

**BENZIE COUNTY DHS BOARD
MEETING MINUTES**

April 26, 2011

Call to Order: Marsha LaTour called the meeting to order at 1 p.m.

Present: Marsha LaTour, Chairperson
Norma Eason, Vice-Chair Person
Gaylord Jowett, Member (Absent)
Kris Lagios, DHS Director
Marcia Stobie, County Commissioner
Rose Coleman, Administrator
Margot Peshek, Director of Nursing
Katherine Johnson, Administrative Assistant

Pledge of Allegiance

Agenda Update:

Motion by Eason, seconded by LaTour to place Craig Peshek under Public Input for fifteen (15) minutes. **MOTION CARRIED.** Ayes: LaTour, Eason. Jowett absent.

Rose asked to remove the CMH Contract from New Business as she is still having dialogue with Kris Lagios about that.

Minutes:

Decision made to table the minutes of the regular meeting of March 29, 2011 due to Gaylord Jowett's absence.

Philip Ellis, Community Foundation:

Moving to public input due to Mr. Ellis not in attendance as yet.

Public Input:

Thelma Rider-Novak, Frankfort:

Presented documentation to County Commissioners on 4/19/11 showing issues with the contract between the DHS Board and Rose Coleman. Issues she felt that made the contract invalid and not binding and showed documentation that there were breaches in that contract. County Commissioners recommended that she present the documentation to The Maples board. Stated if the board did not wish for her to discuss the documentation today then she wanted the packet officially entered in the minutes. Marsha assured her that she had provided the board with copies of the packet and that they would be entered in the minutes. Marsha also stated that her and

Norma were still wading through the packet and didn't know if Gaylord would want a presentation or not. Marsha and Norma stated they would wait for Gaylord's input, and if it was agreeable, they would have Katherine contact Thelma about a 15 minute slot on the agenda for May 24th board meeting.

Wayne Knight, Crystal Lake Township:

Where does the board's authority and bounds stop? Does not believe board should micromanage.

When voting with two board members – one is opposed to another one and another one abstains - how can the one who wants her own way just annul everybody's else's vote – because when you have only three members on the board and two members vote – one one way and one the other way -there's no vote – there's no way that can pass. And I think you know what I'm referring to. **Marsha:** No, what are you referring to? **Wayne:** I'm referring to you wanting Lana Knight terminated because you've been getting emails from a trouble maker here in this facility. And we know...**Marsha:** Excuse me, that is not part of this meeting. **Wayne:** I'm asking for your resignation. Period. You are micromanaging for your own personal thing instead of for this facility and the residents. This facility was in the dirt when Rose got here. Now you're a five star facility—among the top in the country—and the last survey you had, they admitted they had to hunt really dig to find anything at all wrong. And I understand that the very same day that the administrator took care of it. You've got one of the best administrators here. Treat her like dirt, get her out of here and you'll end up with another Keith here that's going to run this thing right down. This facility is a top notch known facility all over and it's time this baloney stops. Trying to tear this thing down, I can't understand this. I don't know these people who try to tear it down must think they're not ever going to be here. It's time that this whole thing stop. Period.

Thelma:

I'd like to say that I'm not sure exactly what he was talking about. However, I want this board to understand that when the board is aware that there are problems with the administration, it is their inherent duty to micromanage or do whatever they have to, to get those things straightened out. It has been documented that laws have been broken. You don't just sit by, a responsible board does not just sit by, and watch that happen. Regardless of what personal issues someone may have, the citizens of this county expect the board to take the administrator in hand. **Wayne:** Oh, shut up.

Marsha:

Maybe we'll wait for the rest of the input and you'll have comments at the end. There is public input at the end, being that you have spoken before.

Craig Peshek:

Most of you sitting at the table received a letter from me secondary to my too being at the County Commissioners Meeting most recently. What the County Commissioners instructed the board chairman review stuff that Mrs. Ryder, or claims to have interpreted in her way to be accurate and legal and all that stuff. I apologize ahead of time. I have some posters. I don't want anyone to be scared. So, anyhow, because of the certain cliental in the room today I have to obviously say I am representing myself. I don't represent the administration here, any employee,

any volunteer, or anybody here. It's just me, a taxpayer, talking about some of the stuff going on. Some of the things I've seen makes me curiouser and curiouser to what's happening in...in Alice in Wonderland. I'll start off with a little bunny here and a rabbit hole...Back in June 2005 this room was standing room only with people complaining. We had residents, we had families, citizens, and that got me to thinking after going to the commissioners meeting, what's different from now than it was last time. I realized one of the big factors is there's usually a group or a pack, it's a pack of mouths. There's an alpha mouth and it's a big one. Then there's a beta mouth- not as big but this is obviously dominant. There's a couple other less dominant mouths, all part of this mouth pack. You've got one, two, three, four and you look back here...Then you have over here some people that live here, the residents—about 60 residents? **Norma:** 62.

