

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

*Doug Brown*  
*Kim Cyr*  
*Marcia Hovey-Wright*  
*Susie Hughes*  
*Zach Lahring*

*Charles Nash*  
*Malinda Pego*  
*Robert Scolnik*  
*Rillastine R. Wilkins*

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

**Electronic/Zoom Full Board Meeting**

Tuesday, January 12, 2021  
4:00 p.m.

The Electronic/Zoom Full Board Meeting of the Board of Commissioners was called to order by Chairman Scolnik via Zoom. The Invocation was given by Commissioner Wilkins. The Pledge of Allegiance was recited by Vice-Chair Nash.

**Roll Call and Location of Board Members:**

Present: Doug Brown, Laketon Township, Michigan  
Kim Cyr, Muskegon County, Michigan  
Marcia Hovey-Wright, City of Muskegon, Michigan  
Susie Hughes, Muskegon Township, Michigan  
Zach Lahring, Muskegon County Hall of Justice, Michigan  
Charles Nash, City of Muskegon, Michigan  
Malinda Pego, City of Norton Shores, Michigan  
Robert Scolnik, City of Norton Shores, Michigan  
Rillastine R. Wilkins, Muskegon Heights, Michigan

Also

Present: Mark Eisenbarth, County Administrator  
Kristin Barnhill, Executive Assistant  
Kathy Tharp, Administrative Coordinator  
Nancy A. Waters, County Clerk  
Linda Sue Schutter, Deputy County Clerk  
Michael D. Homier, Corporate Counsel

2021- 9 **APPROVAL OF THE AGENDA**

Moved by Vice-Chair Nash, seconded by Commissioner Hovey-Wright to approve the agenda.

Commissioner Lahring addressed the Board about the Resolutions on the agenda that have not gone through committee as required in the new board rules.

Corporate Counsel Michael Homier read Board Rule 6.1, and 6.2; Section 2 relates to resolutions.

2021-10      **AMEND THE AGENDA BY REMOVING TWO RESOLUTIONS**

Commissioner Lahring moved, seconded by Commissioner Pego, that the agenda be amended by removing two resolutions because they had not gone to a committee first.

Commissioner Lahring asked for input from Corporate Counsel Homier. Mr. Homier read Board Rule 6, Section 1 and Rule 6, Section 2. Rule 6, Section 2 reads: Resolution, proclamations, and tribute requests submitted by Commissioners or the public will not be acted upon by the Board of Commissioners at the time presented unless time sensitive. All such requests will be referred for Chair/Vice Chair/Administrative review and for recommendations to the Board at a later date regarding a) consideration of the request at a future regular Board meeting; or b) receipt of the request as information only. Submittal of information to the Board or receipt of information by the Board does not constitute approval, endorsement or consent.

Commissioner Lahring stated that pursuant to Rule 6, Section 2, the Resolutions should not be heard until they go through committee.

Discussion ensued.

Commissioner Hovey-Wright shared that the Local State of Emergency ended on January 11 and it is requested to be extended until January 15, 2021, therefore, it is time sensitive. Commissioner Hovey-Wright also stated that the Resolution Condemning Storming of the US Capitol Building is timely because there are threats to our own capital in Lansing.

Chairman Scolnik asked Mr. Homier for further input. Mr. Homier indicated that 1. If the matter is deemed an emergency, like the State of Emergency, then board could vote by 2/3 majority to consider the matter. Mr. Homier's opinion is that this qualifies as timely and sensitive. 2. Regarding other resolutions, etc., when those requests are received, they can be referred to a board meeting, which they have been since it is on this agenda. A motion can be properly made, supported and voted on to remove an item if that is the will of the Board.

Vice-Chair Nash indicated that these items are more urgent than they may seem.

Commissioner Lahring indicated that the State of Emergency could have come up in committee last week since there is no current emergency; also, there is no threat to Muskegon, violence to the County, or to the residence of the County, therefore, both of these resolutions should go back to committee.

Roll Call on amendment:

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

No:            Marcia Hovey-Wright, Susie Hughes, Charles Nash, Rillastine R. Wilkins,  
Robert Scolnik

**Motion Failed**

Roll Call on approval of agenda:

Yes: Marcia Hovey-Wright, Susie Hughes, Charles Nash, Rillastine R. Wilkins,  
Robert Scolnik

No: Doug Brown, Kim Cyr, Zach Lahring, Malinda Pego **Motion Carried**

2021-11 **APPROVAL OF THE MINUTES OF DECEMBER 17, 2020, (REGULAR MEETING) AND APPROVAL OF THE MINUTES OF JANUARY 5, 2021, (ORGANIZATIONAL MEETING)**

Moved by Commissioner Hughes, seconded by Vice-Chair Nash to approve the minutes of December 17, 2020, (Regular Meeting) and approval of the minutes of January 5, 2021 (Organizational meeting).

