

OFFICIAL PROCEEDINGS
OF THE
Board of Commissioners
OF SAGINAW COUNTY, MICHIGAN

SPECIAL SESSION
APRIL 8, 2021

A Special Session of the Board of Commissioners of Saginaw County, Michigan, held Thursday, April 8, 2021 at 5:00 p.m. with the Honorable Carl E. Ruth in the Chair. This meeting was held via Zoom consistent with PA 267 of 1976/PA 228 of 2020 (MCL 15.263) and a Local Emergency Declaration dated April 1, 2021 to consider the April 8, 2021 Agenda. County Clerk Vanessa Guerra took roll, quorum present and location noted as follows:

PRESENT: ~~Kathleen K. Dwan~~* (Towson, MD), Jack M. Tany (Carrollton Twp., MI), Christopher S. Boyd (Saginaw Twp., MI), Sheldon Matthews (Spaulding Twp., MI), James G. Theisen (Thomas Twp., MI) Kyle R. Harris (St. Charles, MI), Carol E. Ewing (Birch Run, MI), Dennis H. Krafft (Frankenmuth, MI), Gerald D. Little (Saginaw, MI), Michael A. Webster (Saginaw, MI) and Carl E. Ruth (Saginaw, MI) - **11**

ABSENT: - **0**

TOTAL: - **11**

****At the April 20, 2021 Board Session, a motion was approved that declared a vacancy in the Office of Saginaw County Commissioner for District #1 effective March 25, 2021 due to a change in voting registration status and the ineligibility to serve by former commissioner Kathleen K. Dwan.***

****At the May 18, 2021 Board Session, a motion was approved that, pursuant to MCL 46.411 and the resolution of this board that declared a vacancy in the office of Saginaw County Commissioner for District #1 effective March 25, 2021, that all votes exercised by the former officeholder during the April 8, 2021 Special Board Session be set aside and declared void and that all actions of the Board be ratified since all actions carried by a majority of the Board.***

Others Present: Robert Belleman, Dave Gilbert, Vanessa Guerra, Wanda Blacksher, Jessica Sargent, Koren Thurston, Lt. Mark Przybylski, Mike Hanley, Steve Gradowski, Lurasue Holcomb, Thomas Library, WSGW – Ric Antonio, Suzy Koeplinger, Sue Arceo, Cindy Louchart

Commissioner Little gave the invocation and Chairman Ruth led the Pledge of Allegiance to the Flag.



PETITION



March 29, 2021

**April 8, 2021
Special Session**

Vanessa Guerra
Saginaw County Clerk
111 S. Michigan Avenue
Saginaw, MI 48602
Dear Clerk Guerra:

Pursuant to Article II, Section 2.9 (MCL 46.10) of the 2021 Rules of the Saginaw County Board of Commissioners, the undersigned members of the Board respectfully petition that a Special Meeting of the Board of Commissioners be held **Thursday, April 8, 2021 at 5:00 p.m.** via Zoom to consider extension of the Local Emergency Declaration, which will be issued in advance of the Special Meeting and is only valid for seven (7) days without Board approval, and any other matters brought before the Board. The undersigned affirm the intent of the Board of Commissioners to hold a Special Meeting on this matter. This meeting is being held consistent with PA 267 of 1976/PA 229 of 2020 (MCL 15.263) to consider the agenda, and for any other matters brought before the committee. Zoom call-in information will be provided on the Public Notice and Agenda.

Respectfully submitted,

James G. Theisen, Commissioner
Sheldon Matthews, Vice-Chair
Dennis H. Krafft, Commissioner
Michael A. Webster, Commissioner
Carl E. Ruth, Chairman

**CLERK'S CALL OF SESSION
Public Notice of Special Board Session**



As the County Building is closed to the public except by appointment due to the COVID-19 pandemic, the meeting is open remotely pursuant to PA 267 of 1976/PA 228 of 2020 (MCL 15.263) to allow for participation during the public portion of the meeting.

TO: SAGINAW COUNTY BOARD OF COMMISSIONERS

RE: Notice of Special Board Session

Honorable Commissioners:

The Saginaw County Board of Commissioners will convene for a Special Session on
Thursday, April 8, 2021 at 5:00 p.m.

Via Zoom to consider extension of the Local Emergency Declaration, which will be issued in advance of the Special Meeting and is only valid for seven (7) days without Board approval, and for any other matters brought before the Board.



This Special Meeting is being held consistent with PA 267 of 1976/PA 228 of 2020 (MCL 15.263) and as authorized by petition of at least one third (1/3rd) of the members of the Saginaw County Board of Commissioners.

