

## LEGISLATIVE AND HUMAN RESOURCES COMMITTEE MINUTES

Tuesday, November 28, 2006 – 8:00 a.m.  
Board Room – County Administration Building

MEMBERS PRESENT: Chair Dean Agee; Commissioners Dick Bulkowski, Marvin Hiddema, Jack Horton, Nadine Klein, Harold Mast, Paul Mayhue, Dave Morren, and Ted Vonk

ALSO PRESENT: County Administrator Daryl Delabbio; Assistant Administrators Mary Swanson and Wayman Britt; Executive Assistant to the Board Jim Day; County Lobbyist Becky Bechler; Corporate Counsel Sherry Batzer; Assistant Corporate Counsel Linda Howell; Legal Analyst Sangeeta Ghosh; Management Analysts Darwin Baas, Jennifer DeHaan, and Matthew VanZetten; Human Resources Deputy Director Gail Glocheski; Pension Plan Administrator Michelle Balcom; Fiscal Services Director Bob White; Budget Coordinator Marvin VanNortwick; Information Technology Director Craig Paull; Drain Commissioner Doug Sporte; Drain Commissioner-elect Bill Byl; Administrative Health Officer Cathy Raevsky; Deputy Administrative Health Officer Bill Anstey; Chief Medical Examiner Dr. Stephen Cohle; Sheriff Larry Stelma; Chief Deputy Tom Hillen; Emergency Management Lt. Jack Stewart; Local Emergency Planning Coordinator Sue Barthels; Grand Rapids Builders Association representative Chris Hall; Sr. Administrative Specialist Pam Van Keuren

NEWS MEDIA: Rick Wilson, Grand Rapids Press

Chair Agee called the meeting to order at 8:00 a.m.

### I. PERFORMANCE MEASUREMENTS REVIEW – DRAIN COMMISSION

The Committee and Drain Commissioner Doug Sporte reviewed the performance measurements for the Drain Commissioner's Office. A copy of the performance measurements is on file in the Board of Commissioner's Office.

### II. PUBLIC COMMENT

None.

### III. APPROVAL OF THE MINUTES

Mr. Morren moved to approve the November 14, 2006, minutes as written.

Supported by Mr. Vonk.

Motion carried.

### IV. LEGISLATIVE UPDATE – PUBLIC AFFAIRS ASSOCIATES

Ms. Bechler distributed a list of individuals elected to the House and Senate beginning in January. She reported following the election, the individual caucuses held leadership elections and are now in the process of selecting committee assignments. The Legislature is currently in its final lame duck session and is engaged in several minor issues but is also concentrating on finalizing a few major issues including the cable franchise bill, possibly redoing the single business tax which the Governor is expected

to unveil her proposal this week, and addressing welfare reform and the merit scholarship program. It appears the Legislature will wait until after the first of the year after a revenue estimating conference to begin working on budget issues. Bills relative to Kent County include a package of bills giving counties flexibility on their fiscal year (now in the Senate Local Government Committee), and legislation requiring technical amendments to the hotel/motel tax bills.

Mr. Mast asked what is happening with the Road Commission board size legislation.

Ms. Bechler replied this legislation remains in conference committee and needs approval before the bill moves forward – it may happen during lame duck session.

Mr. Mayhue asked if the DHS board size legislation is moving along as well.

Ms. Bechler stated the DHS board size legislation is not moving as quickly and unless there is some activity on this legislation this week, it is unlikely this bill will be completed by the end of this session and would therefore be reintroduced for the next session.

Mr. Mayhue asked what ramifications are expected relative to an executive order issued by the Governor as a result of the passage of Proposal 2.

Ms. Bechler commented that the Governor's Office is examining all of its possibilities as to how they want to handle the affirmative action issue and may come to some determination yet this week on how to pursue this issue.

Mr. Mayhue asked what ramifications are expected as a result of the passage of Eminent Domain.

Ms. Bechler responded she is aware of various minor technical changes that need to be made to the eminent domain bills that were passed prior to the proposal being on the ballot and will find out details of what these changes are.