Craig: OK, 62 residents, 4 people here, then you have people who work here—it's about 120, 100 people? So we're up to around 160. Then you add the families. The families of the residents—we'll call them about 120. And it gets bigger and bigger and bigger. And you still have these four mouths over here. I got to thinking—what's really going on. I was wondering, why am I not seeing people from this group filling up this room like it was happening in 2005? Then I got to wondering, what else is happening in terms of the difference between 2005 and now. I got to thinking, just maybe, there's some kind of denominator somewhere. So, I got to wondering. Does this group have family here? Not sure if the mouth group does or not. You've got a bigger loop of people here—that's the 17,000 people of Benzie County who, they're not here. Maybe they're at work like I should be but I thought this is important enough to get here and say my 2 cents worth. The residents, they have family, and they have friends here, and there are people with official positions here, and the alpha mouth group, I don't think there's anybody there with official positions. Then I got to thinking, is there some vindictive stuff going on here? Well, I think, the residents aren't too vindictive, and the employees, they're not too vindictive, and the friends and family of the residents don't appear to be too vindictive either, otherwise I'd be seeing more of them here. Over here, the alpha mouth, I wonder if there's some vindictiveness there. That person, ever since I've known her, has always had the agenda to get rid of the administrator and has tried to do other things to say that's not true, so I suspect there's some vindictiveness there. And the beta mouth, here, is an x-something here at the facility. An x-liasion, an x-grand poobah or something like that so there might be some vindictiveness there. And these other two, there's just kind of—they follow the alpha group. One might be a little vindictive because one was, at one time, an elected official. I suspect strongly that that person is following that person. But that is only my opinion. We have 17,000+ people here and we have four mouths here. We've got quiet here and we've got loud. Sometimes ridiculously loud, here. So you've got the majority here, although a quiet majority, and over here it's very loud. It might even be a silent majority. I've heard that term before. Everybody knows that loud noises can cause damage to hearing and back in the Korean War loud noise and music was used for brainwashing. I suspect that's part of the problem with some of the people here right now. You've been brainwashed...people who are fighting in Somalia and people who are fighting to save the whales. So mouthpack, they're pretty cool. They get their stuff done. They're persistent, very persistent, and they are very intense. They use intense noises, intense sounds, intense voices, trying to get the point across and they're aggressive. Interesting initials there. In fact so aggressive that sometimes the alpha mob will eat their own young. I started thinking, why is it so quiet here? Things are better. We've got a high ranking from the state, one of the highest rankings in the state, and the other thing I noticed through the unofficial network since 2005 is the reputation this place has and it's one of the best places in the area. It also was recognized in

US News and World Report as one of the best in the state, one of the 63 in the state that made it and of those 63, only four were government owned. And to get this ranking is phenomenal. Now since I've been here and involved with watching what's going on, I've known Rose almost as long as I've known Marsha. Rose, I have known to be very professional. You've always been honest and at time brutally honest to others and yourself. The other thing you have is integrity. Now, the alpha pack, I don't think they have integrity or credibility. They keep changing their opinion. The others...I keep backtracking. At the commissioner's meeting one, I think it was the beta mouth, brought up the fact that she's been talking up this stuff for a year. And that's another thing, they keep bringing up the same old stuff up over and over and over. They're just wasting taxpayer's time, your time, and it's time for this stuff to stop. The consensus is that most of what I hear from here is very similar to BM. Who in their right mind would want the administrator out of here when this place has a five star rating, is probably the best it's ever been, but then my question is, who in their right mind? And there's the answer right there. These last few things I'll try to do very quickly. Along with Rose being very good, honest and having integrity, the rest of the staff are a hard working group, with integrity and being honest, for the most part. This place has an exceptional medical director and with the current track of the medical director costing you too much, it doesn't make any sense at all, the current medical director and what he's being paid, what you're putting out to him, is more than what you're getting back in terms of benefits for this whole place. I hope any talk of doing something that might lose the current medical director would be taken as just being asinine. Lastly, and this comes back to the dinner and it comes down to Marsha...one of the concerns I have.....what bothers me is, in talking to Carol from Michigan County Social Services Association yesterday, she sent me some information, I was asking about the chairperson's role, and what the function is, she was also telling me she couldn't find it and she was going to fax me one little thing, but she did assure me that the board members, each one have one vote, there are three of you and each one has one vote and what bothers me about this dinner situation, poster situation, is Norma, who is vice-chair was there, and you had over 100 employees and friends there, they are not dumb, they are intelligent people. Somebody saw something that was really, truly bothersome. Something would have been said. But instead....a phone call..... you're circumventing your own board. You don't have that authority and that bothers me and I just ask, I am asking, consider stepping down as chairperson, let Norma take over and reassess and focus on what the role of a chairperson is. I get the feeling, after hearing what happened the day after the dinner, there's some, to use the same term again, micromanagement, I think you're exceeding your duties as a chairperson and you're also circumventing the wellbeing of the board. Thank you.

