

COUNTY SERVICES COMMITTEE
July 17, 2018
Minutes

- Members Present: Nolan, Hope, Grebner, Celentino, Sebolt, Naeyaert, and Maiville
- Members Absent: None
- Others Present: Clerk Barb Byrum, Morgan Cole, Stacy Byers, Julie Smith-Heck, Jane Southwell, Jamie Hillman, Bonnie Toskey, Gordon Love, Matt Nordfjord, Brad Prehn, Rick Terrill, Sue Graham, Becky Bennett, Tim Dolehanty, Lindsey LaForte, and others

The meeting was called to order by Chairperson Nolan 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 June 19, 2018 Meeting Minutes

MOVED BY COMM. SEBOLT, SUPPORTED BY COMM. MAIVILLE, TO APPROVE THE MINUTES OF THE JUNE 19, 2018 COUNTY SERVICES COMMITTEE MEETINGS.

THE MOTION TO APPROVE THE MINUTES CARRIED UNANIMOUSLY.

Additions to the Agenda

Substitutes –

2. Farmland & Open Preservation Board – Resolution to Submit a Renewal of the Special Millage for Farmland and Open Space Preservation to a Vote of the Electorate
9. County Services – Resolution Recognizing Christian Shack as the First Place Winner of the 2018 Ingham County Equal Opportunity Committee Scholarship Contest

Removed –

1. Animal Control – Review of Michigan Humane Society Investigative Report

Chairperson Nolan stated that the Law & Courts Committee had a discussion of the Michigan Humane Society Investigative Report on July 12, 2018 and many of the Committee members were at that meeting. She further stated that this matter would be discussed at the Board of Commissioners meeting on Tuesday, July 24, 2018 at 6:30 p.m. at the Historical Courthouse in Mason.

Limited Public Comment

None.

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

3. Facilities Department
 - a. Resolution to Authorize an Agreement to Replace the Flooring in the DHHS Lobby
 - b. Resolution to Authorize an Agreement with MSDS Online to Manage Material Safety Data Sheets
 - c. Notice of Emergency Purchase Order to Replace the Compressor at Forest Community Health Center
4. Financial Services – Resolution to Authorize the Annual Retiree Health Care Actuarial Study and Second Year Update
5. Health Department
 - a. Resolution to Fund Support Staff for the Ingham County Youth Commission
 - b. Resolution to Convert Two Part-Time Nurse Positions
6. Road Department
 - a. Resolution to Approve Local Road Agreements with Alaiedon, Aurelius, Bunker Hill, Ingham, Leroy, Leslie, Locke, Vevay, Wheatfield, White Oak and Williamstown Townships
 - b. Resolution to Authorize the Extension of RFP #61-17, Purchase of Equipment Needed for New Tandem Axle Truck Chassis
 - c. Resolution to Approve Special and Routine Permits for the Road Department
7. Human Resources
 - a. Resolution to Approve Ingham County Employees' Association Agreement for the Park Rangers Unit Reclassification Request
8. Controller's Office
 - e. Resolution Honoring Doug Stover on the Event of His Retirement
9. County Services – Resolution Recognizing Christian Shack as the First Place Winner of the 2018 Ingham County Equal Opportunity Committee Scholarship Contest

THE MOTION CARRIED UNANIMOUSLY.

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

2. Farmland & Open Preservation Board – Resolution to Submit a Renewal of the Special Millage for Farmland and Open Space Preservation to a Vote of the Electorate

MOVED BY COMM. SEBOLT, SUPPORTED BY COMM. MAIVILLE, TO APPROVE THE RESOLUTION.

Commissioner Sebolt stated that he was in support of this millage. He further stated that at a prior meeting he had suggested that the Board of Commissioners send a letter to the neighboring counties of Eaton and Clinton counties to increase land preservation in their counties.

Discussion.

MOVED BY COMM. SEBOLT, SUPPORTED BY COMM. CELENTINO, TO WORK WITH STACY BYERS TO SEND A LETTER TO NEIGHBORING COUNTIES ENCOURAGING THEM TO PRESERVE FARMLAND AND OPEN SPACE.

