine requirements on private and public employers and healthcare facilities receiving funds from The Centers for Medicare & Medicaid Services (CMS) and urge the Governor and Attorney General of Michigan to pursue all available avenues to challenge these unlawful mandates.

WHEREAS, on September 9, 2021, President Biden announced his administration's plan to impose strict COVID-19 vaccine requirements on private businesses. Effective January 4, 2022, employers with over 100 employees will be required to ensure employees are vaccinated or impose burdensome weekly testing regimens; and

WHEREAS, on November 5, 2021, Centers for Medicare and Medicaid Services (CMS) also issued a federal vaccine mandate for staff within all Medicare and Medicaid-certified facilities including nursing homes, hospitals, dialysis facilities, ambulatory surgical settings, and home health agencies, among others, as a condition for participating in the Medicare and Medicaid programs, as well as, federal contractors, and the majority of federal workers; and

WHEREAS, these requirements are capricious and arbitrary, infringing on Americans' civil liberties. Health care decisions, including whether or not to get vaccinated, are deeply personal and should not be subject to governmental edicts that cannot account for unique, individual medical needs; and

WHEREAS, the vaccine requirement will impact two-thirds of the nation's private sector workforce. Imposing sanctions, such as lost employment, on the most economically vulnerable is unnecessarily cruel; and

WHEREAS, federal overreach will exacerbate supply chain shortages; interrupt manufacturing production; risk destabilizing our critical water, sewer, and energy infrastructure; put additional life-threatening pressure on our health care industry; cause interruption in our education system; and cause additional labor shortages across all industries; and

WHEREAS, employers are already experiencing significant resource and workforce shortages that will only be made worse by adding additional requirements that limit the number of workers available; and

WHEREAS, to date, at least 27 states have filed legal challenges or expressly stated an intention to push back against this type of federal government overreach. Resistance to the federal mandate by state leaders has been bipartisan, as three states with Democrat governors – Kansas, Kentucky, and Louisiana – have joined the lawsuits. However, Governor Gretchen Whitmer and Attorney General Dana Nessel have thus far acquiesced to President Biden's intrusion upon our state's sovereignty and policymaking process; and

WHEREAS, on September 7, 2021, the administrator of the Eaton County Healing and Recovery center, Martha Richard, stated during her Semi-Annual Update that the vaccine mandate would further exacerbate staffing shortage; and

WHEREAS, on November 6, 2021, the U.S. Court of Appeals for the Fifth Circuit placed a hold on President Biden's vaccine mandate; and

WHEREAS, on November 12, 2021, the U.S Court of Appeals for the Fifth Circuit, further affirmed, it's hold on the vaccine mandate; and

WHEREAS, on November 29, 2021, The US District Court of Missouri ruled against implementation and enforcement of CMS vaccine mandates; and

WHEREAS, on November 30, 2021, a federal judge issued a preliminary injunction to halt implementation of the President's mandate for health care workers, which had been set to begin this week; and

WHEREAS, on December 2, 2021, the President clearly articulated that his policy goals for the business and medical communities has not changed or evolved in light of the afore mentioned judicial action. While announcing his Winter Covid 19 plan, President Biden stated he believes that "all Americans can rally around" this plan and stated that the plan, including vaccine mandates, "should get bipartisan support.", and left ALL of the afore mentioned vaccine mandates in place, with implementation pending judicial review.

NOW HERE BY, BE IT RESOLVED, by the Eaton County Board of Commissioners, That we, on behalf of the citizens of Eaton County, condemn President Biden's decision to impose vaccine requirements on both public and private employers; and

BE IT FURTHER RESOLVED, that we call upon Governor Gretchen Whitmer and Attorney General Dana Nessel to join those leaders who have filed suit to protect the interests of their states and their citizens and pursue all available avenues to challenge President Biden's unlawful mandate; and

BE IT FURTHER RESOLVED, that copies of this resolution be transmitted to the President of the United States, the Governor of the State of Michigan, the Michigan Attorney General, and the commissioners of the other Michigan counties.

AYES: Commissioners Barnes, Mulder, Droscha, Reynnet, Ridge, Lautzenheiser, Mott, Rogers and Whittum.

NAYS: Commissioner Augustine, Haskell, Pearl-Wright, Whitacre, Mudry, and Brehler. Carried.

