

**BERRIEN COUNTY BOARD OF COMMISSIONERS**  
**Virtual Board Meeting Minutes**  
**June 4, 2020**

**Staff Present:** County Clerk Sharon Tyler  
Annette Christie, Executive Assistant to the Administrator  
William Wolf, County Administrator  
Nicki Britten, Health Officer (via Zoom)  
Dan Fette, Community Development Director (via Zoom)  
Evan Smith Transportation & Planning Coordinator  
Sheriff Paul Bailey  
Attorney James Straub of Straub, Seaman & Allen, P.C. (via Zoom)

**BOC Present:** Chairperson R. McKinley Elliott  
Vice Chairperson Ezra Scott  
Commissioner Robert Harrison  
Commissioner David Vollrath

**CHAIRMAN TO CALL THE MEETING TO ORDER:**

Chairperson R. McKinley Elliott called the regular meeting to order at 10:35 A.M. in the Board of Commissioners' (BOC) room at the Berrien County Administration Center, 701 Main Street, St. Joseph, Michigan.

**INVOCATION:**

Commissioner Don Meeks gave the invocation.

**PLEDGE OF ALLEGIANCE TO THE UNITED STATES OF AMERICA:**

Commissioner Jon Hinkelman led us in the Pledge of Allegiance to the United States of America.

**ROLL CALL:**

The Chair instructed the Clerk to take a roll call with the following results:

12 PRESENT: R. McKinley Elliott, Robert Harrison, Ezra Scott, Don Meeks, Michael Majerek, David Vollrath, Mamie Yarbrough, Jon Hinkelman, Jim Curran, Christopher Heugel, William Chickering and Teri Freehling.

0 ABSENT.

**APPROVE MINUTES OF THE MAY 21, 2020 MEETING:**

Commissioner Curran moved and supported by Commissioner Vollrath, to approve the BOC virtual meeting minutes of May 21, 2020.

The Chair instructed the Clerk to take the roll with the following results:

12 YEAS: Yarbrough, Harrison, Hinkelman, Scott, Chickering, Vollrath, Freehling, Curran, Heugel, Majerek, Meeks and Elliott.

Motion carried, no nays.

**COMMUNICATION(S):**

County Clerk Sharon Tyler received the following email communications and distributed them to the Board:

- Ruth Kremer, St. Joseph, an email of her public comments from May 21, 2020 Board of Commissioners meeting, regarding the coronavirus outbreaks in the County, received on May 21, 2020.

- Emily Ellsworth, Berrien County, an email regarding an unemployment claim, not an employee of Berrien County, received on May 22, 2020.
- Rodney Blaylock, Stevensville, an email requesting Berrien County to be opened up fully, received on May 26, 2020.
- Kalkaska County Board of Commissioners, a resolution to move Kalkaska County forward, received on May 26, 2020.
- Livingston County Board of Commissioners, a resolution in support of the request to reclassify Livingston County, received on May 29, 2020.

**COVID UPDATE PRESENTATION – Nicki Britten (via phone):**

Health Department Director Nicki Britten gave a COVID–19 update presentation. She stated Michigan National Guard did testing in our area last week. The State of Michigan will be doing additional testing in the Niles area. She discussed restaurants reopening and the Health Department will be doing the enforcement. Nicki Britten stated she was appointed to Governor Whitmer’s COVID-19 Return to School Advisory Council. Chairperson Elliott commended Nicki and her team on their work during the COVID-19 pandemic. Discussion was held.

**TRANSPORTATION SERVICE DISCUSSION – Evan Smith/Berrien County Transportation Advisory Committee (Commissioners Jim Curran, Bob Harrison, and Teri Freehling):**

Transportation & Planning Coordinator Evan Smith gave a brief Berrien Bus Update on a short term plan. Evan Smith reviewed Resolution #F2006271 - Adopt a transportation plan. Commissioners Jim Curran, Bob Harrison, and Teri Freehling discussed their Berrien County Transportation Advisory Committee (BCTAC) meeting. Evan Smith stated he would give a progress report to BCTAC, Finance Committee or Board whenever they wanted an update. Discussion was held.

**PUBLIC COMMENTS REGARDING RESOLUTIONS - Public comments at this portion of the meeting must be related to resolutions listed on today’s agenda only. Those speaking through the You Tube chat during public comments shall identify themselves by name (including last name) and city, township, or village:** None

**CONSENT CALENDAR:**

Commissioner Scott moved and supported by Commissioner Vollrath, to approve today’s Consent Calendar as presented:

<u>Resolutions #</u>	<u>Description</u>
F2006032	Weekly Bills
B2006078	Approve Weekly Requisitions
F2006118	Road Payables
A2006266	Approve Public Defender Funding Request
F2006267	Approve lease agreement with Konica Minolta for Envelope Printer
B2006268	Extend State of Emergency
F2006271	Adopt a transportation plan
A2006272	Accept Upton Grant
A2006274	Approve Engineering Reimbursement Request
A2006275	Approve traffic speed study Lubke Rd.

