

BERRIEN COUNTY BOARD OF COMMISSIONERS
Organizational Meeting Minutes
January 6, 2022

Staff Present: Executive Assistant to the Administrator Annette Christie
County Administrator Brian Dissette
Corporate Counsel Thaddeus Hackworth
Chief Deputy Clerk Diane Mensinger

CALL THE MEETING TO ORDER:

Chairperson Elliott called the organizational meeting to order at 8:37 A.M. in the Board of Commissioners' (BOC) room at the Berrien County Administration Center, 701 Main Street, St. Joseph, Michigan.

INVOCATION:

Rev. Marlo Fritzke, First Baptist Church, St. Joseph, gave the invocation.

PLEDGE OF ALLEGIANCE TO THE UNITED STATES OF AMERICA:

Thaddeus Hackworth, Corporate Counsel led us in the Pledge of Allegiance to the United States of America.

ROLL CALL:

Chairperson Elliott instructed the Chief Deputy Clerk to take a roll call with the following results:

10 PRESENT: Rayonte Bell, Jim Curran, Teri Sue Freehling, Robert Harrison, Michael Majerek, Ezra Scott, David Vollrath, Julie Wuerfel, and Mamie Yarbrough and R. McKinley Elliott.

ABSENT: Jon Hinkelman and Don Meeks.

APPROVAL OF MINUTES:

Commissioner Vollrath moved and supported by Commissioner Scott, to approve the BOC regular meeting minutes of December 16, 2021. Motion carried, no nays.

COMMUNICATIONS:

Chief Deputy Clerk Mensinger received and distributed the following communications:

- Karin Valenti, Hagar Township – Email received January 3, 2022 addressed to Sheriff Bailey and copied to the Board of Commissioners regarding being a constitutional Sheriff.
- Eaton County Board of Commissioners – Email received on January 3, 2022 Resolution 21-12-125 - Resolution to Condemn Federal Vaccine and Testing Mandates dated December 15, 2021.
- Seth King, Stevensville, MI – email received January 4, 2022, letter regarding the County requiring the COVID vaccination or testing of its employees.

ELECTION OF VICE-CHAIRPERSON:

Chairperson Elliott opened the floor for nominations for Board Vice-Chairperson.

Commissioner Scott moved, seconded by Commissioner Yarbrough, to nominate Commissioner Freehling for a one-year term as Vice-Chairperson of the Board of Commissioners and to close the nominations and to cast a unanimous vote.

Motion carried, no nays.

CHAIR APPOINTMENTS - Parliamentarian, Sergeant At Arms, Chaplain:

Chairperson Elliott stated he would like the current appointees to continue in their positions again this year. All agreed.

- Parliamentarian – Commissioner Freehling
- Sergeant At Arms – Commissioner Curran
- Chaplain – Commissioner Yarbrough

CHAIRPERSON APPOINTS COMMITTEE CHAIRS AND MEMBERS – Administration, Finance, Personnel & Human Services:

Chairperson Elliott stated that he would like the Committee Assignments to remain the same for now and that Committee Chairpersons will select the Committee Vice-Chairperson.

Administration

Commissioner Curran, Chairperson

Commissioner Meeks
Commissioner Vollrath
Commissioner Wuerfel

Finance

Commissioner Yarbrough, Chairperson

Commissioner Freehling
Commissioner Hinkelman
Commissioner Scott

Personnel and Human Services

Commissioner Harrison, Chairperson

Commissioner Bell
Commissioner Majerek

REQUISITION REVIEW:

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

APPROVAL OF INTERIM CALENDAR FOR 2022 COMMISSIONERS' MEETINGS:

Chairperson Elliott presented to the Board a draft of the 2022 Commissioners' Committee of the Whole and Board of Commissioners regular meetings. Discussion was held regarding night meetings, location, time and attendance. The Board will keep this option open. Chairperson Elliott asked Vice-Chairperson Freehling to reach out to municipalities regarding interest in hosting a night meeting.

Commissioner Freehling moved, seconded by Commissioner Wuerfel, to approve the tentative and Interim Calendar for 2022 of the Committee of the Whole and 2022 Regular Board of Commissioners Meetings.

Motion carried, no nays.

CONFLICT OF INTEREST WAIVERS DISTRIBUTION:

Chairperson Elliott discussed the Conflict of Interest and the Conflict of Interest Disclosure Form. Forms were distributed to the Board with instructions to return to Annette Christie by next Thursday's meeting.

COMMITTEE REPORTS:

The Finance Committee (12/30/2021) and the Personnel & Human Services Committee (Administrator Evaluation and BOC Bylaws) gave their committee reports. Committee minutes are available at www.berriencounty.org.

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:

Commissioner Scott moved, seconded by Commissioner Bell, to approve the Consent Calendar as presented.

Commissioner Freehling stated that she will abstain from Requisition # 56714 to REV Excavating for in the amount of \$15,270.00 on Resolution B2201060.