Chair Agee thanked Ms. Bechler for the update.

V. HEALTH – APPOINTMENT OF COUNTY MEDICAL EXAMINER

Mr. Delabbio stated approval is requested to recommend to the Board of Commissioners to appoint Stephen Cohle, M.D., as the County Medical Examiner for the term of January 1, 2007, through December 31, 2011. This request is proposed to go to the Board on December 14, 2006. A summary of the request follows:

- State law (MCL 52.201) requires the Board of Commissioners of each county to appoint a County Medical Examiner for four-year terms. The current term expires December 31, 2006, and an appointment must be made for the next term.

- Dr. Stephen Cohle has worked in the County's Medical Examiner Program since 1982, including serving as the Chief Deputy Medical Examiner, and since October 2002, serving as the County Medical Examiner.
- Dr. Cohle meets the requirements of County Medical Examiner as provided for in state law, and has agreed to continue to serve in this capacity. Consistent with the current arrangement, the County will contract with Michigan Pathology Specialists, P.C. for Dr. Cohle's time and expertise.
- Michigan Pathology Specialists, P.C. also serves as a subcontractor of the County to provide autopsy services for the County Medical Examiner Program. As permitted by the statute, Dr. Cohle will continue to provide autopsy and investigative services while serving as County Medical Examiner.

Cost / Funding Recommendation: \$85,920 for 2007. Funds have been included in the Medical Examiner Program budget.

Ms. Klein moved to recommend to the Board of Commissioners to appoint Stephen Cohle, M.D., as the County Medical Examiner for the term of January 1, 2007, through December 31, 2011.

Supported by Mr. Morren.

Mr. Mast commented questions have been raised recently during Public Comment at Board of Commission meetings about Dr. Cohle's capabilities and asked whom Dr. Cohle reports to.

Ms. Swanson explained the medical examiner is a contractual position and the contract is administered by the Health Department.

Mr. Mast asked if Dr. Cohle is aware of recent complaints made during public comment at prior Board meetings.

Ms. Swanson replied yes and said Dr. Cohle has been involved in the discussion of these cases with which the complaints were made and the issues raised during public comment have been thoroughly investigated by the County.

Mr. Mayhue said he too is concerned about questions raised during public comment at recent Board meetings, and also with the public's perception of Dr. Cohle's role as medical examiner and his relationship with Spectrum Health. He said the question is how do you separate this and prevent the appearance of a conflict of interest.

Ms. Swanson explained questions that were raised were immediately brought to the attention of the Board and corporate counsel and an investigation was conducted.

Mr. Mayhue said this issue is not about the County doing proper due diligence or that the proper questions weren't asked or that the outcome wasn't satisfactory but it is about the appearance and

how the community perceives this type of situation based on questions that were raised and where his salary is coming from.

Ms. Swanson responded the law allows for this type of dual role on the part of the medical examiner and there are requirements that the individual resides and practices in the existing county. She added the County has contracted with Spectrum Health and subsequently with Medical Pathologists for Dr. Cohle's services for many years.

Mr. Bulkowski stated there is an apparent conflict of interest and is not convinced this is good policy. He asked how much time Dr. Cohle has available as he is also appointed as the assistant deputy medical examiner for Ottawa County.

Ms. Swanson explained Dr. Cohle serves as a backup for the chief medical examiner in Ottawa County who also serves as Dr. Cohle's backup in Kent County. She added this relationship has gone on for many years and timing has never been an issue. She added that administration is currently engaged in a study looking into the County's morgue services and its facility.

Mr. Hiddema asked if the cost of \$85,920 is a separate line item or part of the Health Department budget, and how this amount is determined.

Ms. Swanson replied the Medical Examiner budget is a separate organization in the general fund and is a separate budget item from the Health Department Budget. She explained the amount is determined based on the number of deaths anticipated, lab fees, historical practices and is reviewed by the Budget Operation Review Team.

Mr. Bulkowski asked what the time frame is for the study Ms. Swanson mentioned. He suggested extending Dr. Cohle's contract for one year until the studying is complete and so the Board has more time to discuss the noted concerns.

