COUNTY SERVICES COMMITTEE
September 17, 2019
Minutes

Members Present: Celentino, Grebner, Koenig (arrived at 6:02 p.m.), Maiville, Naeyaert, Sebolt, and Stivers.

MembersAbsent: None.

Others Present: Tim Dolehantry, Bill Conklin, Rick Terrill, Sue Graham, Becky Bennett, Beth Foster, and others.

The meeting was called to order by Chairperson Celentino at 6:00 p.m. in Personnel Conference Room “D & E” of the Human Services Building, 5303 S. Cedar Street, Lansing, Michigan.

Approval of the August 28, 2019 Meeting Minutes

MOVED BY COMM. GREBNER, SUPPORTED BY COMM. MAIVILLE, TO APPROVE THE MINUTES OF THE AUGUST 28, 2019 COUNTY SERVICES COMMITTEE MEETING.

THE MOTION CARRIED UNANIMOUSLY. Absent: Commissioner Koenig.

Additions to the Agenda

9. Cooperative Agreement for the Arend Trust Conservation Easement

Removed –


Limited Public Comment

None.

MOVED BY COMM. MAIVILLE, SUPPORTED BY COMM. SEBOLT, TO APPROVE A CONSENT AGENDA CONSISTING OF THE FOLLOWING ACTION ITEMS:

3. Facilities Department
   a. Resolution to Authorize a Purchase Order to Roger Donaldson AIA for Architectural Services for the Renovation of Office Space at the Drain Commissioner’s Office
b. Resolution to Authorize the Renewal of the Service Agreement for Maintenance on Both X-Ray Screening Machines at the Veterans Memoral Courthouse and Grady Porter Building

4. Road Department
   b. Resolution to Authorize the Purchase of Hydraulic Components and Equipment Needed for Two New Tandem Axle Truck Chassis
   c. Resolution to Authorize Approval of the Preliminary Plat of Ember Oaks
   d. Resolution to Adopt and Implement a State Required Local Pavement Warranty Program
   e. Notice of Emergency Purchase Order for Slag and Natural Aggregates for Chip Sealing
   f. Resolution to Approve the Special and Routine Permits for the Ingham County Road Department

5. Health Department
   a. Resolution to Adopt Ingham County Health Department Incentive Program for Medical Providers Policy
   b. Resolution to Authorize an Agreement with Southeastern Michigan Health Association

6. Human Resources Department – Resolution to Approve a Health Insurance Premium Deduction Service Agreement with the Municipal Employees’ Retirement System (MERS)

7. Board of Commissioners
   a. Resolution Recognizing October as Michigan College Month in Ingham County
   c. Resolution Recognizing the 100th Anniversary of the Lansing Branch of the National Association for the Advancement of Colored People
   d. Resolution Honoring Alylysh B. Gallagher

8. Board Referrals
   a. Resolution 2019-07-104 from the Livingston County Board of Commissioners Opposing Legislation to Prevent County Commissioner Candidates from Disclosing Their Party Affiliation on Ballots Provided to Michigan Voters
   b. Resolution No. 19-22 from the Wexford County Board of Commissioners Opposing Legislation to Prevent County Commissioner Candidates from Disclosing Their Party Affiliation on Ballots Provided to Michigan Voters
   c. Resolution from the Marquette County Board of Commissioners Opposing Legislation to Prevent County Commissioner Candidates from Disclosing Their Party Affiliation on Ballots Provided to Michigan Voters

9. Cooperative Agreement for the Arend Trust Conservation Easement
Commissioner Koenig arrived at 6:02 p.m.

THE MOTION CARRIED UNANIMOUSLY.

THE MOTION TO APPROVE THE ITEMS ON THE CONSENT AGENDA CARRIED UNANIMOUSLY.

1. Women’s Commission – Interviews

Hannah Sweeney interviewed for the Women’s Commission.

MOVED BY COMM. STIVERS, SUPPORTED BY COMM. NAeyaERT, TO APPOINT HANNAH SWEENEY TO THE WOMEN’S COMMISSION.

