

CHAIRPERSON
MARC THOMAS

VICE-CHAIRPERSON
DIANNE HOLMAN

VICE-CHAIRPERSON PRO-TEM
MIKE SEVERINO

HUMAN SERVICES COMMITTEE
CURTIS HERTEL, JR., CHAIR
MARK GREBNER
REBECCA BAHAR-COOK
ANDY SCHOR
TIM SOULE
MIKE SEVERINO

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, AUGUST 20, 2007 AT 7:00 P.M., IN THE PERSONNEL CONFERENCE ROOM (D & E) OF THE HUMAN SERVICES BUILDING, 5303 S. CEDAR, LANSING.

Agenda

Call to Order

Approval of the [July 16, 2007](#) Minutes

Additions to the Agenda

Limited Public Comment

1. [Tri-County Office on Aging](#) - Resolution Approving [Tri-County Office on Aging's](#) Annual Implementation Plan for Fiscal Year 2008
2. [Department of Human Services/Controller's Office](#) - Resolution Authorizing a Contingency Appropriation to the [Department of Human Services](#) 2006-07 Child Care Fund Budget
3. [Health Department](#)
 - a. Resolution to Authorize Amendment #3 to the 2006-2007 Comprehensive Planning, Budgeting and Contracting Agreement with the [Michigan Department of Community Health](#)
 - b. Resolution to Authorize Amendment to Lease Agreement with JWJ Company, LCC
 - c. Resolution to Authorize an Agreement with [Capital Area Community Services](#) to Serve Early Head Start Children Through the Jump Start Program
 - d. Resolution to Authorize a Child Care Training Agreement with the [Michigan 4C Association](#) for Fiscal Year 2008
 - e. Discussion - Revised [Tobacco Regulation](#) and Response to Questions from Commissioners
4. [Board Referral](#) – Letter and Resolution from [Citizens for Alternatives](#) to Chemical Contamination Regarding Pending CAFO Legislation

Announcements
Public Comment
Adjournment

**PLEASE TURN OFF CELL PHONES OR OTHER ELECTRONIC
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.

HUMAN SERVICES COMMITTEE

July 16, 2007

Minutes

Members Present: Curtis Hertel, Mark Grebner, Andy Schor, Tim Soule, Mike Severino and Board Chairperson Marc Thomas

Members Absent: None

Others Present: Jared Cypher, John Jacobs, Jim Wilson, Laura Peterson, Dr. Sienko, Robin Reynolds, Sara Lurie, Susan Brown, Luke Kreft, Melany Mack, Kitty Dowding, Greg Holzman and Ed Weglarz

The meeting was called to order by Chairperson Hertel at 7:00 p.m. in the Personnel Conference Room of the Human Services Building, 5303 S. Cedar, Lansing.

Approval of the June 18, 2007 Minutes

MOVED BY COMM. GREBNER, SUPPORTED BY COMM. SOULE, TO APPROVE THE JUNE 18 MINUTES AS SUBMITTED. MOTION CARRIED UNANIMOUSLY. Absent: Comm. Severino

Additions to the Agenda

- 1g. Substitute Resolution to Amend the Health Department Fee Schedules
- 3c. Late – Resolution Authorizing a Contingency Fund Appropriation to the Allen Neighborhood Center, Baker Donora Focus Center, Southside Community Center and Northwest Initiative

Limited Public Comment

Chairperson Hertel informed the public that the smoking issue is not on tonight's agenda.

Dr. Holzman, Chief Medical Executive for the Michigan Department of Community Health, addressed the Committee regarding agenda item 1f. He addressed the Committee as a citizen of Ingham County. Mr. Holzman spoke of the dangers of smoking and the inhalation of second hand smoke. He applauded Ingham County and its Health Department for their efforts to assist people in quitting smoking. He then reminded the Committee that many smokers are addicted to smoking and it is very difficult to quit. Mr. Holzman suggested the Committee allocate some of the funds to assist them in quitting smoking.

