

BERRIEN COUNTY BOARD OF COMMISSIONERS
Virtual Board Meeting Minutes
April 23, 2020

Staff Present: County Clerk Sharon Tyler
Annette Christie, Executive Assistant to the Administrator
William Wolf, County Administrator
Nicki Britten, Health Officer (via Zoom)
Shelley Jasper, Human Resources Director (Arrived at 12:17 P.M.)

BOC Present: Chairman R. McKinley Elliott

CHAIRMAN TO CALL THE MEETING TO ORDER:

Chairperson R. McKinley Elliott called the regular meeting to order at 11:28 A.M. in the Board of Commissioners' (BOC) room at the Berrien County Administration Center, 701 Main Street, St. Joseph, Michigan.

ROLL CALL:

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

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

1 ABSENT: Jon Hinkelman.

INVOCATION:

Commissioner Christopher Heugel gave the invocation.

PLEDGE OF ALLEGIANCE TO THE UNITED STATES OF AMERICA:

County Clerk Sharon Tyler led us in the Pledge of Allegiance to the United States of America.

APPROVE MINUTES OF THE APRIL 16, 2020 MEETING:

Commissioner Freehling moved, seconded by Commissioner Meeks, to approve the BOC virtual meeting minutes of April 16, 2020.

The Chair instructed the Clerk to call the roll resulting as follows:

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

Motion carried, no nays.

COMMUNICATION(S):

County Clerk Sharon Tyler received the following four email communications and distributed to the Board:

- Adam Rochefort, St. Joseph, requesting businesses to be opened up again, received on April 16, 2020.
- Phill Boehm, St. Joseph, requesting the Board to re-open some things, received on April 20, 2020.
- Delta County Board of Commissioners' Resolution requesting the Great Lakes shoreline be declared a disaster area and to seek assistance, received on April 21, 2020.
- Don Richardson, Berrien Springs, requesting the Board to not enforce the Woman in Michigan's overreaching actions and allow the county, its residents, and its businesses to determine for themselves the best course of action for the County regarding the virus, received on April 22, 2020.

HEALTH OFFICER UPDATE – Nicki Britten (via phone):

Health Department Director Nicki Britten, gave an update on the coronavirus disease (COVID-19) in Berrien County. She stated there are 186 confirmed, 171 presumed, 11 deaths and 101 recoveries. Nicki Britten stated Berrien County is doing a better job on testing than other communities. She discussed reopening after the stay-at-home order. She is concerned about what type of impact there will be when re-opening. She stated the virus will not just go away and it will still be present after the re-opening. Nicki Britten stated the Health Department does not have any test kits and they don't do testing. Berrien County still doesn't have an adequate supply of the

test kits, but more test kits are coming forward. Discussion was held on flu versus Covid-19 statistics, on who is being tested, the re-opening of restaurants, Health Department employees and employee work conditions.

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:
None.

CONSENT CALENDAR:

Commissioner Yarbrough moved, seconded by Commissioner Scott, to pull Requisition 50263 from Resolution #B2004074 from the Consent Calendar, to move the Added Resolution #F2004231 to the Consent Calendar, and to approve today's Consent Calendar:

<u>Resolutions #</u>	<u>Description</u>
F2004028	Weekly Bills
B2004074	Weekly Requisitions
F2004231	Renew MDOT Project Authorization

The Chair instructed the Clerk to call the roll resulting as follows:

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

Motion carried, no nays.

ADDED RESOLUTION(S):

Added Resolution #F2004231 was moved to the Consent Calendar.

PARENT COMMITTEE REPORT(S):

Finance Committee Chairperson Yarbrough gave the Parent Committee Report for the Finance Committee. Parent Committee minutes are available at www.berriencounty.org.

COMMISSIONER REPORTS:

Commissioners presented their Commissioner Reports.

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.

Julie Wuefel, St. Joseph, wanted to thank the Board regarding the letter to the Governor.

The following individuals requested businesses to be re-opened:

- Adam Rochefort, St. Joseph
- Don Richardson, Berrien Springs

David Yardley, St. Joseph City, announced his candidacy for Berrien County Commissioner for District 5 and thanked Commissioner Chickering for his service.

OTHER BUSINESS:

- **May 7, 2020 Night Meeting:**
Chairperson Elliott announced the Board will probably meet on April 30, 2020 (5th Thursday) and they will wait to make a decision on the May 7, 2020 night meeting.
- **Letter to Governor Whitmer:**
Chairperson Elliott and the Board discussed the proposed letter to Governor Whitmer. Commissioner Heugel moved, seconded by Commissioner Freehling, to approve the proposed letter to Governor Whitmer of an objective plan of action for re-opening our economy in conjunction with input from local governments, and with continued attention to public health and safety.

The Chair instructed the Clerk to call the roll resulting as follows:

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

Motion carried, no nays.

