



BOARD OF HEALTH

Meeting Minutes

March 26, 2021

To comply with social distancing requirements, meeting was held at Evergreen Resort, 7880 Mackinaw Trail, Cadillac, Michigan; with option to attend via online meeting platform or teleconferencing.

Forward/Handout (Documents forwarded via email after meeting materials were sent. Copies available at the meeting): (1) Email and attachment from Dr. Jennifer Morse concerning quarantine guidance from CDC; (2) Final Audit Report for fiscal year 2020; (3) Fiscal year 2021 amended budget; (4) FOIA Appeals memo and documents.

I. **Call to Order:** Jim Maike, Chair, called the meeting to order at 10:02 a.m.

II. **Roll Call**

Members Present – In Person: Ron Bacon, Robert Baldwin, Betty Dermeyer, Paul Erickson, Bran Kolk, Jim Maike, Dawn Martin, Judy Nichols, Tom O’Neil, Roger Ouwinga, Richard Schmidt, Ray Steinke, Gary Taylor, Hubert Zuiderveen

Members – Online: Pauline Jaquish, Nick Krieger, Phil Lewis, Martha Meyette, Shelley Pinkelman

Member Absent: James Sweet

Alternate – In-Person: Wendy Nystrom (*guest attendee*)

Staff – In-Person: Jane Drake, Kevin Hughes, Christine Lopez, Dr. Jennifer Morse, Sarah Oleniczak

Associates Online: Vicki Crouch, CPA, Clark-Schaefer-Hackett; Catherine D. Jasinski, attorney, The Running Wise Law Firm

III. **Approval of the Agenda.** Motion by Ray Steinke, seconded by Ron Bacon to approve the meeting agenda. *Motion carried.*

IV. **Approval of the Meeting Minutes.** Motion by Judy Nichols, seconded by Betty Dermeyer, to approve the minutes of the February 26, 2021, meeting. *Motion carried.*

V. **Public Comment:** None

VI. **Committee Reports**

A. Executive Committee. No report.

B. Finance Committee. Did not meet. Vicki Crouch, CPA, presented the final audit report of the fiscal year 2020 financial statements. She said the report was submitted with an unmodified opinion letter. She highlighted financial statements included with the report and noted the agency saw an increase in working capital during the year. She said the agency was in a good current position and able to meet all liabilities for the next year. Crouch also commented the audit was conducted virtually and went smoothly.

1. *Accept FY 2020 Audit Report as Presented.* Motion by Richard Schmidt, seconded by Hubert Zuiderveen, to accept audit report.

Roll Call Vote

Ron Bacon	Yes	Phil Lewis	Yes	Roger Ouwinga	Yes
Robert Baldwin	Yes	Jim Maike	Yes	Shelly Pinkelman	Yes
Betty Dermeyer	Yes	Dawn Martin	Yes	Richard Schmidt	Yes
Paul Erickson	Yes	Martha Meyette	Yes	Ray Steinke	Yes
Pauline Jaquish	Yes	Judy Nichols	Yes	Gary Taylor	Yes
Bryan Kolk	Yes	Tom O'Neil	Yes	Hubert Zuiderveen	Yes
Nick Krieger	Yes				

Motion carried.

Christine Lopez, Administrative Services Director, reviewed the financial report for the month ended February 28, 2021. The balance sheet showed a total fund balance of \$8.1 million. Total revenues for the month were almost \$2.1 million, with expenses just under \$1.6 million.

2. *Approve Accounts Payable and Payroll.* Motion by Ray Steinke, seconded by Betty Dermeyer, to approve the February accounts payable and payroll total of \$1,456,110.83.

Roll Call Vote

Ron Bacon	Yes	Phil Lewis	Yes	Roger Ouwinga	Yes
Robert Baldwin	Yes	Jim Maike	Yes	Shelly Pinkelman	Yes
Betty Dermeyer	Yes	Dawn Martin	Yes	Richard Schmidt	Yes
Paul Erickson	Yes	Martha Meyette	Yes	Ray Steinke	Yes
Pauline Jaquish	Yes	Judy Nichols	Yes	Gary Taylor	Yes
Bryan Kolk	Yes	Tom O'Neil	Yes	Hubert Zuiderveen	Yes
Nick Krieger	Yes				

Motion carried.

Lopez stated the audit report showed the agency's pension program was funded at 61.5% or above the State's required minimum threshold. She said she would submit the required summary pension report to the State. As no corrective action was required, Board approval was not needed.