THE MOTION CARRIED UNANIMOUSLY.

Commissioner Stivers stated that the removal of term limits made some members of the Women’s Commission reconsider leaving, so there could be less vacancies.

7. Board of Commissioners
   b. Resolution Adopting the Revised Ethics Policy

MOVED BY COMM. STIVERS, SUPPORTED BY COMM. NAeyaERT, TO APPROVE THE RESOLUTION.

Commissioner Stivers proposed the following amendment to page 11 of the Ethics Policy:

2. Commissioners should never solicit campaign contributions on County property or using County email or other County resources.

This was considered a friendly amendment.

Commissioner Grebner stated that revising the Ethics Policy had been an interesting process that probably resulted in an overall improvement. He further stated that he was outvoted often on the Subcommittee, as other members eliminated things they saw as redundant but that he considered critical principles.

Commissioner Grebner stated that he had several amendments to bring before the Committee. He further stated that it has been his experience that, historically, the Ethics Policy helped make Ingham County different than other counties in that it has guided them away from issues, like reciprocal arrangements.

Chairperson Celentino asked what happened if a distant cousin applied for a job with the County and he did not know it until he ran into him at a County function.
Commissioner Grebner stated that that was a great example and that the point was to prevent commissioners from getting people hired and that if no one knew or manipulated the hiring process, then it was not an issue.

MOVED BY COMM. GREBNER, SUPPORTED BY COMM. KOENIG, TO AMEND THE RESOLUTION AS FOLLOWS:

*Page 4 – additional paragraphs under “INTRODUCTION”*

The focus is on the creation and preservation of practices and institutions, in order to prevent the development of repeated or reciprocal dealings which convert public resources corruptly to private benefit.

Where infringement of these principles appears to be inadvertent and unlikely to be repeated, the proper response is likely to be private correction and guidance. Where the infringement appears to be calculated, continuing, substantial, and deeply rooted, the response must be commensurately broad and vigorous.

In many cases, applications of these principles may detrimentally affect individuals who have done nothing improper, and who are remote from the evils being combatted. Such unfortunate impacts are accepted as an unavoidable byproduct of any policy which effectively guards against the development of reciprocal corruption.

Commissioner Grebner stated that the first paragraph addressed reciprocity, the second addressed gotchas, and the last one was to acknowledge that the policy might be unfair to some.

Commissioner Naeyaert stated that the first paragraph was a common theme, that the second paragraph was also addressed and was unnecessary, and that the third paragraph did not need to be justified. She further stated that the goal of eliminating unnecessary language was to make the policy more succinct.

Commissioner Stivers stated that these things were cut because they were unnecessary and redundant. She further stated that a big focus of the Subcommittee was to simplify and make the Ethics Policy more digestible.

Commissioner Grebner stated that it should be clear that when people violate the policy in a technical way that there was room to be flexible.

Commissioner Sebolt stated that the second paragraph was redundant and was addressed on page 15.

Chairperson Celentino asked why it was harmful to include it in the introduction if it was redundant.
Commissioner Sebolt stated that the Subcommittee worked to cut the fat. He further stated that the old policy was so wordy and inaccessible to most people, including constituents.

Commissioner Sebolt stated that at the last Subcommittee meeting, they spent two hours going through the policy line by line and this conversation was just rehashing things that had already been addressed.

Commissioner Stivers stated that it was not a philosophy text but a policy and that it needed less rambling paragraphs.

Commissioner Koenig stated that because she did not work on the policy that she was inclined to let them have what they wanted. She asked which part of the policy addressed paragraph two.

Commissioner Naeyaert stated that that could be found on pages 15 and 16.

Discussion.

Commissioner Koenig asked where the third paragraph was addressed.

Commissioner Stivers stated that it was not addressed because it was not necessary to state that something might be unfair. She further stated that it could potentially give someone ammunition to sue.

Commissioner Koenig stated that third paragraph was not addressed, the second one was and asked where there first paragraph was.

Commissioner Sebolt stated that the idea of corrupt influence was a common theme throughout the document.

Discussion.