Chairperson Elliott read the following letter:

Dear Governor Whitmer:

The Berrien County Board of Commissioners recognizes and fully supports the heroic efforts of frontline healthcare workers and first responders as well as workers in the service economy. Likewise, we appreciate the need for appropriate executive orders and policies to mitigate the spread of the COVID-19 virus and promote public safety, while also protecting our state and local economies. Our region is dependent on agriculture and tourism. It is important that we preserve these economic engines and the jobs that are currently locked down. Accordingly, the Berrien County Board respectfully requests modifications to current and future executive orders to remain within the boundaries of Cybersecurity and Infrastructure Security Agency (CISA) guidelines.

Berrien County has 157,000 residents, and as of 3:00 p.m. on April 22, 2020 there were 177 confirmed positive cases out of over 32,000 in the State of Michigan. It is logical to recognize that the virus is significantly more impactful on areas with high population density, and will disproportionately affect people of color and senior citizens with pre-existing illnesses, such as diabetes, hypertension and heart disease. Executive action should not be based on the notion that one rule fits all locations. What is necessary for Southeast Michigan is not proving to be best for Southwest Michigan, the Upper Peninsula and other regions. Local and regional flexibility is now appropriate, along with the ongoing need for responsible behavior including social distancing, good hygiene and personal protective devices for certain business and commercial facilities. Our businesses and jobs are essential to Berrien County and the State of Michigan. If we and the similarly situated counties are held to the same standards as the handful of counties in which COVID-19 is prevalent, there will likely be irreparable damage to our economies and to the entire state.

The Berrien County Health Department is doing an outstanding job of mitigating, communicating, and recommending best practices as we go forward. The Board of Commissioners trusts the local public health officials to continue in their efforts to monitor and promote reasoned advice in connection with a safe re-opening of Berrien County; we likewise trust the vast majority of our business owners and citizens to act responsibly. This Board asks that you revise current Executive Orders to provide regional flexibility concerning the restrictions and prohibitions of occupational and personal activities as identified below, and to ensure a sensible and safe framework that respects the constitutional guarantees of life, liberty and the pursuit of happiness for all citizens of the State of Michigan.

The County Board supports allowing workers in occupations which can successfully mitigate the spread of COVID-19 and socially distance themselves, to be allowed to return to work. This should include manufacturing, production, property maintenance and food services. We believe this can be done in a responsible manner and with due caution. We also urge you to allow citizens to purchase such things as grass seed, house paint and gardening supplies, and to engage in recreational and outdoor activities which common sense should allow.

Those of us in border counties can readily understand why citizens are flocking to Lowes, Meijer, Walmart or Home Depot stores in Toledo, South Bend or Elkhart. They are driving across the state line because it is unreasonable to prohibit the purchase of these items in approximately 75 of the 83 Michigan counties. As you might expect, while those border county residents are purchasing their home improvement supplies in Ohio or Indiana, they are also buying groceries and filling their gas tanks.

In summary, the Berrien County Board of Commissioners urges you to move forward with an objective plan of action for re-opening our economy in conjunction with input from local governments, and with continued attention to public health and safety.

Very truly yours,

*R. McKinley (Mac) Elliott
Chairman
Berrien County Board of Commissioners*

The letter to Governor Whitmer will be broadcasted widely.

ANNOUNCEMENTS/REMINDERS:

Commissioner Freehling announced the following:

- National Administrative Professionals' Day on April 22, 2020.
- Animal Control Appreciation Week on April 12 to 18, 2020.
- National Dispatcher Appreciation Week on April 12 to 18, 2020.

Commissioner Scott thanked Annette Christie for putting the meeting together today.

Chairperson Elliott announced after the Closed Session the Board will reconvene to Open Session to adjourn the meeting.

CLOSED SESSION per MCL 15.268 (c) – “For strategy and negotiations connected with a collective bargaining agreement if either negotiating party requests a closed hearing, and pending litigation per MCL 15.268 (e) – To consult from its Attorney Tom King regarding a settlement strategy in connection with specific pending litigation.”

Commissioner Curran moved, seconded by Commissioner Scott, to recess the public meeting and go into Closed Session at 12:32 P.M., for strategy and negotiations connected with a collective bargaining agreement if either negotiating party requests a closed hearing, and to consult from its Attorney Tom King regarding a settlement strategy in connection with specific pending litigation.

The Chair instructed the Clerk to call the roll resulting as follows:

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

Motion carried, no nays.

The Board recessed at 12:33 P.M. to go into Closed Session.

The Board reconvened to Open Session at 12:51 P.M.

ADJOURNMENT:

The meeting was adjourned at 12:52 P.M.

R. McKinley Elliott, Chairperson

Sharon J. Tyler, County Clerk

Minutes are to be approved at the next BOC meeting.