

HUMAN SERVICES COMMITTEE  
May 14, 2018  
Minutes

Members Present: Banas, Nolan, Koenig (arrived at 6:46 p.m.), Louney, Tennis, Sebolt, and Naeyaert (left at 7:10 p.m.)

Members Absent: None.

Others Present: Commissioner Crenshaw, Jeff Potter, Ryan Claypool, Samantha Bird, Mark Stevens, Tim Morgan, Tim Dolehanty, Lindsey LaForte, and others.

The meeting was called to order by Chairperson Banas at 6:30 p.m. in Personnel Conference Room "D & E" of the Human Services Building, 5303 S. Cedar Street, Lansing, Michigan.

Approval of the April 30, 2018 Minutes

MOVED BY COMM. NAEYAERT, SUPPORTED BY COMM. TENNIS, TO APPROVE THE MINUTES OF THE APRIL 30, 2018 HUMAN SERVICES COMMITTEE MEETING.

THE MOTION CARRIED UNANIMOUSLY. Absent: Commissioner Koenig.

Additions to the Agenda

None.

Removed from the Agenda –

None.

Limited Public Comment

Jeff Potter, Friends of Ingham County Parks, stated he was before the Committee to express his support for the Park Patron program. He further stated that this program would be a great way to help support the Friends of the Parks financially.

Mr. Potter stated that the Park Patron program would be voluntary and allow people to purchase a special park pass.

Ryan Claypool, Ingham County Youth Commission, stated he was before the Committee in order to give the Youth Commission's annual report. He further stated that the Youth Commission had participated in projects such as Blessing Bags for the Homeless Angels, Officer Mankowski's Holiday Party in Haslett, and March is Reading Month.

Mr. Claypool stated that the past week was the Annual Day of Play at Lake Lansing and the weather was not cooperative, but they made the most of it.

Samantha Bird, Ingham County Youth Commission, stated that she was disappointed that the Day of Play was not as successful as it had been in the past, due to the weather.

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

3. Fair Office – Resolution to Authorize Construction of a Cement Floor for the South End Horse Complex Pavilion at the Ingham County Fairgrounds
4. Parks Department
  - a. Resolution to Authorize a Voluntary Park Patron Optional Decal – Fundraising Program
  - b. Resolution Honoring Jim Hewitt as a 2017 Volunteer of the Year
  - c. Resolution Honoring Laurie Kaufman as a 2017 Volunteer of the Year
5. Health Department
  - a. Resolution to Amend the Sparrow VOA Transfer Agreement Authorized in Resolution #17-328
  - b. Resolution to Convert the Vacant Lead Social Worker Position to Medical Social Worker
  - c. Resolution to Establish 340B Pharmacy Coordinator Position
  - d. Resolution to Install a Mural at Forest Community Health Center
  - e. Resolution Honoring Rose Snyder
6. Controller's Office – Resolution Updating Various Fees for County Services
7. Board Referral – Letter from the Capital Area Transportation Authority Concerning a Response to the County's November 29, 2017 Letter and Resolution No. 17-458

THE MOTION CARRIED UNANIMOUSLY. Absent: Commissioner Koenig.

THE MOTION TO APPROVE THE ITEMS ON THE CONSENT AGENDA CARRIED UNANIMOUSLY. Absent: Commissioner Koenig.

1. Youth Commission – Discussion

Chairperson Banas stated that there had been discussions concerning reviving the Youth Commission. She further stated that a staff member, Jacqueline Lloyd, Community Health Worker, had been identified as someone who would be able to staff the group.

Chairperson Banas stated that the staff member would cost about \$2,000 annually and a resolution was needed in order to approve that cost. She further stated that the Board of Commissioners would like more formal feedback from the Youth Commission.

Chairperson Banas stated that she would like to task the Youth Commission with investigating how youth were using the trails and how that usage could be increased. She further stated that she had talked to Tim Dolehanty, Controller, about the Youth Commission meeting with Melissa Buzzard, Trails and Parks Millage Coordinator.