Via Zoom teleconference as follows:

INSTRUCTIONS using ZOOM audio conferencing:

Dial: 1 (877) 853-5257 or 1 (888) 475-4499 US Toll-free and enter Meeting ID: 802 444 1727

Requests for Public Comment (Audiences) must be made to the Board of Commissioners Office at (989) 790-5267 or by email to boc@saginawcounty.com prior to 12:00 p.m. the day of the meeting.

Please include your phone number so you can be un-muted when it is your time to speak.

If you are disabled and need accommodation to provide you with an opportunity to participate remotely, please call the Board of Commissioners at 989.790.5267.

Respectfully submitted,

Vanessa Guerra

Vanessa Guerra, County Clerk

Posted: 12:00 p.m. on March 29, 2021 by Suzy Koepplinger, Board Coordinator/Deputy Clerk

By the Chair: That the Notice of Meeting from the County Clerk be received and filed, if there are no objections. The Chair hears none; it is so ordered.

LOCAL EMERGENCY DECLARATION DATED APRIL 1, 2021



The novel coronavirus (COVID-19) is a respiratory disease that can result in severe illness or death. COVID-19 and its variant are caused by a strain of coronavirus that had not been previously identified in humans and can quickly spread from person-to-person.

On March 18, 2020, the first COVID-19 death was confirmed in Wayne County, Michigan. Since that date, there have been 16,912 COVID-19 related deaths in Michigan, with 527 in Saginaw County. Since the first cases were confirmed in Saginaw County, the daily COVID-19 positivity rate in Saginaw County has fluctuated with a high of 25.6% and a low 2.7%. The 7-day average positivity rate has trended up since early March 2021 and is currently at 10.5%.

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. Current CDC, MDHHS, and/or MIOSHA recommendations continue to be for staff to work remotely when possible, for personnel to wear masks when unable to distance a minimum of six-feet, and to reduce capacities when the nature of the gathering or design of the space limits the ability to maintain six-foot distancing between people in attendance. While it is possible to control the number of attendees at certain daily functions such as appointments at a county facility or court hearings, by their very nature, it is not possible to control the number of attendees at a public meeting.



Because of the ever-evolving circumstances related to the spread of COVID-19 and the inability to control the number of public who may attend an open meeting, Saginaw County and other public bodies in local jurisdictions may find it necessary to conduct public meetings virtually to reduce the risk of spread to members of the public, government staff, or members of public bodies. To accommodate the specific need of protecting the public, staff, and other attendees at public meetings, where capacity is unknown or unable to be controlled, Saginaw County is declaring a Local State of Emergency to allow the continued use of virtual public meetings.

This declaration is made pursuant to the authority contained at §10 of the Emergency Management Act and §3 of the Open Meetings Act, which permits a public body to meet by electronic or telephonic means upon declaration of a local state of emergency or state of disaster if meeting in person would place at risk the personal health or safety of members of the public or members of the public body. Per Section 14 of PA 390, as amended, the Saginaw County Office of Emergency Management is directed to transmit this request to the Emergency Management and Homeland Security Division of the Michigan State Police.

Respectfully,
Carl Ruth, Board Chairman
Saginaw County Board of Commissioners

AUDIENCES

None

LAUDATORY RESOLUTIONS

None

INITIATORY MOTIONS

None

REPORTS OF COMMITTEES

None

Chairman Ruth asked for a motion to waive the requirements of Sec. 6.8 and Sec. 7.1(5) of the Rules of the Board that require committee report referral to the proper committee and introduction by the Chair of each committee and that items on this agenda be treated as regular agenda items. ***Tany moved, seconded by Theisen, to approve the recommendation. The Clerk took a roll-call vote and the motion carried as follows:***

Yes: Ewing, Krafft, Little, Webster, ~~Dwan~~, Tany, Boyd, Matthews, Theisen, Harris and Ruth - 11

No: None - 0

Total: - 11



Chairman Ruth asked for a motion to approve proposed Resolution “A” – A Resolution Declaring a Local State of Emergency for the Purpose of Permitting the County Board of Commissioners and Other Public Bodies of Saginaw County to Meet by Electronic and Telephonic Means. ***Theisen moved, seconded by Little, to approve the recommendation. Discussion was held.***

Commissioner Harris expressed his concerns with the wording of the proposed Resolution and stated he doesn’t agree with the language in the “Whereas” paragraphs. He will be voting against the proposed Resolution as written.

Commissioner Boyd stated he agreed in part with Commissioner Harris in that the Resolution doesn’t need to contain language declaring an emergency just to continue having electronic meetings. He believes the Resolution should simply state that there is an emergency “caused by the COVID-19 pandemic” and “further, the continued use of virtual public meetings is allowed so long as this local state of emergency stays in effect.”