Marsha:

I just want to make one comment. And that is, when you have a call from the local sheriff's department, I think it is my place to react as chairman of this board. It's my opinion and you have yours. Anyone else for public input?

Wayne:

I just can't understand, when you've got such a great thing going in this county, why certain people got their ax to grind and want to tear it down and make it into a mess again. As far as I'm concerned, you've got one of the best administrators here that you can get. She's better than anyone you've ever had before. Now you treat her like this and what's going to happen is, this is going to be all over the state. Try to hire a new administrator flipping administrator and we'll be

getting some third or fourth rate who will put this thing right back in the dumps. This is what scares me. I'm not here because of what happened in the past weeks to Lana. I'm here because I'm afraid that this place is going to go right down into the ashes again and as far as I'm concerned with what Rose has done here I would just as soon have her in Washington, DC running the country. Maybe she could get us out of debt. These people have their own little agenda and they cannot let go of it. They ought to go home and get another hobby or something. Because they think they're some kind of great hero and they're going to save the whole county and that's not the reputation we're getting. Do not, do not, lose Rose. You lose Rose and this place is gone. Totally. She's been one of the best administrators here yet.

Presentation of Holtrey Fund,

Philip Ellis, Executive Director, Grand Traverse Regional Community Foundation:

Wanted the opportunity to share with you a little bit about an update of the Holtrey Fund. The Holtrey Fund is an endowment fund at the Community Foundation. It was established in 2002. The purpose of an endowment fund is to create an opportunity or a blessing if you will for, in your case, for your organization. On an annual basis that fund currently, I should say at the end of the year, had a balance of \$325,800 in 2010. The fund statement I just gave to Ms. Coleman for the end of the first quarter should indicate a balance of \$334,746.87 that reflects an earning so far this year of nearly \$10,000 on the fund. You might have personally experienced, I know I did, that '08 was a pretty tough year for funds and this endowment fund has certainly retained and earned back what it had experienced. When we talk about an endowment fund, there are several things we talk about. One is the historical dollar value of a fund. The historical dollar value of a fund means gifts that were restricted to the endowment. The gifts that were given to this fund that were restricted to endowment were \$315,220.17. The current balance, or at the end of the year, the balance was \$325,800. What I wanted to communicate to you, or to the advisors of the fund, is that there are two options available to you in terms of grants for the current year. The 4% spending, which is the policy of the board at this point, would be \$11,767.00. In '08, when the market crashed, the board pulled aside all interest and earnings and sent up what is called grants payable, because as they anticipated, there was a law change since that time, but at that time, the foundation could not grant from the fund that was under water, meaning anything under the \$315,000, which it did fall below. So, the law changed in 2009 and the board now has a policy that basically says its 4% of a three year rolling average whether it is above or below water. So whether it's above or below \$315,000 so that is our policy at this time. But because money was pulled out in '08, there's actually \$50,000. So as an organization, the fund advisors have two options and can only take one. The one option, which would be our recommendation, which is the 4%, the \$11,767. The other option, since the board did this in 2008, I wasn't here at the time, but that was the policy that they set up, that you could take part or all of the grants payable, which is almost \$51,000. If you chose to do that, if the advisors chose to do that, it would leave the fund well under the historical dollar value, in other words the gift value that was given over time to create this fund. So our recommendation would be the \$11,000 would actually, at this point, from the end of the year, the \$325,800, the \$11,000 would leave you pretty close to the historical dollar value. So, that would be our recommendation. You have not taken grants for the most part so one of the options is to not take anything. But I wanted to meet with you because that \$50,000 option will end at the end of September so it's very important to recognize that that goes away. If there were a dramatic need on the part of the organization that you felt like that it was worth decreasing the fund well below its historic dollar value you have that