Roll Call:

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

No: None **Motion Carried**

## **PRESENTATION**

Director of Public Health Kathy Moore updated the Board regarding COVID-19. As of January 12, 2021, there have been 9,670 positive cases, and 267 COVID-related deaths. (See attached.)

Michigan is entering into the next phase of the vaccine beginning Monday, January 11, 2021.

As of Friday, Muskegon County Public Health received and administered 800 doses, leaving none left. The State has assured Muskegon County that there is an additional 800 doses in warehouse for the second dose.

Vice-Chair Nash requested a “jpg” copy of presentation be provided to the Board to share. Vice-Chair Nash inquired of Ms. Moore if they had made steps to vaccinate employees at prison. Ms. Moore shared that yes, they were one of the priority groups. So far, they have 17 medical workers and 89 employees interested in being vaccinated.

Vice-Chair Nash told Ms. Moore that she and her office have done a great job. Vice-Chair Nash inquired of Ms. Moore when new doses will be coming. Ms. Moore indicated that she has not heard and perhaps we need to work more closely with our State Representatives. Ms. Moore knows of one doctor from Mercy who has reached out to his State Representative already.

Commissioner Scolnik inquired if the vaccine was effective and what if they don't get the booster. Ms. Moore replied that the vaccines are more than 50% effective after the first dose. The second dose is given 21-28 days after the first dose. If someone doesn't get the second dose, they are only partially vaccinated. After the second dose, it brings the effectiveness up to 95%.

Commissioner Lahring asked Director Moore how does the drop in numbers reflect upon the State of Emergency resolution in front of them. Commissioner Lahring further inquired about the second dose, where are second doses coming from?

Ms. Moore indicated that people should get second dose from same place they received their first dose. Ms. Moore further answered regarding the first question, that cases are going down, but the virus is still out there in Muskegon County, the vaccine was not tested to see if a person who is vaccinated can transfer the disease without they themselves getting it also. There is a need to continue safety mitigation measures.

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

Mike Trout, Director, Michigan Aeronautics Commission, addressed the Board regarding Item 12A. Mr. Trout has been working with the FAA and the State of Michigan to help work out issues in Muskegon County. There is a sense of urgency to make a decision on moving forward on airport.

Kip Smith addressed the Board regarding Item 12A. Mr. Smith indicated he works with Skywest and opposes privatization. Mr. Smith also addressed the Board regarding the Resolution discussed, that nobody should be throwing mud, we are all Americans.

Chris Kaijala addressed the Board regarding Item 11C and condemns those actions, but does not understand how this was put on the agenda. Mr. Kaijala indicated it was unfair to put things on agenda that late in the day.

Ken Mahoney addressed the Board regarding two items, the Health Department resolution which is important to keep us aligned with what the State of Michigan is doing and to follow the same rules; and also the Resolution condemning the violence in Washington D.C. Each Commissioner took an oath to defend and protect the constitution. All Commissioners should support this Resolution as upholding their oath.

Dan Stout, Muskegon County Airport, addressed the Board regarding Item 12A. The airport has been without a supervisor since February of last year. Administrator Eisenbarth indicated that if all positions were filled, the airport budget would total \$765,000. Per the FAA, they are only required to have an airport manager; the two supervisory positions would not be filled at this time. It would take the new employees about five years to reach the top of their pay scales. The budget with the six airport employees would be \$690,464. F3 stated in the work session meeting that they are looking for a manager since they are not qualified to operate Part 139 Commercial Airports. The FAA will pull their license and they won't be able to get commercial airlines in here. Mr. Stout further shared a text from Community Development Director Bob Lukens that Mr. Lukens sent to the airport staff, "F3 Airport Management would be a very risky proposition."

Donna Pennington, 1418 Lakeshore Drive, addressed the Board in support of Item 11C, and to express her horror at Commissioner Lahring and Commissioner Pego who continue to exhort their followers to contest the results of the 2020 elections. These same officials have been openly defying orders of MDHHS regarding inside dining and exhorting their followers to do the same. Ms. Pennington shared that in 2016 one million women went to the capitol and demonstrated peacefully regarding the election. They didn't file lawsuits, didn't engage in violent behavior that destroyed lives and property. She urged public officials to be responsible in their public statements and to support the election results that have been certified, and also this Resolution.

Derek Sanders, 734 Ruddiman Drive, also addressed the Board in support of Item 11C and echoed Ms. Pennington's thoughts regarding the Commissioners who either participated in or attended that event and who encouraged their supporters to do the same. When you openly call for the overthrow of our government, it disqualifies you from serving in that government.

Michael Del Percio addressed the Board regarding Items 11C and 12C. Mr. Del Percio does not feel we should not be under declaration because since March of 2020, we have been under restrictions from Michigan leadership which are destroying our constitutional freedoms. We have had enough. Even after a year, we have not stopped, mitigated or flattened the curve, but there are now almost no deaths from influenza. Open up Muskegon as other states have opened. Stop the persecution of turning law abiding citizens into criminals. Mr. Del Percio is in support of the Baraga County Resolution. Mr. Del Percio also addressed the Board regarding Item 11C, indicating that he objects to the Resolution.

