

BERRIEN COUNTY BOARD OF COMMISSIONERS
Regular Board Meeting Minutes
September 16, 2021

CHAIRMAN TO CALL THE MEETING TO ORDER:

Chairperson R. McKinley Elliott called the Board of Commissioners' (BOC) regular meeting to order at 10:37 A.M. in the BOC room at the Berrien County Administration Center, 701 Main Street, St. Joseph, Michigan.

INVOCATION:

Rev. James Child, Progressive Missionary Baptist Church, Benton Harbor gave the invocation.

PLEDGE OF ALLEGIANCE TO THE UNITED STATES OF AMERICA:

Sheriff L. Paul Bailey 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: Rayonte Bell, Jim Curran, Teri Sue Freehling, Robert Harrison, Jon Hinkelman, Michael Majerek, Don Meeks, Ezra Scott, David Vollrath, Julie Wuerfel, Mamie Yarbrough and R. McKinley Elliott.

0 ABSENT.

**APPROVE MINUTES OF THE SEPTEMBER 9, 2021 MEETING,
APPROVE MINUTES OF THE SEPTEMBER 13, 2021 BUDGET HEARINGS AND
APPROVE MINUTES OF THE SEPTEMBER 14, 2021 BUDGET HEARINGS:**

Commissioner Freehling moved and supported by Commissioner Vollrath, to approve the following meeting minutes:

- Approve minutes of the September 9, 2021 meeting.
- Approve minutes of the September 13, 2021 budget hearings.
- Approve minutes of the September 14, 2021 budget hearings.

Motion carried and no nays.

COMMUNICATION(S):

County Clerk Sharon Tyler received and distributed to the Board of Commissioners (BOC) the following communication(s):

Packet #1

Email received from Paul Schebel, St. Joseph, MI, supports the BOC to reverse the BCHD's mask order, received on September 4, 2021.

Emails received on September 8, 2021:

- Analyse Martin, Royalton Township, supports the mask mandate.
- Laura Goos, St. Joseph City, supports the BCHD's order.
- Shana Kirby, New Buffalo, supports the BCHD's order.
- Rex Cabaltica, BCHD Medical Director, response to Patricia Ruhl's email on masks from September 3, 2021.
- Rex Cabaltica, BCHD Medical Director, response to Patricia Ruhl's email on "Dr. Christina Parks testimony for Michigan HB 4471 on 8/19/21" from September 3, 2021.
- Leigh Schoettinger, St. Joseph, commented the BCHD's order.
- Jamie Birris, St. Joseph Charter Township, supports the BCHD's order.

Emails received on September 9, 2021:

- Trisha Kovac, St. Joseph City, commented about the BOC meeting on September 9, 2021.
- Lisa Craig, Eau Claire, commented about the BOC meeting on September 9, 2021.
- Sarah Strait, St. Joseph, commented about the BOC meeting on September 9, 2021.

- Roscommon County Board of Commissioners, a resolution opposing proposed legislative changes to current mental health systems.
- Stephanie Carrier, Lincoln Charter Township, commented about the BOC meeting on September 9, 2021.
- Christy Johnson, St. Joseph, supports BCHD's order and spoke about the BOC meeting on September 9, 2021.
- TJ and Emily Robertson, St. Joseph, supports the mask mandate.
- Shana Kirby, New Buffalo, commented about the BOC meeting on September 9, 2021.
- Tracy Chandler, St. Joseph Charter Township, supports the mask mandate.
- Anthony Ventimiglia, Benton Charter Township, supports the BCHD's decision.
- Diana Arzola, Lincoln Charter Township, supports the mask mandate.
- Kristen Robinson, St. Joseph Charter Township, supports the BCHD's decision.
- Sarah Helms, Bridgman City, commented about the BOC meeting on September 9, 2021.
- Heather Schoonveld, St. Joseph, commented about the BOC meeting on September 9, 2021.
- Alison Rineer, St. Joseph Charter Township, supports mask mandates in the school.
- Marvin Pschigoda, St. Joseph, supports the BCHD's decision.
- Nicki Gauthier, St. Joseph, supports the BCHD's decision.