Mr. Weglarz, Associated Food & Petroleum Dealers, asked the Committee to reconsider raising the fee to sell tobacco in Ingham County. Raising the fees means raising the tobacco costs to consumers which will send them to another county to purchase tobacco products. He spoke further regarding the costs associated with businesses who sell tobacco products. Mr. Weglarz requested that the increase be made more reasonable.

Ms. Lurie, Eaton Intermediate School District and Lansing resident, addressed the Committee regarding agenda item 1f. Ms. Lurie referred to her July 16, 2007 letter to Dr. Sienko in which she indicates her support for the proposed increase in tobacco-licensing fees. Ms. Lurie strongly urged the Committee to increase the licensing fees. The fees support work that is critical to the health and well being of the youth and adults in our community.

Ms. Brown, Lansing Township resident, addressed the Committee regarding agenda item 1f. Ms. Brown stated she works in the tobacco business. As a tax payer, she stated everyone is aware of the current tough economic

times; however, paying the increased licensing fee is a part of conducting business as a tobacco product retailer. The retailers should pay a reasonable cost to assist in enforcing the smoking laws.

Ms. Dowding, owner of Living Art Tattoo in Holt, commended the County for trying to come up with a solution to keep people from tattooing in their homes. She then expressed her hope that the fines will keep the people in this community safe.

1. Health Department

- f. Resolution to Increase the Fee for Tobacco Licenses and Change the Licensing Period to One Year

MOVED BY COMM. SCHOR, SUPPORTED BY COMM. BAHAR-COOK, TO APPROVE THE RESOLUTION TO INCREASE THE FEE FOR TOBACCO LICENSES AND CHANGE THE LICENSING PERIOD TO ONE YEAR.

Dr. Sienko stated the Board of Commissioners adopted a tobacco regulation which requires a license for the retail of tobacco in Resolution #92-95. The Resolution further prohibits the sales of tobacco products to persons under the age of 18. This regulation became effective January 1, 1993 and has not been increased although the costs for issuing licenses and conducting enforcement activities have risen significantly over the past 15 years. Since implementing this fee, Dr. Sienko stated the smoking rate of minors has decreased greatly. The vendors should pay the County for what its costs to implement this program.

Comm. Schor asked for clarification regarding the proposed changes. Ms. Mack explained the new licensing period would begin on January 1, 2008. The new annual rate would be \$250 (\$750 for three years).

Comm. Bahar-Cook asked if Eaton and Clinton Counties have similar fees. Ms. Mack stated Genesee, Marquette and Ingham Counties are the only counties that have these fees. Comm. Severino asked if the Health Department provides education to the vendors. Ms. Mack stated during the licensing process, the vendors do receive an education visit.

Comm. Severino stated he will vote against this fee increase. The State has increased the tobacco tax over the years. Some of that revenue should be shared with the Counties to assist in their efforts. Increasing the fee at the County level will not assist County business owners in making a living.

Comm. Soule asked if the Health Department has considered raising other fees associated with this issue. Ms. Mack stated the County Attorney's office is reviewing this issue and information will be available to this Committee in the fall of 2007.

Comm. Schor asked if the revenue associated with the license fees are included in the agenda information. Ms. Mack stated the County does not receive any revenue from the licensing fees. There have been very fee regulation offenses.

Comm. Schor stated he is sensitive to the large increase. He then stated he does not believe the increase will keep people from purchasing tobacco products.

MOTION CARRIED with Comm. Severino voting NO.

g. Substitute Resolution to Amend the Health Department Fee Schedules
MOVED BY COMM. GREBNER, SUPPORTED BY COMM. SCHOR, TO APPROVE THE SUBSTITUTE
RESOLUTION TO AMEND THE HEALTH DEPARTMENT FEE SCHEDULES.

Dr. Sienko informed the Committee that the Substitute Resolution does not include the fee for food service establishments where a potential environmental tobacco smoke threat exists to non-smoking areas. This issue will be addressed at a later date. He then stated the \$450 fee for a tattooing business operating without an initial license or reinstatement of a revoked license is 100% of the cost.

