

ALLEGAN COUNTY BOARD OF COMMISSIONERS

INDEX

AUGUST 20, 2021 SESSION

JOURNAL 69

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SPECIAL SESSION**AUGUST 20, 2021 SESSION - PLEDGE OF ALLEGIANCE, ROLL CALL**

1/ The Board of Commissioners of the County of Allegan, State of Michigan, met in the Board Room of the County Services Building in the Township of Allegan on August 20, 2021 at 1:05 P.M. in accordance with the motion for adjournment of August 12, 2021, and rules of this board; Chairman Storey presiding.

The County Clerk led the Board in the Pledge of Allegiance to the flag.

Upon roll call the following members answered as Commissioners for the respective Districts:

DIST #1	DEAN KAPENGA	DIST #5	TOM JESSUP
DIST #2	JIM STOREY	DIST #6	GALE DUGAN
DIST #3	MAX THIELE	DIST #7	RICK CAIN
DIST #4	MARK DeYOUNG		

PUBLIC EMAIL SUBMISSIONS TO COMMISSIONERS

2/ Moved by Commissioner Dugan, seconded by Commissioner Kapenga to add all emails to the Commissioners and their responses relative to the Health Department's mask mandate in schools be made part of the public record. Motion carried by roll call vote. Yeas: Kapenga, Storey, DeYoung, Jessup, Dugan and Cain. Nays: Thiele. (Motion was rescinded - see page 628)

PRESENTATION - CORPORATION COUNSEL

3/ Administrator Sarro and Corporate Counsel Richard Cherry joined the meeting via Zoom to address questions from the Board sent the night before. Public Health Code in Michigan Statute MCL 333.2451 pertains to the imminent danger to health or lives. Questions:

Kapenga asked specifically for the criteria that the Allegan County Health Dept made their decision on.

Cain asked if the CDC or MDHHS have recommended masks or mandated them. Cherry said recommended.

Question submitted to counsel the previous night. Can the Board overturn a public health order?

Question submitted in advance- Who appoints the County Health Officer? Cherry said the Board.

Can the Board terminate the Health Officer? The board has delegated the power to the administrator. It would need to take it back. Making the order would not in his mind be appropriate conduct for removal and would open the county to legal recourse.

Were any right violated in issuance of the order? No

PUBLIC PARTICIPATION – COMMENTS

4/ Chairman Storey opened the meeting to public participation and the following individuals offered comments:

1. Mike Vandenberg, Supervisor of Gun Plain Township, Chair of the Allegan County GOP – read resolution opposing the order. Submitted for Board consideration
2. Matt Minor of Wayland, spoke in opposition online
3. Jeff Koon of Dorr Township, spoke in opposition
4. Melanie Kurdies Gun Plain Township, spoke in opposition online
5. Kimberly Miller from Otsego, spoke in opposition
6. Kathy Reifert, Galesburg, MI (teacher in Allegan County), spoke in opposition online
7. William Mohr, Martin MI spoke in opposition contested Attorney Cherry’s definition of eminent danger under MCL 333.2451
8. Libby Devop , Allegan, MI spoke in opposition of the order online
9. Leigh Clark, D Ave, Kalamazoo, County spoke in opposition
10. Andrea Schuitema, Wayland (?) online opposes mandate
11. Michelle Harris, Watson Twp presented the book “The Case Against Masks” to the Board opposes the mandate
12. Nate Sherman from Dorr, opposes the mandate online
13. Nevin Cooper-Keel, Monterey Twp opposes the mandate
14. Online Loren David Sargent Fennville opposes mandate
15. Josh Dykstra Salem Twp opposes the mandate
16. Online Jerry Connor Plainwell supports the mandate
17. Kim Ludwig Clyde Twp supports the mandate
18. Telephone call Donald Good, Wayland MI opposes mandate
19. Melissa Radamaker Otsego opposes the mandate submitted articles to the board on the effects of children wearing masks
20. Online Mickey Bittner Heath Twp opposes the mandate
21. Albert Lombard Valley Twp on behalf of himself (not his employer) oppose mandate
22. Online Blake Hemmin Kalamazoo County (Otsego Schools) – supports the mandate
23. Maria Prindell Wayland opposes the mandate
24. Online Mary Stevens Oshtemo supports the mandate

There was discussion on whether to have Health Office Angelique Joynes present to the Board or to continue taking testimony from citizens in attendance. Decision was to continue public comment until 3:45 P.M.