Dustin Fox, Muskegon County Airport, addressed the Board regarding Item 12A. Muskegon County Airport has 6 guys who are dedicated and bringing in a management company is a disgrace to the County and a horrible idea. The County should help take care of its own.

Don Munski, 1078 Brookway Court, addressed the Board regarding Items 12C and 11C. Extending the State of Emergency is necessary since people are still getting sick. The other Resolution regarding storming the U.S. capitol, Mr. Munski pointed out to Commissioners the key paragraph that states the hope is that this unprecedented event invites productive and civil discussions. Mr. Munski encourages the community to heal and not to take up arms against each other as we have done in the past. This is a Resolution for law and order.

Ryan Bennett, 1538 White Pine Court, addressed the Board stating he was shocked that there was a 5/4 vote to denounce a violent attempted insurrection and it passed by one vote. Mr. Bennett expected Commissioners Lahring and Pego to oppose such a Resolution due to the rhetoric on their social media, and he was shocked that Commissioners Brown and Cyr were going along with them. Mr. Bennett thanked those Commissioners who did the right thing. Mr. Bennett thanked Clerk Waters and her staff, and hardworking election officials throughout the county who have continued to do the work of the people in spite of the attacks on them.

Jason Hall, Maffett Road, addressed the Board in opposition to the Resolution on the basis of how it was written. The capitol building is open to the public Monday through Saturday. These people were representing their inalienable rights, but the Resolution condemns everyone. Every criminal who did an illegal act there should be arrested.

Commissioner Hovey-Wright asked Commissioner Scolnik to remind the public how to get on to be heard through Zoom.

### **COMMUNICATION**

The following Communication was presented to Commissioners for informational purposes and placed on file:

- A. Wexford County Board of Commissioners Resolution Supporting Local Businesses (see attached).

### **COMMITTEE/BOARD REPORTS**

2021-12      **ACCEPT THE 2019 HOMELAND SECURITY GRANT PROGRAM INTERGOVERNMENTAL AGREEMENT BETWEEN THE WEST MICHIGAN REGIONAL MEDICAL CONSORTIUM (WMRMC) AND THE MUSKEGON COUNTY ON BEHALF OF THE MUSKEGON COUNTY EMERGENCY SERVICES/MANAGEMENT, AND DIRECT THE BOARD CHAIR AND APPROPRIATE STAFF TO SIGN THE AGREEMENT**

CPS21/01-01

The Courts and Public Safety Committee recommended, moved by Commissioner Pego, seconded by Vice-Chair Nash, to accept the 2019 Homeland Security Grant Program Intergovernmental Agreement between the West Michigan Regional Medical Consortium (WMRMC) and the Muskegon County on behalf of the Muskegon County Emergency Services/Management, and direct the Board Chair and appropriate staff to sign the agreement.

Roll Call:

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

No:             None

**Motion Carried**

2021-13 **ACCEPT THE FY21 SNOWMOBILE AND OFF ROAD VEHICLE (ORV) LAW ENFORCEMENT GRANT IN THE AMOUNT OF \$2,000.00 (SNOWMOBILE) AND \$10,000.00 (ORV) FROM THE MICHIGAN DEPARTMENT OF NATURAL RESOURCES**

CPS21/01-02

The Courts and Public Safety Committee recommended, moved by Commissioner Pego, seconded by Vice-Chair Nash, to accept the FY21 Snowmobile and Off Road Vehicle (ORV) Law Enforcement Grant in the amount of \$2,000.00 (Snowmobile) and \$10,000.00 (ORV) from the Michigan Department of natural resources.

Roll Call:

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

No: None **Motion Carried**

2021-14 **APPROVE THE SHERIFF'S OFFICE TO ACCEPT THEIR PORTION OF THE INNOVATIONS IN SUPERVISION INITIATIVE GRANT IN THE AMOUNT OF \$67,167.00 AND AMEND THE BUDGET ACCORDINGLY**

CPS21/01-03

The Courts and Public Safety Committee recommended, moved by Commissioner Pego, seconded by Vice-Chair Nash, to approve the Sheriff's Office to accept their portion of the Innovations in Supervision Initiative Grant in the amount of \$67,167.00 and amend the budget accordingly.

Roll Call:

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

No: None **Motion Carried**

2021-15 **AUTHORIZE THE SHERIFF'S OFFICE TO PAY THE OUTSTANDING INVOICES TO CONCIERGE CORRECTIONS, LLC AND PROMED TOTALING \$58,711.44 RELATED TO FY2020 BASED ON THE ATTACHED LISTING**

CPS21/01-04

The Courts and Public Safety Committee recommended, moved by Commissioner Pego, seconded by Vice-Chair Nash, to authorize the Sheriff's Office to pay the outstanding invoices to Concierge Corrections, LLC and ProMed totaling \$58,711.44 related to FY2020 based on the attached listing.

