

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

**SPECIAL SESSION
MARCH 30, 2020**

A Special Session of the Board of Commissioners of Saginaw County, Michigan, held Monday, March 30, 2020 at 3:00 p.m. via Zoom teleconferencing consistent with Executive Order No. 2020-15 issued by Governor Gretchen Whitmer titled “Temporary authorization of remote participation in public meetings and hearings and temporary relief from monthly meeting requirements of school boards” and as authorized by petition of at least one third (1/3rd) of the members of the Saginaw County Board of Commissioners with the Honorable Michael A. Webster in the Chair. Deputy Clerk Suzy Koeplinger took roll, quorum present as follows:

PRESENT: *Kathleen K. Dwan, Cheryl M. Hadsall, Kyle R. Harris, Kirk W. Kilpatrick, Dennis H. Krafft, Sheldon Matthews, Amos O’Neal, Carl E. Ruth, Charles M. Stack, James G. Theisen, Michael A. Webster - 11*

ABSENT: *None - 0*

TOTAL: *- 11*

Commissioner Ruth gave the invocation.

PETITION



CLERK'S CALL OF SESSION

March 20, 2020

Michael J. Hanley
Saginaw County Clerk
111 S. Michigan Avenue
Saginaw, MI 48602

March 30, 2020
Special Session

3-30-1

Dear Clerk Hanley:

Pursuant to Executive Order No. 2020-15 issued by Governor Gretchen Whitmer titled “Temporary authorization of remote participation in public meetings and hearings and temporary relief from monthly meeting requirements of school boards” the undersigned members of the Board respectfully



petition that a Special Meeting of the Board of Commissioners be held **Monday, March 30, 2020 at 3:00 p.m.** Via teleconference 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. (Call-in information to be provided with the Agenda)

Respectfully submitted,

Kathleen K. Dwan, Commissioner
Kirk W. Kilpatrick, Commissioner
James G. Theisen, Commissioner
Cheryl M. Hadsall, Commissioner
Amos O’Neal, Commissioner
Michael A. Webster, Chairman

Charles M. Stack, Commissioner
Sheldon Matthews, Commissioner
Kyle R. Harris, Commissioner
Dennis H. Krafft, Commissioner
Carl E. Ruth, Vice-Chair



March 20, 2020

3-30-2

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 **Monday, March 30, 2020 at 3:00 p.m.** via teleconference, call-in information to be provided subsequently, 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 Executive Order No. 2020-15 issued by Governor Gretchen Whitmer titled “Temporary authorization of remote participation in public meetings and hearings and temporary relief from monthly meeting requirements of school boards” and as authorized by petition of at least one third (1/3rd) of the members of the Saginaw County Board of Commissioners.

Respectfully submitted,
Michael J. Hanley, County Clerk
/sek

Posted: 12:00 p.m. on March 20, 2020 by Suzy Koeplinger, 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.



PUBLIC HEARING

None

AUDIENCES

❖ Hon. Darnell Jackson, Chief Judge, provided the following comments:

Good afternoon Chairman Webster and other members of the Board. I appreciate the opportunity to address you today. This past week brought about anxiety and disagreement over how county employees who are unable to report to work, per the Governor’s Executive Order 2020-21 should be compensated. My letter to you all dated March 27th discussed how the employees were unable to report to work, until further notice from the Governor. My remarks today will focus on why they should not be required to use PTO time because of it.

- 1) I agree with Mr. Belleman’s opinion, in his letter to Chairman Webster, dated March 26, 2020, wherein he states in the last paragraph on page two, “I believe County employees who are working alternating schedules, working remotely, or being redeployed to another department should be compensated at 40 hours as if they worked the full 40 hours;...and any employee unable or unwilling to work be compensated through the use of appropriate leave policies.”
- 2) Even under a situation where a department head has employees working, in their own jobs on an alternating schedule, or remotely from home, such activity is still limited to that which is “necessary to sustain or protect human life,” per the Governor’s Executive Order.
- 3) Mr. Belleman then goes on to mention the Family Medical Leave Act, The Families First Coronavirus Response Act and Paid Time Off, as some appropriate leave policies. From his letter and discussions that I’ve had with him, I do not believe that he is pushing one leave policy over another.
- 4) And even if he has a preference and would recommend an option to you, the most logical (and legal) option is for you to decide that under the present circumstances, non-essential County employees are not required to report to any workstation. In fact, for you to declare that they are unable to do so per the Governor’s Executive Order, and that they will still be compensated without having to use PTO time. There are three basic reasons for this position.
- 5) The first reason is that applicable collective bargaining agreements contain clauses which state, “When unforeseen circumstances force any building closure which affects bargaining unit members, those members will be excused from work, without loss of pay, during the time period the building is closed.”
- 6) The Executive Order signed by Governor Whitmer on March 23rd effectively closes the courthouse and other County facilities to the public through April 13th. It is clear that because of this unforeseen circumstance employees are unable to report to work, at any location. And, the collective bargaining agreements should dictate how they are to be compensated, without use of PTO hours.