Chairperson Banas stated that she and Commissioner Crenshaw had spoken about the Youth Commission reducing the meeting schedule to once a month. She further stated that in light of the cost of having a staff person at meetings, it would be a wise financial decision also.

Ms. Bird stated that one reason having meetings twice a month worked well was because many members of the Youth Commission could only make one meeting or the other, and it gave them two options to participate.

Chairperson Banas stated that she had faith that the Youth Commission could find a way to increase the attendance of one meeting a month. She further stated that the cost of holding two meetings was too great and the members of the Youth Commission needed to make an effort to attend most meetings.

Commissioner Naeyaert stated that she was unsure if the Youth Commission needed a staff member at this time, especially since Commissioner Crenshaw was the liaison and was very active.

Ms. Bird stated that the Youth Commission served to benefit the Board of Commissioners and they were very happy to help with whatever was needed.

Commissioner Sebolt stated that he was happy to see the Youth Commission given some tasks, but this was a two-way street and the Youth Commission needed to bring ideas to the Board of Commissioners too.

Chairperson Banas stated that she did not want to tell the Youth Commission what to do. She further stated that it was up to the Youth Commission to brainstorm what other issues were important, but the task assigned gave them a starting point.

Commissioner Koenig arrived at 6:46 p.m.

Commissioner Crenshaw stated that a staff person would be helpful because they could serve as a liaison between the County and the Youth Commission. He further stated that he enjoyed working with the Youth Commission, but his time was more limited and they would have more access to a staff member.

Ms. Bird stated that she had noticed that there was an issue with communication and maybe a staff person would help improve that. She further stated that they were still linked with the MSU Extension 4-H program, but they were not really a part of 4-H.

Commissioner Crenshaw stated that it would require a resolution to take the 4-H component out of the Youth Commission. He further stated that it may be helpful to provide a curriculum to the Youth Commission.

Commissioner Louney stated that he would like ideas about how to get youth involved from his community.

Ms. Bird stated that having a curriculum to learn about local government would help, and even as an experienced member of the group, she would like to learn more.

Chairperson Banas stated that perhaps speakers could come to discuss their work with local government. She further stated that maybe they could develop a rubric to follow, such as interviewing Board of Commissioners and County staff.

Commissioner Louney stated that perhaps working with local school principals would help to bring more members in.

Ms. Bird stated that they would welcome recruiting other members to the Youth Commission.

Mr. Claypool stated that his principal was the reason he joined the Youth Commission and sending an email to the local schools was helpful in recruiting new members.

Chairperson Banas asked if schools were emailed every year.

Commissioner Crenshaw stated he had emailed all the schools a couple of years ago, but not this past year.

Chairperson Banas stated that they needed to remember to reach out to the schools next fall. She further stated that she thanked the Youth Commission members for joining this discussion.

## 2. Medical Care Facility – Discussion

Chairperson Banas stated that Mark Stevens, Ingham County Medical Care Facility (ICMCF) Director, had provided an additional handout with more information (included in the minutes as attachment A). She asked Mr. Dolehanty to provide some background on this issue.

Mr. Dolehanty stated that the handout provided by Mr. Stevens was very thorough and he would defer to him for more information.

Mr. Stevens stated that the ICMCF had received a complaint that the medical gas system was not being installed properly during construction on the building expansion, so he had halted the project last week. He further stated that there was confusion as to which building codes applied to the medical gas system and that the building codes did not seem uniform.

Mr. Stevens stated that they had received an email from Price Dobernack, United Association of Plumbers and Pipefitters Local 333 Business Manager, which stated that the ICMCF did not

have the proper permit for the installation of the medical gas system and that it was being installed illegally. He further stated that it was a very real concern for an administrator of a health care facility.

Mr. Stevens stated that the medical gas contractors had provided a lot of information on this and it seemed that there was a code change in 2016 which may be the issue. He further stated that he had been investigating this issue for a week and had found many different codes that may apply for medical gas.

Mr. Stevens stated that the City of East Lansing did the permitting for Meridian Township for medical gas. He further stated that they had a mechanical permit and that the work, thus far, had been approved by the mechanical inspector from the City of East Lansing.