Roll Call:

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

No: None **Motion Carried**

2021-16 **AUTHORIZE THE BOARD CHAIRPERSON TO SIGN THE CONTRACT WITH THE MICHIGAN DEPARTMENT OF CORRECTIONS AND ACCEPT THE FY21 COMMUNITY CORRECTIONS GRANT IN THE AMOUNT OF \$196,200.00**

CPS21/01-05

The Courts and Public Safety Committee recommended, moved by Commissioner Pego, seconded by Vice-Chair Nash, to authorize the Board Chairperson to sign the contract with the Michigan Department of Corrections and accept the FY21 Community Corrections grant in the amount of \$196,200.00.

Roll Call:

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

No: None **Motion Carried**

2021-17 **GRANT PERMISSION FOR THE PUBLIC DEFENDER OFFICE TO APPLY FOR THE OJJDP FY 2021 ENHANCING JUVENILE INDIGENT DEFENSE GRANT**

CPS21/01-06

The Courts and Public Safety Committee recommended, moved by Commissioner Pego, seconded by Vice-Chair Nash, to grant permission for the Public Defender Office to apply for the OJJDP FY 2021 Enhancing Juvenile Indigent Defense Grant.

Roll Call:

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

No: None **Motion Carried**



2021-18     **AUTHORIZE THE PUBLIC DEFENDER TO REASSIGN THE REMAINING BOARD APPROVED CONTRACT WITH AMANDA HEYS-WESTENDORP TO A NEW CONTRACT WITH CARLY MCNEIL FOR CONFLICT ATTORNEY SERVICES ON NEGLECT/ABUSE AND JUVENILE DELINQUENCY CASES FROM JANUARY 1, 2021 THROUGH SEPTEMBER 30, 2021 FOR THE AMOUNT OF \$22,500**

CPS21/01-07

The Courts and Public Safety Committee recommended, moved by Commissioner Pego, seconded by Vice-Chair Nash, to authorize the Public Defender to reassign the remaining Board approved contract with Amanda Heys-Westendorp to a new contract with Carly McNeil for conflict attorney services on neglect/abuse and juvenile delinquency cases from January 1, 2021 through September 30, 2021 for the amount of \$22,500.

Roll Call:

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

No:           None

**Motion Carried**

2021-19     **AUTHORIZE THE PUBLIC DEFENDER'S OFFICE TO CREATE A NEW HOLISTIC MITIGATION SPECIALIST POSITION AND FILL THE POSITION WITH THE BOARD'S APPROVAL. THE HOLISTIC MITIGATION SPECIALIST WILL RECEIVE PAY GRADE NX-00210 (\$22.39-\$28.18/HR)**

CPS21/01-08

The Courts and Public Safety Committee recommended, moved by Commissioner Pego, seconded by Vice-Chair Nash, to authorize the Public Defender's Office to create a new Holistic Mitigation Specialist position and fill the position with the Board's approval. The Holistic Mitigation Specialist will receive pay grade NX-00210 (\$22.39-\$28.18/hr).

Roll Call:

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

No:           Zach Lahring, Malinda Pego

**Motion Carried**

2021-20 **AUTHORIZE THE PROSECUTOR TO ACCEPT AND AUTHORIZE THE COUNTY ADMINISTRATOR TO SIGN THE FY2021 BYRNE JAG – WEMET GRANT (MSP #JAG-70834-W.E.M.E.T.-2021) IN THE AMOUNT OF \$16,284.00 AND AMEND THE BUDGET ACCORDINGLY**

CPS21/01-09

The Courts and Public Safety Committee recommended, moved by Commissioner Pego, seconded by Vice-Chair Nash, to authorize the Prosecutor to accept and authorize the County Administrator to sign the FY2021 Byrne JAG – WEMET grant (MSP #JAG-70834-W.E.M.E.T.-2021) in the amount of \$16,284.00 and amend the budget accordingly.

Roll Call:

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

No: None **Motion Carried**

2021-21 **ACCEPT AND SIGN THE FY21 BYRNE JAG – WEMET GRANT (MSP #JAG 70834 WEMET-21) IN THE AMOUNT OF \$16,284.00 AND AMEND THE BUDGET ACCORDINGLY**

CPS21/01-10

The Courts and Public Safety Committee recommended, moved by Commissioner Pego, seconded by Vice-Chair Nash, to accept and sign the FY21 Byrne JAG – WEMET grant (MSP #JAG 70834 WEMET-21) in the amount of \$16,284.00 and amend the budget accordingly.

Roll Call:

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

No: None **Motion Carried**

2021-22 **APPROVE PAYMENT OF THE ACCOUNTS PAYABLE OF \$5,451,927.41 COVERING THE PERIOD OF DECEMBER 4, 2020 THROUGH DECEMBER 25, 2020 FOR CHECKS AND PCARD PAYMENTS FOR THE PERIOD COVERING NOVEMBER 1 THROUGH NOVEMBER 30, 2020 AS PRESENTED BY THE COUNTY CLERK**

WM21/01-01

The Ways and Means Committee recommended, moved by Commissioner Cyr, seconded by Vice-Chair Nash, to approve payment of the accounts payable of \$5,451,927.41 covering the period of December 4, 2020 through December 25, 2020 for checks and PCard payments for the period covering November 1 through November 30, 2020 as presented by the County Clerk.

