

**Muskegon County
Board of Commissioners**
Hall of Justice, 990 Terrace, 4th Floor
Muskegon, MI 49442

*Robert Scolnik, Chairman
Doug Brown
Kim Cyr
Marcia Hovey-Wright
Zach Lahring*

*Susie Hughes, Vice-Chair
Charles Nash
Malinda Pego
Rillastine R. Wilkins*

Board Minutes may be found on the web at <https://www.co.muskegon.mi.us/AgendaCenter/Board-of-Commissioners-2>

Full Board Meeting

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

The Full Board Meeting of the Board of Commissioners was called to order by Chairman Scolnik in person and was available to the public via Zoom. The invocation was given by Chairman Scolnik. The Pledge of Allegiance was recited in unison.

Roll Call of Board Members:

Present: Doug Brown
Kim Cyr
Marcia Hovey-Wright
Susie Hughes
Zach Lahring
Charles Nash
Malinda Pego
Robert Scolnik
Rillastine R. Wilkins

Also

Present: Mark Eisenbarth, County Administrator
Kristin Barnhill, Executive Assistant
Linda S. Schutter, Deputy County Clerk
Michael Homier, Corporate Counsel

2022-27 APPROVE THE AGENDA

It was moved by Commissioner Wilkins, seconded by Vice-Chair Hughes, to approve the agenda.

Voice Vote

Motion Carried

2022-28 APPROVE OF THE SPECIAL FULL BOARD MINUTES OF JANUARY 13, 2022

It was moved by Commissioner Nash, seconded by Vice-Chair Hughes, to approve the Special Full Board Minutes of January 13, 2022.

Voice Vote

Motion Carried

PUBLIC COMMENT (ON AN AGENDA ITEM)

Ten citizens addressed the Board against vaccine mandates. One citizen addressed the Board in favor of vaccine mandates.

COMMITTEE/BOARD REPORTS

Commissioner Pego offered a friendly amendment to the agenda, seconded by Commissioner Nash, to indicate that the Courts and Public Safety Committee met on January 11, 2022, not on December 7, 2021.

2022-29 AMEND THE FY2022 CORONAVIRUS PUBLIC SAFETY FUND (2110) BUDGET, INCREASING REVENUES AND EXPENDITURES BY \$14,650 FROM \$6,957 TO \$21,607

CPS22/01-01

The Courts and Public Safety Committee recommends, moved by Commissioner Pego, seconded by Commissioner Nash, to amend the FY2022 Coronavirus Public Safety Fund (2110) budget, increasing revenues and expenditures by \$14,650 from \$6,957 to \$21,607.

Roll call:

Yes: Doug Brown, Kim Cyr, Marcia Hovey-Wright, Susie Hughes, Zach Lahring, Charles Nash, Robert Scolnik, Rillastine Wilkins

No: Malinda Pego

Motion Carried

2022-32 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

CPS22/01-04

The Courts and Public Safety Committee recommends, moved by Commissioner Pego, seconded by Commissioner Nash, 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.

Roll call:

Yes: Doug Brown, Kim Cyr, Marcia Hovey-Wright, Susie Hughes, Zach Lahring, Charles Nash, Malinda Pego, Robert Scolnik, Rillastine Wilkins

No: None **Motion Carried**

2022-33 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

CPS22/01-05

The Courts and Public Safety Committee recommends, moved by Commissioner Pego, seconded by Commissioner Nash, 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.

Roll call:

Yes: Doug Brown, Kim Cyr, Marcia Hovey-Wright, Susie Hughes, Zach Lahring, Charles Nash, Malinda Pego, Robert Scolnik, Rillastine Wilkins

No: None **Motion Carried**

2022-34 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

CPS22/01-07

The Courts and Public Safety Committee recommends, moved by Commissioner Pego, seconded by Commissioner Nash, 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.

Roll call:

Yes: Doug Brown, Kim Cyr, Marcia Hovey-Wright, Susie Hughes, Charles Nash, Robert Scolnik, Rillastine Wilkins

No: Zach Lahring, Malinda Pego **Motion Carried**

2022-41 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

TR22/01-02

The Transportation Committee recommended, moved by Commissioner Brown seconded by Vice-Chair Hughes, 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.

Roll call:

Yes: Doug Brown, Kim Cyr, Marcia Hovey-Wright, Susie Hughes, Zach Lahring, Charles Nash, Malinda Pego, Robert Scolnik, Rillastine Wilkins

No: None **Motion Carried**

2022-42 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

TR22/01-03

The Transportation Committee recommended, moved by Commissioner Brown seconded by Vice-Chair Hughes, 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.

Roll call:

Yes: Doug Brown, Kim Cyr, Marcia Hovey-Wright, Susie Hughes, Zach Lahring, Charles Nash, Malinda Pego, Robert Scolnik, Rillastine Wilkins

No: None **Motion Carried**

2022-49 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

WM22/01-04

The Ways and Means Committee recommended, moved by Commissioner Cyr, seconded by Commissioner Nash, 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.

Roll call:

Yes: Doug Brown, Kim Cyr, Marcia Hovey-Wright, Susie Hughes, Charles Nash, Malinda Pego, Robert Scolnik, Rillastine Wilkins

No: Zach Lahring

Motion Carried

CHAIRMAN'S REPORT/COMMITTEE LIAISON REPORTS

A. Invocation or Meditation (Board Rule III(A)(2) Agenda Format)

Discussion ensued regarding how to select the person to give the opening invocation or meditation of the Full Board meetings. The Board agreed to divide the Board meetings up between the Commissioners. Each Commissioner on their month may either do the invocation/meditation themselves, or find someone else to do it.

