

CHAIRPERSON  
DEBBIE DE LEON

VICE-CHAIRPERSON  
VICTOR CELENTINO

VICE-CHAIRPERSON PRO-TEM  
STEVE DOUGAN

HUMAN SERVICES COMMITTEE  
BRIAN McGRAIN, CHAIR  
LAURA DAVIS  
TODD TENNIS  
DEB NOLAN  
CAROL KOENIG  
DONALD VICKERS

## **INGHAM COUNTY BOARD OF COMMISSIONERS**

*P.O. Box 319, Mason, Michigan 48854 Telephone (517) 676-7200 Fax (517) 676-7264*

THE HUMAN SERVICES COMMITTEE WILL MEET ON MONDAY, OCTOBER 18, 2010 AT 6:30 P.M., IN THE PERSONNEL CONFERENCE ROOM (D & E), HUMAN SERVICES BUILDING, 5303 S. CEDAR, LANSING.

### Agenda

Call to Order

Approval of the [October 4, 2010](#) Minutes

Additions to the Agenda

Limited Public Comment

1. Community Coalition for Youth – Presentation (*No Materials*)
2. Health Department
  - a. Resolution to Authorize a 2010-2011 Agreement with the [City of Lansing](#)
  - b. Resolution to Amend Resolution [#10-270](#) - Public Health Services Agreement
  - c. Resolution Appointing [James D. Banner, D.O.](#), as a Deputy Medical Examiner and to Authorize a Contract
  - d. Resolution to Amend the Resolution [Updating Fees](#) for County Services
  - e. Resolution to Amend the Ingham County [Sanitary Code](#) by Adding Chapter VIII to Approve Regulations Governing the Identification and Disclosure of Toxic, Hazardous, or Polluting Materials
3. Controller/Administrator's Office
  - a. 2010 3<sup>rd</sup> Quarter [Budget Adjustments](#) and Contingency Fund Update - Resolution Authorizing Adjustments to the 2010 Ingham County Budget
  - b. Discussion on 2011 Community Agency Funding (*No Materials*)

Announcements

Public Comment

Adjournment

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DEVICES OR SET TO MUTE OR VIBRATE TO AVOID  
DISRUPTION DURING THE MEETING**

The County of Ingham will provide necessary reasonable auxiliary aids and services, such as interpreters for the hearing impaired and audio tapes of printed materials being considered at the meeting for the visually impaired, for individuals with disabilities at the meeting upon five (5) working days notice to the County of Ingham. Individuals with disabilities requiring auxiliary aids or services should contact the County of Ingham in writing or by calling the following: Ingham County Board of Commissioners, P.O. Box 319, Mason, MI 48854 Phone: (517) 676-7200. A quorum of the Board of Commissioners may be in attendance at this meeting. Meeting information is also available on line at [www.ingham.org](http://www.ingham.org)

## HUMAN SERVICES COMMITTEE

October 4, 2010

### Minutes

Members Present: Brian McGrain, Laura Davis, Todd Tennis, Carol Koenig, Donald Vickers and Board Chairperson Debbie De Leon

Members Absent: Deb Nolan

Others Present: Jared Cypher, Randy Schafer, Dean Sienko, Renee Canady, Vince Dragonetti, Jim Wilson, George Rowan, Timothy Perrone, Pat Marrison, Tina Reynolds, George Gillilawd, Richard Royston, Michael Sickmiller, Brian O'Connell, Rene Franco, Herb Corey, Tom Cochran, and others

The meeting was called to order by Chairperson McGrain at 6:31 p.m. in the Personnel Conference Room "D & E" of the Human Services Building, 5303 S. Cedar Street, Lansing.

#### 1. Ingham County Pollution Prevention Regulation (P2) Presentation

Dr. Sienko, Health Department, informed the Committee that the purpose of the pollution prevention regulation is to assure the continuation of the program to protect public health and the environment. It also serves to identify facilities that use, produce, or store toxic, hazardous or potentially polluting materials. He indicated that in the event of an emergency, the P2 program can provide facility inspection reports, facility data sheets, names and quantities of chemicals in the facility, storage locations, and the facility plan with point of contact. He stated that the discussion group is already completed. He suggested having a public hearing at the next available Human Services Committee meeting.

(Comm. Koenig arrived at 6:34 p.m.)

Comm. Vickers expressed support for the idea, but has some concerns with the fees. Dr. Sienko stated that they first need to adopt resolution, and can then discuss the fee structure.

Comm. Vickers asked why stand-alone gas stations are not included in the regulation. Mr. Wilson, Health Department, indicated that the gas used at gas stations are not defined as hazardous waste. He stated that the focus will be on the organizations that generate materials that are used at the site.

(Comm. Davis arrived at 6:43 p.m.)

Comm. Schafer expressed his support for the regulation as a public safety issue.

Comm. Vickers referred to section 5.10 of the regulation. He suggested that the annual report should include information about the fees collected, cost of the program, number of businesses paying fees, and what organizations are exempt.

Comm. Koenig referred to section 5.6 of the regulation. She asked who the Appropriate Appeals Board is. Dr. Sienko indicated that in the past the Board of Health has served as the Appeals Board.

Chairperson McGrain indicated that the consensus of the Committee was that the Board of Commissioners would designate the Board of Health.

Approval of the September 20, 2010 Minutes

MOVED BY COMM. KOENIG, SUPPORTED BY COMM. TENNIS, TO APPROVE THE SEPTEMBER 20, 2010 MINUTES AS SUBMITTED.

MOTION CARRIED UNANIMOUSLY. Absent: Comm. Nolan

Additions to the Agenda

- 3c. Pulled - Resolution to Amend an Agreement with the College of Osteopathic Medicine at Michigan State University for an Infectious Disease Physician
- 3l. Late – Out-of-State Travel Request: Work Group Meeting

Limited Public Comment

None

MOVED BY COMM. VICKERS, SUPPORTED BY COMM. TENNIS, TO APPROVE A CONSENT AGENDA FOR THE FOLLOWING ITEMS:

- 2. Capital Area Transportation Authority - Resolution Authorizing the Fifth Amendment to the Agreement with the Capital Area Transportation Authority dated January 1, 2006 through December 31, 2010
- 3. Health Department
  - b. Resolution to Amend the Dietz Cleaning Service Contract
  - e. In-State Travel Notification - Michigan's Premier Public Health Conference - Bay City, Michigan
  - f. In-State Travel Notification - MIHP Coordinator's Meeting - Grand Rapids, Michigan
  - g. In-State Travel Notification - Regional Resource Center - Sandusky, Bad Axe and Caro, Michigan
  - h. In-State Travel Notification - 2010 Summit-Michigan Emergency Management Conference - Acme, Michigan
  - i. In-State Travel Notification - 2010 Emergency Preparedness Training Meeting - Gaylord, Michigan

- j. Out-of-State Travel Request - National Association of City and County Health Officials (NACCHO), Social Justice Strategic Health Equity Conference - Sacramento, California
- k. Out-of-State Travel Request - Community Voices 3<sup>rd</sup> Annual Freedom's Voice Conference - Atlanta, Georgia
- l. Out-of-State Travel Request: Work Group Meeting

MOTION CARRIED UNANIMOUSLY. Absent: Comm. Nolan

MOVED BY COMM. VICKERS, SUPPORTED BY COMM. TENNIS, TO APPROVE THE ITEMS ON THE CONSENT AGENDA.

MOTION CARRIED UNANIMOUSLY. Absent: Comm. Nolan

1. Public Hearing - Ingham County Pollution Prevention Regulation (P2)

Mr. Rowan, Board of Health, informed the Committee that the Board of Health unanimously approved the resolution to send the P2 Regulation on to the Board of Commissioners. He indicated that they received a grant from the Center of Disease Control and Prevention in order to look at health modeling in the city of Lansing. The P2 regulation was an issue they had been discussing. He stated that the regulation decreases the chance of loss of life, property damages, and business-owner liability. The P2 regulation helps facilities comply with state and federal hazardous waste regulations and reduces the need for local industries to contract with consultants to assist in meeting with compliance standards in these areas. He commended the Health Department for their diligence in putting together the P2 regulation.

Mr. Cochran, Lansing Fire Department echoed Mr. Rowan's comments. He indicated that from a first responder's perspective, the P2 regulation provides the tools to know what chemicals are stored in the building in order to properly create a plan of action. He stated that the regulation helps protect fire fighters, police officers, the hazmat team, and citizens. He urged the Committee to support the P2 regulation.

Ms. Reynolds, Michigan Environmental Council echoed the comments of the previous speakers. She indicated that the Michigan Environmental Council is supportive of the P2 regulation, and applauded the Health Department staff for their efforts in reaching out to members of the community. She stated that it is important for the community to be aware of any possible threat. She indicated that they are also supportive of cost sharing because everyone is in a time of need.

3. Health Department

- a. Resolution to Authorize Administrative Support Services Agreements with County Health Plans

MOVED BY COMM. VICKERS, SUPPORTED BY COMM. DAVIS, TO APPROVE THE RESOLUTION TO AUTHORIZE ADMINISTRATIVE SUPPORT SERVICES AGREEMENTS WITH COUNTY HEALTH PLANS.