I certify that the foregoing is a true and accurate copy of a resolution adopted by the Eaton County Board of Commissioners at its meeting held on December 15, 2021, and that notice of such meeting was given as provided by law.

 Eaton County Clerk

EATON COUNTY BOARD OF COMMISSIONERS

DECEMBER 15, 2021

**RESOLUTION TO AMEND THE SHERIFF DEPARTMENT
FEE SCHEDULE**

Introduced by the Public Safety Committee

Commissioner Barnes moved the approval of the following resolution. Seconded by Commissioner Haskell.

WHEREAS, the Eaton County Board of Commissioners has approved a User Fee Schedule for the Eaton County Sheriff Department; and

WHEREAS, the Public Safety Committee has reviewed and is recommending an increase to the rate for dedicated patrol/enforcement contractual services, to \$60 per officer per hour; and

NOW, THEREFORE, BE IT RESOLVED, that the Eaton County Board of Commissioners approves the attached recommended Sheriff Department User Fee Schedule effective January 1, 2022; and

BE IT FURTHER RESOLVED, that any other User Fee Schedules established by the Sheriff Department are superseded by the attached schedule. Carried unanimously.

EATON COUNTY BOARD OF COMMISSIONERS

DECEMBER 15, 2021

**RESOLUTION TO APPROVE
EMERGENCY MANAGEMENT PERFORMANCE GRANTS AMERICAN
RESCUE PLAN ACT (EMPG ARPA) GRANT AMENDMENT**

Introduced by the Public Safety Committee

Commissioner Barnes moved the approval of the following resolution. Seconded by Commissioner Pearl-Wright.

WHEREAS, the County received Emergency Management Performance Grant funding the Federal Emergency Management Agency passed-through the Michigan State Police for the period of October 1, 2020 through September 30, 2021; and

WHEREAS, the Department of Emergency Management has been notified that additional funding of up to \$16,619, is available for eligible expenditures for the same time period; and

WHEREAS, the grant would provide additional funding for the program manager's salary and fringe benefit costs.

NOW, THEREFORE BE IT RESOLVED, that the Board of Commissioners authorize the Department of Emergency Management to submit a grant amendment for an amount not to exceed \$16,619 for the period of October 1, 2020 to September 30, 2021; and

BE IT FURTHER RESOLVED, that the Controller be authorized to approve any necessary budget amendments to increase expenditures and increase grant revenue if the grant is approved by the State of Michigan; and

BE IT FURTHER RESOLVED, that the Chairperson of the Board of Commissioners be authorized to sign any necessary documents.

Roll call. AYES: Commissioners Barnes, Mulder, Augustine, Haskell, Pearl-Wright, Whitacre, Mudry, Brehler, Droscha, Reynnet, Ridge, Lautzenheiser, Mott, Rogers and Whittum. NAYS: None. Carried unanimously.

EATON COUNTY BOARD OF COMMISSIONERS

DECEMBER 15, 2021

RESOLUTION TO SCHEDULE PUBLIC HEARING FOR PROPOSED OFF-ROAD VEHICLE (ORV) ORDINANCE

Introduced by the Public Safety Committee

Commissioner Barnes moved the approval of the following resolution. Seconded by Commissioner Augustine.

WHEREAS, the Eaton County Public Safety Committee has discussed and developed a proposed Off-Road Vehicle (ORV) ordinance as provided for in MCL 324.81131; and

WHEREAS, the statute requires a public hearing to be conducted before such an ordinance can be adopted by the Board of Commissioners; and

WHEREAS, the statute requires that such a public hearing be noticed by the County Clerk not less than 45 days prior to the public hearing to the county road commission, to the legislative body of each township and municipality located within the county, to the state transportation department if the road intersects a highway.

NOW, THEREFORE, BE IT RESOLVED, that the Eaton County Board of Commissioners hereby schedule a public hearing on the proposed Off-Road Vehicle (ORV) ordinance for Wednesday, February 16, 2022 at 7:00 pm; and

BE IT FURTHER RESOLVED, that Board of Commissioners directs the County Clerk to publish notice of this public hearing and provide specific notice to those entities and agencies as required by MCL 324.81131(2).