Ms. Swanson explained the study is focused on the morgue and its operation and structure to determine whether or not the current structure is efficient and cost-effective. A recommendation from the review team is expected early next year. The law, however, requires the medical examiner be a four-year appointment, and therefore the Board does not have the ability to appoint a medical examiner for any term less than that.

Mr. Mayhue commented he would be voting no on this action, not because of disrespect for Dr. Cohle, but because of the apparent conflict of interest there is between himself, the County, and Spectrum Health and how this is being carried out.

Chair Agee stated he has great confidence in Dr. Cohle and feels the facility in which he does a bulk of his work is inadequate. He added that moving the morgue out of the hospital and into its own facility would address some of the questions raised by the committee.

Ayes: Commissioners Hiddema, Horton, Klein, Mast, Morren, and Vonk

Nayes: Commissioners Bulkowski and Mayhue

Motion carried.

VI. HUMAN RESOURCES – AMENDMENT OF KENT COUNTY EMPLOYEES’  
RETIREMENT PLAN

Mr. Delabbio stated approval is requested to recommend to the Board of Commissioners to approve an amendment of the Kent County Employees’ Retirement Plan to incorporate changes as the result of prior Board of Commissioners action. This request is proposed to go to the Board on December 14, 2006. A summary of the request follows:

- The Kent County Employees’ Retirement Plan has been amended from time to time since its adoption in 1948, the latest amendment occurring in June 2006.
- The amendment is for inclusion of an employee group neither covered by a bargaining unit contract nor the MPP and for clarification of prior plan changes.
  - Sections 2.01(o)(4), 6.02, 7.04 and 9.02(b) are amended for inclusion of Security Enforcement Officers (Courthouse) as an employee group that in practice has been accruing benefits however has not been represented within the plan document.
  - Section 9.02(b) amends the plan to bring it up to date for changes to the employee contribution rate to reach consistency with the use of a variable rate as approved by the Board of Commissioners.
  - Section 6.03(c) is amended to accurately reflect the benefit commencement dates based on 2003 Board action for an ad hoc increase of benefits for a defined group of retirees.
- Tim Tornga of Varnum, Riddering, Schmidt & Howlett prepared the amendment.
- Gabriel, Roeder, Smith & Company, the plan’s actuary, submitted a supplemental actuarial analysis of the proposed benefit change.

Mr. Vonk moved to recommend to the Board of Commissioners to approve an amendment of the Kent County Employees’ Retirement Plan to incorporate changes as the result of prior Board of Commissioners action.

Supported by Mr. Morren.

Mr. Mast inquired about the actuarial analysis from Gabriel, Roeder, Smith & Company.

Ms. Balcom, Pension Plan Administrator, explained anytime the pension plan is amended, the actuary is required to provide a written summary indicating whether or not there will be a long-term material cost to the plan. The actuarial analysis from Gabriel, Roeder, Smith & Company indicates they do not anticipate a long-term cost to the plan as a result of this amendment.

Motion carried.

VII. SHERIFF – ADOPTION OF GREATER GRAND RAPIDS PRE-HAZARD  
MITIGATION PLAN

Mr. Delabbio stated approval is requested to recommend to the Board of Commissioners to adopt the Greater Grand Rapids Pre-Hazard Mitigation Plan. This request is proposed to go to the Board on December 14, 2006. A summary of the request follows:

- Undertaking hazard mitigation actions will reduce the potential for harm to people and property from future hazard occurrences.
- The adoption of a Pre-Hazard Mitigation Plan is required as a condition of future funding for mitigation projects under FEMA pre- and post-disaster mitigation grant programs.
- The Michigan State Police/Emergency Management Division and Federal Emergency Management Agency, Region V officials have reviewed the Pre-Hazard Mitigation Plan and approved it contingent upon the official adoption of the participating governments.
- The Sheriff recommends the adoption of the Plan.

Cost / Funding Recommendation: No cost or funding is required.

Ms. Klein moved to recommend to the Board of Commissioners to adopt the Greater Grand Rapids Pre-Hazard Mitigation Plan.