Packet #2

Emails received on September 9, 2021:

- Alyssa Rawls, St. Joseph Charter Township, commented about the BOC meeting on September 9, 2021.
- Brenda Bird, Lincoln Charter Township, commented about rescinding the resolution supporting the BCHD.
- Lisa Fuller, Benton Harbor, commented about rescinding the resolution supporting the BCHD.
- Shelley Parks, Lincoln Charter Township, commented about the BOC meeting on September 9, 2021.
- Kelly Houseal, St. Joseph, commented about the BOC meeting on September 9, 2021.
- Amanda Cogland, St. Joseph, commented about the BOC meeting on September 9, 2021.
- Nikki Gauthier, St. Joseph, commented about the BOC meeting on September 9, 2021.
- Melanie Conley, St. Joseph City, supports universal masking.
- Fallon Nyce, Stevensville, commented about the BOC meeting on September 9, 2021 and rescinding the resolution supporting the BCHD.
- Christopher Conley, St. Joseph, commented about the BOC meeting on September 9, 2021.
- Becky Leeger, St. Joseph Charter Township, supports the mask mandate in schools.
- Stephanie Deegan, St. Joseph, supports the mask mandate.
- Jessica Reeves, St. Joseph, commented about the BOC meeting on September 9, 2021.
- Ashley Ahlawat, Stevensville, supports the mask mandate.
- Bridget Lorenz, St. Joseph, supports the mask requirement.
- Judy Gadiel, New Buffalo, supports the mask mandate in schools.
- Leigh Schoettinger, St. Joseph, supports the BCHD's mask mandate in schools.

Emails received on September 10, 2021:

- Trisha Kovac, St. Joseph City, supports BCHD's mask mandate in schools.
- Jamie Hall, Royalton Township, thanks the BOC for yesterday's meeting and has two questions for the BOC. The communication talks about the BCHD.
- Luke Whitman, Lake Charter Township, sent a screenshot of a child.
- Alex and Beth Svetlev, Royalton Township, supports the masks in schools.
- Linda Mura, Sawyer, wants the BOC to maintain the mask mandate.
- Matthew Kovac, St. Joseph, supports the BCHD's mask mandate in schools.
- Rachel Agens, Benton Harbor, supports the mask mandate in schools.
- Patricia Ruhl, Berrien Springs, sent a link to "Become a Constitutional County."
- Mary Jean Simons, St. Joseph Charter Township, supports the BCHD's recommendation to mask up.
- Vicki Schroeder, Benton Harbor, supports the BCHD's mask mandate in schools.
- Sharon Crotser-Toy, Watervliet District Library, supports the BCHD's decision.
- Sarah Helm, Bridgman City, supports the mask mandate.
- Beth Houseal, Watervliet, commented about rescinding the resolution supporting the BCHD.
- Karin Valenti, Hagar Township, writing in support of Commissioner Scott and Commissioner Wuerfel rescinding or making a resolution. Also, an email supporting Commissioners: Scott, Elliott, Wuerfel, Freehling and Curran.

- Michelle Gallert, Stevensville, wants the BOC to uphold the BCHD mask mandate.
- Sara Davis, New Buffalo, commented about rescinding the resolution supporting the BCHD.
- Beverly Kohn, Three Oaks, commented about rescinding the resolution supporting the BCHD.
- Alan Solomon, St. Joseph Charter Township, sent the BOC of Kent County's Statement on Pre-K-6 School Mask Public Health Order.
- Laru Chapman, Harbert, supports the mask mandate.

Comment & Suggestion Forms received on September 10, 2021:

- Linda Mura, Sawyer, supports mask mandate in schools.
- Janet Puzycki, Stevensville, supports the BCHD on the mask mandate in schools.
- Robert Donarski, St. Joseph, opposes the requirement of children to wear masks in schools.

Packet #3

Email dated September 4, 2021 from Paul Schebel, St. Joseph, supports the BOC to reverse the mask mandate by the BCHD. He supports parental rights and choice for each child.

Letter dated September 10, 2021 from Robert Burgess, St. Joseph, supports the BCHD's mask mandate in schools.

Emails received on September 10, 2021:

- Nicolas Rojas, Bridgman, supports the BCHD's mask mandate in schools.
- Jacki Lin, Lincoln Charter Township, supports the BCHD's mask mandate in schools.
- Rick Smith, Bridgman, supports the BCHD's mask mandate in schools.
- Vicki Cook, Watervliet, supports the BCHD's mask mandate in schools.
- Sarah Rodriguez, Benton Harbor, supports the BCHD's mask mandate in schools.
- Chris Lee, Buchanan, supports the BCHD's mask mandate in schools.
- Aime Foster, Lincoln Charter Township, comments on removing the Health Director.
- Sara and Alex VanderVeen, St. Joseph Charter Township, supports the BCHD's mask mandate in schools.
- Patricia Ruhl, Berrien Springs, link on the "England Report."
- Patricia Ruhl, Berrien Springs, link on "Who's Really Being Hospitalized?"
- Patricia Ruhl, Berrien Springs, jpg on the "A visual of Israel's Confirmed Cases as of July 4 to July 31 and Why it's Important."