Roll call. AYES: Commissioners Barnes, Mulder, Augustine, Haskell, Pearl-Wright, Whitacre, Mudry, Brehler, Droscha, Reynnet, Ridge, Lautzenheiser, Mott, Rogers and Whittum. NAYS: None. Carried unanimously.

EATON COUNTY BOARD OF COMMISSIONERS

December 15, 2021

RESOLUTION TO APPROVE DCA-12-21-6

Introduced by the Public Works and Planning Committee

Commissioner Lautzenheiser moved the approval of the following resolution. Seconded by Commissioner Augustine.

PREAMBLE: The Eaton County Land Development Code, an Ordinance adopted by the Commissioners of the County of Eaton pursuant to Public Act 183 of 1943, and administered pursuant to Public Act 110 of 2006, may be amended from time to time by following procedures outlined in Article 13 of the Development Code.

WHEREAS, The Eaton County Planning Commission initiated a petition for a Comprehensive Amendment to the Eaton County Land Development Code (zoning ordinance) to clarify the intent, update language and improve comprehension. Amendments are proposed to the following: Article 5 Definitions (amend Sections 5.3.3. C. and 5.3.18. R.), Article 6 General Provision (amend Sections 6.2.10. C., 6.5, 6.51, and add 6.5.5), Article 7 Land Development Districts (amend Section 7.2.2. C., 7.3.2 F., 7.4A.2 B., 7.4B.2 C., 7.4C.2 D., 7.5A.4), and Article 14 Specific Provisions and Requirements (amend Section 14.10 Educational Institutional and Government Facility and 14.25 Surface Mining); and

WHEREAS, the Eaton County Planning Commission held a duly advertised and noticed public hearing on **December 7, 2021**; and

WHEREAS, the Eaton County Planning Commission found the requested amendment to be consistent with the required findings of fact (Items A through G) contained in Section 13.6 of the Eaton County Land Development Code; and

WHEREAS, the Eaton County Planning Commission has taken action on **December 7, 2021** to recommend the adoption of the ordinance amendments for reasons stated at the meeting.

NOW THEREFORE BE IT RESOLVED that the Board of Commissioners of the County of Eaton, Michigan having considered the findings of facts and recommendations hereby:

APPROVES the request by Eaton County Planning Commission for a Comprehensive Amendment to the Eaton County Land Development Code (zoning ordinance) to clarify the intent, update language and improve comprehension to Article 5 Definitions (amend Sections 5.3.3. C. and 5.3.18. R.), Article 6 General Provision (amend Sections 6.2.10. C., 6.5, 6.51, and add 6.5.5), Article 7 Land Development Districts (amend Section 7.2.2. C., 7.3.2. F., 7.4A.2 B., 7.4B.2 C., 7.4C.2 D., 7.5A.4), and Article 14 Specific Provisions and Requirements (amend Section 14.10 Educational Institutional and Government Facility and 14.25 Surface Mining).

At the regular meeting of the Eaton County Board of Commissioners on December 15, 2021 the Resolution regarding the approval of said request was adopted.

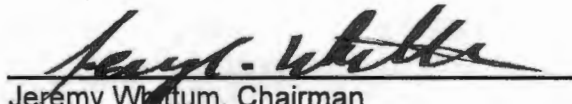
Those voting Aye: Commissioners Barnes, Mulder, Augustine, Haskell, Pearl-Wright, Whitacre, Mudry, Brehler, Droscha, Reynnet, Ridge, Lautzenheiser, Mott, Whittum, and Rogers.

Those voting Nay: None.

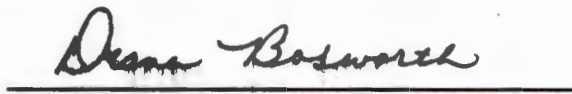
Abstention: None.

Absent: None.

Motion carried.


Jeremy Whittum, Chairman
Eaton County Board of Commissioners

I hereby certify that the above Ordinance amending the Eaton County Land Development Code, which was approved, is a true and correct copy of that recorded in the official minutes of December 15, 2021 of the Eaton County Board of Commissioners.


