

**BERRIEN COUNTY BOARD OF COMMISSIONERS**  
**Board Meeting Minutes**  
**August 11, 2022**

**CHAIRMAN TO CALL THE MEETING TO ORDER:**

Chairperson R. McKinley Elliott called the regular Board of Commissioners' (BOC) meeting to order at 10:35 A.M. in the BOC's room at the Berrien County Administration Center, 701 Main Street, St. Joseph, Michigan.

**INVOCATION:**

Sheriff Paul Bailey gave the invocation.

**PLEDGE OF ALLEGIANCE TO THE UNITED STATES OF AMERICA:**

Parks Director Jill Adams 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:

11 PRESENT: Rayonte Bell, Jim Curran, Teri Sue Freehling, Robert Harrison, Jon Hinkelman, James Martin, Ezra Scott, David Vollrath, Julie Wuerfel, Mamie Yarbrough and R. McKinley Elliott.

1 ABSENT: Michael Majerek.

**APPROVE MINUTES OF THE AUGUST 4, 2022 REGULAR MEETING:**

Commissioner Scott moved and supported by Commissioner Vollrath, to approve the BOC regular meeting minutes of August 4, 2022. Motion carried and no nays.

**COMMUNICATION(S):**

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

- Sarah Rhein, Private Duty Home Healthcare, St. Joseph, MI, an email invitation to participate in "One Year In: Auto No Fault reform in Southwest Michigan" to be held on Thursday, August 11, 2022, received on August 8, 2022.

**EMPLOYEE RECOGNITION:**

- **Life Guards and Rangers - Parks Department**  
Parks Director Jill Adams recognized and introduced the following Silver Beach Leadership Team:
  - Luke Bingaman – Head Lifeguard
  - Katie Byrd – Assistant Head Lifeguard
  - Gabe Lingk – Assistant Head Lifeguard
  - Joseph Finnigan – Assistant Park Manager
  - Tyler Meier – Assistant Park Manager
  - Andrew Borre – Sr. Assistant Park Manager
  - Alex Lockwitz – Seasonal Park Maintenance Lead
  - Matt Carlson – Park Maintenance Lead
  - Genevieve Graves – Park Manager
  - Jaysen Field – Park Manager
- **Animal Control Officers – Sheriff**  
Sheriff Paul Bailey, Undersheriff Chuck Heit and Bobby Pounders spoke about the Animal Control Department and introduced the following Animal Control Officers:
  - Mat Kuntz
  - Devin Brubaker
  - Rebekah Capiak

- o Mark Graham

**AGENDA AMENDMENT:**

Commissioner Vollrath moved and seconded by Commissioner Scott, to add Resolution #C2208337 to the Agenda.

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

11 YEAS: Curran, Freehling, Harrison, Hinkelman, Martin, Scott, Vollrath, Wuerfel, Yarbrough, Bell and Elliott.

Motion carried, no nays

**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 (including last name) and city, township, or village. (Article III, 3.9B-C). The public should refer to the resolution # that they are commenting on as a part of their comments:** None.

**CONSENT CALENDAR:**

Chairperson Elliott has been asked to pull Added Resolutions #C2208329, #C2208332, #C2208333 and #C2208337.

Commissioner Scott moved and supported by Commissioner Curran, to approve today’s Consent Calendar, and to include Added Resolutions #C2208329, #C2208332, #C2208333 and #C2208337. Added Resolution #C2208329, #C2208332, #C2208333 and #C2208337, to be pulled and presented separately for further discussion:

<u>Resolutions #</u>	<u>Description</u>
F2208042	Approve Weekly Bills & Road Payables
B2208089	Weekly Requisitions

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

11 YEAS: Freehling, Harrison, Hinkelman, Martin, Scott, Vollrath, Wuerfel, Yarbrough, Bell, Curran and Elliott.

Motion carried, no nays.

The following resolutions were pulled and were presented separately for further discussion:

**RESOLUTION #C2208329 - Public Safety Millage:**

Commissioner Scott moved and supported by Commissioner Hinkelman, to approve Resolution #C2208329.

Discussion was held

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

8 YEAS: Harrison, Hinkelman, Vollrath, Wuerfel, Yarbrough, Bell, Curran and Elliott.

3 NAYS: Martin, Scott and Freehling.

Motion carried.

**RESOLUTION #C2208332 - Authorize Hazard Pay for Juvenile Center employees:**

Commissioner Scott moved and supported by Commissioner Vollrath, to approve Resolution #C2208332.

Discussion was held.

Commissioner Scott and Commissioner Vollrath, rescinded their motion to suspend the roll call vote for unanimous consensus vote by acclamation.

Motion:

Commissioner Scott moved and seconded by Commissioner Vollrath, to approve Resolution #C2208329.

Motion is unanimously approved.

**RESOLUTION #C2208333 – Open AFSCME contract to begin labor negotiations:**

Commissioner Martin moved and seconded by Commissioner Scott, to approve Resolution #C2208333.

Discussion was held.

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

4 YEAS: Martin, Yarbrough, Harrison and Elliott.

7 NAYS: Hinkelman, Scott, Vollrath, Wuerfel, Bell, Curran and Freehling.

Motion failed.