MOTION CARRIED UNANIMOUSLY. Absent: Comm. Nolan

- d. Resolution to Authorize a 2010-2011 Agreement with the Michigan Department of Community Health for the Delivery of Public Health Services Under the Comprehensive Planning, Budgeting and Contracting (CPBC) Process

MOVED BY COMM. DAVIS, SUPPORTED BY COMM. VICKERS, TO APPROVE THE RESOLUTION AUTHORIZING A 2010-2011 AGREEMENT WITH THE MICHIGAN DEPARTMENT OF COMMUNITY HEALTH FOR THE DELIVERY OF PUBLIC HEALTH SERVICES UNDER THE COMPREHENSIVE PLANNING, BUDGETING AND CONTRACTING (CPBC) PROCESS.

Dr. Sienko informed the Committee that the Health Department annually obtains permission from the Board of Commissioners to engage with the State in the CPBC process. He stated that the CPBC process is the way in which the State funnels money to the Health Department. He indicated that several categorical programs are funded through this process. He pointed out that the reason several community agencies will receive money, is because a lot of the money has its funding mechanism in Medicaid outreach. He indicated that the resolution also included language regarding a new breastfeeding consultant. He stated that the position will be funded by the USDA.

Chairperson McGrain asked why there is a wide range of funds given to the various community agencies. Ms. Canady, Health Department, indicated that the organizations listed have been working with the Health Department for an extended period of time. She stated that some of the organizations have a broader capacity and are able to do more with the clients. She indicated that the amount of funds given is determined through a negotiation process. The organizations come up with a work plan and then establish the amount of funds needed in order to properly carry out the plan.

MOTION CARRIED UNANIMOUSLY. Absent: Comm. Nolan

4. Controller/Administrator's Office - 2010 3<sup>rd</sup> Quarter Budget Adjustments and Contingency Fund Update - Resolution Authorizing Adjustments to the 2010 Ingham County Budget

MOVED BY COMM. TENNIS, SUPPORTED BY COMM. DAVIS, TO APPROVE THE RESOLUTION AUTHORIZING ADJUSTMENTS TO THE 2010 INGHAM COUNTY BUDGET.

Comm. Vickers asked if the funding for the inmate stores is a budget neutral item. Mr. Cypher, Controller's Office, indicated that it generates revenue.

Chairperson McGrain directed Mr. Cypher to notify the County Services Committee that Human Services will be inquiring how the inmate phone cards work.

Comm. Koenig directed Mr. Cypher to provide a breakdown of the proposed budget for the Inmate Stores (\$619,267).

Comm. Davis withdrew her support of the motion.

Chairperson McGrain tabled the resolution in order to obtain additional information regarding the inmate phone card system.

Announcements

Chairperson McGrain informed the Committee that Jackie Day passed away.

Public Comment

None

The meeting adjourned at approximately 7:22 p.m.

Respectfully submitted,

Karsha Sathianathan

RESOLUTION STAFF REVIEW

DATE October 8, 2010

Agenda Item Title: Resolution to Authorize a 2010-2011 Agreement with the City of Lansing

Submitted by: Health Department

Committees: LE\_\_\_\_, JD\_\_\_\_, HS\_ X\_, CS\_\_\_\_, Finance\_ X\_

Summary of Proposed Action:

This resolution authorizes an agreement with the City of Lansing to provide financial support for various services provided by or through the Ingham County Health Department that benefit Lansing residents.

Financial Implications:

For this year's agreement the City is offering \$120,000. The supported services include:

- 1) \$18,500 to support the operation of the Adult Health/Infectious Disease Clinic.
- 2) \$9,000 to for the operation of the Ingham County Food Bank.
- 3) \$60,000 to support a Day Care Scholarship Program.
- 4) \$22,500 to support counseling and psychological treatment for youth in families affected by the sexual abuse of children.
- 5) \$10,000 to support the Community Coalition for Youth.

Other Implications:

This support from the City of Lansing helps maintain services the Department could not otherwise provide.

Staff Recommendation: MAL \_\_\_\_ JLN \_\_\_\_ TL \_\_\_\_ TM\_\_\_\_ JC\_ X\_

Staff recommends approval of the resolution.

## MEMORANDUM

TO: Human Services Committee  
Finance Committee

FROM: Dean Sienko, MD

DATE: October 7, 2010

SUBJECT: 2010-2011 Agreement with the City of Lansing

As in previous years, the City of Lansing is proposing to provide financial support for various services provided by or through the Ingham County Health Department that benefit Lansing residents. For this year's agreement the City is offering \$120,000. The supported services include:

1. The City of Lansing will provide \$18,500 to support the operation of the Adult Health/Infectious Disease Clinic. The City will provide \$7,000 to cover part of the salary of a Nurse Practitioner and \$9,000 for a Community Health Representative II, and will provide \$2,500 for pharmaceuticals for low-income un-insured and/or under-insured people.
2. The City of Lansing will provide \$9,000 to for the operation of the Ingham County Food Bank. City funds are used to support part of the salary of a Food Bank Specialist.
3. The City of Lansing will support a Day Care Scholarship Program with a total of \$60,000 in funding. They will provide \$51,000 in scholarship monies and \$9,000 for an Account Clerk in the Office for Young Children which will administer the scholarships. Approximately 100 low-income families will benefit from this program.
4. The City of Lansing will support counseling and psychological treatment for youth in families affected by the sexual abuse of children with \$22,500 in total funds. The youth are identified by the Health Department, the Department of Social Services, Probate Court, and other community agencies. If there is no other source of assistance, the youth are referred to the Lead Counselor at the High Risk Adolescent Program at Willow Plaza Services who makes referrals to psychologists or counselors who provide treatment at a discounted rate. The City has allocated \$11,500 for psychological services for 30 youth and \$11,000 to support part of the salary of the Lead Counselor.
5. The City will provide \$10,000 to the Health Department to support the Community Coalition for Youth. These are largely pass through funds which go to the Community Change Initiative to improve opportunities for City youth.

This support from the City of Lansing helps maintain services the Department could not otherwise provide. The City of Lansing and Ingham County have had a good working relationship for many years. I urge the Board to authorize the continuation of that relationship by adopting the attached resolution.

c: John Jacobs w/attachment  
Bob Townsend w/attachment

Introduced by the Human Services and Finance Committees of the:

**INGHAM COUNTY BOARD OF COMMISSIONERS**

**RESOLUTION TO AUTHORIZE  
A 2010-2011 AGREEMENT WITH THE CITY OF LANSING**

WHEREAS, the City of Lansing has for many years provided funding to Ingham County to help support public health services for City of Lansing residents; and

WHEREAS, the City of Lansing is proposing to provide such support for the 2010-2011 fiscal year; and

WHEREAS, these revenues are anticipated in the Health Department's 2011 budget request; and

WHEREAS, the Health Officer has recommended that the Board of Commissioners authorize the agreement with the City of Lansing.

THEREFORE BE IT RESOLVED, that the Ingham County Board of Commissioners authorizes an agreement with the City of Lansing to provide financial support to certain services provided by or through the Ingham County Health Department.

BE IT FURTHER RESOLVED, that the period of the agreement shall be July 1, 2010 through June 30, 2011.

BE IT FURTHER RESOLVED, that the City of Lansing shall provide \$120,000 to support the following services:

1. Adult Health/STI Clinic - \$18,500
2. Food Bank Project Operation - \$9,000
3. Child Care Scholarship Program - \$60,000
4. High Risk Adolescent Program - \$22,500
5. Community Coalition for Youth - \$10,000

BE IT FURTHER RESOLVED, that the Board Chairperson be authorized to sign the agreement after review by the County Attorney.

RESOLUTION STAFF REVIEW

DATE October 8, 2010

Agenda Item Title: Resolution to Amend Resolution #10-270 - Public Health Services Agreement

Submitted by: Health Department

Committees: LE\_\_\_\_, JD\_\_\_\_, HS\_ X\_, CS\_\_\_\_, Finance\_ X\_

Summary of Proposed Action:

The Ingham Health Plan Corporation (IHPC) annually contracts with Ingham County to purchase public health services provided to low income residents by the Health Department. The Board of Commissioners authorized this year's agreement with IHPC in Resolution #10-270 - *Resolution to Authorize 2010-2011 Public Health Service Agreement with the Ingham Health Plan Corporation.*

Subsequently, the State of Michigan increased the amount of DSH funding made available to IHPC, which enables IHPC to pay a slightly higher rate for health care services.

Financial Implications:

The IHPC proposes to purchase services for up to \$2,721,347 as opposed to the \$2,647,727 originally proposed. The higher rate enables maximum use of the DSH mechanism, and is within parameters anticipated in the 2011 budget.

Other Implications:

None.

Staff Recommendation: MAL \_\_\_\_ JLN \_\_\_\_ TL \_\_\_\_ TM\_\_\_\_ JC\_ X\_

Staff recommends approval of the resolution.

## MEMORANDUM

TO: Human Services Committee  
Finance Committee

FROM: Dean Sienko, M.D., Health Officer

DATE: October 7, 2010

RE: Amendment to Resolution #10-270

The Ingham Health Plan Corporation (IHPC) annually contracts with Ingham County to purchase public health services provided to low income residents by the Health Department. The Board of Commissioners authorized this year's agreement with IHPC in resolution #10-270.