Lopez next highlighted the amended budget distributed at the meeting. She summarized various adjustments to revenue sources and expenses. Potential state and federal funding sources for COVID-19 vaccination clinics and contact tracing were discussed in response to questions.

3. *Approve Amended Budget.* Motion by Richard Schmidt, seconded by Ron Bacon, to approve the FY 2021 amended budget.

Roll Call Vote

Ron Bacon	Yes	Phil Lewis	Yes	Roger Ouwinga	Yes
Robert Baldwin	Yes	Jim Maike	Yes	Shelly Pinkelman	Yes
Betty Dermeyer	Yes	Dawn Martin	Yes	Richard Schmidt	Yes
Paul Erickson	Yes	Martha Meyette	Yes	Ray Steinke	Yes
Pauline Jaquish	Yes	Judy Nichols	Yes	Gary Taylor	Yes
Bryan Kolk	Yes	Tom O'Neil	Yes	Hubert Zuiderveen	Yes
Nick Krieger	Yes				

Motion carried.

C. Personnel Committee: The committee met March 15, 2021. Hubert Zuiderveen, chair, reported the committee met to review staff recommendations. Kevin Hughes said the committee considered options to address the accumulation of Paid Days Off (PDO) and exempt compensatory time-off (comptime) by agency staff. He explained many staff had been working more than 40 hours in a workweek on a consistent basis due to the additional workload created by the pandemic. He summarized current policies and rules related

comptime for exempt employees. He also reviewed proposed changes to the rules to address the accumulation of comptime hours, and an imbalance in compensation between exempt and nonexempt staff. Christine Lopez explained the agency would be eligible for reimbursement if staff received payment for excess comptime hours. Hughes said the agency also instituted mechanisms to reduce potential overtime hours going forward. To ensure fair treatment of employees with excess accumulated time-off hours, and to reduce the liability to the agency for these hours, the committee recommended approval of the option to buy down accumulated hours, and institute “Pandemic Time” or payment at time-and-a-half for hours worked by exempt staff in excess of 40 hours in a workweek.

4. *Approve Changes to Compensatory Time for Exempt Employees (Option #2.)* Motion by Hubert Zuiderveen, seconded by Betty Dermyer, to pay down balance of compensatory time for exempt employees to 100 hours, and pay “Pandemic Time” hours at 1.5 times the regular hourly rate for hours worked in excess of 40 hours in a workweek. Change to be in effect from March 15, 2021, through the end of the fiscal year.

Roll Call Vote

Ron Bacon	Yes	Phil Lewis	Yes	Roger Ouwinga	Yes
Robert Baldwin	No	Jim Maike	Yes	Shelly Pinkelman	Yes
Betty Dermyer	Yes	Dawn Martin	Yes	Richard Schmidt	Yes
Paul Erickson	Yes	Martha Meyette	Yes	Ray Steinke	Yes
Pauline Jaquish	Yes	Judy Nichols	Yes	Gary Taylor	Yes
Bryan Kolk	Yes	Tom O’Neil	Yes	Hubert Zuiderveen	Yes
Nick Krieger	Yes				

Motion carried.

[Hubert Zuiderveen left the meeting.]

Hughes next explained current rules allowed staff to accumulate PDO up to a maximum of 240 hours. In the last year, in order to keep up with regular job duties and additional work resulting from the pandemic response, several staff were not able to take time off, and had accumulated excess PDO. The committee considered two options to equitably address the issue of excess PDO.

5. *Approve Continued Accumulation of Paid Days Off (Option #1.)* Motion by Ron Bacon, seconded by Robert Baldwin, to allow employees to continue to accumulate PDO beyond the current cap of 240 hours, through September 30, 2001. Employees would then have one year to use excess accumulated hours and reduce their balances below the cap. Motion carried.

Hughes next informed the Board he shared with the Personnel Committee that the agency would be cutting back on scheduling clinics on Saturdays and would be scheduling large clinics at offsite locations during the Monday-Friday workweek. Arrangements are in place to ensure calls to the offices are answered during clinics, but it may not be possible to keep a staff in each office to be available to walk-ins. He suggested offices would be closed on those occasions when staff coverage could not be maintained, with appropriate notices posted.

Hughes reported the Personnel Committee also discussed keeping the current Board officers and committee assignments in place through the end of the calendar year. The Board previously agreed at the January meeting to continue the Board organization the same through April.

