

Board Room
May 13, 2021
Board of Commissioners Minutes

The regular meeting of the Oceana County Board of Commissioners was called to order by Chairperson Walker, in the Class Room of the Oceana County Services Building, on Thursday, May 13, 2021, at 11:56 a.m.

Roll was called by the Clerk. Present: Mr. Beggs, Mr. Hardy, Ms. Meyette, Mr. Morse, Mr. Erickson, Mr. Christians, and Mr. Walker.

Also present: Dr. Sobie, Oceana County Administrator; Ms. Amy L. Anderson, Oceana County Clerk; Mr. Gary Britton, legal counsel; Mr. Charles Ritchard, Chairperson of the Oceana County Board of Canvassers; Ms. Peggy Whitman, City of Hart resident; and Ms. Malinda Pego, Muskegon County Commissioner.

Moved by Mr. Christians and seconded by Mr. Beggs to approve the minutes from the May 13, 2021 meeting as presented.

Voice vote. Motion carried.

Moved by Mr. Erickson and seconded by Mr. Beggs to amend the agenda to include two resolutions regarding the hearing/discussion of suspension/removal of Mr. Ritchard from the Canvass Board.

Roll call vote: Mr. Erickson – yes; Mr. Beggs – yes; Ms. Meyette – yes; Mr. Hardy – yes; Mr. Christians – yes; Mr. Morse – yes; and Mr. Walker – yes.

Moved by Mr. Christians and seconded by Mr. Hardy to approve the agenda as amended.

Voice vote. Motion carried.

No public comment on agenda items.

Mr. Walker asked if any commissioners wished to declare a conflict of interest on the agenda items. No conflict of interest was declared.

RESOLUTION NO. 1 – AUTHORIZING ROOF REPAIRS AT THE HART EMS STATION

Moved by Ms. Meyette and seconded by Mr. Erickson to authorize repairs to the roof at the Hart EMS Station in the amount of \$2,100 and to further authorize the County Administrator to amend the Fiscal Year 2021 Ambulance Fund (#210) budget to cover all costs of the repairs.

Roll call vote: Ms. Meyette – yes; Mr. Erickson – yes; Mr. Beggs – yes; Mr. Morse – yes; Mr. Hardy – yes; Mr. Christians – yes; and Mr. Walker – yes.

Motion carried.

RESOLUTION NO. 2 – APPROVING A MUTUAL AID LAW ENFORCEMENT AGREEMENT

Moved by Mr. Beggs and seconded by Ms. Meyette to approve the proposed Law Enforcement Mutual Aid Agreement (“Agreement”) as presented.

The parties recognize the mutual advantage and benefits of rendering to each other supplemental police protection in the event of a special police need of the magnitude that has developed, appears to be developing, or is anticipated where the special need is beyond the control of a single police department and, therefore, requires the assistance of one or more of the other parties.

This Agreement will become effective upon the date each unit adopts a resolution approving the same.

Roll call vote: Mr. Beggs - yes; Ms. Meyette - yes; Mr. Hardy - yes; Mr. Christians - yes; Mr. Morse - yes; Mr. Erickson - yes; and Mr. Walker - yes.

Motion carried.

RESOLUTION NO. 3 – PERMANENT REMOVAL OF CANVASS BOARD MEMBER

Moved by Mr. Erickson and seconded by Mr. Morse to adopt the following resolution:

WHEREAS, on April 28, 2021, Ms. Amy Anderson, Oceana County Clerk, issued a certified letter to Mr. Charles Ritchard, Oceana County Board of Canvassers, suspending him from his duties as a member and chairman of the Oceana County Board of Canvassers; and

WHEREAS, the action was taken by Ms. Anderson based on information received by her that Mr. Ritchard did not intend to fulfill his oath of office as a member of the Oceana County Board of Canvassers unless certain actions are taken by Ms. Anderson and the Michigan Secretary of State; and