Emails received on September 11, 2021:

- Sue Balmes, Coloma, supports the BCHD's mask mandate in schools.
- Ryan and Jayme Bendoski, Stevensville, supports the BCHD's mask mandate in schools.
- Denise Smith, Bridgman, supports the BCHD's mask mandate in schools.
- Melissa Clapper, Benton Harbor, supports the BCHD's mask mandate in schools and to vote no on the resolution to rescind the support for the BCHD.
- Patricia Ruhl, Berrien Springs, link on the "CDC Study."
- Jim Fuller, St. Joseph Charter Township, supports the BCHD's mask mandate in schools.

Emails received on September 12, 2021:

- Laura Goos, St. Joseph City, supports the BCHD's mask mandate in schools.
- Bette Mallen, Stevensville, supports the BCHD's mask mandate in schools.
- Julie and Kerry Petertil, Sawyer, supports the BCHD's mask mandate in schools.
- Kathie Adams, Royalton Township, supports the BCHD's mask mandate in schools.
- Barb Ramsey-Smith, Coloma, supports the BCHD's mask mandate in schools.
- Angela Thompson, St. Joseph Charter Township, supports the BCHD's mask mandate in schools and to vote no on the resolution to rescind the support for the BCHD.

Comment & Suggestion Forms received on September 12, 2021:

- Larry Feldman, Lakeside, supports the BCHD on the mask mandate in schools.

Emails received on September 13, 2021:

- Carl Sartwell, St. Joseph, supports the BCHD's mask mandate in schools and to vote no on the resolution to rescind the support for the BCHD.
- Paula Bartholome, New Buffalo, supports the BCHD on the mask mandate in schools.
- Melissa Stephens, Berrien Springs, supports the BCHD on the mask mandate in schools.
- Kim Fenech, Buchanan Township, supports rescinding the BOC resolution in support of the BCHD.
- Katrina Button-Simons, Lincoln Charter Township, supports the BCHD on the mask mandate in schools.
- Sarah Helms, Bridgman, supports Courtney Davis and BCHD on the mask mandate in schools.
- Linda Helms, Bridgman City, supports the BCHD on the mask mandate in schools.

Emails received on September 14, 2021:

- Sarah Strait, St. Joseph, supports the BCHD on the mask mandate in schools.
- Kevin Bird, Lincoln Charter Township, supports the BCHD's mask mandate in schools and to vote no on the resolution to rescind the support for the BCHD.
- Melissa Ponce-Rodas, Niles, supports the BCHD on the mask mandate in schools.
- Patricia Ruhl, Berrien Springs, link on "Katherine's Evaluation of the Unlock 2 Petition" on YouTube.
- Patricia Ruhl, Berrien Springs, link on "Dr. Christina Parks."
- Duane McBride, Oronoko Township, supports the BCHD on the mask mandate in schools.
- David Schell, Benton Harbor, supports the BCHD on the mask mandate in schools.

Phone messages received on September 14, 2021:

- John Vonderhaar, Lincoln Township, supports the BCHD.
- Hannah Locklear, Oronoko Township, opposed to defunding the BCHD and BOC's meeting schedule.

Packet #4

Emails received on September 14, 2021:

- Victory Woodall, Covert Township, Van Buren County, an attached resolution adopted by the County of Muskegon to promote general welfare.
- Karl Bailey, Berrien Springs, supports the BCHD on the mask mandate in schools.

Emails received on September 15, 2021:

- Karin Valenti, Hagar Township, supports no vaccine mandates or testing for Berrien County employees or other businesses.
- Amanda Cogland, St. Joseph, supports rescinding the BOC resolution in support of the BCHD and no confidence in Courtney Davis.
- Kevin Bird, Lincoln Charter Township, supports the BCHD's mask mandate in schools and to vote no on the resolution to rescind the support for the BCHD.

A communication was handed to Chairperson Elliott prior to the BOC meeting today from Nancy Braun, Coloma, to not rescind the prior adoption of the BCHD's order.

The communications were made available for the Public to view.

REQUISITION REVIEW:

Executive Administrative Assistant Annette Christie presented the requisitions to the Board for their review.

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 during public comments may do so no longer than two minutes and shall identify themselves by name and city, township, or village. (Article III, 3.9B-C): None.

CONSENT CALENDAR:

Motion

Commissioner Curran moved and supported by Commissioner Scott, to table the following resolutions:

<u>Resolutions #</u>	<u>Description</u>
P2109312	Comprehensive Agreement Amendment for Health Department
A2109318	Approve Memo of Understanding with Cass County

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

Motion carried, no nays.