Subsequently, the State of Michigan increased the amount of DSH funding made available to IHPC, which enables IHPC to pay a slightly higher rate for health care services.

The IHPC proposes to purchase services for up to \$2,721,347 as opposed to the \$2,647,727 originally proposed. The higher rate enables us to maximize our use of the DSH mechanism, and is within parameters anticipated in our 2011 budget.

I recommend that the Board of Commissioners adopt the amended resolution and authorize the revised agreement with the Ingham Health Plan Corporation.

### Attachment

c: John Jacobs w/attachment  
Holly Wilson w/attachment  
Robin Reynolds w/attachment  
Jayson Welter w/attachment  
Deb Brinson w/attachment  
Barb Mastin w/attachment

Introduced by the Human Services and Finance Committees of the:

**INGHAM COUNTY BOARD OF COMMISSIONERS**

**RESOLUTION TO AMEND RESOLUTION #10-270 - PUBLIC HEALTH SERVICES AGREEMENT**

WHEREAS, in resolution #10-270 the Ingham County Board of Commissioners authorized a Public Health Services agreement under which the Ingham Health Plan Corporation will purchase health care services from the Ingham County Health Department; and

WHEREAS, the Ingham Health Plan Corporation has subsequently agreed to pay an increased rate for services for the period of October 1, 2010 through September 30, 2011; and

WHEREAS, the Health Officer has recommended that the Board of Commissioners authorize an amendment to the Public Health Services Agreement.

THEREFORE BE IT RESOLVED, that the Ingham County Board of Commissioners amends resolution #10-270 and authorizes a Public Health Services Agreement, for up to \$2,721,347.00 with the Ingham Health Plan Corporation, through which the Corporation will purchase from Ingham County the following public health services:

Public Health Nursing  
Adult Dental  
Outreach and Enrollment  
Support for the Ingham Community Health Center Network

BE IT FURTHER RESOLVED, that all other terms and conditions of resolution 10-270 remain unchanged.

BE IT FURTHER RESOLVED, that the Board Chairperson is authorized to sign the authorized agreement with the Ingham Health Plan Corporation after review by the County Attorney.

RESOLUTION STAFF REVIEW

DATE October 8, 2010

Agenda Item Title: Resolution Appointing James D. Banner, D.O., as a Deputy Medical Examiner and to Authorize a Contract

Submitted by: Health Department

Committees: LE\_\_\_\_, JD\_\_\_\_, HS\_ X\_, CS\_\_\_\_, Finance\_ X\_

Summary of Proposed Action:

This resolution appoints Dr. James D. Banner, D.O. as a Deputy Medical Examiner.

Dr. Banner is Board Certified in Anatomical and Clinical Pathology and has conducted autopsies for numerous medical examiner offices throughout the Lower Peninsula.

This appointment will expire with the other Deputy Medical Examiner appointments on December 31, 2011.

Financial Implications:

No direct financial implications. Payment will be subject to terms set forth in Board of Commissioners resolution 07-326.

Other Implications:

None.

Staff Recommendation: MAL \_\_\_ JLN \_\_\_ TL \_\_\_ TM \_\_\_ JC X

Staff recommends approval of the resolution.

**MEMORANDUM**

TO: Human Services Committee  
Finance Committee

FROM: Dean G. Sienko, M.D., Chief Medical Examiner

DATE: October 7, 2010

RE: Appointment of Dr. James D. Banner, D.O. as a Deputy Medical Examiner

This is a recommendation to appoint Dr. James D. Banner, D.O. as a Deputy Medical Examiner.

Dr. Banner is Board Certified in Anatomical and Clinical Pathology and has conducted autopsies for numerous medical examiner offices throughout the Lower Peninsula.

This appointment will expire with the other Deputy Medical Examiner appointments on December 31, 2011.

Introduced by the Human Services and Finance Committees of the:

**INGHAM COUNTY BOARD OF COMMISSIONERS**

**RESOLUTION TO APPOINT DEPUTY MEDICAL EXAMINERS**

**RESOLUTION #07-325**

WHEREAS, the Ingham County Board of Commissioners has the responsibility to appoint the Ingham County Medical Examiner, and upon the recommendation of the Medical Examiner, appoint Deputy Medical Examiners; and

WHEREAS, the Medical Examiner, Dr. Dean Sienko, is recommending that the Board of Commissioners appoint a set of physicians as Deputy Medical Examiners according to the terms and conditions set by the Board of Commissioners in a separate resolution.

THEREFORE BE IT RESOLVED, that the Ingham County Board of Commissioners appoints the following physicians as Deputy Medical Examiners for the period and according to the terms and conditions set out in a separate resolution and other terms and conditions set out in the independent contractor agreements:

Margaret Aguwa, D.O.  
3880 Crooked Creek  
Okemos, Michigan 48864

D. Bonta Hiscoe, M.D.  
1817 Walnut Hills  
East Lansing, Michigan 48823

Duane G. Mayhew, M.D.  
1072 Applegate Lane  
East Lansing, MI 48823

Linda Coniglio, D.O., Ph.D.  
5680 Marsh Road  
P.O. Box 10  
Haslett, Michigan 48840

Dennis Jurczak, M.D.  
5664 Bayonne  
Haslett, Michigan 48840

Ron Rhule, D.O.  
1785 Williamston Road  
Williamston, MI 48895

Richard Griffin, D.O.  
2946 Footman Drive  
East Lansing, Michigan 48823

Martin Jones, M.D.  
1433 N. Homer Street  
Lansing, Michigan 48912

William Swords, D.O.  
4265 Okemos Road  
Okemos, Michigan 48864

Curtis A. Liechty, M.D.  
1130 Farwood Drive  
East Lansing, MI 48823

**HUMAN SERVICES: Yeas:** Hertel, Grebner, Bahar-Cook, Soule, Severino

**Nays:** None    **Absent:** Schor    **Approved 12/3/07**

**FINANCE: Yeas:** Celentino, Weatherwax-Grant, Grebner, Hertel, Tennis, Dougan

**Nays:** None    **Absent:** None    **Approved 12/5/07**

Introduced by the Human Services and Finance Committees of the:

**INGHAM COUNTY BOARD OF COMMISSIONERS**

**RESOLUTION TO ESTABLISH THE TERM OF OFFICE, TO SET COMPENSATION FOR AND TO  
AUTHORIZE INDEPENDENT CONTRACTOR AGREEMENTS WITH DEPUTY MEDICAL  
EXAMINERS**

**RESOLUTION #07-326**

WHEREAS, the Ingham County Board of Commissioners has the responsibility to appoint the Ingham County Medical Examiner, and upon the recommendation of the Medical Examiner appoint Deputy Medical Examiners; and

WHEREAS, the Ingham County Board of Commissioners wishes to establish the term of office, set the compensation, and authorize independent contractor agreements for Deputy Medical Examiners.

THEREFORE BE IT RESOLVED, that the Ingham County Board of Commissioners hereby establishes the term of office of Ingham County Deputy Medical Examiners to concur with the term of office of the County Medical Examiner beginning January 1, 2008 through December 31, 2011.

BE IT FURTHER RESOLVED, that Deputy Medical Examiners shall be compensated at the rate of \$95.99 per day when on-call, plus an additional \$47.98 per day for each of the following holidays worked:

New Year's Eve  
New Year's Day  
Easter  
Memorial Day  
Independence Day  
Labor Day  
Thanksgiving Day  
Friday following Thanksgiving Day  
Christmas Day  
Christmas Eve

BE IT FURTHER RESOLVED, that the daily rate and holiday supplement shall be adjusted consistent with the salary rate adjustments authorized for managerial and confidential employees, effective each January 1, beginning on January 1, 2009.

BE IT FURTHER RESOLVED, that Deputy Medical Examiners shall also be reimbursed for business related expenses in accordance with the Ingham County Travel Policies and Procedures, and at rates established in the Managerial and Confidential Employee Personnel Manual.

**RESOLUTION #07-326**

BE IT FURTHER RESOLVED, that independent contractor agreements are authorized for all Deputy Medical Examiners appointed by the Board of Commissioners, setting out the term of office, compensation and other terms of the appointment.

BE IT FURTHER RESOLVED, that the Board Chairperson and the County Clerk are authorized to sign the agreements after review as to form by the County Attorney.

**HUMAN SERVICES: Yeas:** Hertel, Grebner, Bahar-Cook, Soule, Severino

**Nays:** None    **Absent:** Schor    **Approved 12/3/07**

**FINANCE: Yeas:** Celentino, Weatherwax-Grant, Grebner, Hertel, Tennis, Dougan

**Nays:** None    **Absent:** None    **Approved 12/5/07**

Introduced by the Human Services and Finance Committees of the:

**INGHAM COUNTY BOARD OF COMMISSIONERS**

**RESOLUTION APPOINTING JAMES D. BANNER, D.O., AS A DEPUTY MEDICAL EXAMINER  
AND TO AUTHORIZE A CONTRACT**

WHEREAS, the Ingham County Board of Commissioners under the authority of Public Act 181 of 1953, as amended, is responsible for appointing the County Medical Examiner, and with the approval of the Medical Examiner, may appoint Deputy Medical Examiners; and

WHEREAS, the Board of Commissioners has granted authority to contract with the physicians appointed as Deputy Medical Examiners, and has set out certain contractual terms and conditions including the term of office and method and rate of compensation in Resolutions #07-325 and #07-326; and

WHEREAS, the Ingham County Board of Commissioners has appointed Dean G. Sienko, M.D. as the Medical Examiner in Ingham County to a term expiring December 31, 2011; and

WHEREAS, Dr. Sienko is requesting that the Board of Commissioners hereby appoint James D. Banner, D.O. as a Deputy Medical Examiner.