WHEREAS, Mr. Ritchard’s demands have no statutory basis as they relate to the duties of the Oceana County Board of Canvassers; and

WHEREAS, Mr. Ritchard was afforded a hearing with the Oceana County Board of Commissioners allowing him to challenge Ms. Anderson’s suspension of him from the Oceana County Board of Canvassers and to reject the suspension; and

WHEREAS, Ms. Anderson is recommending to the Oceana County Board of Commissioners that Mr. Ritchard be permanently removed from the Oceana County Board of Canvassers; and

WHEREAS, the Oceana County Board of Commissioners has heard testimony from Ms. Anderson and Mr. Ritchard regarding the current suspension as well as Ms. Anderson’s request to permanently remove Mr. Ritchard from the Oceana County Board of Canvassers.

NOW THEREFORE BE IT RESOLVED, that the Oceana County Board of Commissioners does hereby affirm the April 28, 2021 suspension of Mr. Ritchard for violation of his oath of office; and

BE IT FINALLY RESOLVED, that Mr. Ritchard is hereby permanently removed from the Oceana County Board of Canvassers effective immediately upon adoption of this resolution.

Ms. Meyette asked Ms. Anderson to stipulate, to the public, what actions Mr. Ritchard had asked to have corrected. Ms. Anderson responded that Mr. Ritchard's corrective action plan consisted of not using the Dominion voting systems to certify the election. Ms. Meyette requested the specific corrective actions that were mentioned. Mr. Walker reminded her that she already had the information she requested as she was provided a copy of the email from 04-23-2021. Ms. Meyette felt endeavored to read the email aloud.

Mr. Walker requested that "violation of his oath of office" be added to the resolution upon advice from legal counsel. Ms. Meyette contested the wording because she believes he was not violating his oath to uphold the constitution. Mr. Erickson quickly read aloud the State Constitution Oath of Public Officers.

Roll call vote: Mr. Erickson – yes; Mr. Morse – yes; Mr. Beggs – no; Ms. Meyette – no; Mr. Christians – yes; Mr. Hardy – no; and Mr. Walker – yes.

Motion carried.

RESOLUTION NO. 4 – RELEASE OF FUNDS

Moved by Mr. Hardy and seconded by Mr. Beggs to approve the accounts payable and release of funds for May 13, 2021 in the tentative amounts as follows:

AMBULANCE FUND	\$7,435.31
FRIEND OF THE COURT FUND	2,492.24
GIS FUND	-0-
PUBLIC IMPROVEMENT	-0-
BUILDING DEPARTMENT	17,285.78
CDBG	-0-
TECHNOLOGY	4,395.76
FORECLOSURE	7,258.56
K-9 UNIT	91.64
VETERANS AFFAIRS	3,743.93
MEDICAL RESERVE	-0-
AUTOMATION FUND – R.O.D.	4,111.95
INDIGENT DEFENSE FUND	4,268.53
LOCAL CORR OFFICERS TRNG FUND	-0-
CRIMINAL JUSTICE TRNG	350.00
VICTIMS SERVICES	-0-
CAP PROJ-EQUIP REPLACEMENT	-0-
GENERAL FUND	430,417.23
TOTAL	\$481,850.93

Roll call vote: Mr. Hardy – yes; Mr. Beggs – yes; Mr. Christians – yes; Ms. Meyette – yes; Mr. Erickson – yes; Mr. Morse – yes; and Mr. Walker – yes.

Motion carried.

Commissioner's Reports

Mr. Erickson reported that he has been very impressed with Mr. McKeen's work with the Parks & Recreation Commission.

Mr. Erickson attended the DHD#10 meeting, held in Cadillac, and learned that vaccine demand is down, but supply is high. Clinics are seeing reduced numbers.

Mr. Erickson provided a brief update regarding the Michigan Department of Health and Human Services meeting with the Oceana County Medical Care Facility.