Mr. Stevens stated that when the job was halted, the subcontractor, Diamond Mechanical, contacted the mechanical inspector from the City of East Lansing in order to find out if this project was okay to proceed. He further stated that Mr. Dobernick had reached out to the City of East Lansing's plumbing inspector concerning this job.

Chairperson Banas asked if it was a mistake to reach out to the plumbing inspector.

Mr. Stevens stated that he did not think it was a mistake, because according to his research, up until 2016, the plumbing code did cover medical gas. He further stated that there was disagreement if this work should be inspected as a mechanical or plumbing project even between the inspectors.

Mr. Stevens stated that the plumbing inspector for the City of East Lansing had sent an email to him explaining that there were real concerns as to if this project was being completed correctly.

Mr. Stevens stated that the City of East Lansing's Building and Code Administrator had determined that the mechanical inspector had the authority over the medical gas system. He further stated that it was determined by the City of East Lansing that the permit was granted properly.

Mr. Stevens stated that even though the City of East Lansing stated that work could continue, he wanted to further address Mr. Dobernick's concerns. He further stated the plumbing inspector had fully supported Mr. Dobernick's perspective and insisted that a master plumber needed to be supervising the installation of the medical gas system.

Mr. Stevens stated that the handout he provided gave additional background about the codes, but he was leaning toward medical gas being a mechanical system. He further stated that he was not comfortable with the work continuing until he had an answer.

Mr. Stevens stated that he was trying to get the City of East Lansing inspectors, their supervisor, and the Meridian Township building inspector to meet to find a solid answer.

Commissioner Naeyaert asked if the State had been contracted. She further stated that the State had a mechanical code and a plumbing code which should provide answers.

Mr. Stevens stated that he had not contacted the State yet, but he had contact information for someone from the Department of Licensing and Regulatory Affairs (LARA). He further stated that he was concerned that the person from LARA may be too far removed from this situation to provide a clear answer.

Commissioner Naeyaert stated that LARA would know the exact answer.

Discussion.

Commissioner Tennis stated that there had not been any substantial changes to the code concerning the installation of medical gas in 2016 when the Skilled Trades Regulation Act supplanted the State Plumbing Act. He further stated that there was only one mention of medical gas in the State Plumbing Act and that section had not been changed.

Commissioner Tennis stated that he had worked on that legislation with Senator Horn and the act made no substantial changes to regulations, rather it gathered the various construction codes and put them into one act. He further stated that he had just checked the code and the only mention of medical gas in that act said that it could be installed by people without a plumbing license only if they are supervised by a master plumber.

Commissioner Tennis stated that if there was not a master plumber on the job site overseeing the work, then it was not up to code.

Mr. Stevens stated that that had been his understanding at one point too.

Commissioner Tennis stated that the State requirements were more important than the national codes, as there was a lot of variety nationally.

Mr. Stevens referred to page 4 and 5 of his handout and read the portion concerning the codes. He further stated that he was not a building professional, which was why he was relying on the local building inspectors for guidance.

Commissioner Koenig asked when the meeting with the inspectors was scheduled and how much this was delaying the project.

Mr. Stevens stated that he had requested the meeting today and the project was expected to be delayed a few weeks because of this suspension of work. He further stated that he would like to be truthful about a mistake he had made concerning the contract for this medical gas system.

Mr. Stevens stated that that this contract for medical gas was separate from the general contract based on advice from Plante Moran. He further stated that they had pulled this part of the contract out of the general contract and sent it to medical gas contractors.

Mr. Stevens said they had not asked the contractors to seek local labor when soliciting the bid. He further stated that they had delayed the project and asked for bids again reaching out to local plumbers and pipefitters.

Mr. Stevens stated that it was a mistake on his part and if he ever needed another construction process he would make sure that they solicited local bids.

Mr. Stevens stated that the Dobie Road facility attempted to adhere to the purchasing policies of the Ingham County as much as possible.

Commissioner Tennis asked about the relationship between AirGas and Diamond Mechanical.