6. *Approve Keeping Board Organization Through December 31, 2021.* Motion by Tom O’Neil, seconded by Betty Dermyer, to suspend Board Rules and keep current Board organization of officers and committee memberships through December 31, 2021. Motion carried.

Roll Call Vote

Ron Bacon	Yes	Phil Lewis	Yes	Roger Ouwinga	Yes
Robert Baldwin	No	Jim Maike	Yes	Shelly Pinkelman	Yes
Betty Dermeyer	Yes	Dawn Martin	Yes	Richard Schmidt	Yes
Paul Erickson	Yes	Martha Meyette	Yes	Ray Steinke	Yes
Pauline Jaquish	Yes	Judy Nichols	Yes	Gary Taylor	Yes
Bryan Kolk	Yes	Tom O'Neil	Yes	Hubert Zuiderveen	---
Nick Krieger	Yes				

Motion carried.

VII. Administration Reports

- A. Medical Director. Dr. Jennifer Morse discussed trends of increasing cases of COVID-19 disease, the rise in positivity rates for COVID-19 tests, and reports of several large and rapid outbreaks. In response to questions, she offered factual and scientific information that could be used in refuting misinformation and false claims related to COVID-19 and vaccines.
- B. Deputy Health Officer. No report.
- C. Health Officer. Kevin Hughes noted a packet of documents from the agency attorney had been provided via email prior to the meeting, and copies were also made available at the meeting. He said the documents concerned FOIA requests and two FOIA appeals received from Tom Rotta, Ludington Torch; and also included copies of the DHD#10 FOIA policy and Public Summary. Per the FOIA policy, the FOIA appeals were being presented to the Board for final decision. Rotta made two FOIA requests for documents. Fees were estimated and assessed for labor time required to fulfill the requests. Rotta appealed the fees.

As explained in the attorney memo, and summarized by Hughes, the Board response could be to either: Waive the fee; Reduce the fee and issue a written determination indicating the specific basis that supports the remaining fee; Uphold the fee and issue a written determination indicating the specific basis that supports the required fee; or Issue a notice extending the Board response for not more than 10 business days.

7. *Uphold FOIA Fees.* Motion by Bryan Kolk, seconded by Ray Steinke, to deny the appeal and uphold the fees assessed for the two FOIA requests. Discussion in favor indicated the fees assessed were not unusual or unreasonable, and it was important to be consistent and “follow the rule.” Motion carried.

Rotta also submitted a FOIA request for all meeting materials of the October 20, 2020, Board of Health meeting. The request was granted in part and denied in part. A portion of the document provided was redacted as exempt from disclosure. Rotta appealed the determination that the redacted portion is exempt. The redaction concerned the Health Officer’s self-assessment and opinion of progress achieved in meeting his annual performance goals. The attorney memo referenced relevant laws and legal decisions concerning the question of whether the information redacted is exempt.

Options for the Board response were: Reverse the denial; Issue a written notice to the requester upholding the denial; Reverse the denial in part and issue a written notice to the requester upholding the denial in part; or Issue a notice extending for not more than 10 business days the period to respond.

8. *Uphold FOIA Denial.* Motion by Bryan Kolk, seconded by Ray Steinke, to deny the appeal and uphold the denial. Discussion in favor indicated the redacted material concerned the Health Officer’s opinion and self-assessment; and it is not factual and is preliminary to the Board’s final determination of the Health Officer’s performance. Following voice vote, request for Roll Call made by Robert Baldwin.

Roll Call Vote

Ron Bacon	Yes	Phil Lewis	No	Roger Ouwinga	Yes
Robert Baldwin	No	Jim Maike	Yes	Shelly Pinkelman	Yes
Betty Dermeyer	Yes	Dawn Martin	Yes	Richard Schmidt	Yes
Paul Erickson	Yes	Martha Meyette	No	Ray Steinke	Yes
Pauline Jaquish	Yes	Judy Nichols	Yes	Gary Taylor	Yes
Bryan Kolk	Yes	Tom O'Neil	Yes	Hubert Zuiderveen	---
Nick Krieger	No				

Motion carried.

VIII. Other Business

Jim Maike reminded the members the April 30 meeting will start 30 minutes earlier at 9:30 a.m.

IX. Next Meeting

The next regular meeting of the Board of Health is scheduled for Friday, April 30, at 9:30 a.m. Meeting location to be determined.

X. Adjournment

Jim Maike adjourned the meeting at 11:48 a.m.

Jim Maike, Chair

Date

Judy Nichols, Secretary

Date