Comm. Bahar-Cook asked if the Health Department had heard from people opposing any of the fee increases. Mr. Wilson stated the Department heard from someone regarding the Child and Adult Care Facility license non-compliant with well and/or septic inspection fee. Dr. Sienko stated the proposed fee is a reduction to the current fee. Mr. Wilson also stated the Department received a phone call from a person regarding the day care fee. The Department has not been able to contact the person as of this date.

MOTION CARRIED Severino voting NO.

3. Board Referrals

- c. Resolution Authorizing a Contingency Fund Appropriation to the Allen Neighborhood Center, Baker Donora Focus Center, Southside Community Center and Northwest Initiative

MOVED BY COMM. SCHOR, SUPPORTED BY COMM. BAHAR-COOK, TO APPROVE THE
RESOLUTION AUTHORIZING A CONTINGENCY FUND APPROPRIATION TO THE ALLEN
NEIGHBORHOOD CENTER, BAKER DONORA FOCUS CENTER, SOUTHSIDE COMMUNITY CENTER
AND NORTHWEST INITIATIVE.

Comm. Grebner asked if this will be a one-time appropriation. Comm. Schor stated it is the intent of the County to assist in an emergency situation. This is not intended to be a continuous funding stream. Future funding requests would be made through the normal County budget process.

Comm. Bahar-Cook stated the Lansing district Commissioners spoke with Mayor Bernero regarding their displeasure with this situation.

After further discussion, the Committee consented to the following amendments:

FRIENDLY AMEND: WHEREAS, the shortfall occurred in the middle of the City's fiscal year and has threatened staff layoffs or the closure of facilities if funds are not found;

BE IT FURTHER RESOLVED, that the Board of Commissioners has declared that this appropriation be considered a one-time contribution.

MOTION CARRIED as amended with Comm. Severino voting NO.

- a. Letter from the Capital Area District Library Regarding Charging a Non-Resident Fee
b. Letter from Mayor Bernero Regarding Proposal for Shortfall for Neighborhood Centers

The Board Referrals were received and placed on file.

Announcements: None
Public Comment: None

The meeting adjourned at 7:37 p.m.

Respectfully submitted,

Debra Neff

Agenda Item 1

RESOLUTION STAFF REVIEW

DATE July 23, 2007

Agenda Item Title: Resolution Approving Tri-County Office on Aging's Annual Implementation Plan for Fiscal Year 2008

Submitted by: Tri-County Office on Aging

Committees: LE___ JD___, HS_ X_, CS___, Finance___

Summary of Proposed Action: This resolution approves Tri-County Office on Aging's (TCOA) Annual Implementation Plan for FY 2008. This planning document is required under the Older Americans Act and Older Michigianians Act. The Michigan Office of Services to the Aging, Department of Community Health requires TCOA to ask county commissioners to approve the plan.

Financial Implications: None.

Other Implications: The Tri-County Office on Aging Administrative Board endorsed this plan on June 18, 2007.

Staff Recommendation: MM___ JN___ HH___ TM___ JC_ X
Staff recommends approval of the resolution.



Tri-County Office on Aging

*A Consortium of Clinton, Eaton & Ingham counties, and the
Cities of Lansing & East Lansing since 1974.*

June 27, 2007

Ingham County Board of Commissioners
P.O. Box 319
Mason, MI 48854

Dear Ingham County Commissioners:

Enclosed is a copy of Tri-County Office on Aging's (TCOA) Annual Implementation Plan Fiscal Year 2008. This planning document is required under the Older Americans Act and Older Michiganians Act.

The Michigan Office of Services to the Aging (OSA), Department of Community Health requires TCOA to ask county commissioners to approve the plan by July 31, 2007. A resolution endorsing the plan would be appreciated. If Ingham County Commissioners do not respond by the above date TCOA will consider passive approval of the plan.

Ingham County, along with Clinton and Eaton Counties and the Cities of Lansing and East Lansing, is a member of the Tri-County Aging Consortium. The Consortium members appoint representatives to serve on TCOA's Administrative Board, which has the responsibilities of agency operations, and must endorse and recommend approval of the Plans to OSA. The Board endorsed the plan on June 18, 2007. Three seniors appointed by Ingham County Commission also serve on the Advisory Council that reviewed and recommended approval to the Consortium Administrative Board.