THEREFORE BE IT RESOLVED, that the Ingham County Board of Commissioners hereby appoints James D. Banner, D.O., 8487 River Oaks Circle, Greenville, MI 48838, as a Deputy Medical Examiner to a term of office expiring December 31, 2011, subject to the terms and conditions set out in Resolutions #07-325 and #07-326.

BE IT FURTHER RESOLVED, that the Board of Commissioners authorizes a contract with Dr. Banner subject to the terms and conditions set out in Resolutions #07-325 and #07-326.

BE IT FURTHER RESOLVED, that the Board Chairperson is authorized to sign the contract after review by the County Attorney.

RESOLUTION STAFF REVIEW

DATE October 8, 2010

Agenda Item Title: Resolution to Amend the Resolution Updating Fees for County Services

Submitted by: Health Department

Committees: LE\_\_\_\_, JD\_\_\_\_, HS\_ X \_\_\_\_, CS\_\_\_\_, Finance\_ X \_\_

Summary of Proposed Action:

Earlier this year, the Board of Commissioners established a fee schedule for County services that charge fees in resolution #10-176. The annual tattoo license renewal fee charged by the Health Department was not included for proposed increases in that fee schedule.

Financial Implications:

Fee	2010	2011	Number of Units	Additional Revenue
Annual license renewal for a tattooing	\$380	\$400	7	\$140

Other Implications:

None.

Staff Recommendation: MAL \_\_\_\_ JLN \_\_\_\_ TL \_\_\_\_ TM \_\_\_\_ JC\_ X \_\_

Staff recommends approval of the resolution.

**MEMORANDUM**

**TO:** Human Service Committee  
Finance Committee

**FROM:** Dean Sienko, M.D., Health Officer

**DATE:** October 7, 2010

**RE:** Recommendation to Update the Annual Tattoo License Renewal Fee in the Health Department

Earlier this year the Board of Commissioners established a fee schedule for County services that charge fees in resolution #10-176. A fee charged by the Health Department was not included for proposed increase in that fee schedule. The table below indicates the omitted fee, the amount of the fee in 2010 and the proposed fee for 2011.

<b>Fee</b>	<b>2010</b>	<b>2011</b>
Annual license renewal for a tattooing	\$380	\$400

Revenue targets for fees are established in discussion with the Board of Commissioners. In the case of the tattoo business license renewal we are attempting to recover 100 percent of the cost of providing these services. The cost per service is multiplied by the revenue target (100 percent) to get the recommended fee.

I am confident the recommended fee is fair and will achieve the revenue goals. I recommend the fee be adopted.

Introduced by the Human Services and Finance Committees of the:

**INGHAM COUNTY BOARD OF COMMISSIONERS**

**RESOLUTION TO AMEND THE RESOLUTION UPDATING  
FEES FOR COUNTY SERVICES**

WHEREAS, the Board of Commissioners establishes fees for services provided by the Health Department, under the authority of the Public Health Code; and

WHEREAS, the Board of Commissioners updated the Health Department's 2011 fee schedule in Resolution #10-176; and

WHEREAS, certain fees were not included for increase in resolution #10-176; and

WHEREAS, the Health Officer has recommended that the fee for the annual license renewal for a tattooing business be \$400.

THEREFORE BE IT RESOLVED, that the Ingham County Board of Commissioners hereby amends the Food Services Sanitation Program Fee Schedule by establishing the following fee for 2011:

Annual license renewal for a tattooing business: \$400

BE IT FURTHER RESOLVED, that this fee shall be effective upon adoption of this resolution by the Board of Commissioners.

**RESOLUTION STAFF REVIEW**

**DATE** October 8, 2010

**Agenda Item Title:** Resolution to Amend the Ingham County Sanitary Code by Adding Chapter VIII to Approve Regulations Governing the Identification and Disclosure of Toxic, Hazardous, or Polluting Materials

**Submitted by:** Health Department

**Committees:** LE\_\_\_\_, JD\_\_\_\_, HS X, CS\_\_\_\_, Finance\_\_\_\_

**Summary of Proposed Action:**

This resolution establishes an Ingham County Pollution Prevention Regulation by approving an amendment to the Ingham County Sanitary Code. The proposed Pollution Prevention Regulation will strengthen surveillance of toxic and hazardous substances used by businesses in Ingham County, which is essential during an emergency or disaster and is the foundation of pollution prevention.

With certain exceptions, the regulation will apply to all toxic, hazardous, or polluting substances which are manufactured, used, or stored in excess of 55 gallons by a facility within Ingham County.

**Financial Implications:**

No direct financial implications. However, this regulation will move Ingham County's pollution prevention efforts from being funded almost entirely by County general funds to being supported mostly on a cost recovery basis. This regulation will pay for approximately 80 percent of the cost for the three programs and three staff positions who deliver the services needed to implement the field compliance portion of this regulation. There is \$125,000 additional revenue included in the 2011 Budget from fees intended to support this program. There will be a separate, future resolution in which the Board of Commissioners will be asked to set the fees.

**Other Implications:**

As required, a public hearing on the proposed regulation was held on October 4<sup>th</sup>, 2010 at the Human Services Committee meeting. A notice of the hearing appeared in the Lansing State Journal on Thursday, September 10 - more than 10 days before the hearing as required - and the notice also appeared in the various Community Newspapers in the County.

**Staff Recommendation:** MAL \_\_\_\_ JLN \_\_\_\_ TL \_\_\_\_ TM \_\_\_\_ JC X

Staff recommends approval of the resolution.

**MEMORANDUM**

**TO:** Human Service Committee

**FROM:** Dean Sienko, M.D., Health Officer

**DATE:** October 6, 2010

**RE:** Recommendation to Establish a Pollution Prevention Regulation (P2)

This is a recommendation to establish an Ingham County Pollution Prevention Regulation by approving an amendment to the Ingham County Sanitary Code.

The proposed Pollution Prevention Regulation as will strengthen surveillance of toxic and hazardous substances used by businesses in Ingham County, which is essential during an emergency or disaster and is the foundation of pollution prevention.

Furthermore, this regulation will move our pollution prevention efforts from being funded almost entirely by County general funds to being supported mostly on a cost recovery basis. This regulation will pay for approximately 80 percent of the cost for the three programs and three staff positions who deliver the services needed to implement the field compliance portion of this regulation.

As required, a public hearing on the proposed regulation was held on October 4<sup>th</sup>, 2010 at the Human Services Committee meeting. A notice of the hearing appeared in the Lansing State Journal on Thursday, September 10—more than 10 days before the hearing as required—and the notice also appeared in the various Community Newspapers in the County. The regulation submitted with this memo incorporates changes made in response to comments made at that hearing.

I strongly endorse this Pollution Prevention Regulation and encourage you to adopt this regulation as part of our Ingham County Sanitary Code. I believe this program is an essential environmental health program that protects the health, safety and well being of our citizens and our environment.

Introduced by the Human Services Committee of the:

INGHAM COUNTY BOARD OF COMMISSIONERS

**RESOLUTION TO AMEND THE INGHAM COUNTY SANITARY CODE BY ADDING CHAPTER VIII TO APPROVE REGULATIONS GOVERNING THE IDENTIFICATION AND DISCLOSURE OF TOXIC, HAZARDOUS, OR POLLUTING MATERIALS**

WHEREAS, Ingham County has been implementing non-regulated Pollution Prevention Programs Governing the Identification and Disclosure of Toxic, Hazardous, or Polluting Materials since the 1980's to protect the ground waters of Ingham County that are our primary source of drinking water, and funding for said programs are paid for through general funding; and

WHEREAS, the Ingham County Health Department has a duty to continually and diligently endeavor to prevent disease, prolong life, and promote the public health through organized programs, including those aimed at the prevention and control of environmental health hazards; and

WHEREAS, the Department has determined through thirty years of non-regulated inspections of facilities that manufacture, store, use, or dispose of toxic, hazardous, or polluting materials that, by the measures required in this Regulation, such information can be obtained in a feasible manner and made accessible to the public and to emergency personnel in a way that will reduce disease, prolong life, prevent and control environmental health hazards, and protect the ground water of Ingham County; and

WHEREAS, the Department is aware that a great variety of toxic, hazardous, and polluting materials are manufactured, used, and stored within the County; and

WHEREAS, the Department is aware that emergency response personnel may encounter such substances both in natural and man-made emergencies; and

WHEREAS, the Department is aware through existing non-regulated Pollution Prevention (P2) programs that emergency personnel often lack sufficient access to the manufacturers of such substances, who could furnish more information to be used in handling such substances and treating persons who have come in contact with them; and

WHEREAS, the Department is aware that unless proper precautions are taken, such substances can cause disease, shorten life, and create environmental health hazards, both with respect to the general public and with respect to the emergency personnel working in the County on environmental and other emergencies; and

WHEREAS, the Michigan Public Health Code (MCL 333.2441) authorizes the local governing entity of a local health department (Ingham County Board of Commissioners for the Ingham County Health Department) to approve regulations adopted by the health department that are necessary or appropriate to implement or carry out the duties or functions vested by law in the local health department; and

WHEREAS, notice of a public hearing was given in accordance with Section 2442 of the Public Health Code (MCL 333.2442) not less than 10 days before the public hearing, and not less than 20 days before adoption of the regulation; and

WHEREAS, the Health Officer has notified the Board of Commissioners that notice of the scheduled public hearing was published in the Lansing State Journal on September 24, 2010, and has recommended that the Board of Commissioners approve the amendment to the Ingham County Sanitary Code, which will add Chapter VIII and establish regulations governing the identification and disclosure of toxic, hazardous, or polluting materials.