Roll Call:

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

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

2021-23 **APPROVE THE LEASE AGREEMENT WITH CHERRY STREET SERVICES, INC., FOR A THREE-YEAR TERM BEGINNING APRIL 1, 2021 AND ENDING SEPTEMBER 30, 2024 WITH A BEGINNING LEASE RATE OF \$11.66 PER SQUARE FOOT WITH 3% INCREASES ON OCTOBER 1ST OF EACH YEAR AND AUTHORIZE THE BOARD CHAIR TO SIGN THE LEASE AGREEMENT**

WM21/01-02

The Ways and Means Committee recommended, moved by Commissioner Cyr, seconded by Vice-Chair Nash, to approve the lease agreement with Cherry Street Services, Inc., for a three-year term beginning April 1, 2021 and ending September 30, 2024 with a beginning lease rate of \$11.66 per square foot with 3% increases on October 1st of each year and authorize the board chair to sign the lease agreement.

Roll Call:

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

No: None **Motion Carried**

2021-24 **AUTHORIZE THE SALE OF THE 2006 CHEVY IMPALA  
VIN#2G1WB55K969390888 THROUGH MIEDEMA AUCTIONEERING,  
INC.**

WM21/01-03

The Ways and Means Committee recommended, moved by Commissioner Cyr, seconded by Vice-Chair Nash, to authorize the sale of the 2006 Chevy Impala VIN#2G1WB55K969390888 through Miedema Auctioneering, Inc.

Roll Call:

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

No: None

**Motion Carried**

2021-25 **AUTHORIZE STEVEN REYNOLDS, MUSKEGON COUNTY SHERIFF  
DEPUTY, TO PURCHASE 3 YEARS AND 7 MONTHS OF MERS  
GENERIC SERVICE CREDIT AT A COST OF \$111,899.00 AS  
PROVIDED BY THE MERS PLAN DOCUMENT AND IN KEEPING WITH  
THE COUNTY POLICY REGARDING PURCHASE OF GENERIC  
SERVICE CREDIT WITH 100 PERCENT OF THE TOTAL ACTUARIAL  
COST BEING PAID BY THE EMPLOYEE**

WM21/01-04

The Ways and Means Committee recommended, moved by Commissioner Cyr, seconded by Vice-Chair Nash, to authorize Steven Reynolds, Muskegon County Sheriff Deputy, to purchase 3 years and 7 months of MERS generic service credit at a cost of \$111,899.00 as provided by the MERS Plan Document and in keeping with the County policy regarding purchase of generic service credit with 100 percent of the total actuarial cost being paid by the employee.

Roll Call:

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

No: None

**Motion Carried**

2021-26 **AUTHORIZE STAFF TO ALLOCATE 775 SQUARE FEET OF VACANT SPACE ON THE SECOND FLOOR OF THE CENTRAL SERVICES BUILDING TO THE PUBLIC DEFENDER AND MOVE FORWARD WITH NECESSARY ALTERATIONS TO ACCOMMODATE THE PUBLIC DEFENDER'S SPACE NEEDS WITH COSTS TO BE PAID BY THE MIDC GRANT**

WM21/01-05

The Ways and Means Committee recommended, moved by Commissioner Cyr, seconded by Vice-Chair Nash, to authorize staff to allocate 775 square feet of vacant space on the second floor of the Central Services Building to the Public Defender and move forward with necessary alterations to accommodate the Public Defender's space needs with costs to be paid by the MIDC grant.

Roll Call:

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

No: None **Motion Carried**

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

2021-27 **APPOINT JACKIE ENGEL TO THE MUSEUM BOARD (TERM THROUGH 12/31/2023)**

Chairman Scolnik recommends, moved by Commissioner Hughes, seconded by Vice-Chair Nash, to appoint Jackie Engel to the Museum Board (term through 12/31/2023).

Roll Call:

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

No: Malinda Pego **Motion Carried**

2021-28 **APPOINT I. JOHN SNIDER TO THE HEALTHWEST BOARD (TERM THROUGH 12/31/2024)**

Chairman Scolnik recommends, moved by Commissioner Hughes, seconded by Vice-Chair Nash, to appoint I. John Snider to the HealthWest Board (term through 12/31/2024).

Roll Call:

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

No: Malinda Pego **Motion Carried**

2021-29 **APPROVE THE ATTACHED 2021-2022 COMMISSIONER LIAISON APPOINTMENTS**

Chairman Scolnik recommends, moved by Commissioner Hughes, seconded by Vice-Chair Nash, to approve the attached 2021-2022 Commissioner Liaison Appointments.