Commissioner Stivers stated that there was a preamble on page 2, with 8 points that was the heart of the document.

Commissioner Grebner stated that the preamble was meaningless.

Commissioner Stivers stated that obviously routine, repeated corruption was more serious. She further stated that it should be clear what was and was not a violation and if a person violates the policy accidentally they still needed to be told.

Commissioner Koenig asked if the policy addressed the use of cell phones during meetings and Open Meetings Act.

Commissioner Sebolt referred to page 6.

Discussion.
Commissioner Sebolt stated that he was not sure if Commissioner Grebner was debating in bad faith or just trying to delay the inevitable.

Commissioner Koenig asked to put it on the record where the first paragraph of Commissioner Grebner’s amendment was referenced in the policy.

Commissioner Sebolt stated that it was woven throughout, including but not limited to sections IV, V, VI, III and II.

Commissioner Koenig asked about the second paragraph.

Commissioner Sebolt stated that it was in section VIII on page 15.

Commissioner Stivers stated that that was also addressed beneath the introduction on page 4.

Commissioner Koenig asked if reporting a violation of the Ethics Policy was mandatory.

Commissioner Naeyaert stated that it was not mandatory.

Commissioner Sebolt stated that it was not mandatory unless there is an applicable state law that required reporting.

Commissioner Grebner stated that to some extent the rest of the document was consistent with the principles mentioned in his amendment, but that the statements in his amendment did not appear anywhere else.

Commissioner Sebolt stated that even though the policy was not a law, ignorance was not an excuse to inadvertencies because people should have read the Ethics Policy and should know better.

THE MOTION FAILED. Yeas: Grebner Nays: Celentino, Koenig, Maiville, Naeyaert, Sebolt, and Stivers Absent: None

MOVED BY COMM. GREBNER, SUPPORTED BY COMM. KOENIG, TO AMEND THE RESOLUTION AS FOLLOWS:

Page 14 – Section VII
Add a new sentence:

“Secret written communication” includes the use of channels of communication, including private email, in a way which prevents a copy of the communication from being available to County staff responsible for responding to FOIA requests.

Replace “private email” with “secret written communication” in the remainder of the section.
Commissioner Grebner stated that he was concerned that without this language the policy was creating a lot of gotchas because no one knew what it meant to do County business and that there were many situations where that could be ambiguous. He further stated that the real problem was secrecy and that his amendment widened the scope to include other types of electronic communication.

Commissioner Stivers stated that the second sentence, as written, was addressed on page 15 in point 5 which mentioned the Open Meetings Act. She stated that if an issue was in a gray area Commissioners could use their judgement.

Chairperson Celentino asked is secret communications included written letters and emails.

Commissioner Grebner stated that it did.

Commissioner Stivers stated that the Open Meetings Act covered that.

Chairperson Celentino asked if it was secret written communication if he sent a letter.

Commissioner Grebner stated that it was not if it was not done to conduct County business.

Discussion.

Commissioner Sebolt read principle 1 on page 14. He further stated that the proposed amendment was and unnecessary redundancy and that was already pointed out.

Chairperson Celentino apologized for not recognizing Commissioner Naeyaert in order.

Commissioner Naeyaert stated that it was fine.

Commissioner Naeyaert stated that the Subcommittee addressed all of this. She asked what the definition of secret written communication was.

Commissioner Koenig stated that she thought that the word secret was meant to indicate that it was intentional. She further stated that she was not saying that she liked the language.

Commissioner Koenig asked if the policy addressed text messages between Commissioners during meetings.

Commissioner Naeyaert stated that that was covered by the Open Meetings Act

Discussion.

Commissioner Maiville stated that even the county attorneys had mentioned on several occasions that a lot is addressed by Open meetings and FOIA.

Discussion.
Commissioner Sebolt stated that point 4 on page 15 of the Ethics Policy was not only about email and that Commissioner Grebner had repeatedly mischaracterized that.
Commissioner Naeyaert stated that she wanted to point out that the Subcommittee pointed to the Open Meetings Act because no one knew what kind of communications would be available in the next 20 plus years.