Supported by Mr. Vonk.

Mr. Mayhue asked why the Drain Commission is not included in this mitigation plan and feels it should be because of the expertise the Drain Commission has in dealing with storm water and sewage overflow matters.

Lt. Jack Stewart explained this is a basic plan and is a starting document that will be used to build on. He said storm water is addressed in the plan although it is not addressed specifically under the Drain Commission and said he will look into it.

Chair Agee pointed out that the Drain Commission is charged with looking after water from natural events and sewage is a municipality issue and has nothing to do with the Drain Commission.

Mr. Morren thanked Lt. Stewart for the work he does for the County and feels the residents of Kent County are well served and should be grateful for this well thought out plan.

Chair Agee added that it is helpful and encouraging to see an agency taking these disasters more seriously than other communities around the Country.

Motion carried.

VIII. ADMINISTRATOR'S OFFICE – REPORT ON DEPARTMENTAL SOCIAL SECURITY PROCEDURES

Mr. Delabbio stated that as a result of the Board of Commissioners adopting a policy on social security numbers, departments were asked to submit specific procedures that were related to their individual departments to implement the policy and to ensure protection of social security numbers. A memo prepared by Corporate Counsel outlining what has transpired since the Board adopted the policy is on file in the Board of Commissioner's Office.

Ms. Batzer noted that all County departments and agencies under the authority of the Administrator's Office have submitted procedures that are in compliance with both State law and with the County's social security number policy. She added those departments that do not use social security numbers signed waivers to that effect.

Mr. Mayhue asked what is meant by the word agency.

Mr. Delabbio replied that those departments who do not have "departmental status" are considered agencies.

IX. MISCELLANEOUS

Sports Commission

Mr. Bulkowski asked if the Legislative & Human Resources Committee will have an opportunity to discuss the Sports Commission item before it goes to the Board. He feels that because an executive director will be appointed to the Sports Commission, this committee should have a chance to discuss this.

Chair Agee said the Sports Commission will not come before the Legislative & Human Resources Committee because it is viewed more as a financial issue. Any concerns this committee has with the Sports Commission can be brought up at the Board meeting or can be directed to any Sport Commission Subcommittee member.

Mr. Morren added that the intent of the Sports Commission is to become its own entity and free standing organization that won't receive future funding from the County.

Mr. Mayhue said that because the County is fronting the money towards the Sports Commission, it would not be a bad idea for the Legislative & Human Resources Committee to review this for at least the first year.

Farmland Preservation

Mr. Morren pointed out that Leelanau County reversed its farmland preservation PDR program because of a failed millage.

Caucus

Mr. Horton commented he was glad to see that the caucus was announced at the last Board meeting with adequate time for everyone one to be aware and is a good step in the right direction with complying with the Open Meetings Act. He asked what rules would be governing the caucus.

Chair Agee replied that the caucus will be run according the Robert's Rule of Order and the Standing Rules adopted by the Board.

Mr. Horton asked if the caucus includes all members elect or only members elect of one party.

Chair Agee responded the caucus will include all members who choose to be present.

Mr. Horton commented that according to the Standing Rules a political caucus may not meet informally prior to a Board meeting to determine what shall be decided formally at the Board meeting. According to the Open Meetings Act, members elect can not participate and vote in a formal meeting until they have been sworn in and taken office and therefore it may be more prudent and legal that all appointed boards and committee be discussed after the first of the year so that all members elect have a legal right to vote.

Chair Agee commented he will take this discussion under advice and look into this to ensure that it is done in an open and legal manner.

Ms. Klein pointed out that the full Board votes on committee appointments after the new Commissioners have been sworn in at its first meeting in January.

Mr. Morren questioned this discussion under miscellaneous matters as it relates to the Standing Rules and objects to this discussion.

X. ADJOURNMENT

There being no further business for discussion, Chair Agee adjourned the meeting at 9:15 a.m.

ADMINISTRATIVE APPROVAL FOR DISTRIBUTION \_\_\_\_\_

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