

Regular Session of the Board of County Commissioners for the County of St. Joseph, State of Michigan, was held in the Commission Chambers on April 6, 2021 at 5:00 p.m.

Chairman Dennis Allen called the meeting to order.

The Invocation was given by Commissioner Czajkowski.

Deputy County Clerk Melissa Bliss called the roll and the following Commissioners were present:

Daniel R. Czajkowski	Ken Malone
Jared Hoffmaster	Kathy Pangle
	Dennis Allen

Also present: Angie Steinman, Finance Director

#### AGENDA

It was moved by Commissioner Pangle and seconded by Commissioner Hoffmaster that the agenda be approved as presented. Motion carried.

#### MINUTES APPROVED

It was moved by Commissioner Pangle and seconded by Commissioner Hoffmaster that the minutes for March 16, 2021 be approved as presented. Motion carried.

#### COMMUNICATIONS

Resolution from Hillsdale County, Re: unconstitutional mandates pertaining to COVID-19.

Resolution from Cheboygan County, Re: Support common sense approaches to combat COVID-19.

Resolution from Cheboygan County, Re: Support of Senate Bill 1 2021

It was moved by Commissioner Pangle and seconded by Commissioner Malone to place the communications on file.

#### CITIZENS' COMMENTS

There were none.

#### VETERANS' AFFAIRS ANNUAL REPORT

Director of Veterans Affairs Stoney Summey presented the annual report.

It was moved by Commissioner Malone and seconded by Commissioner Pangle to place the report on file. Motion carried.

#### ACCEPT COUNTY CLERK'S 2020 ANNUAL REPORT

It was moved by Commissioner Malone and seconded by Commissioner Hoffmaster to place the report on file. Motion carried.

#### REQUEST OF EXCEPTION TO HIRING FREEZE

It was moved by Commissioner Malone and seconded by Commissioner Czajkowski to approve the exception to the hiring freeze for a Deputy County Clerk. Motion carried.

AUDIT ENGAGEMENT LETTER

It was moved by Commissioner Malone and seconded by Commissioner Pangle to approve the agreement. Motion carried 5-0.

DECLARATION OF LOCAL STATE OF EMERGENCY

RESOLUTION 7-2021

WHEREAS, as recently as March 5, 2021, the Director of the Michigan Department of Health and Human Services (“MDHHS”) made the following findings:

- The novel coronavirus (“COVID-19”) is a respiratory disease that can result in serious illness or death. It is caused by a new strain of coronavirus not previously identified in humans and easily spread from person to person. COVID-19 spreads through close human contact, even from individuals who may be asymptomatic.
- On March 10, 2020, MDHHS identified the first two presumptive-positive cases of COVID-19 in Michigan. As of March 1, 2021, Michigan had seen 589,150 confirmed cases and 15,534 confirmed deaths attributable to COVID-19. Michigan was one of the states most heavily impacted by COVID-19 early in the pandemic, with new cases peaking at nearly 2,000 per day in late March 2020. Strict preventative measures and the cooperation of Michiganders drove daily case numbers dramatically down to fewer than 200 confirmed cases per day in mid-June, greatly reducing the loss of life. Beginning in October, Michigan again experienced an exponential growth in cases. New cases peaked at nearly 10,000 cases per day in mid-November, followed by increases in COVID-19 hospitalizations and deaths.
- On November 15, 2020, MDHHS issued an order enacting protections to slow the high and rapidly increasing rate of spread of COVID-19. Cases, hospitalizations, and deaths remained high through early December, threatening hospital and public health capacity. On December 7, 2020, December 18, 2020, and January 13, 2021, MDHHS issued orders sustaining those protections. These orders played a crucial role in slowing the spread in Michigan and have brought new cases down to about 1,500 per day. These lower rates prevented Michigan’s healthcare system from being overwhelmed with a holiday surge.
- As of February 27, 2021, the State of Michigan had a seven-day average of 91.2 cases per million people, nearly 88% lower than the case rate in mid-November. While that case rate is similar to the rate in early October, it has plateaued over the past week and remains three times the rate of the summer low point.
- Test positivity was 3.7% as of February 27, and has started to plateau as well. While metrics have decreased from all-time highs, further progress has tapered off and there is growing concern of another spike with the presence of more infectious variants in Michigan and the United States as a whole.
- Even where COVID-19 does not result in death, and where Michigan’s emergency and hospital systems are not heavily burdened, the disease can cause great harm. Recent estimates suggest that one in ten persons who suffer from COVID-19 will experience long-term symptoms, referred to as “long COVID.” These symptoms, including fatigue, shortness of breath, joint pain, depression, and headache, can be disabling. They can last for months, and in some cases, arise unexpectedly in patients with few or no symptoms of COVID-19 at the time of diagnosis. COVID-19 has also been shown to damage the heart and kidneys. Furthermore, minority groups in Michigan have experienced a higher proportion of “long COVID.”
- The best way to prevent these complications is to prevent transmission of COVID-19. Since December 11, 2020, the Food and Drug Administration has granted emergency use authorization to three vaccines to prevent COVID-19, providing a path to end the pandemic. Michigan is now partaking in the largest