Commissioner Grebner stated that Eaton and Clinton Counties rarely listened to Ingham County's suggestions. He further stated that they did not pay for the services that the County provided for them, such as 9-1-1 services to the Clinton County residents living in East Lansing and the Eaton County residents living in Lansing.

Commissioner Sebolt stated that he wholeheartedly agreed with Commissioner Grebner. He further stated that Tri-County Regional Planning Commission brought up the need to preserve land in discussions often.

Commissioner Maiville stated that this letter should also be sent to the Tri-County Regional Planning Commission.

Commissioner Hope stated that this letter should also be sent to Capitol Council of Governments and the Lansing Regional Chamber of Commerce, especially considering how they rarely thought that the County was thinking regionally.

THE MOTION TO SEND A LETTER TO EATON AND CLINTON COUNTIES CARRIED UNANIMOUSLY.

Discussion.

Commissioner Grebner stated that this was about one to two percent of the income of farmers in the County, which was a substantial amount of money.

Chairperson Nolan asked for clarification.

Commissioner Grebner stated that this millage was basically distributing \$1 million between about 300 families in the County. He further stated that he would support this millage if the County had its population base in the middle of the County such as Ann Arbor is in the center of the Washtenaw County, but the County's population base was in the corner of the County and the County could not keep the metropolitan area from growing into the other counties.

Commissioner Grebner stated that he disagreed at a technical level with how land was purchased but that was not his main issue.

Commissioner Maiville asked if Stacy Byers, Farmland and Open Spaces Preservation Board Administrator, would like to respond to what Commissioner Grebner was saying.

Ms. Byers stated that market value of agricultural products in Ingham County was about \$200 million dollars. She further stated that there was also value to the agricultural property tax that was generated in the County.

Ms. Byers stated that it was a balanced program. She further stated that this was not just a farmland program as they do also preserve open spaces.

Ms. Byers stated that she hoped that this program would benefit all of the Ingham County and not just a few residents.

Commissioner Maiville stated that there was a bit of disproportionate tax base in this County as he and Commissioner Schafer made up about 21% of the Board of Commissioners, but that amounted to about one-third of the property tax base. He further stated that there was a disproportionate bias toward agricultural land.

Commissioner Maiville stated that agricultural property tax rates have continued to increase compared to residential property tax rates.

Commissioner Grebner stated that his comment was about farm income, not the total value of the agricultural products. He further stated that farm income varied dramatically, but the numbers were typically around \$50-70 million in Ingham County.

Commissioner Grebner stated that there were a lot of assumptions about agriculture that were not true. He further stated that about 5% of the total taxable value of the County was classified as agriculture.

THE MOTION TO APPROVE THE RESOLUTION CARRIED. Yeas: Nolan, Hope, Celentino, Sebolt, Naeyaert, and Maiville Nays: Grebner Absent: None

8. Controller's Office

- d. Resolution to Amend the Emergency Purchases Section of the Purchasing Procedures Policy

MOVED BY COMM. MAIVILLE, SUPPORTED BY COMM. GREBNER, TO APPROVE THE RESOLUTION.

Commissioner Grebner stated that the policy was being revised because there was an emergency purchase recently that did not follow the current policy, but was necessary. He further stated that there were not really any frivolous purchases, so this would allow purchases to be made quicker, when necessary.

Commissioner Grebner stated that he hoped the Controller could make emergency purchases that were needed but not necessarily because of unbearable conditions.

Discussion.

Commissioner Grebner stated as long as the Controller did not do anything rash and absurd, the Committee would back him up.

Commissioner Maiville stated that most of these were facility purchases and the Board of Commissioners could trust that they were really making purchases that needed to be done.

Commissioner Grebner stated that he was not worried about frivolous things happening, but he was worried about the staff doing the right thing by making an emergency purchase but may be criticized for the purchases because of political reasons. He further stated that this really only concerned times where an outside contract or purchase needed to be made because if the fix could happen from those working in the County there was no need to have a contract approved.