<u>Resolutions #</u>	<u>Description</u>
F2201013	Weekly Bills Approval
B2201060	Weekly Requisitions Approval
F2201107	Road Payables Approval

Chairperson Elliott instructed the Chief Deputy Clerk to take a roll call vote with the following results:

10 YEAS: Freehling, Harrison, Majerek, Scott, Vollrath, Wuerfel, Yarbrough, Bell, Curran, and Elliott.

Motion carried, no nays.

COMMISSIONER REPORTS:

Condolences and memories were shared regarding the passing of Commissioner Majerek’s father, Ted Majerek.

ADMINISTRATOR REPORT:

Administrator Dissette welcomed Thaddeus Hackworth as Corporate Counsel.

The BOC has received a variety of comments regarding masking and quarantining in the schools. Next week Guy Miller, Interim Director of the Berrien County Health Department will be presenting at next week’s Committee of the Whole meeting with Eric Hoppstock, Berrien RESA Superintendent, to talk about the current state of COVID, current state of quarantines, availability of vaccines, etc., and then will dive into answering lingering questions about the County’s role, the schools roles and how those work together at this time.

Abonmarche Consultants and Pearson Construction are nearing the completion of the physical onsite assessments of all of the County’s buildings. They are moving into preparing written documents and it is anticipated that they will need to start engaging with the Board in the next month or so to start going through all of our properties. Administrator Dissette asked the BOC to give some thought about what the best way to manage those conversations would be – is it through Committee on Committee, to Committee of the Whole, or go through Administration? This will take some time as we are talking about multiple buildings and they will be going through them with a fine tooth comb.

Jim Hettinger is nearing the point the where Board will need to take action or ask for significant edit. Administrator Dissette has received feedback from Commissioners Curran, Freehling and Wuerfel.

They have agreed to work with Mr. Hettinger to work through their questions and comments. Mr. Hettinger is willing to meet them on an one-on-one basis or attend a Committee of the Whole meeting. The Board just needs to let Administrator Dissette know and he will set up meetings. Administrator Dissette's goal is to beat up the document to the point that the Board is ready to adopt the document. The importance of document is that it will provide a road map for the use of the ARPA dollars. That would be investments in County owned properties, potential grants to local units, etc. The clock is ticking as we need to have those funds earmarked and spent by the end of 2024. If there are projects in the queue prior to end of 2024, those projects would be allowed to be funded through the end of 2026. Many of our projects could take a year and one-half to two years to complete.

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):

Melissa Clapper, St. Joseph Charter Township – spoke about the importance of night meetings. She also thanked the BOC and staff for all they do.

Michael Hoyh, City of Benton Harbor – spoke about Dr. Jeff Richards, a local veterinarian who also served on the St. Joseph City Commission and served as Mayor, who passed away this week.

OTHER BUSINESS:

- OSHA EMERGENCY TEMPORARY STANDARD (ETS)
The US Supreme Court in the 6th District Circuit Court is hearing OSHA's vaccination/testing mandate to determine if it is constitutional or not.

Chairperson Elliot read the following statement into the record and stated it will also be on the website:

In response to the COVID-19 pandemic, on November 5, 2021, OSHA issued an Emergency Temporary Standard (ETS) requiring that employers with over 100 employees require their employees to either be vaccinated or wear a protective face covering and take weekly tests while in the workplace. If this standard survives all legal challenges, it will soon go into effect. While Berrien County must prepare expeditiously for the possibility that this mandatory rule goes into full effect, the Board of Commissioners continues to closely monitor the ongoing legal developments related to the rule. The County will be prepared to comply with the OSHA requirement if the US Supreme Court determines that it is constitutional. Otherwise, the County will not implement such a vaccination / testing policy.

Administrator Dissette stated that he has received complaints from the staff that they don't want a vaccination / testing mandate. He will be holding a ZOOM meeting this afternoon with Department Heads. If the mandate does make it past the Supreme Court on Friday, the County will still need to be prepared to follow it. A policy will be developed and will go to the Personnel and Human Services Committee for approval, then to the full Board for approval.

Commissioner Scott stated his personal opinion on the ETS and what bothers him is that the staff will have to pay for the testing. He feels that the County has received COVID money and it should be used to pay for tests.

Undersheriff Chuck Heit stated that if the ETS does make it past the Supreme Court that he agrees with Commissioner Scott that employees should not have to pay for testing.

- **COMMISSIONER SCOTT**

Commissioner Scott stated that he appreciates all of the hard work Annette Christie and the staff do that assist the BOC and Administration, but would especially like to thank Chairperson Elliott for his dedication and leadership of the Board.

ANNOUNCEMENTS/REMINDERS:

Chairperson Elliott announced the following:

- Committee meetings will take place following the Organizational meeting this morning.
- No regular Board of Commissioners meeting will be held today.
- The Board of Commissioners will resume their regular meeting day schedules next Thursday, January 13, 2022: Committee of the Whole at 8:35 A.M.; Committee Meetings at 9:15 A.M. and Regular Board Meeting at 10:30 A.M.

ADJOURNMENT:

The meeting was adjourned at 9:34 A.M.

R. McKinley Elliott, Chairperson

Diane Mensinger, Chief Deputy Clerk

Minutes are to be approved at the next BOC meeting.