Roll Call:

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

No: Malinda Pego **Motion Carried**

2021-30 **SUPPORT THE RESOLUTION CONDEMNING STORMING OF U.S. CAPITOL BUILDING ON JANUARY 6, 2021**

Moved by Chairman Scolnik, seconded by Commissioner Hughes, to support the Resolution Condemning Storming of U.S. Capitol Building on January 6, 2021 (see attached).

Discussion ensued.

Commissioner Lahring indicated that the Board has already heard from Corporate Counsel regarding this Resolution. There is no state of emergency or crisis that exists in Muskegon County that is requiring this to be moved to the Board for a decision.

Chairman Scolnik indicated that there was provision in the Board Rules to vote on this with 2/3 majority which was received.

Vice-Chair Nash indicated that as County Board Commissioners, they took an oath to uphold the constitution of the U.S. and Michigan. If it were a peaceful protest, we would not be discussing it. It was an attempt to overthrow the will of the people of the United States. This goes against our oath and we as Commissioners have to send strong message that we are here to support the Constitution and people in our community. We need to come together as Americans and make it a better place in our community.

Commissioner Cyr indicated that as Commissioners they are supposed to support the U.S. and Michigan Constitutions, but both Constitutions were violated according to election rules and instructions and that is why the people are somewhat irritated. Commissioner Cyr indicated he had an issue with the words used in the Resolution, but does agree with condemning violence.

Commissioner Brown thanked Commissioner Cyr for his comments and agreed that they all condemn violence.

There was no roll call vote due to the motion to table Agenda Item 11C.

2021-31 **MOTION TO TABLE THE RESOLUTION CONDEMNING STORMING OF  
U.S. CAPITOL BUILDING ON JANUARY 6, 2021**

Moved by Commissioner Brown, seconded by Commissioner Pego to table the Resolution Condemning Storming of U.S. Capitol Building on January 6, 2021.

Discussion ensued.

Commissioner Hovey-Wright addressed Commissioner Lahring's comment that the Resolution does not say anything about Muskegon County, but pointed out that on his website it indicates stay the course and toe the line. One could assume that is referring to things that are threatened at the Lansing Capitol. We need to discourage violence at our own capitol.

Commissioner Pego indicated that Commissioners Lahring, Cyr, and Brown have expressed the same concern as she, that they deeply mourn what happened at the capitol, and we need to focus on unity and peace by exerting ourselves 100% to the issues the people of Muskegon County elected us for.

Commissioner Lahring addressed the Board that a 2/3 vote is actually 6, but this passed by 5 which defies their own Board rules. Commissioner Lahring recommends tabling this issue.

Chairman Scolnik asked for a ruling from Corporate Counsel.

Mr. Homier indicated that the Rules contemplate the Board addressing resolutions that are of a non-substantive matter. The ruling on whether they are substantive or not is the Chair's ruling, subject to appeal under the Board rules. Section 1 of Rule 6 talks about emergency matters and requires a vote of 2/3 of the board, which excludes resolutions under Section 2. Mr. Homier's opinion is that Resolution this has no legal import, it is a public proclamation saying that this is condemning the violence that happened at the capitol.

Chairman Scolnik ruled that this is not a substantive matter.

Roll Call on tabling Resolution:

Yes: Doug Brown, Kim Cyr, Zach Lahring, Malinda Pego, Rillastine R. Wilkins

No: Marcia Hovey-Wright, Susie Hughes, Charles Nash, Robert Scolnik

**Motion to Table Resolution Carried**

## **ADMINISTRATOR'S REPORT**

Administrator Eisenbarth reported to the Board that the Board was sent the Muskegon County Airport's annual goals and annual measures in last week's packet.

### 2021-32 **ACCEPT F3 MANAGEMENT CONTRACT PROPOSAL**

Commissioner Lahring moved, seconded by Commissioner Pego, to accept the F3 Management Contract proposal.

Discussion ensued.

Vice-Chair Nash informed the Board that the budget for the airport already includes operations manager, so it is not an additional cost. The airport has ability to hire a manager and with the dedication of the employees they are cutting them short of opportunity with right person to make a difference with the airport and have hands-on control. Every time the County goes with a firm, we lose money.

Commissioner Cyr is concerned because the airport has been operating under a manager and so far there has been no progress. Commissioner Cyr is concerned that if they hire another manager that down the road we find out he's not making it and we are still losing money.

Commissioner Hovey-Wright addressed the Board that her experience with privatization has not been positive.

Commissioner Lahring indicated that there has been decades of loss at airport, it is time to try something new.

Roll call:

Yes: Doug Brown, Kim Cyr, Susie Hughes, Zach Lahring, Malinda Pego, Robert Scolnik

No: Marcia Hovey-Wright, Charles Nash, Rillastine R. Wilkins **Motion Carried**

Commissioner Wilkins indicated that the last three managers seemed to have too much freedom and they were not any good.