THE MOTION CARRIED UNANIMOUSLY.

7. Human Resources
 - b. MNA Grievance Hearing

Julie Smith-Heck, Michigan Nurses Association (MNA), introduced herself and gave a packet of information to the Committee members.

Jane Southwell, Nurse Practitioner and MNA member, introduced herself.

Ms. Smith-Heck stated that this grievance concerned the on-call bonus and work for the nurse practitioners. She further stated that they were compensated with an on-call bonus for the time they were on-call, but they were not compensated for the time that they actually worked while on call.

Ms. Smith-Heck stated that the nurse practitioners realized they were not being paid for their on-call work. She further stated that charting needed to be done, in addition to the calls they took.

Ms. Smith-Heck stated that the nurse practitioners were not being paid about \$8,000 per year. She further stated that this contract covered the nurse practitioners and the communicable disease nurses.

Ms. Smith-Heck stated that the communicable disease nurses received calls and then went to the home of someone in order to follow up. She further stated that they were tracking their time going to a home visit and record keeping after they received a call, and were compensated for that time worked, usually at a rate of time and a half because it was beyond their normal work week, in addition to the rate of the on-call bonus.

Ms. Smith-Heck stated the nurse practitioners should be paid their time and a half that they worked when they took the call and for any follow up work such as calls and record keeping after the initial call. She further stated that they thought this was just a mistake as to why there was a discrepancy between the nurse practitioners and the communicable disease nurses.

Ms. Smith-Heck stated that they attempted, during contract negotiation, to fix this issue going forward. She further stated that they were not going to seek any retribution for not having received this contribution in the past if they could fix it for the future.

Ms. Smith-Heck stated that County Attorney and the County's bargaining team had said that they would not make the change. She further stated that the County would not pay for that time worked because they considered the on-call bonus compensation all that was required to nurse practitioners in the contract.

Ms. Smith-Heck stated that the on-call bonus was considered a bonus in the contract, not a wage. She further stated that the overtime compensation should include the bonus and time and a half for any time worked.

Ms. Smith-Heck stated that they considered this a wage and hour violation and they would like to resolve this grievance at this hearing. She further stated that they would like the nurse practitioners to be compensated for time made answering calls from the last two years, and, going forward, they should also be given compensation for the time it took to complete any records and follow-up after.

Ms. Smith-Heck stated that there was some confusion about on-call compensation required by the law and what was provided for in the contract. She further stated that they were seeking compensation for actual time worked and she had provided information in the packet about this issue.

Ms. Smith-Heck stated that if the employer had a fair knowledge of the work being done, then the employees needed to be paid.

Ms. Southwell stated that the nurse practitioners must document the call when it happened because that was important to have complete records for patients.

Discussion.

Commissioner Grebner asked how many hours annually people were on call.

Ms. Southwell stated that every six weeks, one person was on call for 120 hours, and there were six nurse practitioners.

Commissioner Grebner stated that he was thinking this was about 6,000 hours a year. He asked how much time was spent on the phone call.

Ms. Smith-Heck stated that it varied, but most times it was minimal.

Discussion.

Commissioner Grebner asked specifically about the phone call time.

Ms. Smith-Heck stated that the handout she gave showed some of those numbers.

Commissioner Grebner stated that it could be estimated to be about 150 hours of on-call time. He asked if they had an estimation of documentation time.

Ms. Smith-Heck stated that she was not sure.

Ms. Southwell stated that it varied widely depending on what the patient's needs were.

Commissioner Grebner stated that he would consider it a one-to-one ratio.

Commissioner Celentino asked about how many members were affected.

Ms. Smith-Heck stated that six nurse practitioners were affected.

Commissioner Grebner stated that he was talking about 6,000 hours of call time with and 6,000 of documenting time on an annual basis.

Discussion.

Commissioner Grebner asked about the hourly rate for the nurse practitioners.

Ms. Smith-Heck stated that it was about \$0.67 per minutes.