option. And I wanted to be clear, I don't recommend that. I think if the board knew that the law was going to change and the market was going to return like it did, they probably wouldn't have done what they did, but that's Monday morning quarterbacking, which is easy for all of us. I wanted to present this in person so it would make sense because we're talking in my neighborhood of some pretty big dollars so it's a pretty important decision. I'll entertain any questions you might have. **Marsha:** Are we locked into that 4%? **Phil:** It's 4% of a three year rolling average. That's the current policy. What had been the policy prior, the recommendation was 5% of a five year rolling average. I certainly hope we'll get back to 5%. That would be the goal but because of what happened in '08, and there still are some funds that are well below historic dollar value, because you have not taken many grants in the past and because you have this grants payable you would easily be fully solvent and you could take the grant of \$11,000 and still be at the historic dollar value. But again, if you took the fifty, it would be well below. The reason I, we would have this recommendation is not just because it's the spending policy but because the money that was put in was intended to be there forever and when you start spending out below the historic dollar value, you run the chance of depleting the fund over time which is not the intent. And the other thing is, and again, I don't know your needs, knowing you've got approximately \$11,000, \$12,000, \$13,000 a year we've had some different spending policies over the last few years. I came to the board as part of the succession planning for the previous director, Jean Snow, and during the time I've been there, for two and a half years, I think there have been three different spending policies. So we want a spending policy that people understand, you can count on, and know that even if you want to think of it as a line item in your budget in terms of income, you have that potential, if you need it. That's our goal. To get it to be consistent, to know it's there, what typically you would get and the reason you didn't get it is because I wanted to meet with you. You typically would have gotten a letter at the end of January saying, here's the money that will be available to you this year. We will send it to you after the end of March, unless you let us know. What you used to have to do is send in a grant request. We wanted to get this to just be, this is an agency fund, it's there to support the agency, like clockwork we want it to come to you and support you. But the reason we sent the letter out in advance, if you would say, no, we don't need it this year, please hold it until next year, or put it back into the fund, we'd do that. But if we don't hear from you we just send you the check to use for the purpose of supporting the residents and the benefit of the organization. **Marsha:** What are the uses of the funds? **Phil:** It's pretty broad in terms of supporting the organization for the well-being of the residents. Let me read precisely what it says: I can't seem to get my hands on it now but it is basically to support the organization, so that the organization is functioning as well as it can to provide quality care to the residents. It's very broad. The last grant, maybe the only grant, you used it toward a bus. **Rose:** We did. I just want clarification. When I was working with Jeannie Snow, we were deferring ours—so that's gone? **Phil:** You mean as far as holding it? **Rose:** What about the previous few years? **Phil:** In the past you mean? Well, there's fifty thousand dollars there. **Rose:** But that would put us to the \$50,000. **Phil:** Exactly. It's because of 08'. All of the endowment the Community Foundation lost was a little better than 30% in 08'. We returned 23% in '09 and 15% last year and as noted, it's up \$9,000 this year. It's regained that so it's up about \$20,000 now over the historic dollar amount. **Marsha:** We have someone missing today so we'll share this with him and then we'll get back to you.

County Commissioner's Report:

Marcia Stobie: I too was at the county commissioner's meeting that everyone has been talking about. Thelma presented some documentation and some concerns, copies of contracts, and the board then listened and took no action until later in the meeting. At the previous meeting, I had asked, what is the county commissioner's role in terms of The Maples, and the response that I got was we are, we have no authority over The Maples' board. We appoint the members but we don't direct or make decisions and tell the board what to do. So, I think that needs to be clear. We are always concerned that as a board we're, I am the liaison but I can't tell you what to do. I just report back to our board as to what happens at the meetings. So, the only recommendation I got, and I have not followed through on that, was from Tom Kelley, and he said you need to spend some time there. Look around, see for yourself, and that's something that I will start doing. If someone has a concern they can call me but I will direct them back to either Marsha or Rose. At our last meeting, Marsha was there and she assured us that she is going to look into these matters and will report back to us. The commissioners are very concerned because they are hearing things, too. We can't make decisions for you other than who we appoint to the board. That's one of the things that happened at our meeting. We are also looking into getting an administrator. We have a budget to fund it for 4-5 months. We also hired a 911 director. I also am on the Building Authority as again, a liaison to work with the board on the new building. I am also working with Jay Pettit with meeting with the architect on his contract and how the project is going. Things are on schedule and they are moving ahead. Next week, they're going to be doing some soil boring and things are coming along. I just want to report to this board that it is our intention that this project goes through. Personally, through my experience, I see nothing that says it's not going to go through. It's going to take some time. I've worked on some projects that were larger than this. It just takes a while but they do happen. I see nothing to indicate that this project isn't going to happen so we just have to work out the details. You've got, with Jay Pettit, you've got a very competent person working on it so I don't see why it won't happen. That's all I have to report.