THEREFORE BE IT RESOLVED, that the Board of Commissioners of the County of Ingham, Michigan, having reviewed the P2 regulations developed by the Health Department and the P2 Ad Hoc Committee, and having considered the comments made at the public hearing on October 4, 2010, hereby approves an amendment to the Ingham County Sanitary Code by approving the addition of Chapter VIII (copy attached and incorporated by reference), being a regulation governing the identification and disclosure of toxic, hazardous, or polluting materials.

BE IT FURTHER RESOLVED, that Chapter VIII of the Ingham County Sanitary Code shall take effect and be implemented by the Health Officer 45 days after the date of this Resolution.

BE IT FURTHER RESOLVED, that fees shall be established by a separate resolution as set forth in Section 8.5 of the regulation.

# Ingham County Pollution Prevention Regulation

## Article I - Scope

This Regulation shall apply to all toxic, hazardous, or polluting substances which are manufactured, used, or stored by a facility within Ingham County.

This Regulation shall not apply to:

- A. Substances contained in foods, drugs, cosmetics, tobacco products and consumer products held for retail sale;
- B. Agricultural operators;
- C. Boxed or bagged salt;
- D. A facility who manufactures, stores, or uses a toxic, hazardous, or polluting substance at a work area in an aggregate volume or quantity less than 56 gallons or four hundred fifty (450) pounds and shall not be required to include such substance on any inventory or to submit a status sheet on such substance(s); provided, however, the BEH may require reporting of toxic, hazardous, or polluting substances in lesser quantities if these substances are specified on the extremely hazardous substance list, 40 CFR 355.
- E. Other parties determined to be exempt by the Health Officer;
- F. Households;
- G. Universities and Colleges;
- H. Oil and gas exploration/production;
- I. Retail Automotive Service Stations (fuel only)
- J. Oil-containing electrical equipment.

## Article II - Definitions

As used in this Regulation, the following definitions shall apply:

- A. "Agricultural Operators" means a person or persons who engages in farming.

- B. "Appeals Board" means Ingham County Board of Commissioners or its designated committee.
- C. "BEH" means the Bureau of Environmental Health, Ingham County Health Department.
- D. "Board" shall mean the Board of Commissioners of Ingham County.
- E. "CAS" shall mean the identification number assigned by the Chemical Abstract Service to chemical substances.
- F. "Chemical Name" means the scientific designation of a substance in accordance with the nomenclature systems developed by either the International Union of Pure and Applied Chemistry or the Chemical Abstract Service.
- G. "Common Name" means any designation or identification, such as a trade name or number or code name or brand name, used by a facility to identify a substance other than by its chemical name.
- H. "Container" means any receptacle either formed or flexible covering a liquid, solid, or gaseous substance, including, but not limited to, bag, barrel, bottle, box, can, cylinder, drum, carton, stationary or mobile storage tank, vessel or vat.
- I. "Emergency" means an intended or unintended release of a toxic, hazardous, or polluting substance from its container or containers (including, but not limited to, equipment failure or human error) if the release meets one or more of the following criteria:
  - 1. The release constitutes a substantial threat to the health or life of a person or persons or constitutes a substantial threat to the environment.
  - 2. The release was not made pursuant to previously obtained license or permission from any government agency regulating discharges of toxic, hazardous, or polluting substances and was in an amount substantially greater than the amount the facility ordinarily releases in the routine course of manufacture, use or storage of the substance and said release may pose a threat to the public health or environment.
  - 3. A release which would require notification to the Director of the Department of Natural Resources and Environment.
- J. "Employee" means any person who works with or without compensation in a work area.
- K. "Environment" means the air, water and land outside of a work area.
- L. "Facility" means all contiguous land, and structures, other appurtenances, and improvements on the land, used for treating, storing, or disposing of liquid industrial and/or hazardous waste and/or polluting materials and/or the party that owns or controls the facility.

- M. "Hazard" means classes I-IX as defined in 49CFR173.2.
- N. "Health Officer" means the Director of the Ingham County Health Department or his/her designated representative.
- O. "Maximum Storage Inventory" means the maximum volume or quantity of a toxic, hazardous, or polluting substance that is, or has been, or may be present in the work area during a specified calendar year.
- P. "Oil" includes petroleum, gasoline, fuel oil, grease, sludge, oil refuse and oil mixed with waste.
- Q. "Party" means any person, firm, corporation, partnership, association or other entity (whether for-profit or not-for-profit) who or which has at least one (1) work area within the County of Ingham.
- R. "Polluting material" means all of the following:
1. Oil.
  2. Salt.
  3. Toxic, hazardous, or polluting substances identified by this regulation.
  4. Any compound or product that contains 1 %, or more, by weight, of any material listed in paragraphs (1) through (3) any of this subdivision based on material safety data sheet formulation information for the compounds or products.
  5. "Polluting material" does not include manufactured items.
- S. "Release" means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing of any toxic, hazardous, or polluting substances into the environment.
- T. "Retail Automotive Service Stations (fuel only)" means that portion of property where liquids that are used as motor fuels are stored and dispensed from equipment into the fuel tanks of motor vehicles.
- U. "Retail Sale" means the sale or purchase of any toxic, hazardous, or polluting substance that is individually packaged and sealed in small quantities (not more than 5 gallons or 40 pounds) for distribution to the ultimate consumer.
- V. "Salt" means sodium chloride, potassium chloride, calcium chloride, magnesium chloride, and solutions or mixtures of these compounds.
- W. "Substance" means any element, chemical, compound, combination, or any mixture thereof, whether organic or inorganic.

X. "Toxic, hazardous, or polluting substance" means any substance (or mixture containing such substance in concentrations of 1.0 % or more, or 0.1% for carcinogens, mutagens or teratogens) which is defined and regulated by any of the following:

1. 29 CFR Part 1910 Subpart Z, Toxic and Hazardous Substances, also known as the Worker Right-To-Know Act, which is administered by the Occupational and Safety and Health Administration (OSHA). A substance is deemed toxic, hazardous, or polluting under this Regulation if a Material Safety Data Sheet (MSDS) is required.
2. 40 CFR 355, List of Extremely Hazardous Substances. This list is generated by the Environmental Protection Agency (EPA) under SARA Title III, section 302;
3. 40 CFR 372.65, Subpart D - Specific Toxic Chemical Listings. This is a list generated by the Environmental Protection Agency (EPA) under Sec. 313 of SARA Title III. It is also known as the Toxic Chemical Release Inventory (TCRI).
4. Natural Resources and Environmental Protection Act, Act 451 of 1994, as amended, Part 31, and the rules promulgated there under:
5. Polluting Materials. This list is generated by the Michigan Department of Natural Resources and Environment. The list is located under R324.2009 of the Michigan Administrative Code.
6. 40 CFR Part 261, Appendix VIII, and 40 CFR 261.3. These are RCRA listed wastes and waste generating processes. Included are wastes that meet the criteria of: a) Ignitability; b) Corrosivity; c) Reactivity; or d) Toxicity Characteristic, or
7. Natural Resources and Environmental Protection Act, Act 415 of 1994, as amended, Part 121, Liquid Industrial Wastes. Liquid industrial waste means any liquid waste, other than unpolluted water, which is produced by or incident to or results from an industrial or commercial activity or the conduct of any enterprise.

Y. "Work Area" means a workplace, whether outdoors or inside a structure, where substances are stored, used, or manufactured, (and includes, but is not limited to, areas where substances are handled, mixed, processed, packaged, or re-packaged); and where employees, licensees, invitees, or other persons may be present. The term "work area" does not include principal and secondary residences and also does not include lawns or fields upon which fertilizers, pesticides, or herbicides are applied.

Z. Addendum "A". List of Acronyms used in regulation.

### **Article III - Pollution Prevention Information for the Public**

**Section 3.1 - Reporting Requirements:** Any facility who manufactures, uses or stores toxic, hazardous, or polluting substance at any work area in Ingham County on or after the effective date of this Regulation shall compile and deliver the following documents to the BEH by the following deadlines:

- A. A first status sheet for each substance accurate as of the date a facility first manufactures, uses or stores a toxic, hazardous, or polluting substance within thirty (30) calendar days after a facility first manufactures, stores, or uses the toxic, hazardous, or polluting substance at a work area.
- B. An updated status sheet accurate as of January 1 of each year shall be filed as of March 1st of each year and shall include, but not be limited to, the maximum storage inventory for the prior calendar year. Existing plans such as SPCC, PIP, RCRA and/or SARA Title III / 302 Site Plans may be submitted in lieu of the status sheet if all of the information required in this section is contained within the existing plan. A facility that is required to submit a Tier II Emergency and Hazardous Chemical Inventory as required by the USEPA SARA 302 and 312 regulations, may submit these forms in lieu of the "Status Sheets". This includes the "grouping" of substances with similar characteristics into categories, rather than reported individually by chemical, as allowed by the SARA 312 requirements.
- C. If a change of ownership or a major change in operations occurs, an updated status sheet must be submitted.