Diana Bosworth, Clerk
Eaton County Board of Commissioners

EATON COUNTY LAND DEVELOPMENT CODE
ZONING ORDINANCE AMENDMENT DCA-12-21-6

District Change Amendment DCA-12-21-6 to amend the Land Development Code (Zoning Ordinance) of Eaton County, as enacted in 1981 pursuant to the provisions of Public Act 110 of 2006, as amended.

An application for a District Change Amendment for a Comprehensive Amendment to the Eaton County Land Development Code (zoning ordinance) to clarify the intent, update language and improve comprehension. Amendments are proposed to the following: Article 5 Definitions (amend Sections 5.3.3. C. and 5.3.18. R.), Article 6 General Provision (amend Sections 6.2.10. C., 6.5, 6.51, and add 6.5.5), Article 7 Land Development Districts (amend Section 7.2.2. C., 7.3.2. F., 7.4A.2. B., 7.4B.2. C., 7.4C.2 D., 7.5A.4), and Article 14 Specific Provisions and Requirements (amend Section 14.10 Educational Institutional and Government Facility and 14.25 Surface Mining).

WHEREAS, the Eaton County Planning Commission held a duly advertised and noticed public hearing on **December 7, 2021**; and

WHEREAS, the Eaton County Planning Commission has taken action on **December 7, 2021** to recommend approval of the text amendment:

WHEREAS, after careful consideration of the amendment, the Eaton County Board of Commissioners approved the aforementioned text amendment as follows:

Yeas	<u>15</u>
Nays	<u>0</u>
Abstaining	<u>0</u>
Absent	<u>0</u>

I, Diana Bosworth, Clerk for the County of Eaton, do hereby certify that the above and foregoing is a true copy of the amendment to the Eaton County Land Development Code (Zoning Ordinance), as amended and passed by the Eaton County Board of Commissioners on **December 15, 2021** and now on record in the office of the Clerk of said County.

IN TESTIMONY WHEREOF, I have set my hand and affixed the seal of said County at the City of Charlotte, Michigan, the

17 day of December, 2021


Jeremy Whitlum, Chairman
Eaton County Board of Commissioners


Diana Bosworth, Clerk
Eaton County Board of Commissioners

EATON COUNTY BOARD OF COMMISSIONERS

DECEMBER 15, 2021

RESOLUTION TO APPROVE CONTRACT FOR BATTERY RECYCLING

Introduced by the Public Works and Planning Committee

Commissioner Lautzenheiser moved the approval of the following resolution. Seconded by Commissioner Haskell.

WHEREAS, the County is charged by the Public Act 451, Part 115, as amended, Eaton County Solid Waste Management Plan Update of February 1999 to enhance the separation, collection, and utilization of materials to increase the percentage of the solid waste stream diverted; and,

WHEREAS, the County Department of Resource Recovery operates a household battery collection program, which diverts potentially hazardous materials from improper disposal; and,

WHEREAS, the Department of Resource Recovery currently utilizes, Battery Solutions, LLC to recycle all household batteries brought to Eaton County collection sites per Federal and State guidelines and in accordance with the proposal submitted to the Department of Resource Recovery; and

WHEREAS, the County Department of Resource Recovery recommends extending the current contract through December 31, 2022; and

WHEREAS, the Public Works and Planning Committee recommended this contract be extended between the County and Battery Solutions, LLC for a one-year period at its regular meeting held on December 8, 2021; and

NOW, THEREFORE, BE IT RESOLVED, that the Eaton County Board of Commissioners officially approves the recommended contract extension. Carried unanimously.

EATON COUNTY BOARD OF COMMISSIONERS

DECEMBER 15, 2021

RESOLUTION TO APPROVE A MICHIGAN DEPARTMENT OF ENVIRONMENT GREAT LAKES AND ENERGY SCRAP TIRE RECYCLING EXTENSION

Introduced by the Public Works and Planning Committee

Commissioner Lautzenheiser moved the approval of the following resolution. Seconded by Commissioner Haskell.

WHEREAS, the Resource Recovery Department has been established for the development and administration of the County Solid Waste Management Plan under Act 641; and

WHEREAS, key components of the Resource Recovery Department include increasing the amount of materials recycled; and

WHEREAS, the Michigan Department of Environment Great Lakes and Energy has awarded Eaton County with a Scrap Tire Recycling Grant designed to provide assistance in the removal of residential scrap tires; and

WHEREAS, the County has been notified of the availability of excess funds within its FY2020-2021 grant award; and

WHEREAS, the Michigan Department of Environment Great Lakes and Energy has proposed an extension to the terms of the current grant to December 31, 2022 in order to provide the availability to utilize said excess funds.