DHS Director Report:

Kris Lagios: I do have a contract amendment that I would like you to look over and approve. It's an additional \$46,872 that we've increased the Lutheran Child and Family Services contract to provide some programming for our families in Benzie County. **Marsha:** Is this a renewal? **Kris:** No, it's additional. We're amending the current contract because we found that.....**Marsha:** But there is a contract in existence? **Kris:** Yes, there is. **Marsha:** And is there a similar contract going to Manistee. **Kris:** Yes, there is. **Marsha:** And they are moving forward with theirs? **Kris:** Yes. Actually, these are approved in Lansing and we're just asking for your approval for those. **Marsha:** Do you want to make a motion? **Norma Eason:** I'd like to make a motion to move forward with this contract for Lutheran Child and Family Services. The contract amount was for \$46,872 to \$83,324. **Marsha:** The contract amount is \$46,000. **Norma:** \$46,000 from \$83,000. **Marsha:** Right. **Norma:** That's kind of confusing. \$130,196 for the fiscal year. **Marsha:** Second. Any discussion? I mean it's already been signed by the state. **Kris:** It's actually not that you have to approve it. It's asking for your endorsement. **Marsha:** Motion has been seconded. We've had discussion. **MOTION CARRIED.** Ayes: LaTour, Eason. Jowett absent.

Kris: Benzie County has 2,781 residents on food assistance which is an increase of approximately 300 over the same time as last year and an increase of 576 over two years ago. So we are seeing a continued increase for food assistance by residents which is \$31,000 just in the March of this year over March of last year and \$118,000 over March of 2009. So that shows you how the food assistance is increasing in need in Benzie County. The governor is looking at taking away the earned income tax credit that's a proposal and it looks like it's probably going to leave us and the governor is saying it's going to save us 350 million. In replacing that, he is proposing a \$25 per child tax credit for those low income families **Norma:** A year? **Kris:** Yes. And he's also looking at increasing the Homestead Property tax credit for low income families. **Marsha:** What's considered low income in Michigan? **Kris:** Under the changes, all resident households with incomes of less than \$20,000, regardless of age, would receive 100% credit. Those with incomes of more than \$30,000 would receive 60%. Those with incomes of more than \$50,000 would not qualify. Anybody under \$50,000 would qualify for some credit. The maximum credit is \$1200. These are all proposals. Nothing is final yet. Hopefully, they're looking at having a final budget by end of May. That's what the governor is going for and what the legislators have said. **Marsha:** How do we compare with Manistee as far as increase of need? **Kris:** They are higher, of course. Manistee has 4,547 recipients on food assistance at the current time which is an increase of about 300 from March of last year. **Marsha:** So, we're about equal in the amount of increase. **Kris:** The monthly dollar amount for food assistance in Manistee is \$561,825 compared to our \$333,245. So, it's over \$200,000 more per month. They have a larger population. **Marsha:** What is the population? **Kris:** I believe about 18,000. **Marsha:** How are you doing staff wise? **Kris:** We are interviewing Friday for some eligibility workers and we have interviewed for a program manager—a general services program manager—but we have not hired. We are looking for the right person. **Marcia:** Are you looking at any decreases in funding just for your office, not just money you are giving out but as far as workers or anything like that. **Kris:** No. One difference in this year's hiring is that many of our employees are now having to come in as limited term appointments and that's because we're unsure of the budget but we have not suffered a decrease in staff, in fact, we've had an increase.

Administrator/Director of Nursing:

Rose: I just want to report on the survey findings that occurred two weeks ago on the 14th and 15th. There were two apparent allegations and they looked at some other things. The first one was resident safety/falls and the findings were unsubstantiated. The allegation did not occur. The second allegation was resident neglect and again, the findings are unsubstantiated and the allegation did not occur. They did look at some other things and they found no basis for any substantiation of any other allegations. I received that report today. Other than that, the canopy, I believe is starting next week. They're supposed to be out tomorrow with some construction equipment to see where it might fit on our parking lot. So, for those people visiting, it will be tight while they are constructing the canopy and the front door, obviously, they'll be constructing over the front door so you will not be able to come in and out of the front door. So we'll be routing you to this sidewalk around this door right here. And as always the back entrance is open. So if anyone has a hardship with that just let me or Dave know and we'll see what we can do to facilitate anyone getting in or out. **Margot:** We have another nurse aide class starting May 2 and more cross training going on. Again we have people from Paul Oliver and Munson Hospice that are joining the class. It's seems to be going well with us giving our employees cross training. **Marsha:** Is it the intention to cross train everyone in the building? **Margot:**

