

MUSKEGON COUNTY BOARD OF COMMISSIONERS FULL BOARD

via Zoom and in-person at: Michael E. Kobza Hall of Justice, 990 Terrace Street, Muskegon, MI 49442

January 18, 2022 - 3:00 p.m.

AGENDA



Robert Scolnik, Chairman
Charles Nash, Vice-Chairman

Connect to Zoom from your computer, tablet or smartphone at:

<https://rb.gy/hq1rsv>

Phone: (312) 626-6799

Meeting ID: 819 7798 8310

Passcode:391504

Cell phones may mute & unmute by dialing *6
Raise and lower hand to speak by dialing *9

To raise your digital hand from your PC or
MAC, at the bottom of the window on the right
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"Raise Hand"

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<https://www.facebook.com/MuskegonCountyMI>

- 1) Call to Order
- 2) Invocation/Meditation: Chairman Scolnik
- 3) Pledge of Allegiance
- 4) Roll Call
- 5) Approval of Agenda
- 6) Approval of the Special Full Board and Closed Session Minutes of January 13, 2022
- 7) Public Comment (on an agenda item)
- 8) Committee/Board Reports
 - A) Courts & Public Safety
 - B) Community Development & Strategic Planning
 - C) Transportation
 - D) Ways & Means

Public Comment

Persons may address the Commission during the time set aside for Public Comment or at any time by suspension of the rules. All persons must address the commission and state their name for the record. Comments shall be limited to **two (2) minutes** for each participant, unless time is extended prior to the public comment period by a vote of a majority of the commission.

- 9) Chairman's Report/Committee Liaison Reports
 - A) Invocation or Meditation (Board Rule III(A)(2) Agenda Format)
 - B) Citizen Appointments
 - To appoint to the Airport Development Committee for 2-year terms (1/31/2022 - 12/31/2023):
 - James Perri – Airport Business Park Tenant spot (Sky West Airlines, MKG Station Manager)
 - Sandy Lovrencivic - Airport Business Park Tenant spot (Commercial pilot)
 - Andy Kusneske – Private Sector spot (Corporate pilot)
 - Brandon Bolde – Private Sector spot (Private pilot and White Lake Rep.)

- To appoint to the Airport Development Committee for 1-year terms (1/31/2022-12/31/2022):
 - Cindy Larsen - Chamber Representative
 - John Workman – Public spot (Private pilot)
- To re-appoint to the Airport Development Committee for a 1-year term (1/31/2022-12/31/2022):
 - Rich Houtteman – Private Sector spot
- To appoint to the Airport Development Committee for a 1-year term (1/31/2022 - 12/31/2022)
 - Commissioner Doug Brown
- To appoint to the Solid Waste Planning Committee for a 2-year term (1/31/2022 – 12/31/2023):
 - Steven Bieseda (Public Slot)
- To re-appoint to the Senior Resources Committee for a 2-year term (1/31/2022 – 12/31/2023):
 - Kathy Moore (Board Liaison)

10) Administrator’s Report (The Administrator defers his time to No. 11 and No. 15 of the agenda)

11) Unfinished Business

Medicare and Medicaid Programs; Omnibus COVID-19 Health Care Staff Vaccination. The COVID-19 Health Care Staff Vaccination, 86 Fed. Reg. 61,555, 61,556 (Nov. 5, 2021) (the “Interim Final Rule” or “IFC”) applies to Community Mental Health Centers effective January 27.

The link to the full IFC 73-page pdf report is: <https://www.federalregister.gov/d/2021-23831> (see [summary attached on page 7](#) of the agenda packet)

To Amend Muskegon County Resolution to Promote General Welfare of September 14, 2021.

12) New Business

13) Public Comment

14) Final Board Comments

15) Closed Session: Pursuant to MCL 15.268(e) to consult with its attorney regarding trial or settlement strategy in connection with specific pending litigation in Case No. 20-0000420-MB Muskegon County and HealthWest, an agency of Muskegon County vs. State of Michigan, State of Michigan Department of Health and Human Services, a Michigan State Agency, and its Director, Robert Gordon, in his official capacity, because an open meeting would have a detrimental financial effect on the litigating or settlement position of the County.