Commissioner Grebner stated that was about \$40 per hour.

Anne Scott, Deputy Health Officer/Executive Director-Community Health Centers, introduced herself to the Committee.

Matt Nordfjord, County Attorney, stated that this was an interesting issue and they had done their own audit. He further stated that the one point of consensus was that they were talking about the time spent talking on the phone while on-call.

Mr. Nordfjord stated that they did not agree about what was said about the contract and referred the members to page three of the Grievance Memo. He further stated that all they had to do was to pay the on-call time spent on the phone.

Mr. Nordfjord stated that there was not a Fair Labor Standards Act violation. He further stated that it also did not violate the collective bargaining agreement.

Mr. Nordfjord presented the Grievance Memo.

Mr. Nordfjord stated that the grievance was denied and they suggested that the Committee approve the denial.

Commissioner Grebner stated that there was about 45 hours per week that they were not on-call must be because they were working. He further asked if there was a rotation.

Ms. Scott stated that there was a rotation and it included other people such as physician assistants, routinely, and physicians, as back up.

Commissioner Grebner asked how many hours this bargaining unit was on-call annually.

Mr. Nordfjord stated that they had not figured that out on an annual basis.

Commissioner Grebner stated that they did not know the breakdown for the nurse practitioners versus the other health care providers.

Discussion.

Commissioner Sebolt stated that he wanted to disclose that he was employed by the AFL-CIO, but the MNA was not a member. He further stated that this was the grievance the Committee was supposed to have heard this at the last meeting and wondered why it was delayed.

Mr. Nordfjord stated that it was delayed, per agreement, in order to complete the audit.

Commissioner Sebolt asked about the math that was provided in the Grievance Memo. He asked what the point of the bonus was, if not to cover being available on-call. He further stated that when people are on-call they were not completely off work.

Commissioner Sebolt stated that he disagreed with the fact that they would only get \$189 if they were only paid for the time they were actually working while on-call. He further stated that he did not see this as a fair comparison.

Mr. Nordfjord stated that he mentioned that in relation to the Fair Labor Standards Act, it only required compensation for the actual time spent working. He further stated that this was a bit different because the contract included the on-call bonus payment to compensate for both the time on the phone and being available on-call.

Commissioner Sebolt stated that this contract included work related phone calls. He asked if it was conceivable that they would not have any other work-related calls come to that phone while on-call, such as calls about lab work or patient follow-up.

Ms. Scott stated that "work-related phone calls" included all relevant to the call received from the patient, they would not receive calls related to anything but this reason.

Commissioner Sebolt stated that a phone call from a patient could lead to other phone calls surrounding the case. He asked if there could be a difference between the calls received from the patient or the calls placed to help a patient when tracking work or bonus time.

Mr. Nordfjord stated that it was all considered on-call work.

Ms. Scott stated that they issued a County phone for security reasons and also to have a call record to track minutes.

Commissioner Sebolt asked if it could be considered that while on the phone with the patient he was working, but once making the call to the lab that would be bonus time because it was a work-related phone call.

Mr. Nordfjord stated that was not possible.

Commissioner Celentino stated that he had concerns about the timeliness issue to deny the grievance.

Mr. Nordfjord stated that this contract had been in place for many years, so there could be an argument that this should have been made sooner.

Commissioner Celentino stated that people may find issues later and they were welcome to bring that up at any time.

Chairperson Nolan stated that they had talked about equivalency between nurse practitioners and physician's assistants compensation. She asked how the physician's assistants were compensated for this time worked.

Ms. Nordfjord stated that the physician's assistants were not hourly employees, so they received only the on-call bonus pay. He further stated that they had attempted to achieve pay parity, but it was not possible to treat this the same because salaried employees were paid the same wage no matter how many hours they worked.

Ms. Scott stated that if nurse practitioners were paid time and a half for all of these calls, they would be compensated at a higher level than physician's assistants.

Commissioner Grebner asked if the physician's assistants received an on-call bonus.

Ms. Scott stated that they all received the bonus, but if this was successful, the nurse practitioners would be paid at a higher rate with the time and a half.