Motion

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

<u>Resolutions #</u>	<u>Description</u>
P2109009	Monthly Per Diems
F2109047	Weekly Bills
F2109126	Road Payables
P2109299	Sickle Cell Agreement
P2109308	Health Department Application for United Way Grant
P2109309	Fair Food Network – Double Up Bucks Amendment
A2109310	EMPG Work Agreement Emergency Management
A2109213	Accept the Raise the Age Grant Funds
A2109317	Approve State Trunkline Maintenance Contract

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

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

Motion carried, no nays.

ADDED RESOLUTION(S): None.

COMMITTEE REPORT(S) – Finance, Personnel & Human Services, and Administration Committees:

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

COMMISSIONER REPORT(S):

The Commissioners presented their outside Commissioners' Reports.

GENERAL PUBLIC COMMENTS - Those speaking during public comments may do so no longer than two minutes and shall identify themselves by name and city, township, or village. (Article III, 3.9B-C):

Dayrl Jackson, Benton Harbor, stated he hosted several track meets and the Benton Harbor Olympic games. He is hoping to have Berrien County Olympic games and needs help from Berrien County.

Robyn Graffenius, Lincoln Charter Township, spoke about replacing the Berrien County Health Department (BCHD) director and posting employment for a new director.

Amie Foster, Lincoln Charter Township, spoke about firing BCHD director and the BOC needs to solve the problem of firing Courtney Davis. She commented about Spectrum Health's COVID-19 numbers and bullying their employees.

Robert Donarski, Lincoln Charter Township, spoke about the negative impact on wearing a face mask in class. He discussed MCL School Code.

Luke Andresen, St. Joseph Charter Township, spoke about the BOC not living under the rule of law. He spoke about attending the Lakeshore Public School and Benton Harbor Public School Board meetings.

Kristina Dalhquist, Coloma, opposed to mask wearing.

Matt Kirkus, New Buffalo, commented to the general public that there are other issues they need to be concerned about too.

Claudette Cordes, St. Joseph, spoke about face masks in schools and finding a compromise.

Tony Anderson, St. Joseph Charter Township, spoke about the lawsuit and firing Courtney Davis.

Nicole Railsback, Bridgman, opposed to the mask mandate in schools.

Lindsey Kennedy, New Buffalo, opposed to the mask mandate and asked the BOC to help them.

Rose Strother, New Buffalo, requested the BOC to use their powers to fight for them.

Jaime Hall, St. Joseph, opposed to the BCHD's mask mandate order in schools. Spoke about choice in schools.

Elaine Fowler, St. Joseph, opposed to the BCHD's mask mandate order in schools and wants to visit her family in the hospital.

Victory Woodall, Covert Township, opposed to Courtney Davis and the BCHD's mask mandate order in schools.

Angela Bell, Eau Claire, opposed to the BCHD's mask mandate order in schools and demands the BOC to do something about this issue.

Cody Railsback, Bridgman, wants the BOC to give them their right to parent their children and is opposed to the BCHD's mask mandate order.

Janet Blazen, St. Joseph Charter Township, compared the George Floyd situation to the BCHD's mask mandate in schools.

Chairperson Elliot stopped the Public Comments to deal with some Unfinished Business and will resume back to Public Comments.

UNFINISHED BUSINESS:

Motion

Commissioner Curran moved and supported by Commissioner Meeks, to amend the Agenda to bring back to the table the following resolution:

<u>Resolutions #</u>	<u>Description</u>
A2109318	Approve Memo of Understanding with Cass County

Discussion was held.

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

Motion carried, no nays.

Motion

Commissioner Curran moved and supported by Commissioner Scott, to approve the following resolution:

<u>Resolutions #</u>	<u>Description</u>
A2109318	Approve Memo of Understanding with Cass County

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

Motion carried, no nays.

PUBLIC COMMENTS CONTINUE:

Zac Leshner, Village of Stevensville, spoke about constitutional liberties and to make everyone accountable.

Pam Hoover, Stevensville, opposed to the BCHD's mask mandate order in schools and wants the BOC to stand up for them.

OTHER BUSINESS:

Chairperson Elliott responded to some of the concerns raised in Public Comments as to why the BOC will not be voting to rescind the resolution supporting the BCHD and a vote of no confidence due to a lawsuit filed. He stated the attorney told the BOC, we can't talk about this matter.

Commissioner Scott announced to the public to watch Senate Bills 600-603 in the Senate.

ANNOUNCEMENTS/REMINDERS: None.

ADJOURNMENT:

The meeting was adjourned at 11:56 A.M.

R. McKinley Elliott, Chairperson

Sharon J. Tyler, County Clerk

Minutes are to be approved at the next BOC meeting.