Mr. Stevens stated that AirGas was a national medical gas supplier and Diamond Mechanical was their subcontractor to perform the installation.

Commissioner Tennis asked if AirGas was the one selected before the contract went to open bid.

Mr. Stevens stated that AirGas was selected.

Commissioner Tennis stated that after they chose to rebid the project, they chose AirGas again. He asked if Plante Moran handled the bid process.

Mr. Stevens stated that they backed up and had the installers rebid the contract and allowed AirGas to review it. He further stated that AirGas' role was competitively bid.

Mr. Stevens stated that Plante Moran handled over a billion dollars of construction contracts annually and were experts on this. He further stated that he was satisfied that choosing AirGas was done competitively; however, AirGas' selection of installers was not competitive.

Commissioner Tennis stated that the selection of installers was corrected with an open bid process before starting the work. He asked what AirGas' role was in the project.

Mr. Stevens stated that AirGas was a national firm and they did all the engineering. He further stated that Diamond Mechanical was from the Ann Arbor area.

Mr. Stevens stated that during the competitive bidding process, they had placed an advertisement in the Lansing State Journal and reached out to many companies and asked the United Association of Plumbers and Pipefitters, Local 333 to also help get the word out. He stated that in that process they only received one additional bid and it was 30% more than the original bid.

Mr. Stevens stated that he personally would like to have local labor, but the additional cost was prohibitive.

Commissioner Tennis asked if it was AirGas' responsibility to ensure the subcontractor was American Society of Safety Engineers (ASSE) certified.

Mr. Stevens stated that it was their responsibility.

Commission Naeyaert asked if AirGas knew the code.

Mr. Stevens stated that the Air Gas believed this was a mechanical code issue, the United Association of Plumbers and Pipefitters, Local 333 believed that this was a plumbing code issue.

Commission Nolan stated that she appreciated the reasonable approach Mr. Stevens had taken to sort out this difficult political problem. She further stated that she trusted that Mr. Stevens would solve this problem and was sorry this mess was delaying the project.

Commission Sebolt stated that he was resentful that this was called a political problem when patients' safety was at risk.

Commissioner Tennis stated that he would also like to follow up on that, and there had been multiple fatalities because of medical gas being poorly installed. He further stated that there was a reason why there were additional requirements.

Commissioner Nolan stated that of course that was the case, but she questioned why the business did not know the proper code.

Commissioner Tennis stated that some businesses choose to ignore the code and then could charge 30% less than businesses who followed the code.

Commissioner Nolan stated that it was ludicrous that the County was put in this position while trying to get this building done.

Commissioner Tennis stated that it was important that this be done correctly and figure this out now, because if the medical gas was installed incorrectly it would lead to the building being unusable, massive litigation, a complete re-haul of the system, and perhaps the building would not be able to be insured. He further stated that this would amount to a huge cost.

Mr. Stevens stated that he was thankful for the complaint because this way they could know 100% that this was done well. He further stated that Commissioner Tennis was correct that this would be a larger problem down the road, especially since the County would be liable for the building.

Commissioner Nolan stated that she did not understand how a local municipality did not know what the code was and did not have agreement among staff. She further asked how projects were to be completed if there was not even agreement between staff.

Commissioner Koenig stated that she had heard of inspectors disagreeing in the past. She further stated that the lesson was to keep these contracts under the general contract, which would have made this the general contractor's problem and not the County's.



Commissioner Naeyaert left the meeting at 7:10 p.m.

Commissioner Koenig asked why the contract for AirGas had been separated out.

Mr. Stevens stated that Plante Moran had been hired as ICMCF's owner representative when working through the bidding process. He further stated that they had recommended medical gas be a separate contract and he had relied on their expertise.

Mr. Stevens stated that he knew if they had kept this under the general contract, this would not have been an issue today.

Commissioner Koenig stated that she thought Mr. Stevens was handling this problem well, she respected the ICMCF, and trusted that this would be resolved soon.

Chairperson Banas stated that she appreciated Mr. Stevens for keeping the Committee informed.

