

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

*Susie Hughes, Chairman*  
*Marcia Hovey-Wright*  
*Zach Lahring*  
*Kenneth Mahoney*  
*Charles Nash*

*Gary Foster, Vice Chair*  
*Robert Scolnik*  
*I. John Snider II*  
*Rillastine R. Wilkins*

Board Minutes may be found on the web at <http://co.muskegon.mi.us/clerk>

**Full Board Meeting**

Tuesday, February 25, 2020  
3:30 p.m.

Chairman Susie Hughes, Presiding

The Full Board Meeting of the Board of Commissioners was called to order by Chairman Susie Hughes. An invocation was given by Pastor McClain. The Pledge of Allegiance was led by Commissioner Hovey-Wright and recited in unison.

**Roll Call**

Present: Gary Foster, Marcia Hovey-Wright, Susie Hughes, Zach Lahring,  
Kenneth Mahoney, Charles Nash, I. John Snider II, Rillastine R. Wilkins

Excused: Robert Scolnik

Also present: Mark Eisenbarth, County Administrator  
Nancy A. Waters, County Clerk  
Linda Schutter, Deputy County Clerk  
Michael D. Homier, Corporate Counsel  
Kathy Tharp, Administrative Coordinator

2020-75 **APPROVE THE AGENDA**

Moved by Commissioner Nash, seconded by Commissioner Wilkins to approve the agenda.

Voice vote

**Motion Carried**

2020-76 **APPROVE THE REGULAR AND CLOSED BOARD MINUTES OF FEBRUARY 11, 2020**

Moved by Vice-Chair Foster, seconded by Commissioner Mahoney, to approve the Regular and Closed Board Meeting Minutes of February 11, 2020.

Voice vote

**Motion Carried**

**PUBLIC COMMENT (on an agenda item)**

None

**COMMUNICATION**

- A) Cheboygan County Board of Commissioners Resolution to participate in *Stepping Up* to reduce the number of people with mental illnesses in jail
- B) Marquette County Board of Commissioners Resolution requesting the Great Lakes shoreline be declared a disaster area and to seek assistance
- C) Oceana County Board of Commissioners Resolution to declare Oceana County to be a County that supports the Second Amendment
- D) Berrien County Board of Commissioners Resolution to declare Berrien County to be a County that supports the Second Amendment
- E) Wexford County Board of Commissioners Resolution to declare Wexford County to be a Second Amendment Sanctuary County

**COMMITTEE/BOARD REPORTS**

The Community Development/Strategic Planning Committee met on February 13, 2020. There were no action items presented.

2020-77      **APPROVE THE MUSKEGON AREA TRANSIT SYSTEM'S FY2021 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**

TR20/02-01

The Transportation Committee recommends, moved by Commissioner Wilkins, seconded by Vice-Chair Foster, to approve the Muskegon Area Transit System's FY2021 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: Gary Foster, Marcia Hovey-Wright, Zach Lahring, Kenneth Mahoney, Charles Nash, I. John Snider II, Rillastine Wilkins, Susie Hughes

No: None

Excused: Robert Scolnik

**Motion Carried**

2020-78 **APPROVE PAYMENT OF THE ACCOUNTS PAYABLE OF \$3,319,476.06, COVERING THE PERIOD OF JANUARY 25, 2020 THROUGH FEBRUARY 7, 2020 FOR CHECKS AS PRESENTED BY THE COUNTY CLERK**

WM20/02 – 17

The Ways & Means Committee recommends, moved by Commissioner Nash, seconded by Vice-Chair Foster, to approve payment of the accounts payable of \$3,319,476.06, covering the period of January 25, 2020 through February 7, 2020 for checks as presented by the County Clerk.

Roll call:

Yes: Gary Foster, Marcia Hovey-Wright, Zach Lahring, Kenneth Mahoney, Charles Nash, I. John Snider II, Rillastine Wilkins, Susie Hughes

No: None

Excused: Robert Scolnik

**Motion Carried**

2020-79 **APPROVE THE COUNTY CLERK TO INCREASE LIVE SCAN FINGERPRINTING FROM \$64.00 TO \$75.00, EFFECTIVE WEDNESDAY, FEBRUARY 25, 2020, FOLLOWING FULL BOARD APPROVAL**

WM20/02 – 18

The Ways & Means Committee recommends, moved by Commissioner Nash, seconded by Vice-Chair Foster, to approve the County Clerk to increase Live Scan Fingerprinting from \$64.00 to \$75.00, effective Wednesday, February 25, 2020, following Full Board approval.