NOW, THEREFORE, LET IT BE RESOLVED that Eaton County approves the extension of the Scrap Tire grant; and

BE IT FURTHER RESOLVED, that the Chairperson of the Board of Commissioners, or his designee, is authorized to sign any necessary grant documents; and

BE IT FURTHER RESOLVED, that the Controller is authorized to make budgets amendments to the adopted budget, in the event the grant is authorized. Carried unanimously.

EATON COUNTY BOARD OF COMMISSIONERS

December 15, 2021

**RESOLUTION TO PRIORITIZE PROPERTY FOR
SUBMISSION TO MICHIGAN AGRICULTURAL PRESERVATION FUND BOARD
FOR PURCHASE OF DEVELOPMENT RIGHTS GRANT FUNDS**

Introduced by the Public Works and Planning Committee

Commissioner Lautzenheiser moved the approval of the following resolution. Seconded by Commissioner Rogers.

WHEREAS, a PDR Ordinance was adopted by the Eaton County Board of Commissioners on April 16, 2003, as amended December 16, 2020, to preserve farm land and open space; and

WHEREAS, the Eaton County Farmland and Open Space Preservation PDR Program ("Program") is qualified to apply to the Michigan Agricultural Preservation Fund; and

WHEREAS, the Eaton County Purchase of Development Rights Committee scored, ranked and prioritized two applications in a public meeting on December 6, 2021, for consideration into the Program; and

WHEREAS, the Purchase of Development Rights Committee recommends both applications for submission to the Michigan Agricultural Preservation Fund Board for Purchase of Development Rights Grant Funds; and

WHEREAS, only application property owners willing to follow the Michigan Preservation Fund Board Guidelines will be awarded involvement in the Program.

NOW THEREFORE BE IT RESOLVED, that the Eaton County Board of Commissioners hereby approves and authorizes Community Development Department staff to prepare and submit an application to include these parcels (as recommended by the PDR Committee and attached to this Resolution) to the Michigan Agricultural Preservation Fund Board for Purchase of Development Rights Grant Funds. Carried unanimously.

EATON COUNTY BOARD OF COMMISSIONERS

DECEMBER 15, 2021

**RESOLUTION TO APPROVE DELTA TOWNSHIP CORRIDOR IMPROVEMENT
AUTHORITY TAX SHARING AGREEMENT**

Introduced by the Ways and Means Committee

Commissioner Mulder moved the approval of the following resolution. Seconded by Commissioner Whitacre.

WHEREAS, the Delta Township Board of Trustees held a public hearing on November 15, 2021, for the purpose of adopting an Ordinance creating a Corridor Improvement Authority (CIA) and establishing the boundaries of the CIA district; and

WHEREAS, Eaton County property tax revenues are subject to capture by a Tax Increment Financing (TIF) Plan that may be proposed by the Delta Township CIA and approved by the Delta Township Board of Trustees; and

WHEREAS, pursuant to MCL 125.4618 (5), Eaton County may exempt its property taxes from capture by the Delta Township CIA by adopting a Resolution to that effect within sixty (60) days of the November 15, 2021 public hearing, which Resolution takes effect when filed with the Delta Township Clerk; and

WHEREAS, pursuant to MCL 125.4618(3), Eaton County may enter into agreements with the Delta Township CIA and the Delta Township Board of Trustees to share a portion of the County's captured taxable value of the CIA district; and

WHEREAS, it is the policy of Eaton County not to permit the capture of County property tax revenues in any new or amended TIF Districts unless the Board of Commissioners has approved a Tax Sharing Agreement with the CIA and the affected municipality; and

WHEREAS, Delta Township and the Delta Township CIA have proposed a tax-sharing agreement, attached and hereby included by reference, to allow for the capture of eighty (80%) percent of the incremental tax increases; and

WHEREAS, the remaining twenty (20%) percent of incremental tax increases would be returned to the County; and

NOW, THEREFORE, BE IT RESOLVED, that pursuant to MCL 125.4618 (5), Eaton County hereby exempts its property taxes from capture by the Delta Township CIA; and

BE IT FURTHER RESOLVED, that Eaton County approves the proposed tax-sharing agreement between the Delta Township CIA and the Delta Township Board of Trustees, pursuant to MCL 125.4618(3) to share a portion of the captured taxable value of the CIA District, attached to this resolution; and

BE IT FURTHER RESOLVED, that the County Clerk is directed to provide the Clerk of Delta Township with a copy of this resolution.