**Commissioner Nolan asked Mr. Stevens for an update when this was resolved.**

Mr. Stevens stated that he would update the Committee.

Announcements

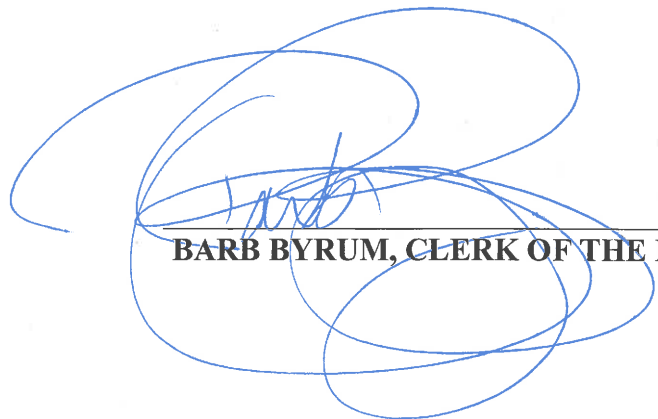
None.

Public Comment

None.

Adjournment

The meeting was adjourned at 7:20 p.m.



**BARB BYRUM, CLERK OF THE BOARD**

## Attachment A

### Ingham County Medical Care Facility's Med Gas System Update May 14, 2018

1. The Medical Care Facility (MCF) is installing a med gas system in its new addition to better serve patients who struggle with breathing and maintaining optimal oxygen levels.
2. March 25, 2018. The MCF's med gas installer (Airgas and Airgas's subcontractor Diamond Mechanical) contacted Meridian Township and the City of East Lansing's Mechanical Inspector to seek guidance specific to obtaining the appropriate permit for installing the med gas system.
3. On March 28, 2018 a mechanical permit was issued and work began.
4. April 17, 2018. The East Lansing Mechanical Inspector conducted an inspection and approved the completed portion of the installed med gas system.
5. May 4, 2018 (late on a Friday afternoon). Price Dobernick, Business Manager with the United Association of Plumbers and Pipefitters, Local Union 333 emailed an East Lansing Plumbing Inspector (versus the East Lansing Mechanical Inspector who processed and approved the initial permit), alleging (under The State Plumbing Act, 2002 PA 733, which was repealed and replaced during 2016) that the MCF med gas system is in violation of many med gas system legal requirements including:
  - a. The med gas system installation doesn't have the proper permit.
  - b. Installers are not certified medical gas brazers and installers.
  - c. Apprentices are installing the med gas system.
  - d. The subcontractor does not have a Master Plumber or Plumbing Contractors License on file with the State of Michigan.
  - e. There hasn't been a licensed Journeyman or Master Plumber on site to oversee the med gas installation.
6. May 6, 2018 (Sunday afternoon). MCF's administrator read a forwarded email string that included Mr. Dobernick's allegation. Diamond Mechanical was directed to halt all work pending the outcome of an investigation specific to Mr. Dobernick's allegations.
7. May 7, 2018. Diamond Mechanical contacted East Lansing's Mechanical Inspector. The Mechanical Inspector checked with his supervisor, East Lansing's Building and Code Administrator, who informed the Mechanical Inspector that it was his call as to whether or not the proper permit had been obtained and if the med gas system was being installed in compliance with legal and code requirements. The Mechanical Inspector determined it was the proper permit and that the work was in compliance with legal and code requirements per his April 17, 2018 inspection approval. However, MCF's administrator determined the project would continue to be on hold pending a response from the East Lansing Plumbing Inspector who Mr. Dobernick had emailed.
8. May 8, 2018. The MCF administrator contacted East Lansing's Plumbing Inspector asking him to address the concerns that had been raised specific to the MCF's med gas system and the Facility's desire to have a med gas system that is safe and meets all applicable legal/permit/code requirements.
9. May 10, 2018. The East Lansing Plumbing Inspector emailed to the Medical Care Facility his response to the questions Mr. Dobernick's email him:
  - a. Will you demand work to stop until properly permitted? Yes and permit has already been canceled.
  - b. Will you allow work that has already been installed by unlicensed and unpermitted workers to stay in place, much of which is now concealed or partially concealed? All pipe will need to be

exposed and I will let the plumbing contractor that is contracted to install the Med gas pipe decide if they are willing to accept the responsibility of the piping installed. If they are then it will not have to be removed if not then its a start over.