Roll call:

Yes: Gary Foster, Marcia Hovey-Wright, Zach Lahring, Kenneth Mahoney, Charles Nash, I. John Snider II, Rillastine Wilkins, Susie Hughes

No: None

Excused: Robert Scolnik

**Motion Carried**

2020-80 **APPROVE TO INCREASE LINE ITEM 1010-0272-931.050 OF THE FY2020 BUDGET BY \$18,100.00 AND AUTHORIZE STAFF TO ISSUE A PURCHASE ORDER TO DIMENSION FOUR PAINTING, INC. IN THIS AMOUNT FOR THE EPOXY FLOOR PROJECT AT THE ANIMAL CONTROL FACILITY**

WM20/02 – 19

The Ways & Means Committee recommends, moved by Commissioner Nash, seconded by Vice-Chair Foster, to approve to increase line item 1010-0272-931.050 of the FY2020 budget by \$18,100.00 and authorize staff to issue a purchase order to Dimension Four Painting, Inc. in this amount for the epoxy floor project at the animal control facility.

Roll call:

Yes: Gary Foster, Marcia Hovey-Wright, Kenneth Mahoney, Charles Nash, I. John Snider II, Rillastine Wilkins, Susie Hughes

No: Zach Lahring

Excused: Robert Scolnik

**Motion Carried**

2020-81 **AUTHORIZE THE SALE OF THE 2001 CHEVY MALIBU VIN# 1G1ND52J32M676752 THROUGH MIEDEMA AUCTIONEERING, INC.**

WM20/02-20

The Ways & Means Committee recommends, moved by Commissioner Nash, seconded by Vice-Chair Foster, to authorize the sale of the 2001 Chevy Malibu VIN# 1G1ND52J32M676752 through Miedema Auctioneering, Inc.

Roll call:

Yes: Gary Foster, Marcia Hovey-Wright, Zach Lahring, Kenneth Mahoney, Charles Nash, I. John Snider II, Rillastine Wilkins, Susie Hughes

No: None

Excused: Robert Scolnik

**Motion Carried**

2020-82 **AUTHORIZE TO RECLASSIFY THE VACANT BUILDING MAINTENANCE BUILDING MECHANIC II POSITION PAY SCALE GU-00240 (\$17.35 - \$25.03/HR) TO A BUILDING MAINTENANCE MECHANIC II/HVAC PAY SCALE GU-00245 (\$19.88 - \$25.03/HR)**

WM20/02-21

The Ways & Means Committee recommends, moved by Commissioner Nash, seconded by Vice-Chair Foster, to authorize to reclassify the vacant Building Maintenance Building Mechanic II position pay scale GU-00240 (\$17.35 - \$25.03/hr) to a Building Maintenance Mechanic II/HVAC pay scale GU-00245 (\$19.88 - \$25.03/hr).

Roll call:

Yes: Gary Foster, Marcia Hovey-Wright, Kenneth Mahoney, Charles Nash, I. John Snider II, Rillastine Wilkins, Susie Hughes

No: Zach Lahring

Excused: Robert Scolnik

**Motion Carried**

2020-83 **AUTHORIZE ADJUSTING FY20 SENIOR MILLAGE AWARD FOR AGEWELL SERVICES ELDER ABUSE PREVENTION TO \$222,235 EFFECTIVE IMMEDIATELY THROUGH SEPTEMBER 30, 2020; AND TO AUTHORIZE THE DESIGNATED SENIOR MILLAGE GRANTS ADMINISTRATOR, SENIOR RESOURCES TO PROCEED WITH THE ADMINISTRATION OF THE PROGRAMS**

HS20/02 – 09

The Ways & Means Committee recommends, moved by Commissioner Nash, seconded by Vice-Chair Foster, to authorize adjusting FY20 senior millage award for AgeWell Services Elder Abuse Prevention to \$222,235 effective immediately through September 30, 2020; and to authorize the designated Senior Millage Grants Administrator, Senior Resources to proceed with the administration of the programs.

2020-84 **AMEND 2020-83 TO ALLOW THE SHERIFF'S DEPARTMENT AND/OR THE PROSECUTOR'S OFFICE TO START HIRING IMMEDIATELY**

Moved by Vice-Chair Foster, seconded by Commissioner Mahoney, to amend 2020-83 to allow the Sheriff's Department and/or the Prosecutor's Office to start hiring immediately.