mass vaccination effort in modern history and is presently working toward vaccinating at least 70% of Michigan residents 16 years of age and older as quickly as possible.

- New and unexpected challenges continue to arise: in early December 2020, a variant of COVID-19 known as B.1.1.7 was detected in the United Kingdom. This variant is roughly 50 to 70 percent more infectious than the more common strain. On January 16, 2021, this variant was detected in Michigan. It is anticipated that the variant, if it becomes widespread in the state, will significantly increase the rate of new cases. Currently, Michigan is second in the nation with respect to the number of B.1.1.7 variants detected. To date, there are over 400 cases, and this is one fifth of all cases identified in the United States. CDC modeling predicts B.1.1.7 could become the predominant variant by the end of March. At present, however, it appears that cases have plateaued.

WHEREAS, the Director of the MDHHS has concluded that the COVID-19 pandemic continues to constitute an epidemic in Michigan and that control of the epidemic requires restrictions on public gatherings; and

WHEREAS, the Emergency Management Act, Act 390, Public Acts of Michigan, 1976, as amended (“Act 390”) authorizes the County to appoint an emergency management coordinator under Act 390 and to adopt an emergency operations plan; and

WHEREAS, the County has appointed an emergency management coordinator and adopted an emergency operations plan, each pursuant to Act 390; and

WHEREAS, Act 390 authorizes the chief executive of the County to declare a local state of emergency if circumstances within the County indicate that the occurrence or threat of widespread or severe damage, injury, or loss of life or property from a natural or manmade cause exists; and

WHEREAS, there is an increase in case positivity locally, with the presence of variants, and any widespread outbreak within the County of St. Joseph could hinder or cease most daily operations within the County and overwhelm hospitals and urgent care facilities; and

WHEREAS, consequently, COVID-19 constitutes a threat of widespread or severe damage, injury, or loss of life or property within the County; and

WHEREAS, if the County Board does not consent to an extension of the local state of emergency pursuant to Act 390 by April 13, 2021, it will lapse by operation of §10 (b) of Act 390; and

WHEREAS, Act 390 does not limit or abridge the power, duty or responsibility of the chief executive official of the County to act in the event of a disaster or emergency except as expressly set forth therein; and

WHEREAS, the Open Meetings Act, Act 267, Public Acts of Michigan, 1976, as amended (“Act 267”) requires a public body to accommodate the absence of any member of the public body due to a medical condition or a statewide or local state of emergency or disaster declared pursuant to law or charter or local ordinance by the governor or a local official, governing body, or chief administrative officer that would risk the personal health or safety of members of the public or the public body if the meeting were held in person.

NOW, THEREFORE, I HEREBY DECLARE:

(1) Pursuant to the authority granted me under §10 (b) of Act 390, I hereby declare that a local state of emergency exists in the County.

(2) If the County Board does not consent to an extension of the local state of emergency, it will lapse by operation of Act 390 at 12:00 midnight on April 13, 2021.

(3) Pursuant to §3 of Act 267, I hereby authorize the County Board and all other public bodies of or located in the County to continue to meet by electronic and telephonic means for the duration of this local state of emergency.

(4) The County Clerk shall promptly file a certified copy of this declaration with the emergency management division of the Michigan Department of State Police.

(5) This declaration shall be effective immediately.

It was moved by Commissioner Pangle and seconded by Commissioner Malone to adopt the resolution and waive second reading. Motion carried 5-0 upon a roll call vote.