Discussion.

Commissioner Sebolt stated that physician's assistants were salaried employees, so when they were on-call it was truly a bonus they were paid versus the nurses who were paid hourly. He

further stated that the nurses were being paid for their work and the physician's assistants were being paid a bonus.

Mr. Nordfjord stated that they would have to agree to disagree about what was considered a bonus. He further stated that they had attempted to make both positions have pay parity between the full time positions.

Commissioner Sebolt stated that this was more of a parity pay issue.

Mr. Nordfjord stated that they had worked to put both positions in lock-step to achieve parity between the two positions.

Chairperson Nolan asked for a summary of what was disagreed over.

Mr. Nordfjord stated that the disagreement was over if the County needed to pay a wage for the time spent taking calls during the on-call period.

Chairperson Nolan asked what the amount of money was, that was disputed.

Mr. Nordfjord stated that it would be \$189 per two week period.

Chairperson Nolan stated that not all of them would be paid that, because they were not all on-call at one time.

Commissioner Grebner stated that it worked out to about \$6,000-12,000 a year total.

Discussion.

Mr. Nordfjord stated that he was concerned with what the contract said and not the amount. He further stated that he believed they were following the contract.

Chairperson Nolan asked when they could renegotiate this contract to address this issue.

Mr. Nordfjord stated that there was a wage reopener in August.

Discussion.

Chairperson Nolan asked the MNA if they would like to rebut anything.

Ms. Smith-Heck stated that she would be happy to answer any questions from Committee members.

Commissioner Grebner stated that he felt that there was a two-fold issue. He further stated that they should talk about if this was contractual violation and, separately, how they would like to point the contract in the next negotiation.

Commissioner Grebner stated that he did not see that the grievance showed a violation of the contract. He further stated that the second conversation should be about what should be done as a County.

Commissioner Maiville stated that he agreed with Commissioner Grebner on this issue. He further stated that he would also deny this grievance.

Chairperson Nolan stated that she would like to hear from all Committee members.

Commissioner Celentino stated that he needed additional time to read the information provided.

Commissioner Sebolt stated that he was struggling with this because there was a difference between being on-call and working. He further stated that there was a reasonable distinction between receiving a call and making a work-related call.

Commissioner Sebolt stated that during negotiations he did not remember a conversation with the County Attorney about guidance had been sought from the Committee about this issue. He further stated that he could see the MNA's points on this although he did not necessarily see a violation of the contract.

Commissioner Hope stated that she understood Commissioner Sebolt's confusion about this issue. She further stated that it seemed counterintuitive and unfair to have someone work for just over \$3 per hour when they normally make about \$40 an hour.

Commissioner Hope asked why this was not brought up until now. She further stated that she wanted to know when the marching orders had been given to Mr. Nordfjord to not include this in the contract.

Commissioner Hope stated that this was a relatively small amount of money to make the employees whole. She further stated that \$8,000 did not seem like a lot of money in the big picture and employee morale was important.

Commissioner Naeyaert stated that on page 4 of the MNA packet, it showed the contract where on-call phone calls were paid only on-call bonus and it was not a wage and hour violation. She further stated that the employees on-call were not confined to their homes or their activities restricted.

Commissioner Naeyaert stated that there were probably times when someone could not make the on-call time and they worked around that. She further stated that the issue of being compensated in the same manner as physician's assistants was an issue.

Commissioner Naeyaert stated that the information was interesting to read. She further stated that there was a difference between on-call hours and hours worked.

Commissioner Naeyaert stated that she was wondering why they did not bring this forward at an earlier date. She further stated that the Fair Standards Labor Act did not require extra pay for weekend or night work.

Commissioner Celentino stated that he was looking at the grievance's reasons for rejection. He asked the MNA if this was brought up in the last bargaining session.

Ms. Smith-Heck stated that the communicable disease nurses are also on-call. She further stated that there was a discrepancy because the communicable disease nurses were paid the on-call bonus and wages for their time worked.

