

BERRIEN COUNTY BOARD OF COMMISSIONERS
Virtual Board Meeting Minutes
October 8, 2020

Staff Present:
(In-person) Sheriff Paul Bailey
Undersheriff Chuck Heit
Interim Corporate Counsel John Dewane (Left at 10:57 A.M.)
Parks and Recreation Director Brian Bailey, (Left at 11:07 A.M.)
Clerk Sharon Tyler
Treasurer Shelly Weich (Left at 10:58 A.M.)
County Administrator Brian Dissette
Executive Assistant to the Administrator Annette Christie

BOC Present:
(In-person) Chairperson R. McKinley Elliott (Left at 11:35 A.M.)
Commissioner David Vollrath

CHAIRMAN TO CALL THE MEETING TO ORDER:

Chairperson R. McKinley Elliott called the virtual regular meeting to order at 10:33 A.M. in the Board of Commissioners' (BOC) room at the Berrien County Administration Center, 701 Main Street, St. Joseph, Michigan.

INVOCATION:

Commissioner Christopher Heugel gave the invocation.

PLEDGE OF ALLEGIANCE TO THE UNITED STATES OF AMERICA:

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

0 ABSENT.

APPROVE MINUTES OF THE OCTOBER 1, 2020 MEETING:

Commissioner Majerek moved and supported by Commissioner Meeks, to approve the BOC virtual regular meeting minutes of October 1, 2020.

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

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

Motion carried, no nays.

COMMUNICATION(S):

County Clerk Sharon Tyler received the following communications:

- A form letter email from the email address advocacy@bluestatedigital.com with a name and no address, regarding "Michiganians deserve a fair election in November and beyond," received on October 1, 2020.
- An email from Cheryl Marie Lynch, New Buffalo, regarding COVID-19 mandatory mask policy, received on October 6, 2020.
- An email newsletter from Kelly Stelter, Berrien County 4-H Program Coordinator, the Berrien County Spotlight, 4-H Family News – October/November 2020 issue, received on October 6, 2020.

SUPREME COURT/EXECUTIVE ORDER - Interim Corporate Counsel John Dewane:

Interim Corporate Counsel John Dewane discussed the Michigan Supreme Court decision on Friday, October 2, 2020 that ruled Governor Whitmer does not possess the authority to exercise emergency powers under the Emergency Powers of the Governor Act of 1945 and how it may affect the County on previous actions. He stated it is still unclear when this goes into effect. Discussion was held.

TAX FORECLOSURE UPDATE – Treasurer Shelly Weich:

Treasurer Shelly Weich gave an update and overview of the tax foreclosure process. She discussed the changes due to COVID-19. Interim Corporate Counsel John Dewane spoke about tax foreclosure, statute, notices and concerns. Discussion was held.

COMMITTEE REPORTS:

The Personnel and Human Services, and Administration Committee presented their Committee Report. Discussion was held. Parent Committee minutes are available at www.berriencounty.org.

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:

Cheryl Marie Lynch, New Buffalo, commented about Resolution #A2010355 and is opposed to this resolution.

Eric Lester, St. Joseph Charter Township, thanked the Board for holding the virtual meeting and commented that Cheryl Marie Lynch’s comments are inaccurate.

CONSENT CALENDAR:

Chairperson Elliott requested that Resolution #A2010355 - Approve Contract for COVID Related Nursing Services, Resolution #A2010357 - Accept the MIDC Funding for the Public Defender Office, and Resolution #F2010366 - Accept Coronavirus Relief Local Government Grant Funding be moved from the Added Resolutions to the Consent Calendar.

Commissioner Vollrath moved and supported by Commissioner Scott, to pull Resolutions #A2010355, #A2010357, and #F2010366 from the Added Resolutions to the Consent Calendar and to approve today’s Consent Calendar as presented:

<u>Resolutions #</u>	<u>Description</u>
F2010050	Weekly Bills
B2010095	Weekly Requisitions
A2010343	Change funding for LEIN operations
A2010344	Acceptance of grant for Legal Representation
F2010354	Approve contract for Election Coordinator
P2010331	Approve increase in Parks fees
A2010355	Approve contract for COVID related Nursing Services
A2010357	Accept the MIDC funding for the Public Defender Office
F2010366	Accept Coronavirus Relief Local Government Grant Funding

Discussion was held.

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

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

Motion carried, no nays.

ADDED RESOLUTION(S)

The following Added Resolutions were moved to the Consent Calendar:

- #A2010355 Approve contract for COVID related Nursing Services
- #A2010357 Accept the MIDC funding for the Public Defender Office

COMMISSIONER REPORT(S):

The Commissioners presented their outside Commissioners' Reports.

Chairperson Elliott left the meeting at 11:35 A.M.

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:

Evan Smith commented on requisitions regarding Berrien Bus in Resolution #B2010095.

Cheryl Marie Lynch, New Buffalo, commented about COVID-19 testing at the jail.

Tony Benhart, Sodus Township, commented about two different specs on Napier Avenue.

OTHER BUSINESS:

Commissioner Freehling read the following statement into record regarding a conflict of interest:

Prior to September 12, 2020, I never held any membership interest in Baroda Valley Farms, LLC. From its formation until my husband Patrick's death in 2019, the LLC's membership interest was held solely by Patrick, his father, and one other. After Patrick's death, his interest in the LLC was transferred to the other two members. My daughters and I received no compensation for the transfer of that interest, and we took no interest in the LLC. In 2020, the members of the LLC informed me of their desire to discontinue their involvement in the LLC. Not wanting to see my husband's LLC simply dissolved, I agreed to have the whole of the membership interest in Baroda Valley Farms, LLC transferred to me, which occurred on September 12, 2020.

I have knowledge that, prior to my taking the membership interest, Baroda Valley Farms LLC rented equipment to REV Excavating, and that such equipment may have been used for County drain projects. Therefore, I intend to abstain from all contracts between REV and the County. It is also my intention that Baroda Valley Farms LLC will not permit the use of any of its equipment or other assets in any County projects during my service on the Berrien County Commission.

I will continue to apply the practice that, if I have any reason to believe anyone close to me is directly or indirectly associated with County business, I will research all the facts and will opt to abstain if there is any doubt about their participation in any matter brought to this Board.

Vice Chairperson Scott asked about the Board members having more oversight of the Road Department on the bid process and the RFPs with more details on the bid specs in regards to the Finance and Administration Committees. Administrator Brian Dissette explained and addressed the concerns. Discussion was held.

ANNOUNCEMENTS/REMINDERS:

Vice Chairperson Scott announced the Board of Commissioners meeting to be held on October 15, 2020 will be held virtually at 10:30 A.M.

Executive Assistant to the Administrator Annette Christie announced that the Finance Committee will meet virtually next week at 9:00 A.M.

Administrator Dissette announced Personnel and Human Services Committee will be meeting virtually following next week's Board meeting at 1:30 P.M.

ADJOURNMENT:

The meeting was adjourned at 12:03 P.M.

R. McKinley Elliott, Chairperson

Sharon J. Tyler, County Clerk

Minutes are to be approved at the next BOC meeting.