16) Adjourn to the call of the Chair

*Courts & Public Safety Summary Sheet
Chairman Malinda Pego*

The Courts & Public Safety Committee met on December 7, 2021, it was recommended and I move:

- CPS22/01 – 01 To amend the FY2022 Coronavirus Public Safety Fund (2110) budget, increasing revenues and expenditures by \$14,650 from \$6,957 to \$21,607.

- CPS22/01 – 02 To award Kelly Austin to provide cognitive behavioral services in the jail and authorize the Board Chair to sign the contract for services with the option to renew for two subsequent years depending on availability of grant funding and mutual agreement of both parties.

- CPS22/01 – 03 To award Catholic Charities to provide cognitive behavioral services in the community and authorize the Board Chair to sign the contract for services with the option to renew for two subsequent years depending on availability of grant funding and mutual agreement of both parties.

- CPS22/01 – 04 To add a fully grant funded hourly Enforcement Officer position at pay table/grade NO-00270, \$22.848/hr - \$28.755/hr, to the Circuit Court for Recovery Court.

- CPS22/01 – 05 To approve the creation of a new hourly Juvenile Transition Center (JTC) Administrative Assistant position at pay table/grade QU-00173, \$16.63/hr - \$20.78/hr.

- CPS22/01 – 07 To postpone the proposed Muskegon County Resolution to Ensure all Constitutional Rights of Inmates at the Muskegon County Jail until the investigative report is issued by the Michigan State Police.

*The Community Development/Strategic Planning Committee Summary Sheet
Chairman Doug Brown*

The Community Development/Strategic Planning Committee met on January 13, 2022, it was recommended and I move:

- CDSP22/01 – 01 To approve the amendment to the Consumers Energy license for environmental testing and remediation activities at Veterans Memorial Park and Authorize the Chair to sign the same.
- CDSP22/01 – 03 To approve the sale of lot #11 in the County's Business Park North for \$5,000 per acre for a total purchase price of \$13,500, to Jason Baerman, and authorize the Chair to sign the purchase agreement and authorize the Administrator to sign all necessary documents related to closing and earmark the proceeds towards paving the Walton Street Parking lot.
- CDSP22/01 – 04 To approve the sale of lot #7 in the County's Business Park North for \$5,000 per acre for a total purchase price of \$20,000, to Dales' Tree Service, LLC., and authorize the Chair to sign the purchase agreement and authorize the Administrator to sign all necessary documents related to closing and earmark the proceeds towards paving the Walton Street Parking lot.
- CDSP22/01 – 05 To increase the pay scale of Muskegon County Parks seasonal Park Ranger/Dock Security (16 positions), T22311 from pay table/grade TS-00305, \$11.00/hr - \$11.50/hr to TS-00310, \$13.00/hr - \$13.50/hr, and Park Crew Leaders (2 positions), T20001 and T20002, from pay table/grade TS-00330, \$12.75/hr - \$13.25/hr to TS-00335, \$14.75hr - \$15.25/hr.
- CDSP22/01 – 06 To approve the Community Project Fund Agreement between the Community Foundation for Muskegon, the County of Muskegon and the Land Conservancy of West Michigan to benefit Dune Harbor Park, and to authorize the County Administrator to provide disbursement approvals for expenditures under \$25,000 for Dune Harbor Park project (payment costs, and/or reimbursements).

*Transportation Committee Summary Sheet
Chairman Doug Brown*

The Transportation Committee met on January 13, 2022; it was recommended, and I move:

- TR22/01 – 01 To accept a bid from Hutson, Inc. in the amount of \$280,019.60 for the purchase of two field tractors with mowing decks to be used at the Muskegon County Airport.

- TR22/01 – 02 To accept the Qualification Statement submitted by C&S Engineers, Inc. for consulting services at the Muskegon County Airport, and authorize staff to negotiate a 3-year contract with two one-year renewal options.