The Chair instructed the Clerk to take the roll with the following results:

12 YEAS: Yarbrough, Harrison, Hinkelman, Scott, Chickering, Vollrath, Freehling, Curran, Heugel, Majerek, Meeks and Elliott.

Motion carried, no nays.

**PARENT COMMITTEE REPORT(S) – Finance Committee:**

Finance Committee Chairperson Yarbrough gave the Parent Committee Report for the Finance Committee. Discussion was held. Parent Committee minutes are available at [www.berriencounty.org](http://www.berriencounty.org).

**COMMISSIONER REPORTS:**

Commissioners presented their Commissioner Reports.

**ADMINISTRATOR REPORT:** None.

**GENERAL PUBLIC COMMENTS – Those speaking through the You Tube chat during public comments shall identify themselves by name (including last name) and city, township, or village.**

Jacque Gnodtke Blackwell announced she was running for Michigan State Representative for District 79.

**OTHER BUSINESS:**

Chairperson Elliott spoke about John Dewane and his law firm as Corporate Counsel and recommended retaining them until the end of year and not to exceed \$12,000 per month.

Motion: Commissioner Scott moved and supported by Commissioner Heugel, to retain John Dewane and his law firm Kotz Sangster Wysocki P.C. as Corporate Council, not to exceed \$12,000 per month until the end of the year.

Discussion was held.

The Chair instructed the Clerk to take the roll with the following results:

12 YEAS: Yarbrough, Harrison, Hinkelman, Scott, Chickering, Vollrath, Freehling, Curran, Heugel, Majerek, Meeks and Elliott.

Motion carried, no nays.

Chairperson Elliott spoke about the gap of time between County Administrator Wolf leaving and Brian Disette starting as the new County Administrator. Chairperson Elliott recommended hiring the previous County Administrator Mike Henry to assist the County in this transition.

Motion: Commissioner Meeks moved and supported by Commissioner Vollrath, to hire Mike Henry as Interim County Administrator from June 15<sup>th</sup> to June 30<sup>th</sup>.

Discussion was held.

The Chair instructed the Clerk to take the roll with the following results:

10 YEAS: Yarbrough, Harrison, Scott, Vollrath, Freehling, Curran, Heugel, Majerek, Meeks and Elliott.

2 NAYS: Hinkelman and Chickering.

Motion carried.

**ANNOUNCEMENTS/REMINDERS:**

Chairperson Elliott made the following announcements:

- The Thursday, June 11, 2020 meeting will be held virtually at 10:30 A.M. Information on how to view and participate in the meeting will be made available on the website.

Chairperson Elliott announced after the Closed Session the Board will reconvene to Open Session to adjourn the meeting.

**CLOSED SESSION – Pending Litigation MCL 15.268 ( e ) – To consult with its attorney regarding trial and settlement strategy in connection with specific pending litigation as the discussion of settlement in an open meeting would have a detrimental financial effect on Berrien County – Lori Drews vs. Berrien County; U.S. District Court Case No. 1:18-cv-00711 and the Sixth Circuit Case No. 2020-1267.**

Motion by Commissioner Vollrath and supported by Commissioner Heugel it is moved that the Board of Commissioners of Berrien County assemble in closed session at 11:35 A.M., to consult with its litigation counsel concerning the pending suit entitled *Lori Drews, Appellant/Plaintiff v. Berrien County, Appellee/Defendant*, in the United States Court of Appeals, Sixth Circuit, CA No. 20-1267, since discussing the settlement strategy in open session would have a detrimental financial effect on the litigating or settlement position of this Board; and further that this Board assemble in closed session to discuss the written memoranda of litigation counsel concerning his legal opinion in reference to the same case. This resolution is in compliance with the Michigan Open Meeting Act provisions MCL §15.263(e) and (h).

The Chair instructed the Clerk to call the roll resulting with the following results:

12 YEAS: Yarbrough, Harrison, Hinkelman, Scott, Chickering, Vollrath, Freehling, Curran, Heugel, Majerek, Meeks and Elliott.

Motion carried, no nays.

The Board reconvened to Open Session at 12:13 P.M.

**ENTER BACK INTO REGULAR MEETING:**

Commissioner Vollrath moved that litigation counsel James Straub be given authority concerning the litigation of *Loriann Drews v. Berrien County* as described by counsel in closed session as Option D. Commissioner Harrison supported the motion.

The Chair instructed the Clerk to take the roll with the following results:

12 YEAS: Yarbrough, Harrison, Hinkelman, Scott, Chickering, Vollrath, Freehling, Curran, Heugel, Majerek, Meeks and Elliott.

Motion carried, no nays.

Chairperson announced again the Thursday, June 11, 2020 meeting will be held virtually at 10:30 A.M. Information on how to view and participate in the meeting will be made available on the website.

**ADJOURNMENT:**

The meeting was adjourned at 12:18 P.M.

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R. McKinley Elliott, Chairperson

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Sharon J. Tyler, County Clerk

***Minutes are to be approved at the next BOC meeting.***