BOARD LEADERSHIP MEETING
February 21, 2019
Minutes

Members Present: Crenshaw, Sebott, Grebner, Koenig (arrived at 6:04), Maiville, Naughton, Slaughter, and Tennis.

Members Absent: Celentino, Morgan, Polsdorfer, Schafer, Stivers, and Trubse.

Others Present: Tim Dolehanty, Michael Townsend, Matt Nordfjord, Jared Cypher, Teri Morton, Becky Barnett, Tyler A Smith, and others.

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

Approval of the October 22, 2018 Minutes

Chairperson Crenshaw stated there was not yet a quorum, so the item would be passed.

Additions to the Agenda

None.

Limited Public Comment

None.

1. Strategic Planning

Chairperson Crenshaw stated that he had asked the Controller to give an update on the County’s strategic plan, because there were new Commissioners.

Tim Dolehanty, Controller, stated that he had brought materials detailing the County’s long term objectives, its vision statement and its mission statement. He further stated that he had also included the action plan used at the staff level during the budgeting process.

Mr. Dolehanty stated that during the budgeting process, the Controller asked departments to identify specific strategies to make their goals come to fruition. He further stated that the responses had been broken into four columns, the first naming the task, the second assigning lead responsibility, the third giving a timeline, and the fourth giving an update as of the current month.
Mr. Dolehanty stated that a lot of the goals were ongoing, and repeated. He further stated that shaded lines on the document were considered complete by the departments, and that a few times a year the Controller went to department heads to ask for more projects.

Commissioner Koenig arrived at 6:04 p.m.

Mr. Dolehanty stated that he wanted to make sure everything was as current as possible. He further stated that in the past, the strategic plan had been put on the Committee agendas right before the annual budget process, and that Commissioners could add projects to the plan if they wished to.

Chairperson Crenshaw stated that his goal as Chairperson was to look at the strategic plan and identify areas where tasks had been completed, and areas where more work was needed. He further stated that he would like to go through the Committee process well before the budget process began.

Chairperson Crenshaw stated that sometime in April, the Committees would take a look at goals under the strategic plan that fell within their jurisdiction, and that the Board of Commissioners and other County entities could use the results of that process as a guide during the budget process.

Commissioner Slaughter asked how often the plan was reviewed.

Chairperson Crenshaw stated that it was reviewed annually.

2. Millages

Mr. Dolehanty stated that there was a single-page Millage Summary handout, which showed the millage name, the rate in mills, the revenue generated, and the expiration date. He further stated that the Fund Balance column was as of the day before the meeting, and needed some explanation.

Mr. Dolehanty stated that the 9-1-1 System millage’s $9.1 million fund balance included the revenue just collected, and was intended to fund the department for the entire year. He further stated that this was not idle money, and that the 9-1-1 System generated just over $6 million a year.

Mr. Dolehanty stated that around November of 2019, the County would collect millage funds again, and that the numbers for the 9-1-1 System millage represented operating dollars. He further stated that not all of the millage funds were similar to the 9-1-1 System millage in that way.

Mr. Dolehanty stated that the Animal Shelter had allocated roughly $400,000 to a position. He further stated that the figures were not a typical end-of-year balance as would be seen in an audit.

Chairperson Crenshaw asked whether a millage which was marked as expiring in 2019 would expire on Dec 31 of that year.

Mr. Dolehanty stated that collections for the millage funds in 2019 were for the 2020 budget, and that when collections were made near the end of 2019 under the millages expiring in 2019, no more money would come in after that unless the millage was renewed.

Commissioner Grebner asked whether all of the funds shown were from winter taxes.
Mr. Doelehanty stated that they were.

Commissioner Grebner stated that the figures did not include the full collection for the year. Teri Morton, Deputy Controller, stated that the figures included receivable taxes through 2019.

Commissioner Grebner stated that the balance was not actual, and was a projected fund balance as of April of 2019.

Mr. Doelehanty stated that that was a fair statement.

Chairperson Crenshaw stated that it looked like the 2020 ballot would have ballot questions for the Trails and Parks, Health Care Service, and 9-1-1 System millages. He further asked whether those millages were separate from the surcharge.

Mr. Doelehanty stated that the funds were all from property taxes.

Ms. Morton stated that the surcharge was in perpetuity, and did not need to be renewed.

Chairperson Crenshaw asked what the projected surcharge revenue would be.

Ms. Morton stated that to the best of her recollection, the revenue was approximately $3.7 million.

Commissioner Grebner stated that there would probably be a presidential primary in 2020, and that the millages could be put on the ballot then if permitted by state law. He further stated that the millages could be put on the November 2019 ballot, but that the County would end up reimbursing the townships if it were done that way.

Jared Cypher, Deputy Controller, stated that the Commissioners might want to think about the Special Transportation and Potter Park Zoo millages, which expired in 2021, and may need to be renewed.