The plan and sample resolution are enclosed in this mailing. I can be reached at 517-887-1372 if you have any questions or would like to discuss the documents or process. Thank you for your attention to this issue.

Sincerely,

Donna J. Hobart
Assistant Director

Enclosure

CC: Tri-County Aging Consortium Board Members Steve Dougan, Rebecca Baha-Cook & Victor Celentino

5303 S. Cedar St. Ste 1, Lansing, MI 48911-3800
517-887-1440 or 1-800-405-9141 ~ Fax: 517- 887-8071

www.tcoa.org

Agenda Item 1

Introduced by the Human Services Committee of the:

INGHAM COUNTY BOARD OF COMMISSIONERS

**RESOLUTION APPROVING TRI-COUNTY OFFICE ON AGING'S ANNUAL
IMPLEMENTATION PLAN FOR FISCAL YEAR 2008**

WHEREAS, the Tri-County Aging Consortium, known as Tri-County Office on Aging, produced the Annual Implementation Plan Fiscal Year 2008 as required by the Older Americans Act and the Older Michiganians Act; and

WHEREAS, the Ingham County Board of Commissioners has reviewed the Tri-County Office on Aging's Annual Implementation Plan Fiscal Year 2008.

THEREFORE BE IT RESOLVED, the Ingham County Board of Commissioners approves the Tri-County Office on Aging's Annual Implementation Plan Fiscal Year 2008 as presented.

Agenda Item 2

RESOLUTION STAFF REVIEW

DATE July 27, 2007

Agenda Item Title: Resolution Authorizing a Contingency Appropriation to the Department of Human Services 2006-07 Child Care Fund Budget

Submitted by: Department of Human Services/Controller's Office

Committees: LE___ JD___, HS X, CS___, Finance X

Summary of Proposed Action: This resolution will amend the 2006-07 Department of Human Services (DHS) Child Care Fund (CCF) budget by increasing it by \$50,000 principally due to higher than anticipated costs for institutional care placements. DHS and the Controller's Office have been monitoring the CCF over the past several months, and although monthly costs have steadily decreased since April, a supplemental appropriation is necessary at this time.

Financial Implications: The DHS budget will increase by \$50,000 of which \$25,000 is in County costs using the Contingency Fund and the other \$25,000 represents matching dollars from the State of Michigan.

There is currently \$567,690 available in the Contingency Fund for 2007.

Other Implications: This resolution is consistent with the County's long-term objective to meet basic needs. A copy of the Annual Implementation Plan for Fiscal Year 2008 is available upon request from the Controller's Office.

Staff Recommendation: MM___ JN ___ HH ___ TM___ JC X
Staff recommends approval of the resolution

STATE OF MICHIGAN
DEPARTMENT OF HUMAN SERVICES
INGHAM COUNTY

JENNIFER M. GRANHOLM
GOVERNOR

MARIANNE UDOW
DIRECTOR

July 16, 2007

RECEIVED

JUL 17 2007

INGHAM COUNTY
CONTROLLER'S OFFICE

Matthew J. Myers, Ph.D.
Controller/Administrator
Ingham County
P.O. Box 319
Mason, MI 48854

Re: FY 2006/2007 Appropriation

Dear Dr. Myers:

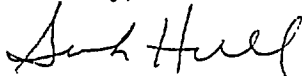
Ingham County DHS, along with the Ingham County Budget Office, have continued to monitor the appropriation for the DHS Sub-Account to the Child Care Fund, since our communication to your office in April 2007.

The costs have steadily decreased since March and it appears our request to the Ingham County Board of Commissioners for a supplemental appropriation will be in the amount of \$25,000.

If you have any questions, please feel free to call me at 887-9791.

Thank you for your consideration.

Sincerely,



Susan L. Hull, Director
Ingham County DHS

Agenda Item 2

Introduced by the Human Services and Finance Committees of the:

INGHAM COUNTY BOARD OF COMMISSIONERS

RESOLUTION AUTHORIZING A CONTINGENCY APPROPRIATION TO THE DEPARTMENT OF HUMAN SERVICES 2006-07 CHILD CARE FUND BUDGET

WHEREAS, the Ingham County Department of Human Services (DHS) has identified a significant increase in projected expenses from primarily a substantial increase in institutional care placement costs for the 2007 Child Care Fund budget; and

WHEREAS, the DHS is requesting the Ingham County Board of Commissioners to increase their 2007 budget appropriation accordingly.