2022-50 APPOINT THE FOLLOWING PEOPLE TO THE AIRPORT DEVELOPMENT COMMITTEE FOR 2-YEAR TERMS (1/31/2022-12/31/2023): JAMES PERRI – AIRPORT BUSINESS PARK TENANT SPORT (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.); APPOINT THE FOLLOWING PEOPLE 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); RE-APPOINT TO THE AIRPORT DEVELOPMENT COMMITTEE FOR A 1-YEAR TERM (1/31/2022-12/31/2022): RICH HOUTTEMAN – PRIVATE SECTOR SPOT; APPOINT TO THE AIRPORT DEVELOPMENT COMMITTEE FOR A 1-YEAR TERM (1/31/2022-12/31/2022): COMMISSIONER DOUG BROWN; 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)

Chairman Scolnik recommends, moved by Commissioner Pego, seconded by Commissioner Nash, to appoint the following people to the Airport Development committee for 2-year terms (1/31/2022-12/31/2023): James Perri – Airport Business Park Tenant sport (Sky West Airlines, MKG Station Manager), Sandy Lovrencivic – Airport Business Park Tenant spot (Commercial pilot), Andy Kusneske – Private Sector spot (Corporate pilot), and Brandon Bolde – Private Sector spot (Private pilot and White Lake Rep.); to appoint the following people 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).

Voice Vote

Motion Carried

ADMINISTRATOR'S REPORT

The Administrator deferred his time to Unfinished Business and the Closed Session.

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).

2022-51 POSTPONE UNFINISHED BUSINESS UNTIL JANUARY 2023

It was moved by Commissioner Lahring, seconded by Commissioner Pego, to postpone Unfinished Business until January 2023.

Discussion ensued. Information was provided to the Board by Corporate Counsel regarding the timing issue.

Roll call:

Yes: Doug Brown, Kim Cyr, Zach Lahring, Malinda Pego

No: Marcia Hovey-Wright, Susie Hughes, Charles Nash, Rillastine Wilkins,
Robert Scolnik **Motion Failed**

2022-52 AMEND MUSKEGON COUNTY RESOLUTION TO PROMOTE GENERAL WELFARE OF SEPTEMBER 14, 2021, AS ADVISED BY CORPORATE COUNSEL, BY ADDING THE FOLLOWING LANGUAGE "EXCEPT TO THE EXTENT REQUIRED BY FEDERAL LAW, RULE, OR ORDER, SPECIFICALLY INCLUDING OMNIBUS COVID-19 HEALTH CARE STAFF VACCINATION, 86 FED. REG. 61,555, 61,556 (NOV. 5, 2021), VACCINE REQUIREMENT FOR HEALTH CARE STAFF" IN THE SIXTH PARAGRAPH AFTER THE WORDS "...AS A GENERAL CONDITION OF EMPLOYMENT..."

It was moved by Commissioner Nash, seconded by Commissioner Hovey-Wright, to amend the Muskegon County Resolution to Promote General Welfare of September 14, 2021, as advised by Corporate Counsel, by adding the following language "except to the extent required by Federal Law, Rule, or Order, specifically including Omnibus COVID-19 Health Care Staff Vaccination, 86 Fed. Reg. 61,555, 61,556 (Nov. 5, 2021), Vaccine Requirement for Health Care Staff" in the sixth paragraph after the words "...as a general condition of employment...".

Discussion ensued.

Roll call:

Yes: Doug Brown, Marcia Hovey-Wright, Charles Nash, Rillastine Wilkins,
Robert Scolnik

No: Kim Cyr, Susie Hughes, Zach Lahring, Malinda Pego **Motion Carried**

NEW BUSINESS

None.

PUBLIC COMMENT

A citizen addressed the Board regarding the need of free and fast Covid testing and to revamp the County Health Department website; they also indicated that the lack of testing is leading to higher numbers.

Several citizens addressed the Board against the vaccine mandate decision.

FINAL BOARD COMMENTS

Commissioner Brown shared with the Board that there will be a public meeting regarding the Dunes Harbor Park project on Wednesday, February 16, 2022, at Lincoln Park Elementary, 2951 Leon St, Norton Shores, from 6:00-8:00 p.m.

Commissioner Nash shared with the Board that his daughter indicated that there are free Covid tests available at [CovidTests.gov](https://www.CovidTests.gov).

CLOSED SESSION

2022-53 **GO INTO 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.**

It was moved by Vice-Chair Hughes, seconded by Commissioner Nash to go into 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.

Roll call:

Yes: Doug Brown, Kim Cyr, Marcia Hovey-Wright, Susie Hughes, Zach Lahring, Charles Nash, Malinda Pego, Robert Scolnik, Rillastine Wilkins

No: None

Motion Carried

The Board took a five-minute break.

Went into closed session at 5:07 p.m.

Returned to open session at 5:53 p.m.

2022-54 **RETURN TO OPEN SESSION**

It was moved by Commissioner Nash, seconded by Commissioner Hove-Wright, to return to open session.

Voice Vote

Motion Carried

2022-55 DIRECT CORPORATE COUNSEL AS DISCUSSED IN CLOSED SESSION

It was moved by Commissioner Hovey-Wright, seconded by Chairman Scolnik, to direct Corporate Counsel as discussed in closed session.

Roll call:

Yes: Doug Brown, Kim Cyr, Marcia Hovey-Wright, Susie Hughes, Zach Lahring,
Charles Nash, Robert Scolnik, Rillastine Wilkins

No: Malinda Pego

Motion Carried

2022-56 ADJOURNED TO CALL OF THE CHAIR

Meeting adjourned at 5:56 p.m.

Linda S. Schutter, Deputy County Clerk

/lss

To be approved at the Full Board meeting on Tuesday, February 15, 2022.