Commissioner Ewing agrees with Commissioner Harris and does not agree with everything that is going on. She believes we are imposing on the First Amendment rights of people by not meeting in person and disagrees with the Resolution.

David Gilbert, Civil Counsel, and Robert Belleman, Controller/CAO, spoke to the “Whereas” paragraphs as merely setting the foundation and that here in Saginaw County we have seen increase in COVID-positive cases, nearly 5x the cases as in mid-February. Because we can’t control the number of public members who attend a meeting, it is safer to meet remotely.

Commissioner Theisen recommended Commissioner Boyd amend the proposed Resolution to reflect the concerns of some commissioners.

Commissioner Boyd moved the following amendments to the draft Resolution, seconded by Commissioner Theisen, as follows:

- ***To amend the title to: “A Resolution Declaring a Local State of Emergency Due to the COVID-19 Pandemic”***
- ***To keep the first “Whereas” paragraph***
- ***To strike the 2nd and 3rd “Whereas” paragraphs***
- ***To amend and combine the 4th and 5th “Whereas” paragraphs as indicated below***
- ***To keep the 6th “Whereas” paragraph***
- ***In the “Now, Therefore” paragraph, add the language “caused by the COVID-19 pandemic. Further, the continued use of virtual public meetings is allowed so long as this Local State of Emergency stays in effect.”***
- ***In the “Be It Further Resolved” paragraph, amend the expiration date to August 31, 2021 and add “upon further order of the Saginaw County Board of Commissioners, whichever action may occur first.”***



RESOLUTION “A”

A RESOLUTION DECLARING A LOCAL STATE OF EMERGENCY DUE TO THE COVID-19 PANDEMIC ~~FOR THE PURPOSE OF PERMITTING THE COUNTY BOARD OF COMMISSIONERS AND OTHER PUBLIC BODIES OF SAGINAW COUNTY TO MEET BY ELECTRONIC AND TELEPHONIC MEANS~~

At a special meeting of the Board of Commissioners of the County of Saginaw, State of Michigan held at Saginaw, Michigan on the 8th day of April 2021 at 5:00 p.m.

*Christopher S. Boyd, Kathleen K. Dwan, Carol E. Ewing, Kyle R. Harris,
Dennis H. Krafft, Gerald D. Little, Sheldon Matthews, Carl E. Ruth,
Jack B. Tany, James G. Theisen, Michael A. Webster*

WHEREAS, as recently as March 19, 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;” and

~~**WHEREAS**, on March 10, 2020, MDHHS identified the first two presumptive positive cases of COVID-19 in Michigan. As of April 6, 2021, Michigan had seen 723,297 confirmed cases and 16,400 confirmed deaths attributable to COVID-19. To date, there have been 532 confirmed deaths attributable to COVID-19 in Saginaw County.~~

~~**WHEREAS**, as of April 4, 2021 the State of Michigan had a seven day average of 6,062 daily cases, nearly five (5) times the number of cases in mid February. Since the first cases were confirmed in Saginaw County, the daily COVID-19 positivity rate in Saginaw County has fluctuated with a high of 25.6% and a low of 2.7%. The 7 day average positivity rate has trended up since early March 2021 and is currently at 16%.~~

~~**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 current CDC, MDHHS, and/or MIOSHA recommendations continue to be for staff to work remotely when possible, for personnel to wear masks when unable to distance a minimum of six feet, for masks to be worn at any gathering, and to reduce capacities when the nature of the gathering or design of the space limits the ability to maintain six-foot distancing between people in attendance.~~

~~**WHEREAS**, it is possible to control the number of attendees at certain daily functions such as appointments at a county facility or court hearings, by their very nature, it is not possible to control the number of attendees at a public meeting.~~



WHEREAS, because of the ever-evolving circumstances related to the spread of COVID-19 and the inability to control the number of public who may attend an open meeting, Saginaw County and other public bodies in local jurisdictions may find it necessary to conduct public meetings virtually to reduce the risk of spread to members of the public, government staff, or members of public bodies.

NOW, THEREFORE, IT IS RESOLVED, that to accommodate the specific need of protecting the public, staff, and other attendees at public meetings, where capacity is unknown or unable to be controlled, the Saginaw County Board of Commissioners is continuing the declaration of a Local State of Emergency made by the Board Chair on April 1, 2021, **caused by the COVID-19 pandemic. Further, the continued use of virtual public meetings is allowed so long as this Local State of Emergency stays in effect.** This declaration is made pursuant to the authority contained at §10 of the Emergency Management Act and §3 of the Open Meetings Act, which permits a public body to meet by electronic or telephonic means upon declaration of a local state of emergency or state of disaster if meeting in person would place at risk the personal health or safety of members of the public or members of the public body. Per Section 14 of PA 390, as amended, the Saginaw County Office of Emergency Management is directed to transmit this request to the Emergency Management and Homeland Security Division of the Michigan State Police.