Roll call:

Yes: Gary Foster, Marcia Hovey-Wright, Zach Lahring, Kenneth Mahoney, Charles Nash, I. John Snider II, Rillastine Wilkins, Susie Hughes

No: None

Excused: Robert Scolnik

**Motion Carried**

2020-83      **AUTHORIZE ADJUSTING FY20 SENIOR MILLAGE AWARD FOR AGEWELL SERVICES ELDER ABUSE PREVENTION TO \$222,235 EFFECTIVE IMMEDIATELY THROUGH SEPTEMBER 30, 2020; AND TO AUTHORIZE THE DESIGNATED SENIOR MILLAGE GRANTS ADMINISTRATOR, SENIOR RESOURCES TO PROCEED WITH THE ADMINISTRATION OF THE PROGRAMS AND FOR THE SHERIFF'S DEPARTMENT AND/OR PROSECUTOR'S OFFICE TO BEGIN HIRING IMMEDIATELY**

HS20/02 – 09

The Ways & Means Committee recommends, moved by Commissioner Nash, seconded by Vice-Chair Foster, to authorize adjusting FY20 senior millage award for AgeWell Services Elder Abuse Prevention to \$222,235 effective immediately through September 30, 2020; and to authorize the designated Senior Millage Grants Administrator, Senior Resources to proceed with the administration of the programs and for the Sheriff's Department and/or Prosecutor's Office to begin hiring immediately.

Roll call on 2020-83 as amended:

Yes: Gary Foster, Marcia Hovey-Wright, Zach Lahring, Kenneth Mahoney, Charles Nash, I. John Snider II, Rillastine Wilkins, Susie Hughes

No: None

Excused: Robert Scolnik

**Motion Carried**

**CHAIRMAN'S REPORT/COMMITTEE LIAISON REPORTS**

2020-85      **APPROVE COMMITTEE REAPPOINTMENT**

**Healthwest Board of Directors** – term through 3/31/2023

- Cherylann Natte (Re-appointment – Consumer/Secondary)

The Chairman recommends, moved by Commissioner Nash, seconded by Commissioner Snider, to approve the above committee reappointment.

Voice Vote

**Motion Carried**

2020-86      **PROCLAIM MARCH 30, 2020, AS SPARK SUCCESS DAY THROUGHOUT MUSKEGON COUNTY UNITING SCHOOL OFFICIALS, PARENTS, STUDENTS, BUSINESS AND COMMUNITY LEADERS**

The Chairman recommends, moved by Commissioner Mahoney, seconded by Commissioner Wilkins, to proclaim March 30, 2020, as Spark Success Day throughout Muskegon County uniting school officials, parents, students, business and community leaders.

Voice Vote

**Motion Carried**

- The 12<sup>th</sup> Annual “Dancing with the Local Stars” charity event to raise money for local food pantries begins Thursday, February 27<sup>th</sup> with its last performance on Saturday, February 29<sup>th</sup>.
- <https://visitmuskegon.org/event/dancing-with-the-local-stars/>
- The Muskegon Farmers Market invites you to their Winter Farmers Market on Saturdays from 9:00 a.m. – 2:00 p.m. Vendors will be offering produce and other hand-made goods. <https://www.muskegonfarmersmarket.com/>
- Celebrate Black History Month and attend Muskegon native Jon Covington’s documentary “Black Man” which comes to life in a live version on Saturday, February 29<sup>th</sup> at 2:00 p.m. at the Hackley Public Library. <https://visitmuskegon.org/tag/february/>

### **COMMITTEE LIAISON REPORT**

Commissioner Lahring requested that the Kathy Moore, Public Health Director, share her presentation she presented at the Health Advisory Board meeting. Ms. Moore reported on the unfortunate situation at Muskegon Family Care, but that there have been amazing people filling the gap. She also reported that there are State Representatives and Senators who are working on a grant to help.

Commissioner Lahring also reported that he went to the Muskegon County Road Commission (MCRC) meeting. The residents are complaining about ditch maintenance in the rural areas that is not being performed by MCRC. The residents are prohibited against doing any maintenance themselves. He understands that this Board has no authority over the MCRC, he just wanted to bring it to the Board’s attention.

Vice-Chair Foster received information from the Veterans Committee that Lupe Alviar, former Chair of the Veterans Committee, is not doing well.

Commissioner Mahoney was at Michigan Works! yesterday and residents who are on Medicaid are soon facing work/training requirements or else lose their Medicaid benefits. Chairman Hughes thanked Commissioner Mahoney for stepping up in her place on the Michigan Works! board.

Commissioner Hovey-Wright inquired as to the timetable for the bus system and what is next. Administrator Eisenbarth responded that they will be meeting with Muskegon Township and Muskegon Heights and will bring the results back to the Board.