Commissioner Grebner stated that he felt that the discussion was taking on a personal edge which it should not. He further stated that item 4 applied to questioning or instructing a County employee or contractor only and nothing else and that idea that it was a general prohibition on the use of communications was not true.

Commissioner Grebner stated that he was trying to synthesize a general statement because there was still no concept of what County business was.

Discussion.

Commissioner Koenig thanked the Subcommittee for working on the Ethics Policy and for caring enough to do it.

Commissioner Maiville stated that he appreciated Commissioner Grebner’s passion about the issue.

THE MOTION FAILED. Yeas: Grebner, Maiville, Naeyaert, Sebolt, and Stivers
Nays: Celentino, Koenig, Absent: None

MOVED BY COMM. GREBNER, SUPPORTED BY COMM. MAIVILLE, TO AMEND THE RESOLUTION AS FOLLOWS:

Page 14 – Section VII, Replace 3:

3. Commissioners must never use their County email account or other County media for any activities related to electoral politics, especially for Ingham County elections. Commissioners should not use their County email account or other County media for political campaign purposes. This prohibition should be strictly observed in regard to communications by the Commissioner’s own campaigns.

Commissioner Grebner stated that it was not always clear what was part of a campaign and that there should not be a wrong answer in close cases. He further stated that this amendment reduced the gotcha quality.

Commissioner Stivers stated that the revision was more verbose and did not make the distinction that Commissioner Grebner thought it made.

Chairperson Celentino asked about getting emails from a political party.
Commissioner Sebolt stated that an email sent to you was not your fault. He further stated that in that case one would reply and ask them not use that email account.

Discussion.

Commissioner Naeyaert stated and there were campaign finance laws and an elected official should be aware of those.

Commissioner Koenig stated that sometimes the most ethical people make mistakes and she thought that was what Commissioner Grebner was trying to get to.

Chairperson Celentino asked for clarification about email being used for campaign purposes.

Commissioner Grebner stated that his version was softer, using “should not” instead of “must never.” He further stated that in First Amendment litigation ones tried not to cause problems in gray areas and that in federal court you could not have rules that had a chilling effect.

Chairperson Celentino asked about answering a constituent question about how to get an absentee ballot.

Commissioner Maivielle stated that it was process but it was not electoral politics. He further stated that it was so clearly addressed by campaign finance law that he was not cvn sure it needed to be in the ethics policy.

Commissioner Naeyaert stated that the change to include electoral politics was a change for Commissioner Grebner.

Commissioner Sebolt stated that the wording almost did not even need to be in the policy at all because it was redundant to state law.

Discussion.

Commissioner Grebner stated that his point was that this was very different that campaign finance law because it relates to electoral politics. He further stated that the existing 3 was vague.

Commissioner Sebolt stated that he wanted to point out that there was a section on how to resolve disputes and he felt like that process was being overlooked.

THE MOTION FAILED. Yeas: Celentino, Grebner, Koenig Nays:
Maivielle, Naeyaert, Sebolt, Stivers Absent: None

MOVED BY COMM. GREBNER, SUPPORTED BY COMM. STIVERS, TO AMEND THE RESOLUTION AS FOLLOWS:
8. Commissioners’ emails that pertain to County business should be retained in perpetuity indefinitely by the County’s IT department. Commissioners are entitled to a complete archive of their own emails upon request, including upon leaving office.

Commissioner Maiville stated that he thought they still had to follow record retention laws.

Commissioner Grebner stated that that was true where it was governed by state law.

Discussion.

This was considered a friendly amendment.

THE MOTION TO APPROVE THE RESOLUTION, AS AMENDED, CARRIED UNANIMOUSLY.

Chairperson Celentino stated that he appreciated the hard work and deliberation of the Subcommittee.

Announcements

Commissioner Maiville stated that prior to the meeting he attended the McNamara Landing ribbon cutting ceremony and that it was a very nice, accessible launch that was improved using both millage and DNR trust grant money.

Public Comment

None.

Adjournment

The meeting was adjourned at 7:31 p.m.

BARB BYRUM, CLERK OF THE BOARD