**Section 3.2 - Status Sheet:** The BEH shall make available to the public, upon request, a standard status sheet. A status sheet shall include, but not be limited to, the information listed below:

- A. An inventory of all toxic, hazardous, or polluting substances manufactured, stored, or used at the work area. The inventory shall include, but not be limited to, a listing of the common name, the chemical name, the CAS number, storage location, hazards associated with the substance, and the maximum storage inventory for the applicable calendar year.
- B. The names, addresses and telephone numbers of two (2) persons in the facility organization with authority to make decisions for the facility in the event of any emergency involving the substance.
- C. The facility's plan for notification of emergency personnel and other personnel in the event of an emergency involving the substance, including names, addresses and telephone numbers of persons to be notified and the contents, if known, of emergency messages to be delivered.
- D. Information that may help emergency personnel identify which containers in the work area may, or do, contain the substance.
- E. For each work area a plan view showing the location of such containers.
- F. The facility's intended plan for consuming or ultimately removing the substance from the work area, including, but not limited to: consumption of the substance in the process of manufacturing products, shipment in the ordinary course of business to retailers or wholesalers of the substance, shipment to a work area of the facility located outside the County, discharge of the substance into the local sanitary sewer system, loss of the substance by evaporation, etc.

**Section 3.3 - Accessibility:** The BEH shall keep on file a copy of all inventories and status sheets received, and make them readily available to the public, upon request, during regular business hours and at a reasonable cost

for duplication; provided, however, that the plan view and information regarding the location of toxic, hazardous, or polluting materials containers shall not be available to the public.

**Section 3.4 - Public Notification:** Ingham County shall notify the public at least annually that the information required by this Regulation is available from the Ingham County Health Department and that the public has a right of access to the information provided in Section 3.3.

#### **Article IV - Pollution Prevention Information for Emergency Personnel**

**Section 4.1 - Emergency Notification:** Every facility covered by this Regulation, in the event of an off-site or potential off-site release, shall immediately call 911 and notify the BEH. Such notification shall include the following information, to the extent known to the facility:

- A. The common name and either the chemical name or CAS of all toxic, hazardous, or polluting substances involved in the emergency;
- B. An estimate of the quantity of each such substance that was, or may have been, released during the emergency;
- C. The time and duration of the emergency;
- D. The actions taken by the facility to respond to and contain the released material; and
- E. Any advice regarding medical attention necessary for exposed individuals.

**Section 4.2 - Posting:** Any facility required to be inspected under Section 5.1 of this Regulation shall post a sign at the principal outside entrances to the work area which would indicate participation in the Ingham County P2 Program.

#### **Article V - Duties of the Health Officer**

The Health Officer shall have jurisdiction throughout Ingham County, including all cities, villages, townships and charter townships, in the administration of this Regulation and any amendments hereafter adopted, unless otherwise specifically stated herein.

**Section 5.1 - Inspections:** The BEH shall conduct inspections of work areas within Ingham County during years that they may have an aggregate maximum storage inventory of not less than 56 gallons (450 pounds) of any toxic, hazardous, or polluting substances. These inspections shall be for the purpose of, but not limited to, determining:

- A. That all required inventories and status sheets have been completed accurately and have been submitted to the BEH as required in Article III.
- B. That adequate and appropriate safety, containment, and clean-up equipment is readily available.

- C. That signs are posted as required in Section 4.2.
- D. That proper storage practices and procedures are being followed as required in Section 5.4.
- E. The maximum storage inventory of the calendar year in which the inspection occurs.

**Section 5.2 - Reduced Frequency Inspection Status:** Any facility that is found to be in compliance with this Regulation at the time of the second annual inspection, or within 90 days thereafter, will be placed on a schedule of reduced frequency inspections.

To maintain reduced frequency inspection status, the facility must:

- A. Remain in compliance with this Regulation, including reporting requirements under Article III and fee payments under Article VIII;
- B. Make no changes to storage conditions or modifications to the work area without prior review and approval of the Health Officer;
- C. Not increase the maximum storage inventory since the most recent inspection;
- D. Adequately address any releases to avoid environmental health hazards.
- E. Submit an annual written verification as to items A - D above to the Health Officer by March 1st of each year.

Reduced frequency inspections shall be conducted once every three (3) years for facilities with less than 500 gallons (4500 pounds) and once every two (2) years for facilities with more than 500 gallons (4500 pounds) of toxic, hazardous, or polluting substances.

Nothing in this section shall prohibit the Health Officer from conducting site visits as necessary to verify the accuracy and validity of reduced frequency status. If reduced frequency inspection status is found to be unwarranted, the site visit will be treated as an annual inspection. A change of ownership shall require a new inspection.

**Section 5.3 – Re-inspections:** The BEH shall conduct re-inspections of those work areas which have been found to be in violation of this Regulation. These re-inspections shall be conducted as necessary to verify correction of such violations.

**Section 5.4 - Storage Practices:** All parties shall store all toxic, hazardous, or polluting substances that may be at their work areas according to practices and procedures which will prevent contamination of air, groundwater and surface water and which will prevent accidental release.

The BEH shall develop written criteria for evaluating storage practices and procedures for conformity with these requirements. Such written criteria shall be available to the public, upon request, at no cost. The BEH

shall review with each facility that is inspected whether the facility's storage practices and procedures meet these criteria.

The BEH, in proper cases, shall report suspected violations of state law to appropriate state agencies.

**Section 5.5 - Records:** The BEH shall also maintain the following information:

- A. Inventories and status sheets filed pursuant to Article III of this Regulation, indexed by \_\_\_\_\_ name of the facility; and tax parcel number of the work area;
- B. Reports from on-site inspections, indexed by the name of the facility; and tax parcel number of the work area;
- C. Variances and applications for variances, as provided under Article IX of this Regulation;
- D. Public health and environmental information of those toxic, hazardous, or polluting substances listed on the inventories received by the Health Officer. Such information may include, but is not limited to, physical and chemical characteristics; physical and health hazards; generally applicable precautions for safe handling and use; procedures for clean up of spills and leaks; generally applicable control measures; and emergency and first aid procedures. The information referred to in this subsection shall be gathered by the BEH, insofar as possible, from sources other than regulated parties. Copies of this information shall be made available to the public, upon request, during business hours free of charge, except for a reasonable cost for duplication.

**Section 5.6 Remedies and Penalties:**

- A. The Health Officer shall have the authority to issue citations for any violations of this Regulation. Any person who shall fail to comply with any provision of this Regulation shall be liable for monetary civil penalties of not more than One Thousand (\$1,000.00) Dollars for each violation or day that the violation continues. The citation shall be written and cite with particularity the section of this Regulation alleged to have been violated and the right to appeal.
  - 1. Not later than twenty (20) days after receipt of the citation, the alleged violator may petition the appropriate appeals board of Ingham County for an administrative hearing to affirm, dismiss or modify the citation. This hearing shall be held thirty (30) days after the receipt of the petition. The decision of the appropriate appeals board of Ingham County shall be final, unless within sixty (60) days of the decision a review is granted.
  - 2. The person aggrieved by the decision may petition the Ingham County Circuit Court for review no later than sixty (60) days following receipt of the final decision.
  - 3. A civil penalty becomes final if a petition for an administrative hearing is not received within the time specified in this section.

- B. Notwithstanding the existence or pursuit of any other remedy, the Health Officer may maintain an action in the name of Ingham County in a court of competent jurisdiction for an injunction or other appropriate process against any facility to enforce this Regulation.

**Section 5.7 - Confidentiality Protections:** The BEH shall adopt necessary practices to protect information identified pursuant to Article VII hereof as a trade secret from improper use or dissemination beyond the purposes of this Regulation, except that trade secret information may be released when deemed necessary to properly protect health, safety, or property in an emergency.

**Section 5.8 - Power to Establish Policy and Guidelines:** The Health Officer is hereby granted the authority to establish policies and guidelines, not in conflict with the purpose and intent of this Regulation for the purpose of carrying out the responsibilities herein delegated to the Health Officer by law. All such policies shall be in writing and shall be kept in a policy file available for public inspection upon request.

**Section 5.9 - Emergency Notification:** The BEH, upon learning of release of a toxic, hazardous, or polluting substance, shall notify the Ingham County Office of Emergency Management and the Office of Homeland Security and Emergency Management.

**Section 5.10 - Annual Report:** Each year the Health Officer must report to the Board of Commissioners the number of businesses inspected and fees collected.

## **Article VI - Falsification**

It shall be unlawful for a party or any officer, director or employee of a facility, to knowingly, or recklessly, or negligently fail to comply with the provisions of this Regulation, or to misrepresent, falsify, conceal, destroy or fail to retain information necessary to comply with this Regulation. The dissolution of a corporation shall not discharge its directors, officers or employees from liability for such conduct.