25. Adalynn Emelander from Hopkins opposes the mandate
26. Online Morgan Bolles Valley Twp opposes the mandate
27. Jason Apol Hopkins Twp opposes the mandate. Read a statement from State Rep Steve Johnson of Wayland
28. Laura Vicenzi Plainwell doesn’t like the short notice of the meeting. Supports the mandate
29. Mary Booth Overisel Twp opposes the mandate
30. Ashley Meyer Hamilton opposes the mandate
31. Online Mike Keeler Otsego Twp opposed the mandate

ORDERS REGARDING CONTROL AND PREVENTION OF COVID-19 TRANSMISSION IN EDUCATIONAL SETTINGS WITHIN ALLEGAN COUNTY, MICHIGAN

5/ Public Health Officer Angelique Joynes and Public Information Officer Lindsay Maunz presented on the County Health Departments Order and the Department’s mandate. Joynes discussed the powers and duties of the

Department and on the order. Questions were received from the Board and discussion followed.

PUBLIC PARTICIPATION – COMMENTS

6/ Chairman Storey opened the meeting to public participation and the following individuals offered comments:

1. Marla Weber Heath Twp opposes the mandate
2. Teri Beilby Plainwell MI opposes the mandate
3. Kimberly Cuba Martin opposes the mandate
4. Carson Cuba Martin opposes the mandate
5. Scott Pedersen Allegan opposes the mandate
6. Johns Berens Overisel Two opposes the mandate
7. Steve McNeal City of Holland opposed the mandate
8. Abigail Nobel Salem Twp opposes the mandate
9. Stephen Sission Otsego opposes the mandate
10. Ruth Walters Hamilton opposes the mandate
11. Nathan Walters Hamilton opposes the mandate
12. Jill Vernia Otsego opposes the mandate
13. Abigayle Hopkins Ganges Twp opposes the mandate
14. Matt Berens Overisel Twp opposes the mandate
15. Heidi Mahilec Fillmore Twp opposes the mandate
16. Brent Prindel Wayland opposes the mandate
17. Amanda Balder Clyde Twp opposes the mandate
18. Online Andrea Schuitema Kalamazoo County opposes mandate
19. Bobby Tilman Kalamazoo County supports the mandate
20. Jaime Onken Allegan speaking on behalf of herself opposes mandate
21. Online Andrea Buist Allegan speaking as a parent opposes the mandate

BREAK – 5:49 P.M.

7/ Upon reconvening at 5:57 P.M., the following Commissioners were present: Commissioner Kapenga, Storey, Thiele, DeYoung, Jessup, Dugan and Cain. Absent: None.

REQUEST TO RESCIND LOCAL PUBLIC HEALTH ORDER REGARDING CONTROL AND PREVENTION OF COVID-19 TRANSMISSION IN EDUCATIONAL SETTINGS WITHIN ALLEGAN COUNTY, MICHIGAN

8/ Commissioner Kapenga presented a resolution to the board for the Health Department to reconsider the mandatory mask mandate and seconded by Commissioner Cain to move forward with the resolution. Discussion followed with amendments to the resolution.

WHEREAS, a special public hearing was held virtually in the Board Room, County Services Building on August 20, 2021, at 1:00PM, to allow public comment; and

WHEREAS, the Board of Commissioners expresses its deep concern about the erosion of local control and parental authority caused by the Health Department's order on mandating the masking of children of Allegan County in grades K-6; and

WHEREAS, the Board of Commissioners recognizes the authority of local school boards that are elected by the members of those communities. The Board of Commissioners expresses its belief the mandating of masks should be left up to the parents and governing bodies of the elected school board level.

THEREFORE BE IT RESOLVED that upon hearing public comment and the representation of county health officials, the Board of Commissioners hereby adopts this resolution urging reconsideration of the mask mandate order as presented; and

BE IT FURTHER RESOLVED that the Board of Commissioners requests the Health Department to rescind the local order entitled Orders Regarding Control and Prevention of COVID-19 Transmission in Educational Settings within Allegan County, Michigan.

Moved by Commissioner Kapenga, seconded by Commissioner Cain to pass the resolution as amended. Motion carried by roll call vote. Yeas: Kapenga, Storey, DeYoung, Jessup, Dugan and Cain. Nays: Thiele.

PUBLIC EMAIL SUBMISSIONS TO COMMISSIONERS - RESCINDED

9/ Moved by Commissioner Jessup, seconded by Commissioner Thiele to rescind the motion that was made at the beginning of the meeting to make all emails received by Commissioners as part of the public record. Motion carried by roll call vote. Yeas: Kapenga, Storey, Thiele, DeYoung, Jessup and Cain. Nays: Dugan.

ADJOURNMENT UNTIL AUGUST 26, 2021 AT 9:00 A.M.

10/ Moved by Commissioner Cain, seconded by Commissioner Dugan to adjourn until August 26, 2021 at 9:00 A.M. The motion carried by roll call vote and the meeting was adjourned at 6:40 P.M. Yeas: 7 votes. Nays: 0 votes.



County Clerk

James M. Storey
Board Chairperson

Minutes approved during the 09/09/2021 Session