2021-33 **ACCEPT AND CONSENT TO ALLOWING FOSTER SWIFT COLLINS & SMITH PC, THE COUNTY'S CORPORATE COUNSEL AND SEPARATELY, THE MUSKEGON COUNTY AIRPORT'S FIXED BASE OPERATOR'S COUNSEL, TO REPRESENT BOTH EXECUTIVE AIR/FLYBYAIR AND THE COUNTY OF MUSKEGON TO RESOLVE LEASE AND RELATED ISSUES**

Administrator Eisenbarth recommends, moved by Commissioner Hughes, seconded by Commissioner Hovey-Wright, to accept and consent to allowing Foster Swift Collins & Smith PC, the county's corporate counsel and separately, the Muskegon County Airport's fixed base operator's counsel, to represent both Executive Air/FlyByAir and the County of Muskegon to resolve lease and related issues.

Discussion ensued:

Vice-Chair Nash inquired of Corporate Counsel if he believes this can be accomplished.

Mr. Homier indicated that he hoped it could be accomplished, but if not, under rules of professional conduct, he would have to withdraw as attorney for either the County or FlyByAir. If they cannot come to an agreement that satisfies everybody, then they cannot represent anybody.

Commissioner Pego inquired if we have to seek other counsel, we would incur more spending. Mr. Homier replied yes.

Chairman Scolnik confirmed that this is not an adversarial relationship.

Commissioner Lahring inquired when did Corporate Counsel's firm have the contract with Executive Air with Foster Swift.

Mr. Homier indicated that he has not done any work for this client, they are long-term clients of another attorney in the firm, Jim Doezema. Mr. Doezema will not be working on this issue, real estate counsel will be working on it.

Commissioner Hughes indicated she was disappointed that it was not brought to Board that there was a problem for months and months. They should have informed the Board before it goes to court.

Roll Call:

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

No: Zach Lahring

**Motion Carried**

Administrator Eisenbarth invited Sandra VanderHyde, Circuit Court Administrator, to speak to Item 12C, the Extension of Emergency Declaration.

Ms. VanderHyde informed the Board that the Courts do not fall under MDHHS or the State, they fall under the State Court Administrator's Office's (SCAO) plan which is a 4-Phase approach. Phase 1 has the most limitations, Phase 4 is when the United States declares that the pandemic is over. Last year the Courts were in Phase 2 in June, Phase 3 from July until October, and then went backwards to Phase 1 in November where the Courts remain. The criteria to move forward is the same: the State and local Stay Home Stay Safe Orders have been rescinded; there have been no COVID-19 cases within the Court facility, or that appropriate responses has been taken to any; there is a downward trajectory of positive cases over a 14-day period, and that the regional healthcare facilities have the capacity for the crisis in the area. A group meets every Monday with Court personnel to analyze data. Because they were down to 9.6 positivity rate, now up to 10.9, the Court is not close to a downward trajectory and cannot go into Phase 2. SCAO just updated Phase 3 and added that there must be a 5% positivity rate. In Phases 1 and 2, the Hall of Justice is closed to public except by appointments. The Courts are still operating, either working remotely or in the office. They cannot perform jury trials and those will not happen until they are closer to Phase 3.

2021-34      **SUPPORT THE ATTACHED RESOLUTION TO CONSENT TO EXTEND LOCAL STATE OF EMERGENCY**

Moved by Commissioner Hughes, seconded by Vice-Chair Nash, to support the attached Resolution to Consent to Extend Local State of Emergency.

Commissioner Lahring stated that he has an issue with this Resolution. The extension has been going on since March. The Emergency Management Team has not done anything since the first month or two and there is no need for Administration to have extra powers. We need to start demobilizing this so that we can move into full business within the County. The Public Health Director has indicated that the numbers have dropped significantly, we have passed the curve. There has not been an emergency since summer.

Roll call:

Yes:            Marcia Hovey-Wright, Susie Hughes, Charles Nash, Rillastine R. Wilkins, Robert Scolnik

No:             Doug Brown, Kim Cyr, Zach Lahring, Malinda Pego                      **Motion Carried**

Corporate Counsel asked Chairman Scolnik to go back to the Chairman's report and the appointments to receive Board approval.

## **UNFINISHED BUSINESS**

Commissioner Lahring indicated he turned in paperwork to County Clerk Waters to request a federal forensic audit and inquired if Clerk Waters has applied for it and if not, why. Clerk Waters responded that Commissioner Lahring turned in that request in his position of Chair of the Muskegon County Republican Party and is now addressing it during a Board of Commissioner's meeting and she did not wish to address the election issue in the County Commissioner meeting. Chairman Scolnik ruled that this inquiry is not appropriate now.

## **NEW BUSINESS**

None.