Chairperson Crenshaw stated that that would make five millages on the 2020 ballot.

Commissioner Tennis stated that the millage renewals could be divided between elections.

Commissioner Grebner stated that the Board of Commissioners should just put all of the millages on the same ballot, because a large Democratic turnout was expected in 2020, and would tend to be more likely to approve millages. He further stated that if any of the millages failed to be renewed, they could be put on the August ballot to try again.

Commissioner Tennis stated that the Board of Commissioners’ informal consensus in 2018 had been to make changes to the Health Care Service millage, but the Commissioners could not agree on specifics. He further stated that when the healthcare millage was on the ballot, there would probably be changes, not a plain renewal.
Commissioner Grebner stated that a good working plan if nothing else arose would be to put all of the millages on the 2020 Presidential Primary ballot if permitted by law. He further stated that he guessed they would all pass, even a healthcare millage including substantive changes.

Commissioner Grebner stated that voters might like to able to simply check them all off and not worry about it anymore. He further stated that if any millages failed, the Board of Commissioners would have until the 2020 Primary and General elections to recoup, rewrite, rethink, and reorganize.

Chairperson Crenshaw asked Mr. Doelehanty to go over the Animal Shelter Project Update.

Mr. Doelehanty stated that the handout gave general bullet points and a timeline. He further stated that the Animal Control Advisory Board had met earlier on the day of the meeting.

Becky Bennett, Board of Commissioners Office Director, stated that the Animal Shelter Grand Opening would be June 14, 2019, at 2:00 p.m., and that the Animal Shelter personnel hoped to move in by June 4, 2019.

Mr. Doelehanty stated that the Animal Shelter Project was ahead of schedule and under budget. He further stated that the funds shown on the handout were monies donated to the Animal Shelter, not County money.

Mr. Doelehanty stated that the Animal Shelter had already exceeded its $300,000 fundraising goal, and had committed $67,000 for purchase of an X-ray machine, which would be built into the new building. He further stated that the X-ray machine was on its way.

Chairperson Crenshaw stated that there was clear progress on the shelter at its site near the 55th District Court.

Commissioner Slaughter stated that he had recently taken a tour, and that Jodi LeBombard, Animal Control Director, was excited to get out there.

Chairperson Crenshaw stated that it would be a new facility and a new life for the Animal Shelter.

3. **Use of Personal Email for County Business**

Chairperson Crenshaw stated that this issue had come forth earlier the same year, and that he had asked the County Attorney to come in on this. He further stated that Commissioner Morgan had put together an amendment to the Board of Commissioners’ Ethics Policy.

Matt Nordfjord, County Attorney, stated that his office had provided a privileged communication regarding the issue. He further stated that amending the Ethics Policy was part of the Board of Commissioners’ policy prerogative.

Mr. Nordfjord stated that if any communications were made that were responsive to a Freedom of Information Act (FOIA) request, they would need to be produced regardless of where they were stored or in what format. He further stated that the ethics policy would apply to the Board of Commissioners.
Mr. Nordfjord stated that the policy encouraged other elected officials to adopt similar policies. He further stated that there may be policies like the proposed policy in place already in other County Offices and Departments, and that he believed the Clerk and the Sheriff had adopted such policies.

Commissioner Grebner asked whether Mr. Nordfjord saw First Amendment implications in the proposed policy.

Mr. Nordfjord stated that he had not reviewed the policy closely, and that he would like to reserve that answer.

Commissioner Grebner stated that he thought a recent issue involving possible misuse of a County email account was the impetus for this policy change.

Commissioner Slaughter stated that the Ethics Policy change had been planned since January of 2019.

Mr. Nordfjord stated that the issue came to the attention of the County Attorney when Ms. Bennett asked for legal background on the topic after Governor Gretchen Whitmer implemented a similar policy for State employees.

Commissioner Grebner stated that the Board of Commissioners was in the process of rewriting its ethics rules anyway, so this change could dovetail in. He further stated that he had grave doubts about the way the proposed policy was written.

Commissioner Grebner stated that pieces of the policy made sense, but others were destined to make trouble. He further stated that the County Ethics Policy was very peculiar, and that it prohibited things no other ethics policy prohibited, and allowed things no other policies allowed.

Commissioner Grebner stated that he had written virtually every word of the Ethics Policy, and that nobody had exactly violated it since then. He further stated that the current policy nipped people away from doing things that they should not, but the proposed policy was more about creating "gotchas," and catching people violating it.

Commissioner Grebner stated that the County's current Ethics Policy tried to deal with real problems that actually came up and caused real corruption issues. He further stated that the policy had succeeded in steering the County out of situations where Commissioners might be accused of committing crimes or misusing their positions.

Commissioner Grebner stated that the Board of Commissioners had had unpleasant experiences, but that other Counties had had people implicated in criminal activity. He further stated that he would try
to change and warp the proposed policy, and that while other Commissioners could fight him on it, he would likely end up winning.