RESOLUTION FOR EMERGENCY DECLARATION EXTENSION

RESOLUTION 8-2021

WHEREAS, as recently as March 5, 2021, the Director of the Michigan Department of Health and Human Services (“MDHHS”) made the following findings:

- The novel coronavirus (“COVID-19”) is a respiratory disease that can result in serious illness or death. It is caused by a new strain of coronavirus not previously identified in humans and easily spread from person to person. COVID-19 spreads through close human contact, even from individuals who may be asymptomatic.
- On March 10, 2020, MDHHS identified the first two presumptive-positive cases of COVID-19 in Michigan. As of March 1, 2021, Michigan had seen 589,150 confirmed cases and 15,534 confirmed deaths attributable to COVID-19. Michigan was one of the states most heavily impacted by COVID-19 early in the pandemic, with new cases peaking at nearly 2,000 per day in late March 2020. Strict preventative measures and the cooperation of Michiganders drove daily case numbers dramatically down to fewer than 200 confirmed cases per day in mid-June, greatly reducing the loss of life. Beginning in October, Michigan again experienced an exponential growth in cases. New cases peaked at nearly 10,000 cases per day in mid-November, followed by increases in COVID-19 hospitalizations and deaths.
- On November 15, 2020, MDHHS issued an order enacting protections to slow the high and rapidly increasing rate of spread of COVID-19. Cases, hospitalizations, and deaths remained high through early December, threatening hospital and public health capacity. On December 7, 2020, December 18, 2020, and January 13, 2021, MDHHS issued orders sustaining those protections. These orders played a crucial role in slowing the spread in Michigan and have brought new cases down to about 1,500 per day. These lower rates prevented Michigan’s healthcare system from being overwhelmed with a holiday surge.
- As of February 27, 2021, the State of Michigan had a seven-day average of 91.2 cases per million people, nearly 88% lower than the case rate in mid-November. While that case rate is similar to the rate in early October, it has plateaued over the past week and remains three times the rate of the summer low point.
- Test positivity was 3.7% as of February 27, and has started to plateau as well. While metrics have decreased from all-time highs, further progress has tapered off and there is growing concern of another spike with the presence of more infectious variants in Michigan and the United States as a whole.
- Even where COVID-19 does not result in death, and where Michigan’s emergency and hospital systems are not heavily burdened, the disease can cause great harm. Recent estimates suggest that one in ten persons who suffer from COVID-19 will experience long-term symptoms, referred to as “long COVID.” These symptoms, including fatigue, shortness of breath, joint pain, depression, and headache, can be disabling. They can last for months, and in some cases, arise unexpectedly in patients with few or no symptoms of COVID-19 at the time of diagnosis. COVID-19 has also been shown to damage the heart

and kidneys. Furthermore, minority groups in Michigan have experienced a higher proportion of “long COVID.”

- The best way to prevent these complications is to prevent transmission of COVID-19. Since December 11, 2020, the Food and Drug Administration has granted emergency use authorization to three vaccines to prevent COVID-19, providing a path to end the pandemic. Michigan is now partaking in the largest mass vaccination effort in modern history and is presently working toward vaccinating at least 70% of Michigan residents 16 years of age and older as quickly as possible.
- New and unexpected challenges continue to arise: in early December 2020, a variant of COVID-19 known as B.1.1.7 was detected in the United Kingdom. This variant is roughly 50 to 70 percent more infectious than the more common strain. On January 16, 2021, this variant was detected in Michigan. It is anticipated that the variant, if it becomes widespread in the state, will significantly increase the rate of new cases. Currently, Michigan is second in the nation with respect to the number of B.1.1.7 variants detected. To date, there are over 400 cases, and this is one-fifth of all cases identified in the United States. CDC modeling predicts B.1.1.7 could become the predominant variant by the end of March. At present, however, it appears that cases have plateaued.

WHEREAS, the Director of the MDHHS has concluded that the COVID-19 pandemic continues to constitute an epidemic in Michigan and that control of the epidemic requires restrictions on public gatherings; and

WHEREAS, the Open Meetings Act, Act 267, Public Acts of Michigan, 1976, as amended (“Act 267”) requires a public body to accommodate the absence of any member of the public body due to a medical condition or a statewide or local state of emergency or disaster declared pursuant to law or charter or local ordinance by the governor, a local official, governing body, or chief administrative officer that would risk the personal health or safety of members of the public or the public body if the meeting were held in person; and

WHEREAS, §3 of Act 267 authorizes the County to declare a local state of emergency or disaster pursuant to law; and