**RESOLUTION #C2208337:**

Chairperson Elliott read the following Resolution #C2208337:

***WHEREAS**, in response to the dangers of the Coronavirus disease COVID-19, Michigan Governor Whitmer issued Executive Order 2020-4 on March 24, 2020 declaring a State of Emergency and subsequent executive orders thereafter, which ordered Michigan residents, to the fullest extent possible, to stay home and stay safe; and*

***WHEREAS**, Governor Whitmer then distributed “hazard pay” to state employees out of federal funds they had received to financially support the COVID-19 response; and*

***WHEREAS**, the Berrien County Board of Commissioners via resolution #B2004222, asked the Governor and the State Legislature to provide adequate funding to Michigan local governmental units so that they may also provide comparable hazard pay, not only to those working in public safety, but, for all the Berrien County employees that continued serving as an essential employee during that time thus creating a higher risk for contracting COVID-19; and*

***WHEREAS**, in September of 2020 and again in November of 2020, Berrien County officials were notified that they were awarded funding as part of the First Responders Hazard Pay Premium Program, however, those funds were regulated to only be used for those direct front line workers in the field of public safety; and*

***WHEREAS**, a multitude of other County employees did not get hazard pay and yet continued to work throughout the pandemic without any additional pay; and*

***WHEREAS**, the Committee on Committees have deemed it appropriate to provide to all eligible full-time employees, a one-time hazard pay bonus of \$1,000 for all full time employees that were employed during the pandemic and are still employed or who have recently retired.*

***NOW, THEREFORE, BE IT HEREBY RESOLVED** that the Berrien County Board of Commissioners authorizes a \$1,000 hazard pay bonus from the general fund to be paid to all eligible FT employees as determined by the Personnel and Human Services Committee.*

***BE IT FURTHER RESOLVED** that elected officials are not eligible for the \$1,000 in hazard pay.*

***BE IT FURTHER RESOLVED** that any prior recipients of the hazard pay bonus are not to receive an additional hazard pay bonus.*

*Respectfully submitted,*  
**BERRIEN COUNTY COMMITTEE ON COMMITTEES**

Motion:

Commissioner Scott moved and seconded by Commissioner Bell, to approve Resolution #C2208337.

Discussion was held.

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

11 YEAS: Hinkelman, Martin, Scott, Vollrath, Wuerfel, Yarbrough, Bell, Curran, Freehling, Harrison and Elliott.

0 NAYS.

Motion carried, no nays.

**ADDED RESOLUTION(S):**

The following resolutions were moved to the Consent Calendar:

<u>Resolutions #</u>	<u>Description</u>
C2208329	Public Safety Millage
C2208332	Authorize Hazard Pay for Juvenile Center employees
C2208333	Open AFSCME contract to begin labor negotiations
C2208337	

**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](http://www.berriencounty.org).

**COMMISSIONER REPORT(S):**

The Commissioners presented their outside committee reports.

**ADMINISTRATOR REPORT:** None.

**GENERAL PUBLIC COMMENTS - Those speaking during public comments may do so no longer than two minutes and shall identify themselves by name (including last name) and city, township, or village. (Article III, 3.9 B-C). The Board of Commissioners embraces diverse points of view as the Board considers a wide variety of policy challenges. The right to be heard is a central democratic value. That said, public comments is most productive when it is civil and respectful. Personal attacks have no place in reasoned discourse. We urge all commenters to share their viewpoints in a manner that is respectful and courteous, and to refrain from making comments that are abusive, defamatory or obscene:**

Chokwe Pitchford, Benton Harbor, introduced himself as a candidate for County Commissioner, District 3. He spoke about the meetings he attended and his platform.

**OTHER BUSINESS:** None.

**ANNOUNCEMENTS/REMINDERS:** None

**CLOSED SESSION – Attorney Jim Straub**

**Per MCL 15.268 ( e ): “To consult with its attorney regarding trial or settlement strategy in connection with specific pending litigation.” – Angela Wesel v Berrien County; USDC 1:21-cv-663:**

Chairperson Elliott discussed that the BOC will be going into Closed Session and there may be some Board action after the Closed Session.

Commissioner Scott moved and supported by Commissioner Martin, to recess the public meeting and go into Closed Session at 12:05 P.M., to consult with its attorney regarding trial or settlement strategy in connection with specific pending litigation.” – Angela Wesel v Berrien County; USDC 1:21-cv-663.

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

11 YEAS: Martin, Scott, Vollrath, Wuerfel, Yarbrough, Bell, Curran, Freehling, Harrison, Hinkelman and Elliott.

0 NAYS.

Motion carried, no nays.

The Board recessed at 12:06 P.M. to go into Closed Session.

Chairperson Elliott reconvened to Open Session at 12:32 P.M.

**RESOLUTION #B2208338:**

Chairperson Elliott read the following Resolution #B2208338:

***IT IS RESOLVED** that the Berrien County Board of Commissioners shall follow the recommendations of its litigation counsel as presented in closed session on August 11, 2022 in regard to the case of Angela Wesel v. Berrien County Sheriff's Department and Deputies Higgs, Baggett, Hureskin and VonKoenig filed in the U.S. District Court for the Western District of Michigan Case No. Case 1:21-cv-663.*

**Motion:**

Commissioner Vollrath moved and seconded by Commissioner Scott, to approve Resolution #B2208338.

Discussion was held.

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

11 YEAS: Vollrath, Wuerfel, Yarbrough, Bell, Curran, Freehling, Harrison, Hinkelman, Martin, Scott and Elliott.

0 NAYS.

Motion carried, no nays.

**ADJOURNMENT:**

The meeting was adjourned at 12:35 P.M.

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R. McKinley Elliott, Chairperson

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Sharon J. Tyler, County Clerk

***Minutes are to be approved at the next BOC meeting.***