BE IT FURTHER RESOLVED, this declaration of a Local State of Emergency shall continue in effect until ~~December 31, 2021~~ **August 31, 2021.**

The Clerk took a roll-call vote on the amendments as follows:

Yes: *Krafft, Little, Webster, Tany, Boyd, Matthews, Theisen, Karris, and Ruth – 9*

No: *~~Dwan~~, Ewing - 2*

Total: *- 11*

RESOLUTIONS

Resolution “A” Board of Commissioners County of Saginaw

A RESOLUTION DECLARING A LOCAL STATE OF EMERGENCY DUE TO THE COVID-19 PANDEMIC

At a special meeting of the Board of Commissioners of the County of Saginaw, State of Michigan held at Saginaw, Michigan on the 8th day of April 2021 at 5:00 p.m.

*Christopher S. Boyd, ~~Kathleen K. Dwan~~, Carol E. Ewing, Kyle R. Harris,
Dennis H. Krafft, Gerald D. Little, Sheldon Matthews, Carl E. Ruth,
Jack B. Tany, James G. Theisen, Michael A. Webster*

Commissioner Theisen offered the following resolution and moved for adoption. The motion was seconded by Commissioner Little.



WHEREAS, as recently as March 19, 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;” and

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 it is not possible to control the number of attendees at a public meeting; and

WHEREAS, because of the ever-evolving circumstances related to the spread of COVID-19 and the inability to control the number of public who may attend an open meeting, Saginaw County and other public bodies in local jurisdictions may find it necessary to conduct public meetings virtually to reduce the risk of spread to members of the public, government staff, or members of public bodies.

NOW, THEREFORE, IT IS RESOLVED, that to accommodate the specific need of protecting the public, staff, and other attendees at public meetings, where capacity is unknown or unable to be controlled, the Saginaw County Board of Commissioners is continuing the declaration of a Local State of Emergency made by the Board Chair on April 1, 2021, caused by the COVID-19 pandemic. Further, the continued use of virtual public meetings is allowed so long as this Local State of Emergency stays in effect. This declaration is made pursuant to the authority contained at §10 of the Emergency Management Act and §3 of the Open Meetings Act, which permits a public body to meet by electronic or telephonic means upon declaration of a local state of emergency or state of disaster if meeting in person would place at risk the personal health or safety of members of the public or members of the public body. Per Section 14 of PA 390, as amended, the Saginaw County Office of Emergency Management is directed to transmit this request to the Emergency Management and Homeland Security Division of the Michigan State Police.

BE IT FURTHER RESOLVED, this declaration of a Local State of Emergency shall continue in effect until August 31, 2021, or upon further order of the Saginaw County Board of Commissioners, whichever action may occur first.

AYES: *Little, Webster, Tany, Boyd, Matthews, Theisen, Harris, Krafft and Chairman Ruth - 9*

NAYS: *Commissioners ~~Dwan~~ and Ewing - 2*

RESOLUTION DECLARED ADOPTED.

CERTIFICATION OF RESOLUTION

STATE OF MICHIGAN)
)ss
COUNTY OF SAGINAW)



I, the undersigned, the duly qualified and acting Clerk of the Board of Commissioners of the County of Saginaw, State of Michigan, do hereby certify that the foregoing is a true and complete copy of proceedings taken at a special meeting of the Board of Commissioners of said County, held on the 8th day of April, 2021, the original of which is on file in my office. Public notice of said meeting was given pursuant to and in compliance with Act No. 267, Public Acts of 1976, as amended.

IN WITNESS WHEREOF, I have hereunto affixed my official signature this 8th day of April, 2021.

Vanessa Guerra, County Clerk
County of Saginaw

UNFINISHED BUSINESS

None

PROCLAMATIONS

None

APPOINTMENTS

None

ELECTIONS

None

ANNOUNCEMENTS BY THE CHAIR

None

COMMISSIONERS' AUDIENCES

By Commissioner Harris, seconded by Commissioner Tany: That the Board adjourn. Motion Carried.
Thereupon, the Board Session adjourned at 5:52 p.m.

Respectfully submitted,

SAGINAW COUNTY BOARD OF COMMISSIONERS

CARL E. RUTH, CHAIRMAN

VANESSA GUERRA, COUNTY CLERK

Prepared by: Suzy Koeplinger, Board Coordinator/Deputy Clerk