

FOIA Mailbox

From: Jacob Bonnema <jacob@jacobbonnema.com>
Sent: Thursday, December 22, 2022 6:35 PM
To: Doug Zylstra
Subject: Fwd: Rumor Mill

Sent from my iPhone

Begin forwarded message:

From: Douglas Van Essen <dvanessen@miottawa.org>
Date: December 22, 2022 at 4:08:32 PM EST
To: allison@allisonmiedema.com, gretchen@gretchencosby.com, jacob@jacobbonnema.com, joe@joemoss.com, ebellu1981@gmail.com, Rebekah Curran <rebekahacurran@gmail.com>, roger@rogerbelknap.com, sylvia@sylviarhodea.com
Subject: Rumor Mill

Dear new Commissioners:

John Shay has no idea I am sending this message and would not approve of it. John has left for Ohio for Christmas and I have not talked to him about what my connections in other parts of the State are advising me. Let me summarize the rumor. You have decided to fire John and fire me at the start of the year.

In the event that this is a rumor, largely ignore the following. In the event that it is true, let me say this:

1. I was planning on retiring from my corporation counsel job January 1st anyway and was only sticking around until a full time replacement could be found to sit every day in my office and perform the work every day that is required in an operation that has 1800 employees and a quarter of a billion dollar budget. I actually only took the position in 2017 as a favor to Al Vanderberg, so, I am not writing this about me. You can do whatever you want for whatever reason to my position as corporation counsel. Although for the past 30 years, the person holding this position has ALWAYS been a daily (necessary) presence in West Olive. It cannot be done from afar.
2. I am writing about John Shay and the good of Ottawa County whose interests you will soon be sworn to uphold. First, John is not a friend. We only work together. I am not personally close to John, but I have watched him in operation since he came as deputy administrator.
3. John had absolutely no role in COVID, on the mask mandate or any of the Health Department issues that are so important to you. John had absolutely no role in DEI. It was here when he came and he has had no role with it while he has been here.
4. John ONLY took the administrator's job because literally the County had no one remotely capable who applied. All good candidates were worried about the politics in Ottawa County.
5. John has worked tirelessly since he started in the County and redoubled his efforts as Administrator. He literally gets up at 5 in the morning to be here by 8 and he is often here when I leave at 6 pm, meaning he has yet to drive home to Ludington and repeat his daily cycle.

6. John is doing that because his wife has friends in Ludington and they are active in their church up there. That is that kind of selfless Christian husband. Ask Kyle!!! In short, John has done nothing to deserve any retaliation; he is a very good administrator and an even better human being.
7. There are 1800 employees who work at Ottawa that have been scared (some have already left) about the political turnover and John has worked tirelessly to calm matters down, restoring brown bag lunches with all departments to spread the news that County is functioning and services will not suffer on January 1, 2023 and that the new Board members undoubtedly has the best interests of the County in mind and while stamping their own views on some issues there isn't going to be huge dysfunction at the County. By the way, of the millions of things that happen in a year in County government, the now dead mask mandate and DEI are not even blips on the day to day functioning of Ottawa County Government.
8. You can fire me and you can fire the DEI Director and serve whatever base you think you have to serve and do minimal damage. But if you fire the Corporation Counsel and Administrator you will send shock waves, not just throughout the County but at Wall Street where we have ended up with one of the few AAA bond ratings in Michigan, in part due to Ottawa County's perceived stability. Stable counties don't fire their corporation counsel and administrator. It either means there is mass corruption or that the commissioners are inexperienced and on some witch hunt. Either way, that bond rating which affects the ability of the County and townships to save thousands of dollars in rates will be rattled and at risk because the intangibles are as important in the rating as the financial fundamentals.
9. Turnover is already an issue at the County; you will immediately cause some of Ottawa's most talented employees to look for other employment.
10. The elected officials will immediately put up barriers that have taken 25 years to break down. Each elected official has co-employer status and can operate independently on personnel issues. The Courts are sole employers and don't have to use any County human resources or fiscal services. In the 1980's, each elected official demanded a lump sum budget and then administered it independently of the BOC. That can and will likely happen again.
11. Ottawa County will immediately lose its standing across the State as one of the best run counties.
12. You will likely cause the RHINOs and big business in the County to support a charter and county executive form of government that will eliminate the kind of rapid political instability that will have occurred by reducing the BOC to approving a budget and some bills during the course of the year. You think I am exaggerating? This is exactly what the elected officials did in the late 1980's after a County Administrator was appointed and while the voters defeated it that time, business was against it then. It won't be now.

All of this for what? Again, if you need to show blood, sacrifice Robyn and me. Don't sacrifice an administrator who did nothing to deserve it and is very good at what he does. Ask anyone in local government in Ottawa County.

Are you mad because the old Board gave Lisa S a 3 month severance "OPTION" if you terminate her before her retirement? First of all, that was my doing to PROTECT the General Fund from a potential million dollar action she would have because some of you continue to defame her. The Sixth Circuit (Libertas case) held that she did not violate the Michigan or State Constitutions in enforcing the Governor's mask mandate; The Michigan Court of Appeals—thanks to the case some of you were involved with—has now held that she did not abuse her power in issuing the temporary, partial mask mandate under Michigan law. That is not my opinion; Thanks to Libertas and those behind the Flynn case—that is the law in the State of Michigan. Had you fired her for abuse of power or fire her now, Ottawa County would have and is still exposed to an expensive litigation that it will invariably lose and

be exposed to millions of dollars in defamatory damages. If you fire her when you take office, because of my work, she will have to decide whether to sue or take the 3 months severance which also includes a waiver. If she sues, Ottawa County will lose and whatever lawyer has been giving some of you bad advice will only hand you a multimillion dollar loss. Knowing Lisa, she will probably take the severance and sign the complete waiver I have prepared in the employment agreement to protect the Ottawa County General Fund. Why? Because she is a quality person and a dedicated Ottawa County officer. You can disagree with her all you want on the mask mandate—I personally didn't like it either—but she did that in good faith and well within her powers, and she did it to protect the vulnerable.

Are you mad because Addie was hired and you didn't get to pick that position or because most of the ARPA money has been spent? John had no defining role on either of those issues. Those were following the old Board's edicts. They mandated that they pick the new Public Health Officer and they would have spent ALL ARPA money if John did not slow some of that down on that front. And, both were their rights as Commissioners until December 31, 2022.

In short, things are not always what they seem and everything you do will now have significant collateral consequences. You have to be crafty or you wouldn't have been elected. But you are not experienced in government nor certainly in municipal government. Whomever you are consulting with obviously has NO experience in county law or they wouldn't have lost so badly in the Court of Appeals or frankly, in Libertas. Worse, that person is now creating rumors in the State that are damaging the County.

Again, if my contacts are wrong, ignore this message. But, I suspect that they are not wrong. I suspect that I have sealed my fate with you, but I won't regret it. My loyalty is to Ottawa County the Corporation and always has been. I have served those interest for over 40 years. Believe it or not, that is what I am doing now.

This is a confidential communication so I cannot use it against you, nor can I use any response you might give while I am Corporation Counsel. I will protect you and my charge until the end of my service.

--Doug



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This communication may contain confidential materials subject to the Attorney/Client Privilege

From: Douglas Van Essen

Sent: Tuesday, December 20, 2022 5:53 PM

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Cc: John Shay <jshay@miottawa.org>; Patrick Waterman <pwaterman@miottawa.org>; Danielle Galla