Kathy Moore, Director of Public Health, reported to the Board regarding the Coronavirus. Her department is responsible for investigating low and medium risk cases. To date they have investigated 4 cases, all of which have been cleared pursuant to CDC Guidelines. There have been no positive cases in Michigan.

## **ADMINISTRATOR'S REPORT**

The tour of Pioneer Park for the Board of Commissioners is scheduled on Thursday, March 5, 2020, at 3:30 p.m. All Commissioners present indicated they were able to attend.

## **OLD BUSINESS**

Vice-Chair Foster moved, seconded by Chairman Hughes, for Administration to start the process to refer back to Human Services Committee making HealthWest an Authority. They have had a work-session already, it is a minimum of a one-year process to complete.

Discussion ensued including information from Brandy Carlson, HealthWest Chief Financial Officer, as to the current status of reimbursement dollars still owed by the State. Corporate Counsel indicated that they have not yet filed a lawsuit against the State because they were trying to get a commitment for payment.

Chairman Hughes requested from Administrator Eisenbarth another work session on this issue and withdrew her second.

## **NEW BUSINESS**

### 2020-87      **APPROVE BOARD CHAIR TO SIGN TRAVEL AUTHORIZATIONS PRESENTED BY HEALTHWEST FOR CONFERENCE TRAVEL**

Commissioner Nash moved, seconded by Commissioner Hovey-Wright, to have the Board Chair sign the travel authorizations presented by HealthWest for conferences according to grant funding which will pay for the trip.

Discussion ensued. Chairman Hughes indicated she would thoroughly review the grant ensuring travel reimbursement for this conference before signing the travel authorizations.

Roll call:

Yes: Marcia Hovey-Wright, Kenneth Mahoney, Charles Nash, I. John Snider II, Rillastine Wilkins

No: Gary Foster, Susie Hughes, Zach Lahring

Excused: Robert Scolnik

**Motion Carried**



## **PUBLIC COMMENT**

DJ Hilson, Muskegon County Prosecutor, thanked the Board for the support of the Safe Seniors Task Force. He also wanted to clarify the amendment made earlier, that he is allowed to hire immediately. He is hoping to have someone start next week.

Jim Riley spoke regarding HealthWest and Muskegon Family Care.

Malinda Pego inquired how any settlement with ISI discussed in closed session would be paid. She also commented on HealthWest and MATS becoming an authority.

## **FINAL BOARD COMMENT**

None.

2020-88      **GO INTO CLOSED SESSION REGARDING TWO ITEMS: A) PURSUANT TO MCL 15.268(H) TO DISCUSS A WRITTEN CONFIDENTIAL LEGAL OPINION; AND B) TO CONSULT WITH THE COUNTY'S ATTORNEY REGARDING TRIAL OR SETTLEMENT STRATEGY IN CONNECTION WITH INFORMATION SYSTEMS INTELLIGENCE, LLC V COUNTY OF MUSKEGON, ET AL, MUSKEGON COUNTY CIRCUIT COURT CASE NO. 16-000694-CB [INGHAM COUNTY DOCKET NO. 16-1260-VJ], THE DISCUSSION OF WHICH IN AN OPEN MEETING WOULD HAVE A DETRIMENTAL FINANCIAL EFFECT ON THE LITIGATION OR SETTLEMENT POSITION OF THE COUNTY**

Moved by Commissioner Mahoney, seconded by Commissioner Hovey-Wright, to go into Closed Session regarding two items:

- A) Pursuant to MCL 15.268(h) to discuss a written confidential legal opinion; and
- B) To consult with the County's attorney regarding trial or settlement strategy in connection with Information Systems Intelligence, LLC v County of Muskegon, et al, Muskegon County Circuit Court Case No. 16-000694-CB [Ingham County Docket No. 16-1260-vj], the discussion of which in an open meeting would have a detrimental financial effect on the litigation or settlement position of the County.

Roll call:

Yes: Gary Foster, Marcia Hovey-Wright, Zach Lahring, Kenneth Mahoney, Charles Nash, I. John Snider II, Rillastine Wilkins, Susie Hughes

No: None

Excused: Robert Scolnik

**Motion Carried**

Went into closed session at 4:28 p.m.

The doors were opened to the public at 5:05 p.m.

2020-89 **MOVED BY COMMISSIONER NASH, SECONDED BY VICE-CHAIR  
FOSTER, TO RETURN TO OPEN SESSION**

Voice vote

**Motion Carried**

Returned to open session at 5:05 p.m.

2020-90 **MOVED TO ADJOURN**

Meeting adjourned at 5:05 p.m.

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Nancy A. Waters, County Clerk

NAW/lss

To Be Approved at Full Board Meeting on Tuesday, March 10, 2020.