- c. Will you demand that a contractor with a Masters Plumbing License and the proper Medical Gas certified employees resume the work on the job? Yes
- d. What will the consequences be for Diamond Mechanical for operating without the proper license and permits? Will you report this to the SOM or is that our responsibility? As the permit should never have been issued to them for this work, I believe the loss of income from proceeding without the proper permit might be consequence enough. If you want you can submit the complaint to the State, that is your call.

East Lansing's Plumbing Inspector went on to say that, "Part of the problem here is a disconnect between the permitting process and requirements... Our new mechanical inspector, Wayne, responded to the mechanical contractor's questions... but was unaware of the requirement for plumbing supervision of med gas nor the need for plumbing permit. The township issued the mechanical permit also unaware of the requirements".

The Plumbing Inspector then appears to contradict himself by forwarding the new the Plumbing Code requirements: Plumbing Code [A] 101.2 Scope includes "the design and installation of gas piping, chilled water piping in connection with refrigeration process and comfort cooling, and hot water piping in connection with building heating systems shall conform to the Michigan mechanical code.

10. The MCF is arranging a meeting with East Lansing's Plumbing Inspector, Mechanical Inspector, Building and Code Administrator, and Meridian Township's Chief Building Inspector to address the issues raised in items one (1) through (8) above and to discuss the following recent (2016) changes to med gas system codes and legal requirements:
  - a. The Michigan Department of Energy, Labor and Economic Growth, Bureau of Construction Codes (The State Plumbing Act, 2002 PA 733) was repealed and replaced by Public Act 407 of 2016 ("Skilled Trades Regulation Act"). The Skilled Trades Regulation Act loosened licensure requirements for the installation of med gas systems; allowing work to be performed under licensure authority other than a plumber's license. Other codes that allow med gas system work to be performed without requiring a plumber's license include the Michigan Construction Code, Michigan Mechanical Code, the American Society of Mechanical Engineers' Code for Pressure Piping, and National Fire Protection Association (NFPA) 99 2012 Health Care Code.
  - b. Differing jurisdictional interpretations exist specific to the Skilled Trades Regulation Act 339.6107:
    1. Section 1107 (2) (E). A license under this article is not required to perform any of the following work...: the installation of medical gas piping, if the installation is performed under the supervision of a licensed plumbing contractor.
    2. Section 1107 (3). This article does not prevent a person from performing any activities within the scope of licensure or registration under any other licensure or registration act or applicable codes for that licensed or registered professional adopted pursuant to law.
    3. An example of standards and codes that jurisdictions determine meet the requirements of the Skilled Trades Regulation Act include the National Fire Protection Association (NFPA) codes: codes in which there is no reference specifying a Master Plumber or Plumbing Contractors' license as a requirement;

- a. NFPA 99, 2012 5.1.10.11.10.1: The installation of medical gas and vacuum systems shall be made by qualified, competent technicians who are experienced in performing such installations, including all personnel who actually install the piping system.
  - b. NFPA99, 2012 5.1.10.11.10.2: Installer of medical gas and vacuum piped distribution systems... shall be certified in accordance with ASSE 6010, Professional Qualification Standard for Medical Gas Systems Installers.
4. Additionally, the Michigan Mechanical Code added Sections 1700.0 (Scope) and 1700.1 (Process piping) placing all process gas piping, including medical gas piping, under the jurisdiction of the Mechanical Code.
11. May 14, 2018. Lastly, the med gas system installation continues to be on hold. The Medical Care Facility will fully comply with whatever version of med gas system codes is determined to be correct, including acquiring a plumbing permit and hiring a Master Plumber to supervise Airgas and its subcontractor's installation of medical gas piping if needed.