Roll call. AYES: Commissioner Barnes, Mulder, Augustine, Haskell, Pearl-Wright, Whitacre, Mudry, Brehler, Droscha, Reynnet, Ridge, Lautzenheiser, Mott, Rogers and Whittum. NAYS: None. Carried unanimously.

EATON COUNTY BOARD OF COMMISSIONERS

December 15, 2021

**RESOLUTION AUTHORIZING ENTRY OF PARTICIPATION AGREEMENTS IN
PARTIAL SETTLEMENT OF THE NATIONAL PRESCRIPTION OPIATE
LITIGATION**

Introduced by the Ways and Means Committee

Commissioner Mulder moved the approval of the following resolution. Seconded by Commissioner Ridge.

WHEREAS, the Eaton County, Michigan 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 Corp. (a prescription opioids wholesaler distributor);
3. Cardinal Health, Inc. (a prescription opioids wholesaler distributor); and
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 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 Eaton County, Michigan’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; and
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, Eaton County, Michigan authorizes the execution of 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, Amerisource Bergen and McKesson), 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. Carried unanimously.

EATON COUNTY BOARD OF COMMISSIONERS

December 15, 2021

**RESOLUTION AUTHORIZING ENTRY OF STATE LOCAL GOVERNMENT
INTRASTATE AGREEMENT CONCERNING ALLOCATION OF SETTLEMENT
PROCEEDS IN THE NATIONAL OPIOIDS LITIGATION**

Introduced by the Ways and Means Committee

Commissioner Mulder moved the approval of the following resolution. Seconded by Commissioner Ridge.

WHEREAS, the Eaton County, Michigan 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 Corp. (a prescription opioids wholesaler distributor);
3. Cardinal Health, Inc. (a prescription opioids wholesaler distributor); and
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 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 Eaton County, Michigan’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; 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, Eaton County, Michigan 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, Eaton County, Michigan authorizes the execution of 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. Eaton County, Michigan 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. Carried unanimously.

EATON COUNTY BOARD OF COMMISSIONERS

DECEMBER 15, 2021

**RESOLUTION TO APPROVE INTERIM AGREEMENT
FOR THE OPERATION OF THE YOUTH FACILITY**

Introduced by the Ways and Means Committee

Commissioner Mulder moved the approval of the following resolution. Seconded by Commissioner Pearl-Wright.

WHEREAS, the Board previously adopted an agreement to allow the Youth Facility to continue to be operated under the direction of the Family Division of the Circuit Court; and

WHEREAS, such agreement expires December 31, 2021; and

WHEREAS, the Ways and Means Committee has reviewed the operation of the Youth Facility over the past year and feels it should remain under the operation of the Family Division of the Circuit Court.

NOW THEREFORE BE IT RESOLVED, that the Agreement be extended for another year to expire on December 31, 2022. Prior to such time, it will be reviewed again by the Ways and Means Committee. Carried unanimously.

EATON COUNTY BOARD OF COMMISSIONERS

DECEMBER 15, 2021

RESOLUTION TO APPROVE 2021/2022 BUDGET AMENDMENTS

Introduced by the Ways and Means Committee

Commissioner Mulder moved the approval of the following resolution. Seconded by Commissioner Droscha.

WHEREAS, the Eaton County 2021/2022 Appropriations Act of September 15, 2021 states that any amendment to increase a salary and/or a Capital Outlay line-item in excess of \$2,500.00 or any amendment to increase the total budget of any fund or department in excess of \$2,500.00 shall be amended by the Board of Commissioners, except that any amendment to decrease the General Fund Contingency shall be approved by the Board of Commissioners; and

WHEREAS, such amendments are needed in order to comply with the Uniform Budgeting and Accounting Act of 1978, P.A. 621.