- 7) The second reason is the Families First Coronavirus Response Act which goes into effect April 1st. It grants employees up to 80 hours of compensation at 100% of their pay when they are “subject to a Federal, State, or local quarantine or isolation order related to covid-19.” The Act buys us two weeks of time but that’s all it does.
- 8) The Executive Order is a quarantine or isolation order related to Covid-19. Under that Order all non-essential County employees are not only prohibited from reporting to work, they are basically prohibited from even leaving from their homes!
- 9) For those non-essential County employees who are prohibited from reporting to work under the Executive Order, they are still entitled to compensation under the Families First Coronavirus Act for up to two weeks. Unfortunately, I don’t think that there is anyone who seriously believes that this virus situation will be resolved in two weeks.
- 10) The question for you as a Board thus becomes, “If the Executive Order is extended past those two weeks, which it most likely will be, and it still prohibits employees from reporting to work, should they be required to use PTO time?” The answer to the question is clearly not, and I’ve just discussed two reasons for it.
- 11) The third reason is that in a memo dated March 16th, 2020 Mr. Belleman states, “If a complete closure is ordered and all (non-essential) employees are requested to stay home, the County will provide compensation to employees during that period of closure.” This is an unequivocal statement on how employees are to be paid in the situation at hand.
- 12) So, for those three reasons you should declare that ALL non-essential county employees are unable to report to work, at any location, per the Executive Order, and will still be compensated without the need to use PTO hours.
- 13) And finally, I can’t stress enough that we are in the middle of a pandemic. And I don’t think that anyone in the world is waiting on us here in Saginaw County to find a treatment or a cure to this horrible virus. But until someone else does, we still have an obligation to prevent as much harm as possible.

THANK YOU, and I’d be willing to answer any questions that you may have.

LAUDATORY RESOLUTIONS

None

INITIATORY MOTIONS

None

PETITIONS AND COMMUNICATIONS

By the Chair: That the following communications received by the Board of Commissioners be referred as designated, if there are no objections. The Chair hears none; it is so ordered.



3-30-1 Petition for Special Emergency Session

Chairman Webster asked for a motion to waive the requirement that the communications before the Board go to a committee prior to the Board Session, pursuant to Article 7.1(5), and to deal with the following agenda items as a majority vote via roll-call. Ruth moved, seconded by Stack, to approve the recommendation. The Clerk took a roll-call vote and the Motion carried as follows:

Yes: Krafft, O’Neal, Ruth, Dwan, Stack, Kilpatrick, Matthews, Theisen, Harris, Hadsall and Webster - 11

No: None - 0

Total: - 11

3-30-2 CONTROLLER/CAO Discussion & Action – Request extension of sixty (60) days to the Local Emergency Declaration, which was issued March 23, 2020 in advance of the Special Meeting and is only valid for seven (7) days without Board approval (*Resolution “A”*)

Chairman Webster asked for a motion to approve Resolution “A” that extends for sixty (60) days the Local Emergency Declaration issued March 23, 2020 that was only valid for seven (7) days. Theisen moved, seconded by Hadsall, to approve the recommendation. The Clerk took a roll-call vote and the Motion carried as follows:

Yes: O’Neal, Ruth, Dwan, Stack, Kilpatrick, Matthews, Theisen, Harris, Hadsall, Krafft, and Webster - 11

No: None - 0

Total: - 11

3-30-3 CONTROLLER/CAO Discussion & Action – Request for the Board of Commissioners to temporarily amend the County’s Pay Plan to provide flexibility in compensation and benefits for employees with alternating work schedules; the ability to work remotely, who have been redeployed to other departments to meet immediate needs, and who have been identified as non-essential, required to stay home but must remain accessible and available to work

Chairman Webster asked for a motion to approve amendment of the County’s Pay Plan to provide flexibility in compensation and benefits for employees during the COVID-19 pandemic and pursuant to Governor Whitmer’s Executive Order 2020-21 “Stay Home. Stay Safe.”

Ruth moved, seconded by Hadsall, to approve the recommendation. Chairman Webster asked Robert Belleman, Controller/CAO, to outline the framework and explain the plan. Discussion was held regarding the effect of the plan on non-essential employees and the ability to pay compensation and benefits based upon current and future opportunities that require their flexibility. The Controller explained the process for non-essential employees to take advantage of opportunities to work in essential locations, such as Commission on Aging, Animal Care & Control, and Emergency Management.