## **Article VII - Trade Secrets**

This Regulation shall not be construed as limiting any rights, obligations, or remedies regarding trade secrets existing under applicable law, except as is necessary to achieve the objectives of this Regulation and as expressly provided below.

**Section 7.1:** A facility may withhold the chemical name (but not the common name) of a toxic, hazardous, or polluting substance from inventories and the status sheets required by Article III provided that the facility shall:

- A. Establish that the substance is a trade secret by showing:
1. That the specific substance has not been published or disseminated or has not otherwise become a matter of general public knowledge.

2. That the substance has competitive value in regard to the portion or phase of any scientific or technical information design, process, procedure, or formula which shall be substantially harmed by disclosure; and
3. That the specific substance cannot be discovered lawfully by analytical techniques, laboratory procedures, or other means available to any potential competitor, including reverse engineering; and
4. The substance is not required to be disclosed to the public under any federal or state law.

B. Establish that the substance is not a suspected or recognized carcinogen, mutagen, teratogen, or cause of significant irreversible damage to human organs or body systems, as demonstrated through human, animal and other experimental media; and

C. Identify the substance on the inventory and status sheet by a generic chemical classification that would provide sufficient information upon which a health professional could render recommendations for adequate safeguards to prevent exposure to the toxic, hazardous, or polluting substance; and

D. Provide the withheld information on a confidential basis to a treating physician/nurse who states, (in writing, except in an emergency situation), that a patient's health problems may be related to exposure to the substance. A statement to this effect with the name and phone number of the person or persons authorized, on a 24-hour a day basis, to disclose the withheld information shall be included on the status sheet.

**Section 7.2:** Any facility that wishes to avail itself of the provisions of Section 7.1, to avoid disclosing the chemical name of a substance on an inventory and/or status sheet shall deliver to the BEH a trade secret request sheet each time an inventory or status sheet is required to be delivered. That trade secret request sheet shall contain, for each substance the facility wants treated as a trade secret, the following:

- A. A statement of the information the facility deems to be a trade secret, protected under Section 5.7; and
- B. A true statement that the conditions of Section 7.1 have been met; and
- C. The chemical name that, but for Section 7.1, would have been required on the status sheet and on the inventory.

**Section 7.3:** No officer, employee, agent or contractor of any Ingham County department, division, bureau, board or commission shall knowingly and intentionally disclose to anyone in any manner unless authorized by law, any trade secret information, except as is required to administer or enforce the provisions of this Regulation. Any person who violates this provision may be fined, suspended, or removed from office or employment, or subject to any other applicable proceedings and penalties for violation of trade secret protections provided for under existing law.

**Section 7.4:** Notwithstanding any other provision of this Regulation, the BEH is authorized to disclose trade secret information when such action is necessary to properly protect health, safety or property in an emergency situation.

**Section 7.5:** Within sixty (60) days of receipt of a trade secret request sheet pursuant to Section 7.2 of this Article, the BEH shall consider the evidence to determine if the facility has supported the claim that the specific chemical identity is a trade secret pursuant to Section 7.1 of this Article. The BEH shall notify said facility in writing of his/her determination regarding the facility's trade secret request.

**Section 7.6:** If the trade secret request is denied, that facility is then required to comply with the full provisions of this Regulation within ten (10) working days of receipt of the decision of the BEH.

**Section 7.7:** The BEH may revoke any trade secret designation upon the basis of new information showing that the original facts requested in Section 7.1 have changed; provided, however, that public disclosure of the claimed trade secret shall not be made until ten (10) calendar days after the holder of the trade secret is notified of the proposed revocation, unless the holder of the trade secret files an appeal of the revocation pursuant to Section 9.2, below, in which event public disclosure would be stayed pending the decision of the appropriate appeals board of Ingham County. If the appropriate appeals board of Ingham County upholds the proposed revocation, public disclosure shall not be made until ten (10) calendar days after receipt by the holder of the claimed trade secret of the written findings and decisions of the appropriate appeals board of Ingham County.

## **Article VIII - Fees**

**Section 8.1 - Reporting Fee:** Each facility required to report under Section 3.1 shall pay an annual reporting fee to the BEH with the submission of a toxic, hazardous or polluting materials status sheet. The annual reporting fee shall be based on the aggregate maximum storage inventory which must be reported on that status sheet and shall be paid by March 1 of each year.

**Section 8.2 - Inspection Fee:** Each facility whose work area is inspected under Section 5.1 shall pay an inspection fee to the BEH based on the aggregate maximum storage inventory for the calendar year in which the inspection occurs. The minimum threshold for inspection fees shall be established at 56 gallons (450 pounds).

**Section 8.3 – Re-inspection Fee:** For each re-inspection in which violations are found to persist, the re-inspected facility shall pay a re-inspection fee to the BEH.

**Section 8.4 - Optional Service Fees:** Other fees may be assessed by the BEH for requested, non-mandated services, such as on-site consultations and plan reviews.

**Section 8.5 - Fee Amounts:** The fee amounts shall be determined by a schedule to be approved and amended as necessary by resolution of the Ingham County Board of Commissioners.

## **Article IX - Variances and Appeals**

The appropriate appeals board of Ingham County shall hear appeals and may grant individual variances from provisions of this Regulation by a concurring vote of the majority of its members where it is determined that no substantial health hazard is likely to occur from the requested variance and unnecessary hardship might result from strict compliance with this Regulation.

**Section 9.1 - Variances:** A request for a variance shall be in writing and shall contain a detailed description of the variance sought. The request for a variance, together with a fee established by the Ingham County Fee Schedule, shall be filed with the BEH.

**Section 9.2 - Hearings and Appeals:**

If a party is adversely affected by any decision under this Regulation, the party may request in writing a Hearing before the Ingham County Board of Commissioners or its designated committee within thirty (30) days of the date of such decision. The Department shall issue a Notice of Hearing within fifteen (15) days after receiving the request and payment of the appropriate Appeals fee. A Hearing shall then be held at the next regular meeting of the Ingham County Board of Commissioners or its designated committee, scheduled for such purposes; provided, however, that a Hearing shall be conducted no later than sixty (60) days after the Notice of Hearing is mailed to the owner or interested party. The Ingham County Board of Commissioners or its designated committee shall affirm, dismiss or modify the contested decision by a majority vote of the Board or committee. The decision by the Ingham County Board of Commissioners or its designated committee shall be in writing and state the reasons and grounds for such decision. A copy shall be furnished to the owner, any interested person, and the Department within thirty (30) days of the decision.

**Article X- Severability**

**Section 10.1:** If any provision, section, or word of this Regulation, or the enforcement thereof, is held to be invalid or unenforceable by a court of competent jurisdiction, such invalidity or unenforceability shall not affect or render invalid or unenforceable any other provision of this Regulation. To this end, each of the provisions and sections of this Regulation are severable.

**Section 10.2:** If this Regulation or the enforcement of this Regulation is held to be invalid for any geographical area within Ingham County, such a holding shall not affect the validity or enforceability of this Regulation in any other area of Ingham County.

**Article XI- Implementation**

The effective date of this Regulation is, 2010, being 45 days after approval by resolution # \_\_\_\_ of the Ingham County Board of Commissioners.

**Article XII- Short Name**

This Regulation will be referred to as the “The Ingham County Pollution Prevention Regulation”.

# **Ingham County Pollution Prevention Regulation**

## **ADDEDUM “A”**

### **LIST OF ACRONYMS USED IN REGULATION**

<b>BEH</b>	Bureau of Environmental Health
<b>CAS</b>	Chemical Abstract Service
<b>CFR</b>	Code of Federal Regulations
<b>EPA</b>	Environmental Protection Agency
<b>MDNRE</b>	Michigan Department of Natural Resources and Environment
<b>MSDS</b>	Material Safety Data Sheet
<b>OSHA</b>	Occupational Safety and Health Administration
<b>P2</b>	Pollution Prevention
<b>PIP</b>	Pollution Incident Prevention
<b>RCRA</b>	Resource Conservation and Recovery Act
<b>SARA</b>	Superfund Amendments and Reauthorization Act
<b>SPCC</b>	Spill Prevention, Control and Countermeasure
<b>TCRI</b>	Toxic Chemical Release Inventory

**MEMORANDUM**

September 23, 2010

TO: Finance and Liaison Committees

FROM: Teri Morton, Budget Director

RE: Third Quarter 2010 Budget Adjustments and Contingency Fund Update

Enclosed please find the recommended adjustments to the Ingham County budget for the third quarter of fiscal year 2010. The total decrease to the General Fund is \$200,323.

The quarterly budget amendment process as authorized by the Board of Commissioners is necessary to make adjustments to the adopted budget. Usually, adjustments are made as a result of updated revenue and expenditure projections, grant revenues, reappropriations, accounting and contractual changes, and general housekeeping issues.