Ultimately. Right now when we hire new employees that are working in the kitchen – they went through the class. **Marsha:** Ok. And they're comfortable with this? **Margot:** Yes. We tell everyone ahead of time while interviewing that this is what we're looking at doing. There are a few people that who aren't real comfortable – current employees. **Marsha:** Have they been through the training? **Margot:** Not yet, but...**Rose:** One employee has completed and she's perfectly fine. **Margot:** Most of them aren't going to be doing the primary care once things go. The idea is being able to help if need be. They will be primarily cooking or whatever. **Rose:** A lot of it has to do with assistance and dining. By state law or statute if you're not a certified nursing assistant you can't pick up the fork and help a resident with that. That's the primary goal in cross training everyone as a nursing assistant. Because dining is the biggest social event that happens three times a day in a facility and unless you have that certification or nursing or therapist license you can't pick up that fork. It's a shame – most other states have what they call a dining assistance program but the State of Michigan refuses to recognize that. So, it's one of the primary goals in cross training. **Marsha:** Well, I would just hate to have anybody that's here and uncomfortable with that and as Margot had said, there were a few in housekeeping. That's what I had also heard. When are they going to take their tests? **Rose:** The test are scheduled by Prometric so we have to wait for them to say they have a testing slot. **Marsha:** Ok. **Rose:** It's our goal to make everyone successful not to make anyone uncomfortable or have to look you know...**Margot:** And Nancy will spend as much time as she needs. **Marsha:** I was going to say she'll probably tutor them if she needs to. **Margot:** Oh, she's done that. She'll have people come in the day before the test and she'll put them through everything right in the classroom until they are comfortable. **Marsha:** Ok. **Rose:** There's a number of staff that are very eager to learn something new – the laundry person wants to come out of the room back there – so she's very excited. **Kris:** Who provides the training for you, Rose? **Rose:** We have a nurse aide training license program in house. So we provide training for Paul Oliver, for Michigan Works, for Munson Hospice and for us. **Kris:** All right.

Correspondence:

I received just two things one in time for your packet and that was about the mediation which was at an impasse. The second thing I received was just a notification that the case evaluation scheduled for May 17 stated the time was changed from 9 a.m. to 10 a.m. **Marsha:** Where is it? It didn't say on the letter. **Rose:** It doesn't say, however I did find out that even if we went we wouldn't be allowed in the room. **Marsha:** So it's just the attorneys. **Rose:** Yes. **Marsha:** Would the person from Great Lakes be allowed in? **Rose:** No, just his attorney. That's what I was told yesterday. **Marsha:** And so will John be there as well as the Prosecuting Attorney be there as well as our other legal council? **Rose:** Yes. **Marsha:** Ok. Does anyone have any questions on that? I know you want to go back and spend another eight hours. **Norma:** No. No. No. **Marcia:** So what is this? I'll be going back and reporting to the commissioners. What is this called? **Rose:** It's case evaluation. I believe that the attorneys have had some conversation that they want to adjourn it to a later date because there's some depositions that they want to acquire that's there's been some difficulty getting. **Marcia:** And what's the date on that? **Rose:** Right now it's May 17. But I will tell you it's most likely my understanding that it's going to change. **Marcia:** Ok.

New Business:

I don't remember how long ago it was but at some point we talked about some collections on some old accounts. We have one particular old account to where the money was used for other means or other issues without paying the bill at The Maples. We were able to recover some of the money through other methods but there's still a large portion out there. We would like to use this collections attorney who doesn't charge us a fee but takes 30 percent of any proceeds that we get, which we're not getting anything now – and if he's able to recover a lump sum of money it would be to our benefit to have that versus this outstanding collection. We don't have to sign anything with him. **Marsha:** Where is he? **Rose:** Traverse City. **Marsha:** And did he approach us in the past for collections because of some volunteer or something that he had to do? **Rose:** Right, he had to do some pro bono work and he approached us about a couple of pro bono things at the time which were very successful. And we collected or are collecting on those. And there was no charge – well, pro bono means no charge. So we'd like to move forward with that before the accounts get so old that we'll never collect anything but dust, if you will. **Norma:** How many collections do we have a year on average? I mean that go into collection. **Rose:** We haven't had one I don't think since 09' and this is it. Anything that hasn't been paid yet – well we have a small one out there. We've been trying to collect on a conservator that utilized proceeds for something other than payment of the bill that we need to collect on. We probably would like to use him for both of these. **Marsha:** Well the way this started and was brought to the board was because that it was pro bono. I think that it's – has he actually started and worked on this case – this \$20,000? Where I'm headed you know that things are supposed to go to our attorney. If his firm does not have somebody within then he'll make a recommendation or just say go ahead. So I just want to...**Rose:** He's waiting to hear the decision to move forward or not from us. So however you'd like it handled – I could push it to whichever attorney you would like for me to. **Marsha:** I would like to start with and being he's familiar with it – Norma, what's your thought on this? **Norma:** You mean you want it to go through Steve. **Marsha:** No. Number one as I said it's unusual circumstances because this attorney approached us to do pro bono. So in that case it was not...**Norma:** We didn't go out and seek it. **Marsha:** Well, Steve Girard is not going to do it pro bono and that's why we agreed to accept it. But now we have a different step which is that he would like to pursue the \$20,000. We don't know what's Steve's firm is...I guess if he's already started to work on it...my thing would be that in the future on any of these it has to go to Steve Girard's firm because he's the board's attorney and ask if they have someone capable of handling it – if they have that division with them. **I would entertain a motion to move forward with this case. Eason seconded the motion. Under discussion, I don't know if you want to wait until Gaylord is here or not. But if we're getting \$20,000 I would like to have it. MOTION CARRIED. Ayes: LaTour, Eason. Jowett absent.**

In the future Rose just make sure that everything goes through Steve Girard and contact them if we have anything like this as far as contracts are concerned and if we have to...**Rose:** Ok. **Marsha:** I mean if there are other contracts and if there are other legal circumstances that we have to deal with, let's see if their firm can address it and we'll take it from there.