Mr. Christians mentioned that between the Village of Pentwater and Pentwater Township, the Brownfield Redevelopment Authority (BRA) has been well received. Dr. Sobie noted that a webinar will be hosted regarding the BRA if any would like to attend.

Public Comment

Ms. Peggy Whitman, City of Hart resident, wondered why the agenda had been amended to include the resolution presented, as a foregone conclusion as to what action the Board of Commissioners would take towards Mr. Ritchard. Mr. Walker informed her that two resolutions existed; one that was presented, affirming the County Clerk's actions, and one rejecting the County Clerk's actions towards Mr. Ritchard.

Ms. Malinda Pego, Muskegon County Commissioner, reiterated that she believes that the Commissioners have no understanding of how the United States Constitution supersedes anything else. The duties of a Commissioner are to intervene on behalf of the lesser of magistrates. She suggested that every Commissioner become acquainted with "The Doctrine of the Lesser Magistrates" and chastised the four Commissioners who voted to remove Mr. Ritchard from the Canvass Board. Ms. Pego believes that the Commissioners should have taken action against Ms. Anderson and reinstated Mr. Ritchard. She recommended rescinding the resolution removing Mr. Ritchard from the Canvass Board and suggested they reinstate him.

Ms. Meyette and Mr. Beggs suggested reading the second resolution that was approved in the agenda amendment. Dr. Sobie asked for advice from legal counsel.

Mr. Britton advised that there was no reason to read the second resolution because the first one, removing Mr. Ritchard, had passed. Mr. Walker offered to have Ms. Meyette read the second resolution and to have a vote.

Mr. Ritchard believes that Mr. Britton has a conflict of interest because he had been represented by his firm before. Mr. Britton informed him that he currently is employed at Smith, Haughey, Rice, & Roegge. Mr. Ritchard apologized and wondered why a simple meeting was not called.

RESOLUTION NO. 5 – REMOVAL OF SUSPENSION OF CANVASS BOARD MEMBER

Moved by Ms. Meyette and seconded by Mr. Beggs to adopt the following resolution:

WHEREAS, on April 28, 2021, Ms. Amy Anderson, Oceana County Clerk, issued a certified

letter to Mr. Charles Ritchard, Oceana County Board of Canvassers, suspending him from his duties as a member and chairman of the Oceana County Board of Canvassers; and

WHEREAS, the action was taken by Ms. Anderson based on information received by her that Mr. Ritchard did not intend to fulfill his oath of office as a member of the Oceana County Board of Canvassers unless certain actions are taken by Ms. Anderson and the Michigan Secretary of State; and

WHEREAS, Mr. Ritchard was afforded a hearing with the Oceana County Board of Commissioners to allowing him to challenge Ms. Anderson's suspension of him from the Oceana County Board of Canvassers and to reject the suspension; and

WHEREAS, Ms. Anderson is recommending to the Oceana County Board of Commissioners that Mr. Ritchard be permanently removed from the Oceana County Board of Canvassers; and

WHEREAS, the Oceana County Board of Commissioners has heard testimony from Ms. Anderson and Mr. Ritchard regarding the current suspension as well as Ms. Anderson's request to permanently remove Mr. Ritchard from the Oceana County Board of Canvassers.

NOW THEREFORE BE IT RESOLVED, that the Oceana County Board of Commissioners does hereby remove the suspension of Mr. Ritchard from the Oceana County Board of Canvassers and directs him to resume his duties effective immediately; and to rescind resolution #21-53.

Roll call vote: Ms. Meyette – yes; Mr. Beggs – yes; Mr. Erickson – no; Mr. Christians – no; Mr. Morse – no; Mr. Hardy – yes; and Mr. Walker – no.

Motion failed.

Chairperson Walker asked if there was any further business to come before the Board. There being none, the meeting adjourned at 12:54 p.m.



Amy L. Anderson, Oceana County Clerk

06/24/2021

Date



Mr. Walker, Chairperson