Ms. Smith-Heck stated that this was a timely grievance. She further stated that when they worked beyond 40 hours they needed to be compensated at time and a half.

Ms. Smith-Heck stated that there should not be a difference between the two units. She further stated that the contract did not say that the on-call bonus time covered the time that was taken up with charting.

Ms. Smith-Heck stated that the only reason why they did not ask for additional compensation for their time they had worked on records keeping was because that time had never been recorded, so going back, there had been no way to tally the time. She further stated that the nurse practitioners were keeping track of that time going forward and would like to be compensated for that time worked.

Discussion.

Commissioner Naeyaert asked about the communicable disease nurses going into homes and if the nurse practitioners ever went into homes.

Ms. Smith-Heck stated that the nurse practitioners did not go into people's homes, so they did their work wherever they were.

Commissioner Naeyaert stated that was a huge difference between the positions, so they could be treated differently. She further stated that maybe they should not call the on-call bonus the same thing for both.

Discussion.

Chairperson Nolan stated that she would like to support the County Attorneys and the Health Department Administrator as far as this contract went. She further stated that she would like to mention this for the County Attorneys and Health Department Administrator to work this issue out in the August bargaining wage reopener while providing parity between nurse practitioners and physician assistants.

Chairperson Nolan stated that there had to be a way to keep the nurse practitioners and physician assistants' wages equal and also fix this issue. She further stated that she also did not recall this discussion every occurring before.

Chairperson Nolan stated that since the crash of 2008, the County had not been doing a great job of keeping wages equal with the private sector. She further stated that she was ok with bringing paying the nurse practitioners for their time working while on-call.

Chairperson Nolan stated that it would be easier to attract candidates to these positions if they were compensated well.

Commissioner Sebolt stated that it was interesting that the communicable disease nurses were paid when going to a house and did not see it as much of a difference, whether they were working at either a home and nurse practitioners were working from home, it was all still work. He asked if the County Attorney could address the filing.

Mr. Nordfjord stated that this was a good discussion to have because they did need to track the record keeping time and that change had been made.

Commissioner Sebolt asked if doing that paperwork was going beyond the on-call bonus and into work.

Mr. Nordfjord stated that for this hearing, he was only concerned with the contract language regarding the phone calls. He further stated that going forward they would look at this.

Commissioner Sebolt stated that it was undeniable that the records were being worked on and maintained.

MOVED BY COMM. GREBNER, SUPPORTED BY COMM. NAEYAERT, TO DENY THE GRIEVANCE.

Commissioner Maiville stated that it came down to what was in the contract and it appeared to be that a generous bonus was given to cover the phone calls. He further stated that there were other complicating factors with the physician's assistants but that was not a specific concern in this grievance.

Commissioner Sebolt stated that he thought that the grievance was on point because it was for hours actually worked on the phone and they were doing paperwork. He further stated that if the on-call bonus was meant to be an hourly wage, then they were violating the minimum wage law.

Commissioner Sebolt stated that the numbers were hard to lock down, but there may need to be a calculation to compensate for the time spent on record keeping.

Commission Grebner stated that it was not clearly wrong to consider the paperwork as part of the call. He further stated that in prior practice there was no such compensation.

Commissioner Grebner stated that he felt okay with denying this and then making a change in future bargaining sessions.

THE MOTION CARRIED IN A ROLL CALL VOTE. Yeas: Nolan, Grebner, Naeyaert, and Maiville Nays: Sebolt, Hope, and Celentino Absent: None.

Discussion.

Mr. Nordford stated that he heard the discussion here tonight and they would be discussing the reopeners and he understood that the Committee would like to see a change made.

Commissioner Grebner stated that he appreciated this. He further stated that the on-call bonus should be at a lower hourly rate and then pay an hourly rate for the work done in order to make it equitable with the physician's assistants.

Commissioner Grebner stated that this did not work out for salaried employees.

Commissioner Sebolt stated that having happy nurses would probably make the most sense and would pay out in the long run.

Ms. Smith-Heck stated that the next step for this grievance was arbitration which would cost the County more than \$8,000.