Commissioner Tennis stated that he would likely end up close to Commissioner Grebner’s position. He further stated that he used a private email server, and had done so for 12 years.

Commissioner Tennis stated that there had been a lot in the news about private email servers, but that that issue was about possible mishandling of federal, classified information. He further stated that the Board of Commissioners did not deal with those types of things.

Commissioner Tennis stated that no matter the medium, communications were subject to FOIA, and he would like to see a policy that spelled that out clearly. He further stated that the policy should make clear that any communication about a County matter was subject to FOIA, should be preserved, and should be made accessible.

Commissioner Tennis stated that using a private Gmail account was simpler for him, and that he had begun using one years ago, when his Blackberry would not download messages from his County email address. He further stated that by using a private email account, he never had to worry about accidentally committing a misuse of County resources by hitting “Reply All” on an email in a County inbox.

Commissioner Naeyaert stated that her County email forwarded all messages received to a private email account. She further stated that she had had technical problems, and an administrative issue because of another person with same name.

Commissioner Naeyaert stated that because all of her County messages were forwarded, she could not respond or reply from her private account.

Commissioner Tennis stated that he used to do that, but wanted to be able to reply.

Commissioner Naeyaert stated that the arrangement was a pain, but she did not have to worry about it.

Commissioner Grebner stated that he used a private email account, and CC’d his County email account on any email messages that had anything to do with County matters. He further stated that not every communication was clearly County or non-County business, and that his solution was to CC his County account whenever there was the slightest question as to whether the message was County business.

Commissioner Grebner stated that his email arrangement could be formalized in the policy, and that he wanted to give people ways to deal with practical problems without difficulty or discomfort. He
Further stated that he did not want to leave people scratching heads over the ethics of inviting a Commissioner to lunch via email.

Commissioner Koenig stated that the proposed policy was a good start. She stated that the first two bullet points were a problem, but could probably be solved. She further stated that they would be violated by having two email inboxes, one public, one private, and that the policy needed to be practical.

Commissioner Koenig stated that FOIA requests were run like a search engine query, and that the bottom line was that those searches just needed to return the right things. She further stated that she was not sure why the second bullet point stated that County email accounts must not be used for non-County activity.

Commissioner Grebner stated that the second bullet point was about campaign activity. He further stated that Clerk Barb Byrum had stated that it was a misuse of County resources to use a County email address for private purposes, but that he disagreed with that interpretation.

Commissioner Sebolt stated that he believed Commissioner Koenig was on the right track, and that “search engine” queries worked best when County business was conducted through the County email servers. He further stated that he would be willing to adjust the language, but that the policy should at the very least make a strong recommendation.

Commissioner Sebolt stated that he could understand what the policy was aimed at, especially in the context of Governor Whitmer’s recent Executive Order on government transparency. He further stated that there was no issue with transparency in Ingham County government, but that it was good to spell it out in the Ethics Policy.

Commissioner Sebolt stated that he would be happy to help revise the Ethics Policy as a member of the County Services Committee’s Rules Subcommittee.

Chairperson Crenshaw stated that 2018 had been an anomaly with regard to FOIA requests. He further asked how many had been received in that year.

Ms. Bennett stated that perhaps about five FOIA requests for emails had been received in 2018.

Chairperson Crenshaw asked whether there had been any issue with finding the requested messages because of the use of personal email accounts.

Ms. Bennett stated that there had not been, because usually a majority of the Board of Commissioners all received the emails that were requested.
Chairperson Cranshaw stated that the proposed policy would be referred to County Services Committee’s Rules Subcommittee for revision, then to the County Services Committee for recommendation to the full Board of Commissioners.

Commissioner Grebner stated that the County Attorney and the Controller were supposed to update the Ethics Policy every five years, and that perhaps there would be two revision processes.

Commissioner Koenig stated that she hoped that during the revision process, people would discuss why it would not be acceptable for Commissioners to use both County and private emails at the same time. She further stated that Commissioner Grebner, Commissioner Tennis, and herself all did so.

Commissioner Koenig stated that she did not want to use both a County and a private email account if it was wrong, and that she wanted to talk about whether using both was acceptable to the whole Board of Commissioners.

Approval of the October 22, 2018 Minutes

MOVED BY COMM. NAeyaert, SUPPORTED BY COMM. SLAUGHTER, TO APPROVE THE MINUTES OF THE OCTOBER 22, 2018 BOARD LEADERSHIP MEETING.

THE MOTION CARRIED UNANIMOUSLY. Absent: Commissioners Celentino, Morgan, Polsdorfer, Schafer, Stivers, and Trubac.

Public Comment

None.

Adjournment

The meeting was adjourned at 6:34 p.m.

BARB BYRUM, CLERK OF THE BOARD