- TR22/01 – 03 To approve the Muskegon Area Transit System's FY2023 application to the State of Michigan for operating and capital assistance, to authorize the Resolution of Intent to apply for financial assistance, to name the County Administrator as the Transportation Coordinator, and to publish the public notice.

- TR22/01 – 04 To authorize County Purchasing to issue a Request for Bids for procurement of a replacement administration/operations vehicle at the Muskegon County Airport.

- TR22/01 – 05 To begin monthly invoicing to the Sheriff's Department, Emergency Management Department, and HazMat Team for rental of the 8,000 square foot hangar at 685 Airport Road at the Muskegon County Airport beginning January 2022.

- TR22/01 – 06 To accept F3 Airport's Goals and Incentives for calendar year 2022.

*Ways & Means Summary Sheet
Chairman Kim Cyr*

The Ways & Means Committee met on January 11, 2022. It was recommended and I move:

- WM22/01 – 01 To approve payment of the accounts payable of \$20,331,620.36 covering the period November 25, 2021 through December 16, 2021, for checks and P Cards and EFT payments for the period covering November 1, 2021 through November 30, 2021, as presented by the County Clerk.
- WM22/01 – 02 To approve the amended County of Muskegon Financial Policies.
- WM22/01 – 03 To establish a balanced budget of \$308,100 for the Raise the Age program and approve labor distribution changes accordingly.
- WM22/01 – 04 To approve the purchase of Pivot Point Software at \$24,351.71 as a sole source and 8 iPads for \$6,279.84 with a data plan from the MiDeal agreement with Verizon and adjust the budget accordingly.

Legislative Update 1-14-22

WRITTEN BY [DEREK MELOT](#) ON JANUARY 14, 2022. POSTED IN [BLOG](#), [EVENTS](#), [LEGISLATIVE](#), [MAC NEWS](#), [MACSC](#), [MARKETING](#), [NACO](#)

U.S. Supreme Court puts hold on vaccine mandate for large employers, allows mandate for health facilities to operate



On Thursday afternoon, [the U.S. Supreme Court halted](#) the Biden administration's vaccine mandate for employers with more than 100 people but left in place the one for federally funded health facilities.

Below is an analysis from the firm of Cohl, Stoker & Toskey, P.C. on what this means for county entities going forward:

"On Jan. 13, 2022, the U.S. Supreme Court issued opinions on both the CMS Vaccine Mandate, and the OSHA Emergency Temporary Standard. The opinions were issued less than one week after the Court held oral arguments on Jan. 7, 2022.

"(1) In a 5-4 decision, the Court granted the Federal government's emergency applications to stay the Missouri and Louisiana District Court injunctions judicially enjoining the CMS vaccine mandate in 25 states. Therefore, CMS may now enforce the mandate nationwide, including in Michigan. The validity of the mandate will be determined in further proceedings in the lower Courts.

"(2) In a 6-3 decision, the Court granted the challengers' emergency applications to re-impose the stay of the OSHA Emergency Temporary Standard vaccine/testing mandate that had been dissolved by the Sixth Circuit in a 2-1 decision on Dec. 17, 2021. Therefore, the OSHA ETS may not be enforced pending the outcome of litigation in the lower courts.

"As to the CMS Vaccine Mandate, facilities subject to the mandate must:

"(1) comply with Phase 1 of the CMS mandate, i.e., staff at all health care facilities included within the regulation must have received, at a minimum, the first dose of a primary series or a single dose COVID-19 vaccine prior to staff providing any care, treatment or other services for the facility or its patients, by Jan. 27, 2022; and

"(2) comply with Phase 2 of the CMS mandate, i.e., staff at all health care provider and supplier types included in the regulation must complete the primary vaccination series or have obtained an exemption, by Feb. 28, 2022."

Counties, of course, should consult with their own counsel on any issues specific to their situation. MAC will provide additional updates as litigation continues.