Chairperson Nolan stated that they would be fixing this problem so that it was no longer an issue for the nurse practitioners.

Commissioner Grebner left the room at 7:46 p.m.

8. Controller's Office
 - a. Storage Needs Update (*Information*)

Rick Terrill, Facilities Director, stated that they had worked with the Circuit Court and the County Clerk's office to start to fix the rolling storage. He further stated that they were about 60% completed moving the files from the Hilliard Building to the Road Department.

Commissioner Grebner returned to the room at 7:48 p.m.

Mr. Terrill stated that they were still working on a solution.

Clerk Barb Byrum introduced Morgan Cole, Chief Deputy Court Clerk. She provided a memo to the Committee.

Clerk Byrum stated that these records were neglected long before she became the Clerk. She further stated that as Clerk, she should have care and custody of the records.

Clerk Byrum stated that because of a unique situation in Ingham County, the Circuit Court Clerks were employees of the Court, but acted as her Deputy. She further stated that the supervisors of the Circuit Court Clerks were here staff.

Clerk Byrum stated that this arrangement caused Circuit Court record files to be handled a bit differently than vital or election record files. She further stated that they had paid over \$28,000 in restoration fees for damaged records because they were not properly stored.

Clerk Byrum stated that the insurance company paid the fees. She further stated that they contracted with DBI to move many files from the Hilliard Building but they had not been able to move them all on that day.

Clerk Byrum stated that this was a big deal because they needed access to the files when the public requested them. She further stated that there was an issue because she needed to gain the approval of the Chief Judge before she could move the records and it sometimes took days to get his signature.

Clerk Byrum stated that the temperature controls in the file storage area were not appropriate and the moisture developed. She further stated that because of these many issues, for some records, they paid outside vendors to store files.

Commissioner Celentino asked who was moving the files.

Clerk Byrum stated that Circuit Court employees were moving the files, except for the day that DBI helped.

Commissioner Celentino asked if Circuit Court could be given extra help.

Clerk Byrum stated that they had been working creatively with Facilities to arrange the use of a county van.

Ms. Cole stated that Circuit Court was working with Facilities to move more files on August 4 or August 10. She further stated that Mr. Terrill had been helpful in securing the van for their use.

Ms. Cole stated that each day, there were Circuit Court Clerks moving files. She further stated that on average they moved 100-200 boxes per day in the County van, but it was all done by deputy clerks.

Mr. Terrill stated that Brian Fisher, Facilities Manager, had been on vacation. He further stated that since his return they had been trying to find additional people to help the Clerk's staff.

Commissioner Celentino asked about finding additional staff.

Clerk Byrum stated that she was pulling people from their normal work at the counter to move files. She further stated that she was not annoyed about Facilities not being able to help them

with the move, but she was more annoyed with the fact that Facilities and the Board of Commissioners were not working to solve this problem with a permanent solution.

Clerk Byrum stated that they were moving these files to the Road Department, which was a temporary solution. She stated that once the rolling file storage was fixed, they would move the files back into the Hilliard Building.

Clerk Byrum stated that even though the rolling file system would be fixed, there were still a number of problems with the storage area in the Hilliard Building. She further stated that the files in that room were unsecure because they were stored with files from other departments such as the Parks Department and the 4-H Program.

Commissioner Celentino asked Tim Dolehanty, Controller, why they did not have a proper storage solution.

Mr. Dolehanty stated that there had not been the funding in order to address the storage concerns.

Clerk Byrum stated that she wished this had been brought up during the millage discussions and that she had been included in those conversations.

Commissioner Celentino stated that he had asked about storage when approving the millage language. He further stated that the Chairperson of the Law and Courts Committee had stated that there may be an opportunity to build a dedicated storage facility.

Mr. Dolehanty stated that the millage discussions were still happening and were not final.

Commissioner Celentino stated that he understood the Clerk's frustration because she had been bringing this up since he had been the Chairperson of the Board of Commissioners. He further stated that in 2014, when her office was busy running an election, she brought this issue forward to him then.