NOW, THEREFORE BE IT RESOLVED, that the following budget amendments be approved and added to the 2021/2022 Eaton County Budget:

GENERAL FUND

PROSECUTOR - ECONOMIC CRIMES UNIT -101.267.232

Increase	Contractual	\$ 13,148
Decrease	Fund Balance Carryover	\$ 13,148

To increase budget for contractual expenses for costs associated with the relocation of the Economic Crimes Unit within the Lansing Mall that were budgeted in 2020/2021 fiscal year. Carried unanimously.

EATON COUNTY BOARD OF COMMISSIONERS

DECEMBER 15, 2021

RESOLUTION FOR A PARTIAL TERMINATION OF A FARMLAND DEVELOPMENT
RIGHTS AGREEMENT
-WITH PRE-EXISTING STRUCTURE-

At a regular meeting of the Eaton County Board of Commissioners, Eaton County, Michigan, held at the County Courthouse of said County on the 15th day of December, 2021 at 7 o'clock P.M. Eastern Standard Time.

PRESENT: Commissioners Tim Barnes, Blake Mulder, Terrance Augustine, Brandon Haskell, Jeanne Pearl-Wright, Jane M. Whitacre, Mark Mudry, Joseph Brehler, Brian Droscha, Dairus Reynnet, Wayne Ridge, Brian Lautzenheiser, Jim Mott, Jeremy Whittum and Barbara Rogers.

ABSENT: None

The following resolution was offered by Commissioner Mulder and seconded by Commissioner Mott.

WHEREAS, on December 6, 2021, Eaton County Clerk received a request from Nellie Eglon for approval to have a certain parcel released from **Farmland Development Rights Agreement number 23-42581-123133** which was executed in accordance with the provisions of PA 116 of 1974, commonly known as the Farmland and Open Space Preservation Act ("The Act"); and

WHEREAS, Eaton County Board of Commissioners has reviewed this request and determined that at least one structure located on the parcel was present prior to the original execution of said agreement; and

WHEREAS, the parcel proposed for release from the agreement is two acres or less in size OR applicant provided documentation for larger than two-acre parcel; and

WHEREAS, Eaton County, as zoning authority for Brookfield Township, finds that the request for release of the particular parcel is acceptable;

NOW THEREFORE BE IT RESOLVED, by the Eaton County Board of Commissioners as follows:

- (1) That the Eaton County Board of Commissioners hereby approves the request to release the following described piece of property from said Farmland Development Rights Agreement,

A parcel of land in the Southeast 1/4 of Section 36, T1N, R4W, Brookfield Township, Eaton County, Michigan, described as: Beginning at the East 1/4 Corner of said Section 36; thence S00°05'05"E along the East Section line 167.00 feet; thence N89°49'06"W

parallel with said East-West 1/4 line 348.00 feet; thence N00°05'05"W parallel with said East line 167.00 feet to said East-West 1/4 line; thence S89°49'06"E along said 1/4 line 348.00 feet to the point of beginning; said parcel containing 1.33 acres more or less; said parcel subject to a right of way for road purposes along Segar Road and Royston Road; said parcel subject to all easements and restrictions if any.

and

(2) That the Eaton County Board of Commissioners hereby certifies that at least one structure located on the certain piece of property was present prior to the original execution of said Farmland Development Rights Agreement.

(3) That the Eaton County Clerk is hereby directed to transmit certified and sealed copies of this resolution to the person making the request and to the Farmland Unit of the MI Dept. of Agriculture.

ADOPTED:

YEAS: Commissioners Tim Barnes, Blake Mulder, Terrance Augustine, Brandon Haskell, Jeanne Pearl-Wright, Jane M. Whitacre, Mark Mudry, Joseph Brehler, Brian Droscha, Dairus Reynnet, Wayne Ridge, Brian Lautzenheiser, Jim Mott, Jeremy Whittum and Barbara Rogers.

NAYS: None

State of Michigan)
)ss.
County of Eaton)

I, the undersigned, the duly qualified and acting County Clerk for Eaton County, Michigan, DO HEREBY CERTIFY that the foregoing is a true and complete copy of certain proceedings taken by the Eaton County Board of Commissioners of said County at a regular meeting held on the 15th day of December, 2021.

Signed: 
Diana Bosworth, County Clerk