After discussion, the Chairman directed the Clerk to take a roll-call vote and the Motion carried as follows:

Yes: Ruth, Dwan, Stack, Matthews, Theisen, Harris, Hadsall, Krafft, O’Neal and Webster - 10

No: Kilpatrick - 1

Total: - 11



Chairman Webster asked for a motion to authorize a virtual Special Board Session on Thursday, April 9, 2020 at 3:00 p.m. to contemplate the March 17, 2020 Board Session that was re-scheduled, pursuant to MCL 46.10 and Board Rule 2.9. Dwan moved, seconded by Theisen, to approve the recommendation. The Clerk took a roll-call vote and the Motion carried as follows:

Yes: Dwan, Stack, Kilpatrick, Matthews, Theisen, Harris, Hadsall, Krafft, O’Neal, Ruth, and Webster - 11

No: None - 0

Total: - 11

RESOLUTIONS

[Res. “A” was approved under Petitions and Communications]

RESOLUTION “A”

**BOARD OF COMMISSIONERS
COUNTY OF SAGINAW
STATE OF MICHIGAN**

RESOLUTION APPROVING CONTINUATION OF LOCAL STATE OF EMERGENCY IN SAGINAW COUNTY

At a special meeting of the Board of Commissioners of the County of Saginaw, State of Michigan held at Saginaw, Michigan on the 30th day of March 2020.

PRESENT: *Kathleen K. Dwan, Cheryl M. Hadsall, Kyle R. Harris, Kirk W. Kilpatrick, Dennis H. Krafft, Sheldon Matthews, Amos O’Neal, Carl E. Ruth, Charles M. Stack, James G. Theisen, Michael A. Webster – 11*

ABSENT: *None – 0*

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

WHEREAS, the novel coronavirus (COVID-19) is a respiratory disease that can result in serious illness or death, is caused by a new strain of the coronavirus that had not been previously identified in humans, and can easily spread from person to person: and

WHEREAS, on March 10, 2020, Michigan Governor Gretchen Whitmer issued Executive Order 2020-04, which declared a State of Emergency throughout the State of Michigan related to COVID-19; and

WHEREAS, on March 21, 2020, Saginaw County Public Health Officials were notified of the first confirmed case of COVID-19 in Saginaw County; and

WHEREAS, on March 23, 2020, pursuant to MCL 30.410(1)(b), Saginaw County Board Chair Michael Webster declared a Local State of Emergency within Saginaw County related to COVID-19; and

WHEREAS, since the first case was confirmed in Saginaw County the number of confirmed COVID-19 cases in the county has continued to increase; and



WHEREAS, pursuant to MCL 30.410(1)(b), when a County Board Chairperson declares a Local State of Emergency, that state of emergency “shall not be continued or renewed for a period in excess of 7 days except with the consent of the governing body of the county;” and

WHEREAS, the governing body of Saginaw County is this Board of Commissioners; and

WHEREAS, this Board is of the opinion that the circumstances within Saginaw County warrant continuing the Local State of Emergency within Saginaw County.

NOW, THEREFORE, BE IT RESOLVED, that the Saginaw County Board of Commissioners finds that the circumstances within Saginaw County warrant a continuation, for a period in excess of seven (7) days, of the Local State of Emergency within Saginaw County related to COVID-19 that was declared by this Board’s Chairperson on March 23, 2020.

BE IT FURTHER RESOLVED, that this extension of the Local State of Emergency related to COVID-19 shall not exceed sixty (60) days from today's date without the consent of this board.

Yeas: *Kathleen K. Dwan, Cheryl M. Hadsall, Kyle R. Harris, Kirk W. Kilpatrick, Dennis H. Krafft, Sheldon Matthews, Amos O’Neal, Carl E. Ruth, Charles M. Stack, James G. Theisen, Michael A. Webster - 11*

Nays: *None - 0*

TOTAL: *- 11*

STATE OF MICHIGAN)
)ss
COUNTY OF SAGINAW)

I, the undersigned, the duly qualified and acting Clerk 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 30th day of March, 2020, the original of which is on file in the Board Office. Public notice of said meeting was given pursuant to and in compliance with Act No. 267, Public Acts of Michigan, 1976, as amended.

IN WITNESS WHEREOF, I have hereunto affixed my official signature this 30th day of March, 2020.

Michael J. Hanley, County Clerk
County of Saginaw

UNFINISHED BUSINESS

None

PROCLAMATIONS

None

APPOINTMENTS

None



ELECTIONS

None

ANNOUNCEMENTS BY THE CHAIR

Chairman Webster quoted Harriet Beecher Stowe - “Never give up, for that is just the place and time that the tide will turn.” He further stated that we are in this together; that this is not a time for divisiveness; it is a time for us to really come together with guidance from our federal, state and local leaders to make sure that we can continue those vital services that we provide to our citizens.

COMMISSIONERS’ AUDIENCES

Commissioner Krafft requested further training on teleconferencing.

Commissioner Dwan asked that we all pray that this pandemic is over quickly.

By Commissioner Harris, seconded by Commissioner Dwan: That the Board adjourn. Carried.

Thereupon, the Special Board Session adjourned at 4:00 p.m.

MICHAEL A. WEBSTER, CHAIRMAN

MICHAEL J. HANLEY, CLERK

Prepared by: Suzy Koeplinger, Board Coordinator/Deputy Clerk