Old Business:

Rose: I don't have any.

Marsha: Being that it doesn't look like Gaylord is going to make it here. We have had a response from Dr. Mahoney but considering that Gaylord had so much input into this I think it's only fair that we wait until he's here for discussion and moving forward. **Rose:** So, you'd like me to put this on the next agenda. **Marsha:** It should. I will only say if for some reason he shows up that we bring it back up at this meeting because I would like to address it. Just so that you all know, one of the things here is that he would like us to take into consideration that he be able to purchase his own insurance through this facility if he qualifies for it. That is something that the board cannot address. He should deal with you or Diane because I don't know if he qualifies so before we can do a contract at some time but you'll have to investigate. I don't know if...**Rose:** So you're saying pay...ok. **Marsha:** And, if he has the insurance now, can we just talk about that for a minute? **Rose:** Sure. **Marsha:** It was not in his contract...but is that something...Diane said...Did Diane have a contract or was she just not aware of it? How exactly did that happen? **Rose:** The contract has always is in his employee file which is locked up in the HR office. **Marsha:** And does that mean that it wasn't given to Diane to read or she wasn't aware of it? **Rose:** It was given to her at some point. I don't know if she read it. I didn't go over it with her. **Marsha:** OK. And so, she was not aware of it then, that he was not to receive it through the contract? **Rose:** I do not believe that she was aware. I did not go over it with her but I don't believe, I don't know. I don't know. She can answer for herself, but I don't believe that, it would be my thought that she would just file the employee records and not read everybody's employment record. I don't know how else to say that. Do you understand? **Marsha:** I do. It's one of the few contracts that we have with employees except you, and the other question is still...Diane, do you want to come up and be a part of this conversation? Were you just not aware of what was in the contract? Did you not read it? How did this happen. **Diane:** I did not read it and I was not aware of what was in the contract. **Marsha:** And so how did he approach you then? **Diane:** During open enrollment, same as any other employee. **Marsha:** I guess the thing I'm struggling with is if Dr. Mahoney read the contract, he knew insurance was not part of it, then, as I've said before, I have a difficult time with that. I'll make sure that the terms are brought to Gaylord unless he comes.

Financials:

Rose: Any questions? We are still within the budget. **Marsha:** Again, without having Gaylord here. **Rose:** Do you want to table it? **Marsha:** Well, I don't know. We've been so criticized for conducting business with only two members here. It's rather difficult to move forward. **Rose:** I just want to point out that if you look where the building project funds are, the 3.5 million, it's showing that it is over there in the building project funds. I just want you to be aware of that. **Marcia:** And we did amend in our minutes that we accepted the 3.5 million. **Rose:** But according to finance that we just can't have a debit for 3.5 million without an explanation of where it went to it will show that as they move the pay bills from the funds that it will dwindle from here, but this money is over there.

Motion by LaTour seconded by Eason to approve the financials of March 2011. (Marsha: Let the minutes reflect that we were a bit apprehensive functioning as only two.) Role Call to Vote: Eason, LaTour Jowett excused. **MOTION CARRIED.**

Marsha: Do you have questions on the VISA? Rose, I guess in the future what I would like to do is under the circumstances here, there is a credit card, is that not correct, that can be used for this facility? Then, rather than for me to sign your expense accounts for gas I would prefer that you use the credit card so that it goes on here, so there are no questions asked, being that we're again, if people are thinking the chairman of the board should be resigning then, obviously, there are many questions and I am not going to be comfortable in signing anything unless it comes to the board and Katherine had presented this to me so rather than any expense, I would rather that you use the credit card for as much as you possibly can. **Rose:** OK, how about because the reimbursement is mileage, and I approve other employees, how about I have you bring that to the board, I'm not going to put gas in my car with that. It's mileage. **Marsha:** Then you're expenses have to be brought to the board, instead of me signing it in the future. **Rose:** Sure.

