

**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 <https://www.co.muskegon.mi.us/AgendaCenter/Board-of-Commissioners-2>  
**Electronic/Zoom Special Full Board Meeting** Thursday, May 28, 2020  
3:30 p.m.

Chairman Susie Hughes, Presiding

The Electronic/Zoom Special Full Board Meeting of the Board of Commissioners was called to order by Chairman Susie Hughes via Zoom.

**Roll Call**

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

Absent: None

Also present: Mark Eisenbarth, County Administrator  
Beth Dick, Finance Director/Assistant County Administrator  
Nancy A. Waters, County Clerk  
Linda Sue Schutter, Deputy Clerk  
Michael D. Homier, Corporate Counsel

2020-228 **APPROVE THE FULL BOARD REGULAR AND CLOSED SESSION  
MINUTES OF MAY 21, 2020**

Moved by Vice-Chair Foster, seconded by Commissioner Snider, to approve the regular and closed session minutes of May 21, 2020.

Roll call:

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

No: None

**Motion Carried**

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

None

**INFORMATIONAL ITEMS**

- A) Declaration of Local "State of Emergency" by Muskegon County Emergency Manager Richard Warner
- B) May 26<sup>th</sup> Memo to Staff Extending Declaration of Local "State of Emergency" with respect to Governor Whitmer's Executive Order 2020-100.

2020-229 **AGREE TO EXTEND THE ATTACHED LOCAL "STATE OF EMERGENCY" BY MUSKEGON COUNTY EMERGENCY MANAGER RICHARD WARNER**

Administrator Eisenbarth recommends, moved by Commissioner Hovey-Wright, seconded by Commissioner Snider, to agree to extend the attached local "State of Emergency" by Muskegon County Emergency Manager Richard Warner.

Roll call:

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

No: None

**Motion Carried**

Administrator Eisenbarth reported that after speaking with Public Health Director Kathy Moore and Emergency Manager Richard Warner, they agreed that long term/seasonal camping only will now be permitted at Pioneer and Meinert Parks.

**CLOSED SESSION**

2020-230 **GO INTO CLOSED SESSION 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 Snider, seconded by Commissioner Nash, to go into Closed Session 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, Robert Scolnik, I. John Snider, Rillastine R. Wilkins, Susie Hughes

No: None **Motion Carried**

Went into closed session at 3:38 p.m.

Returned to open session at 3:46 p.m.

2020-231 **MOVED BY COMMISSIONER NASH SECONDED BY COMMISSIONER FOSTER TO RETURN TO OPEN SESSION**

Moved by Commissioner Nash, seconded by Commissioner Foster, to return to open session.

Roll call:

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

No: None **Motion Carried**

2020-232 **APPROVE AND FOLLOW THE RECOMMENDATION OF CORPORATE COUNSEL REGARDING SETTLEMENT 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), AND AUTHORIZE THE BOARD CHAIR TO SIGN BOTH THE JUDGMENT AND APPROVE THE MANNER BY WHICH IT IS GOING TO BE PAID**

Recommended by Chairman Hughes, moved by Commissioner Snider, seconded by Commissioner Nash, to approve and follow the recommendation of Corporate Counsel regarding settlement 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), and authorize the Board Chair to sign both the judgment and approve the manner by which it is going to be paid.

Roll call:

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

No: None

**Motion Carried**

**NEW BUSINESS**

Administrator Mark Eisenbarth indicated that the Declaration of Local "State of Emergency" by Muskegon County Emergency Manager Richard Warner should be dated May 25, 2020.

2020-233 **GRANT PERMISSION FOR EMERGENCY MANAGER RICHARD WARNER TO PETITION GOVERNOR WHITMER FOR AN EMERGENCY DECLARATION COVERING MUSKEGON COUNTY SHOULD THE RECORDS OBTAINED THROUGH PROPERTY INSPECTION MEET CRITERIA**

Moved by Commissioner Hovey-Wright, seconded by Commissioner Nash, to grant permission for Emergency Manager Richard Warner to petition Governor Whitmer for an emergency declaration covering Muskegon County should the records obtained through property inspection meet criteria.

Roll call:

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

No: None

**Motion Carried**

Mr. Warner indicated that there were 1087 flooding reports submitted on the new link. In the last two days, they made 93 site visits to confirm information and are waiting on more information from the State to move forward.

Chairman Hughes thanked Kristin Barnhill for helping with Mr. Warner's efforts.

**PUBLIC COMMENT**

Commissioner Scolnik asked Mr. Warner regarding the severity of flood damage. Mr. Warner indicated that some places had up to 57 inches of water in basements. The State required 18 inches or more of water to meet criteria.

Commissioner Hovey-Wright indicated the flooding situation was pretty serious. One road is under water almost 18 inches and none of the garbage trucks can get in. Residents are being asked to haul their own garbage pail through the water to a dumpster.

2020-234 **MOVED BY COMMISSIONER NASH, SECONDED BY COMMISSIONER WILKINS TO ADJOURN**

Roll call:

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

No: None

**Motion Carried**

Meeting adjourned at 3:56 p.m.

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Nancy A. Waters, County Clerk

NAW/lss

To be approved at the next Full Board meeting.