WHEREAS, Act 156, Public Acts of Michigan, 1851, as amended (“Act 156”), authorizes a County to provide for the protection and preservation of the public health within the County; and

WHEREAS, the Emergency Management Act, Act 390, Public Acts of Michigan, 1976, as amended (“Act 390”) authorizes the County to appoint an emergency management coordinator under Act 390 and to adopt an emergency operations plan;

WHEREAS, the County has appointed an emergency management coordinator pursuant to Act 390; and

WHEREAS, Act 390 authorizes the chief executive of the County to declare a local state of emergency if circumstances within the County indicate that the occurrence or threat of widespread or severe damage, injury, or loss of life or property from a natural or manmade cause exists; and

WHEREAS, Act 390 limits a local state of emergency declared by the chief executive to 7 days unless the consent of the governing body of the County is granted to extend the local state of emergency; and

WHEREAS, on April 6, 2021, the chief executive of the County declared a local state of emergency pursuant to §10 (b) of Act 390; and

WHEREAS, the County Board desires to consent to the extension of the local state of emergency pursuant to Act 390; and

WHEREAS, Act 390 does not limit or abridge the power, duty or responsibility of the chief executive official of the County to act in the event of a disaster or emergency except as expressly set forth therein; and

WHEREAS, the County Board desires to declare a local state of emergency pursuant to the authority granted in Act 156, in order to conduct the public business of the County in a manner so as not to place at risk the personal health or safety of members of the public or the members and staff of the County.

NOW, THEREFORE, BE IT RESOLVED THAT:

(1) The County Board hereby consents to the extension of the local state of emergency declared on April 6, 2021 pursuant to §10 (b) of Act 390 until 12 midnight on July 5, 2021.

(2) Pursuant to the authority granted by §3 of Act 267 and Act 156, authorizing the County to provide for the public health and safety of persons, a state of emergency/disaster is hereby declared within the County.

(3) Pursuant to §3 of Act 267, this Board hereby authorizes the County Commission and all other public bodies of or located in the County to continue to meet by electronic and telephonic means for the duration of this local state of emergency.

(4) The County Clerk shall promptly file a certified copy of this resolution with the emergency management division of the Michigan Department of State Police.

(5) All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same hereby are rescinded.

It was moved by Commissioner Pangle and seconded by Commissioner Czajkowski to adopt the resolution and waive second reading. Motion carried 5-0 upon a roll call vote.

#### NOMINATIONS/APPOINTMENTS

It was moved by Commissioner Malone and seconded by Commissioner Hoffmaster to William Thompson and Bill Walters to the Veterans' Affairs Board with terms expiring March 1, 2025. Motion carried.

#### ADMINISTRATOR'S REPORT

Ms. Steinman noted that there was nothing new to report.

#### FINANCE DIRECTOR'S REPORTS

##### Budget Amendments

It was moved by Commissioner Czajkowski and seconded by Commissioner Pangle to approve the budget amendments as presented. Motion carried.

##### Financial Statement

It was moved by Commissioner Pangle and seconded by Commissioner Malone to accept the financial statement ending March 31, 2021 as presented. Motion carried.

#### COMMITTEE REPORTS

##### Law Enforcement

Commissioner Hoffmaster stated that the committee had not met.

##### Judiciary

Commissioner Malone stated that the committee had not met.

Physical Resources

Commissioner Malone stated that the committee had not met.

Executive/Committee of the Whole

Chairman Allen stated that the Committee had met, and minutes were available.

Other Committees

Commissioner Pangle provided an update for the Human Services Commission.

Commissioner Czajkowski provided an update for the Road Commission and the Covered Bridge.

CHAIRMAN’S REPORT

By consent, regular board meetings would be held in person with the option for the public to attend virtual; and executive committee meetings would remain virtual.

COMMISSIONERS’ COMMENTS

Commissioner Hoffmaster commented on the hazardous waste collection and opening day at Armstrong Park.

Commissioner Malone commented on in-person meeting.

Commissioner Czajkowski provided an update on Animal Control.

Commissioner Pangle thanked the clinic volunteers.

ADJOURNMENT

At 5:45 p.m., it was moved by Commissioner Czajkowski and seconded by Commissioner Malone that the St. Joseph County Board of Commissioners adjourn until May 4, 2021 at 5:00 p.m. Motion carried.

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Melissa Bliss, Deputy County Clerk

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Dennis Allen, Chairman