Motion by LaTour seconded by Eason to accept the VISA breakdown. Ayes: Eason, LaTour Jowett absent. Role Call to Vote: Eason, LaTour Jowett excused. **MOTION CARRIED.**

Public Input:

Marsha: Is there additional public input? **Wayne Knight:** I still haven't gotten an answer to my question that I asked earlier. I want to know how two members voted on a board and vote opposite and one can supersede the other and it's not even a majority of a vote. **Marsha:** I don't think you're talking about, when has that happened here? That has not happened on this board. Either, two people have to vote for it. If somebody is not here and that vote, that's why some of these things have been tabled today such as contracts, because there was discussion from Mr. Jowett. But never has this board, either it passes or it doesn't. **Wayne:** Well, that isn't the information I got. **Marsha:** Well, I'm sorry, but you have misinformation. **Wayne:** I think there's a whole lot of people in this county who have a lot of misinformation. **Norma:** I think he's talking about Lana and that vote because I recused myself and that leaves you and Gaylord to vote. Is that an issue? (several voices) **Marsha:** Ok. I'm not going... **Wayne:** ...on a bandwagon to see what band is playing. **Marsha:** Anyone else for public input? **Thelma:** She brings up an interesting point. Why did you recuse yourself? **Norma:** Because I have been a friend of Lana's for over thirty years and I worked with her. I felt that it was a conflict of interest for me. **Thelma:** I think the state defines conflict of interest as monetary, a monetary gain or loss. **Norma:** Not necessarily. Conflicts of interest can cover a whole range of events and if I am a friend of this person. I cannot go ahead and say mean things about her or fire her. I can't do, so I recused myself and I would do it again. **Thelma:** Then possibly what you need to do is excuse yourself from the board if you've worked here and have a lot of friends here as employees because there will be the potential all the time of people being terminated and on a three member board it is not fair to... **Norma:** This is the only time I've excused myself, only one time. **Thelma:** I'm saying, in the future, that is not an acceptable thing to do. **Norma:** Probably won't happen in the future. **Rose:** The board doesn't terminate employees. **Norma:** No, the board doesn't terminate employees. **Marsha:** I think we need to get off the employee issue. **Thelma:** Yes, I still have a comment. Actually, I have several. One of them is with the Mahoney contract and the health insurance issue, my question to Diane Mallory would be if a 32 hour CNA came up to you and gave you an application for health insurance, would you just automatically process that? And if you are going to look up that person's right to have it or not have it, why would you not do that the same for the medical director? And I would like it also to go on record the question that I asked at the last meeting, is what does the administrator plan to do to make the

taxpayers' whole over that issue? Then I'd like to also ask... (**Audience**—what was that last question? I couldn't hear... **Thelma:** What does the administrator plan to do to make the taxpayers' whole over that issue...the missing \$30,000 that was not supposed to be accounted for in the contract. And the next issue I'd like to bring up is this past month I myself came up and visited The Maples and asked for the regs for the nursing staff ratio to patients. And my question is this, in that regulation, it makes the statement that any nursing care personnel that's named as nursing care personnel, cannot be engaged in housekeeping or food service or any other services of that nature. So my question is, one: why are you cross training people that are down in the office? It says it can only happen under a national disaster. Some kind of national disaster. Why are you training the people down in the office to be CNAs and secondly: how does that fit into that cultural change plan that you're doing? Where you say that people are going to be doing housekeeping and cooking and laundry and caring for the patients at the same time. Was that an old statement? An old regulation you gave us? If that's the current one, how do you plan to achieve that?

Rose: Are you referring to the state staffing ratio of 8 to 1, 12 to 1? **Thelma:** Yes. **Rose:** We only count actual nursing assistants and the three nurses that work up on the floor in our ratios.

Thelma: Yes, I understand that. But am I misunderstanding when you went out and sold this cultural change program to the county you said that this was going to be a homelike setting. There would be two or three people in each pod and those three people would be cooking, all of them would be cooking, all of them would be cleaning, all of them would be taking care of the patients. How does that fit into that regulation? **Rose:** We will still meet the staffing required ratios of 8 to 1, 12 to 1 and 15 to 1. **Thelma:** I realize that, but the regulation says they cannot be taking care of the patients and be doing cleaning and cooking and so forth at the same time.

Rose: Before I finish and answer you, I want to read what you're reading, because we've submitted our staffing to the state of Michigan with the culture change, in fact we are not the first ones to do it by far. So before I give you my full answer... **Thelma:** My question is before we get down the road with this, maybe we need to figure out whether or not it's, we can actually legally do that. Now, Ms. Peshek has the, I would assume the copy of what she gave us, the regs, so if you would review that before the next meeting and get back to us, I would appreciate that.

Rose: I will do that. **Marsha:** Anyone else? Yes? **Craig:** I would strongly encourage the board to find a couple hundred bucks to buy a portable PA system. They can't be that expensive.

Marsha: Anyone else?

Adjournment:

Motion by LaTour, seconded by Eason to adjourn. Ayes: Eason, LaTour.

Meeting Adjourned 2:35 PM.

Marsha LaTour, Board Chair _____

Kris Lagios, DHS Director _____