## **PUBLIC COMMENT**

Kathy P. Mahoney, City Clerk for City of Montague, addressed the Board regarding the recent election that took place. Mrs. Mahoney heard comments by Commissioner Cyr that there were irregularities; however, in her role as a sworn officer, there were no irregularities nor anything untoward, they were the most secure elections in history. The County Board of Commissioners voted unanimously on a Resolution on November 19, 2020, on behalf of all election workers in the Court. Her election workers and colleagues were impeccable and they did a wonderful job in the election.

Ryan Bennett, 1538 White Pine Court, on behalf of Lakeshore Community Labor Council AFL-CIO, addressed the Board regarding the airport privatization. Mr. Bennett asked to keep the workers in mind, treat them fairly and give them a seat at the table when it comes to making decisions about our airport.

James Kelly, MSU Extension Assistant Director, indicated he sent an email to Administrator Eisenbarth with final quarterly report and asked him to pass it along to the Board. Mr. Kelly also asked the Board to pass the report along to constituents. Mr. Kelly commended the new Commissioners for participating in the New Commissioner School that MSU Extension hosted.

Kip Smith addressed the Board in response to Mrs. Mahoney's comments. Mr. Smith indicated that beliefs are okay, but they are not fact and the Board should not put into discussion as fact regarding corruption in elections.

Michael Del Percio addressed the Board regarding the resolution that has been tabled. He finds it unacceptable to single out the incident at the capitol. If the Board is going to do that, they should go back and include all of the divisiveness encountered during summer of 2020. Regarding extending the emergency, our neighboring states have successfully opened up their economies and they are not finding a lot of people all of a sudden with the virus. Regarding the elections, there were a lot of rules abrogated by the Michigan State leadership that were illegal since they were not adopted by the legislator.

For security reasons, not allowing people's hands raised with no names.

Malinda Pego addressed the Board as Muskegon County Republican Party Vice-Chair, and read the letter that was given to Clerk Waters asking for federal audit of election machines and software, including cyber forensic.

### **FINAL BOARD COMMENTS**

Commissioner Lahring indicated he is getting a lot of calls from the press regarding the forensic audit and whether it has been filed with the federal government. Commissioner Lahring talked with the originator and they can have a team here within 24 hours to do the audit, at no cost to the county, and put the election to rest.

County Clerk Waters responded and said that the city and township clerks have their equipment and ballots. They did an excellent job in conducting the elections. The Board of Canvassers has a Democrat and Republican member that canvassed and certified the accuracy of the election. It was noted by Clerk Waters that Pat Camp is the Chair of the Board of Canvassers and is a Republican member. The Dominion equipment is where the problems have been with and is not used in Muskegon County, we use Hart equipment. Clerk Waters has confidence in the work that was done in November and does not plan to ask for a federal forensic audit.

Vice-Chair Nash addressed the Board that there was an audit done of hand-ballots and it was determined that there were no errors and no conspiracy.

Chairman Scolnik shared his disappointment about tabling the resolution regarding storming U.S. Capitol. Chairman Scolnik indicated he has had 100s of people contact him asking why hasn't the Board said anything about this. He promised them, foolishly, it that it would be forthcoming. The Resolution doesn't blame anyone, it just expresses our outrage regarding the violence at the U.S. Capitol.

Commissioner Hovey-Wright encouraged her fellow Commissioners to sign up for a webinar tomorrow, January 13, 2020, regarding evictions.

**CLOSED SESSION**

Administrator Eisenbarth indicated that one of the attorneys had to leave and asked if Closed Session A on the agenda could be postponed. Vice-Chair Nash accepted that amendment, seconded by Commissioner Pego.

2021-35 **GO INTO CLOSED SESSION PURSUANT TO MCL 15.268(E): TO CONSULT WITH THE COUNTY'S ATTORNEY REGARDING TRIAL OR SETTLEMENT STRATEGY IN CONNECTION WITH THE STATE OF MICHIGAN COURT OF CLAIMS CASE NO. 20-0000420-MB, MUSKEGON COUNTY AND HEALTHWEST, AN AGENCY OF MUSKEGON COUNTY V. STATE OF MICHIGAN, ET. AL.**

Moved by Commissioner Nash, seconded by Commissioner Hughes, to go into Closed Session Pursuant to MCL 15.268(e): To consult with the County's attorney regarding trial or settlement strategy in connection with the State of Michigan Court of Claims Case No. 20-0000420-MB, Muskegon County and HealthWest, an agency of Muskegon County v. State of Michigan, et. al.

Roll call:

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

No: None **Motion Carried**

Went into closed session at 6:10 p.m.

Returned to open session at 6:36 p.m.

2020-36 **RETURN TO OPEN SESSION**

Moved by Vice-Chair Nash, seconded by Commissioner Brown, to return to open session.

Roll call:

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

No: None **Motion Carried**

2021-37      **MOTION TO ADJOURN**

Moved by Vice-Chair Nash, seconded by Commissioner Pego, to adjourn.

Voice Vote

**Motion Carried**

Meeting adjourned at 6:38. p.m.

---

Nancy A. Waters, County Clerk

NAW/lss

To be approved at the next Full Board meeting.