Only a few adjustments are recommended for this quarter. Budgets will be reduced for two discontinued programs. In the General Fund, the budget will be decreased by \$200,323 for the Prosecutor's Domestic Assault Response Team (D.A.R.T.) Grant. This grant funded an Assistant Prosecuting Attorney position, which was eliminated by Resolution #09-213. Funding for this program will start up again October 1, 2010, with the resolution being considered by the Board of Commissioners during this round of committee meetings. In the Family Division Child Care Fund, funding for a Casework Assistant working on truancy issues was funded 50% by the Lansing School District and 50% from the State Child Care Fund. The Lansing School District no longer has funds available for this position, so it is being eliminated by this resolution, resulting in a total reduction of \$65,400. The position has been vacant since the end of 2009.

This resolution will also set up a budget of \$50,000 for inmate phone cards. This program, which began in 2008, allows inmates to purchase phone cards. The costs of the cards are covered by the purchase price, with any excess funds being transferred to the general fund to offset jail costs.

The remaining adjustments are to purchase various computer items from internal service funds.

Included here is an update of contingency fund spending so far this year. The current contingency amount is \$244,074. The attached document details how the Board has allocated the contingency funds throughout the year, beginning with a balance of \$450,000.

Should you require any additional information or have questions regarding this process, please don't hesitate to contact me.

Introduced by the Finance Committee of the:

INGHAM COUNTY BOARD OF COMMISSIONERS

**RESOLUTION AUTHORIZING ADJUSTMENTS TO THE 2010 INGHAM COUNTY BUDGET**

WHEREAS, the Board of Commissioners adopted the 2010 Budget on October 27, 2009 and has authorized certain amendments since that time, and it is now necessary to make some adjustments as a result of updated revenue and expenditure projections, fund transfers, reappropriations, accounting and contractual changes, errors and omissions, and additional appropriation needs; and

WHEREAS, the Liaison Committees and the Finance Committee have reviewed the proposed budget adjustments prepared by the Controller’s staff and have made adjustments where necessary; and

WHEREAS, Public Act 621 of 1978 requires that local units of government maintain a balanced budget and periodically adjust the budget to reflect revised revenue and expenditure levels; and

WHEREAS, the Lansing School District is no longer able to provide the 50% match for the State Child Care Fund for a Truancy Casework Assistant.

THEREFORE BE IT RESOLVED, that the Ingham County Board of Commissioners hereby directs the Controller/Administrator to make the necessary transfers to adjust revenues and expenditures in the following funds, according to the attached schedules:

<u>FUND</u>	<u>DESCRIPTION</u>	<u>2010 BUDGET</u> <u>9/15/10</u>	<u>PROPOSED</u> <u>CHANGES</u>	<u>PROPOSED</u> <u>BUDGET</u>
101	General Fund	\$79,606,523	(\$200,323)	\$79,406,200
292	Family Division Child Care	14,523,143	(65,400)	14,457,743
595	Inmate Stores	569,267	50,000	619,267
636	MIS	2,867,840	3,500	2,871,340
664	Mach. & Equip. Revolving	1,250,150	1,850	1,252,000

BE IT FURTHER RESOLVED, that Circuit Court Family Division position number 140066 – Casework Assistant be eliminated from the position allocation list.

BE IT FURTHER RESOLVED, that using funds budgeted in 2010 a contract is authorized with Legal Services of South Central Michigan in an amount not to exceed \$20,000 for the time period of January 1, 2010 through December 31, 2010, for the purpose of providing legal services to low-income residents of Ingham County.

## GENERAL FUND REVENUES

	2010 Budget – <u>9/15/10</u>	<u>Proposed</u> <u>Changes</u>	2010 Proposed <u>Budget</u>
<b>Tax Revenues</b>			
County Property Tax	45,314,668		45,314,668
Property Tax Adjustments	(100,000)		(100,000)
Delinquent Real Property Tax	25,000		25,000
Unpaid Personal Property Tax	25,000		25,000
Industrial Facility Tax	394,000		394,000
Trailer Fee Tax	15,000		15,000
<b>Intergovernmental Transfers</b>			
Transfer from Rev. Sh. Res. Fund	6,080,205		6,080,205
Convention/Tourism Tax - Liquor	1,678,052		1,678,052
Health and Safety Fund	25,716		25,716
Use of Fund Balance	2,825,911		2,825,911
<b>Department Generated Revenue</b>			
Animal Control	527,100		527,100
Circuit Court - Family Division	931,734		931,734
Circuit Court - Friend of the Court	543,638		543,638
Circuit Crt - General Trial	2,302,165		2,302,165
Controller	3,009		3,009
Cooperative Extension	60,086		60,086
County Clerk	590,800		590,800
District Court	2,551,804		2,551,804
Drain Commissioner/Drain Tax	362,663		362,663
Economic Development	610,600		610,600
Elections	36,650		36,650
Emergency Operations	136,221		136,221

Equalization /Tax Mapping	30,800		30,800
Facilities	152,487		152,487
Human Resources	36,692		36,692
Probate Court	302,178		302,178
Prosecuting Attorney	804,148	(200,323)	603,825
Register of Deeds	1,512,645		1,512,645
Remonumentation Grant	85,000		85,000
Sheriff	5,964,314		5,964,314
Treasurer	5,403,500		5,403,500
Tri-County Regional Planning	61,740		61,740
Veteran Affairs	312,997		312,997
<b>Total General Fund Revenues</b>	<b>79,606,523</b>	<b>(200,323)</b>	<b>79,406,200</b>

#### GENERAL FUND EXPENDITURES

	2010 Budget – <u>9/15/10</u>	Proposed <u>Changes</u>	2010 Proposed <u>Budget</u>
Board of Commissioners	587,468		587,468
Circuit Court - General Trial	7,658,281		7,658,281
District Court	2,404,328		2,404,328
Circuit Court - Friend of the Court	1,175,662		1,175,662
Jury Board	1,757		1,757
Probate Court	1,453,883		1,453,883
Circuit Court - Family Division	6,201,902		6,201,902
Jury Selection	82,884		82,884
Elections	455,750		455,750
Financial Services	635,919		635,919
County Attorney	412,220		412,220
County Clerk	696,733		696,733
Controller	832,956		832,956

Equalization/Tax Services	699,828		699,828
Human Resources	541,771		541,771
Prosecuting Attorney	5,906,686	(200,323)	5,706,363
Purchasing	177,397		177,397
Facilities	1,925,933		1,925,933
Register of Deeds	430,408		430,408
Remonumentation Grant	85,000		85,000
Treasurer	610,508		610,508
Drain Commissioner	987,844		987,844
Economic Development	666,284		666,284
Community Agencies	204,117		204,117
Equal Opportunity Committee	500		500
Women's Commission	500		500
Historical Commission	500		500
Tri-County Regional Planning	103,192		103,192
Jail Maintenance	281,708		281,708
Sheriff	18,729,511		18,729,511
Community Corrections	84,940		84,940
Animal Control	1,315,035		1,315,035
Emergency Operations	237,797		237,797
Board of Public Works	264		264
Drain Tax at Large	300,000		300,000
Health Department	12,320,165		12,320,165
Medical Examiner	405,625		405,625
Substance Abuse	844,573		844,573
Community Mental Health	1,974,803		1,974,803
Department of Human Services	1,756,357		1,756,357
Tri-County Aging	76,225		76,225

Veterans Affairs	434,759		434,759
Cooperative Extension	682,628		682,628
Parks and Recreation	1,489,960		1,489,960
Contingency Reserves	244,074		244,074
Legal Aid	20,000		20,000
2-1-1 Project	33,750		33,750
Capital Improvements	3,434,138		3,434,138
<b>Total General Fund Expenditures</b>	<b>79,606,523</b>	<b>(200,323)</b>	<b>79,406,200</b>

### **General Fund Revenue Adjustments**

Prosecuting Attorney      Eliminate \$200,323 in revenues associated with the D.A.R.T grant, which was discontinued at the end of 2009. (Funding to resume October 1, 2010.)

### **General Fund Expense Adjustments**

Prosecuting Attorney      Eliminate \$200,323 in expenses associated with the D.A.R.T grant, which was discontinued at the end of 2009. The associated position was previously eliminated by Resolution 09-213. (Funding resume October 1, 2010.)

### **Non-General Fund Adjustments**

Family Div. Child Care (F292)      Eliminate revenues and expenses associated with Lansing School District contract for a Truancy Casework Assistant. Contract is no longer funded by the School District. (\$65,400) Also eliminate vacant position #140066 associated with this contract.

Inmate Stores (F595)      Set up budget for inmate phone cards. (\$50,000)

MIS (F636)      Increase budget to purchase new laptop and PC for testing of Windows 7 and Office 2010 (\$1,682) and a replacement laptop. (\$1,818)

Mach./Equip. Revolving (F664)      Increase CIP upgrade funds to purchase: a replacement printer for the Sheriff's Office (\$650) and a replacement laptop for Cooperative Extension (\$1,200).

**2010 CONTINGENCY**

Adopted Contingency Amount	\$450,000
R09-384: Additional Funds – Community Agencies (Women’s Center)	(7,000)
R10-039: Controller/Administrator Search	(3,200)
R10-098: Luminosity Solutions Contract	(4,740)
R10-123: CCW Permit System	(9,000)
R10-131: 1 <sup>st</sup> Quarter Adjustment	(25,292)
R10-229: Additional Appropriation to DHS	(156,694)
<b>Current Contingency Amount</b>	<b>\$244,074</b>