

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

*Terry J. Sabo, Chairman
Marvin Engle
Susie Hughes
Jeff Lohman
Kenneth Mahoney*

*Benjamin E. Cross, Vice Chair
Charles Nash
Robert Scolnik
Rillastine R. Wilkins*

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

Special Full Board Meeting

Tuesday, October 11, 2016
3:12 p.m.

Chairman Sabo, Presiding

The Special Full Board of Commissioners was called to order by Chairman Sabo.

Roll Call

Present: Benjamin E. Cross, Marvin Engle, Susie Hughes, Jeff Lohman
Kenneth Mahoney, Charles Nash, Robert Scolnik, Rillastine R. Wilkins,
Terry J. Sabo

Also Present: Mark Eisenbarth, County Administrator;
Nancy A. Waters, County Clerk;
Jeanne Pezet, Administrative Secretary;
Douglas Hughes, Corporate Counsel;
Susan Franklin, Corporate Counsel;
Attorney John Schrier
Attorney Kevin Even
John Warner

2016-360 **APPROVAL OF THE AGENDA**

Moved by Vice Chair Cross, seconded by Commissioner Engle, to approve the agenda.

Voice vote

Motion Carried

PUBLIC COMMENT (on an agenda item)

There was no public comment on an agenda item.

PERSONNEL HEARING BOARD RE: JOHN WARNER

Corporate Counsel Douglas Hughes opened with background information that this is a Personnel Hearing in accordance with the County Board of Commissioners Rules, Rule XV, Section 6. E. 6. regarding termination of a Director. This process began in August with a Personnel Hearing Board Meeting and concluded in September with Attorneys submitting prepared Statements of Fact. The Board is here today to render the decision. A matrix of the Statements of fact was prepared by Corporate Counsel staff.

2016-361 **THAT THE BOARD, AFTER OBSERVING ALL THE TESTIMONY AND CONSIDERING ALL OF THE EVIDENCE PROVIDED, FINDS THAT, IN ITS OPINION, IT IS SATISFIED THAT WARNER IS INCOMPETENT TO EXECUTE PROPERLY THE DUTIES OF THE OFFICE OF DIRECTOR OF MUSKEGON COUNTY'S DEPARTMENT OF PUBLIC WORKS**

Moved by Vice Chair Cross, seconded by Commissioner Engle, that the Board, after observing all the testimony and considering all of the evidence provided, finds that, in its opinion, it is satisfied that Warner is incompetent to execute properly the duties of the office of Director of Muskegon County's Department of Public Works.

Commissioner Hughes stated she had sat through the testimony here and in Corporate Counsel's office and must support this motion.

Chairman Sabo stated, after review of hundreds of pages, videos, and testimony, he believes this is the right opinion.

Commissioner Engle stated this comes as a culmination over a long time.

Roll Call:

Yes: Benjamin E. Cross, Marvin Engle, Susie Hughes, Jeff Lohman, Kenneth Mahoney, Charles Nash, Robert Scolnik, Terry J. Sabo

No: Rillastine R. Wilkins

Motion Carried

PUBLIC COMMENT

There was no public comment.

2016-362 **MOVED BY COMMISSIONER ENGLE, SECONDED BY COMMISSIONER LOHMAN TO ADJOURN**

Voice vote

Motion Carried

Meeting adjourned at 3:19 p.m.

Nancy A. Waters, County Clerk

NAW/jmp

Preliminary Minutes
To be approved at the Full Board Meeting on October 25, 2016