Commissioner Celentino stated that now the Clerk was before them, yet again, in another election year, telling the Committee about storage issues. He further stated that it was time to solve this problem.

Commissioner Sebolt stated that the millage language did not prohibit the County from adding storage to the Justice Complex and the design of the complex was not final.

Mr. Dolehanty stated that it was possible to include storage in the design, especially since this was part of the courts.

Clerk Byrum stated that she would like to respectfully request to be included in those discussions.

Commissioner Maiville stated that temporary storage was at the Road Department but was still in the basement, which may be a concern.

Clerk Byrum stated that the Road Department staff was very helpful. She further stated Tom Gamez was very helpful and wonderful to deal with.

Clerk Byrum stated that she was provided access to the building had changed the locks on the doors that provided access to their records.

Commissioner Maiville asked if the Road Department was more secure than the Hilliard Building.

Clerk Byrum stated that it was much more secure.

Commissioner Maiville asked about the origin of the current mold issues.

Clerk Byrum stated she was not entirely sure about the origin.

Ms. Cole stated that they suspected it might have been from the restored files which had been stored at the back of the annex, which had a leak. She further stated that they could only make an educated guess, that that was how the mold problem started.

Commissioner Maiville stated that these were all temporary fixes and not complete solutions. He further stated that they needed long term solutions.

Clerk Byrum stated that she spoke with Brian Fisher about gating off the Circuit Court files in order to provide extra security. She further stated that she would like to bring back vital and election records, and store them within the County, if a solution was found.

Chairperson Nolan stated that, without objection, the following agenda items would be moved to the August meeting in the interest of time:

8. Controller's Office
 - b. Contract Inventory (*Information*)

8. Controller's Office
 - c. Reorganization Policy (*Discussion*)

Commissioner Naeyaert asked about the vital records at off-site storage.

Clerk Byrum stated that those records were imaged before being sent to off-site storage.

Commissioner Naeyaert asked about temporary holding facilities that had climate control.

Mr. Terrill stated that there were many other factors that complicated this. He further stated that the humidity factor was of greater concern than the temperature.

Commissioner Naeyaert asked if there was a temporary, pod-like, storage available.

Mr. Terrill stated that he was not sure if there was anything like that available.

Ms. Cole stated that as far as the Circuit Court was concerned, the need for storage was as great as it ever would be. She further stated that they were transitioning to electronic records, so eventually they would not require as much storage space.

Clerk Byrum stated that it would take a long time to transfer to electronic files. She further stated that other records, such as election records, were required to be stored on paper.

8. Controller's Office

- f. Closed Session to Discuss Pending Litigation with the County Attorney (*Closed Session*)

MOVED BY COMM. GREBNER, SUPPORTED BY COMM. HOPE, AT 8:09 P.M., TO MOVE THE MEETING INTO CLOSED SESSION FOR THE PURPOSE OF DISCUSSING PENDING LITIGATION WITH THE COUNTY ATTORNEY.

THE MOTION CARRIED UNANIMOUSLY BY ROLL CALL VOTE. Absent: None.

MOVED BY COMM. HOPE, SUPPORTED BY COMM. GREBNER, TO RETURN TO OPEN SESSION AT APPROXIMATELY 8:41 P.M.

THE MOTION CARRIED UNANIMOUSLY.

MOVED BY COMM. SEBOLT, SUPPORTED BY COMM. HOPE, TO ACCEPT THE COUNTY ATTORNEY'S RECOMMENDATION.

Commissioner Grebner stated that in all the years that he had been on the Board of Commissioners, he could not remember a jury verdict against the County. He further stated that the County had been very well-represented for a very long time.

THE MOTION CARRIED UNANIMOUSLY.

Announcements

None.

Public Comment

None.

Adjournment

The meeting was adjourned at 8:43 p.m.

A handwritten signature in blue ink, consisting of several overlapping loops and a central scribble, positioned above a horizontal line.

BARB BYRUM, CLERK OF THE BOARD