THEREFORE BE IT RESOLVED, that the Ingham County Board of Commissioners authorizes an increase in the DHS 2007 Child Care Fund budget appropriation by \$25,000.

BE IT FURTHER RESOLVED, that the Controller is directed to transfer \$25,000 from the 2007 Contingency Fund and to amend the 2007 DHS budget by increasing it in total by \$50,000 to include a match from the State of Michigan, in the amount of \$25,000, in accordance with this resolution.

BE IT FURTHER RESOLVED, that the DHS shall continue to monitor institutional care placement costs as part of its efforts to stay within budget prior to any further appropriations being made for this purpose.

RESOLUTION STAFF REVIEW

DATE August 10, 2007

Agenda Item Title: Resolution to Authorize Amendment #3 to the 2006-2007 Comprehensive Planning, Budgeting and Contracting Agreement with the Michigan Department of Community Health

Submitted by: Health Department

Committees: LE___ JD___, HS X, CS ___, Finance X

Summary of Proposed Action: (See the attached letter of explanation.)

This resolution authorizes amendment #3 to the 2006-2007 Comprehensive Planning, Budgeting and Contracting (CPBC) Agreement with the Michigan Department of Community Health (MDCH). In addition to the financial implications listed below, the amendment also revises sections of the Agreement:

1. It clarifies the procedure for submitting Financial Status Reports (FSR) to the State;
2. Requires submission of a work plan for the funds used to support the Infant Mortality Coalition;
3. Specifies that travel dollars in the WIC Special Funding System Upgrade Program (SUP) can only be used for travel related to SUP;
4. Adds Contractor Requirements for receipt of funds for the AIDS Referral and Care program.

Financial Implications: This amendment will increase the 2007 Budget for Comprehensive Local Health Services from \$4,545,220 to \$4,684,542 for a net increase of \$139,322, making the following specific changes in the budget:

1. \$60,000 to implement an AIDS Referral and Care program.
2. A \$4,246 reduction in support for Bioterrorism Pandemic Flu Preparedness.
3. A \$65,577 increase in support for Family Planning.
4. A reduction of \$7,000 in support for cardiovascular disease prevention dollars from the Healthy Communities program.
5. A \$2,009 reduction in support for the immunizations program.

6. \$27,000 increase in WIC funding to support a resident.

Other Implications: None.

Staff Recommendation: MM___ JN___ HH___ TM___ JC X
Staff recommends approval of the resolution.

MEMORANDUM

To: Human Services Committee
Finance Committee

From: Dean Sienko

Date: August 1, 2007

Subject: CPBC Agreement Amendment #3 for 2006-2007

This is a recommendation to authorize Amendment #3 to the 2006-2007 Comprehensive Planning, Budgeting and Contracting (CPBC) Agreement with the Michigan Department of Community Health (MDCH). The CPBC Agreement is the annual process whereby the MDCH transmits State and Federal funds to Ingham County to support the implementation of public health programs. The funds, of course, come with terms and conditions. The CPBC Agreement establishes the funding levels and the terms and conditions. The Board of Commissioners authorized the 2006-2007 Agreement in Resolution No. 06-227.

Amendment #3 will increase the 2007 Budget for Comprehensive Local Health Services from \$4,545,220 to \$4,684,542 for a net increase of \$139,322. The Amendment makes the following specific changes in the budget:

1. 60,000 to implement an AIDS Referral and Care program.
2. A \$4,246 reduction in support for Bioterrorism Pandemic Flu Preparedness.
3. A \$65,577 increase in support for Family Planning.
4. A reduction of \$7,000 in support for cardiovascular disease prevention dollars from the Healthy Communities program.
5. A \$2,009 reduction in support for the immunizations program.
6. \$27,000 increase in WIC funding to support a resident.

The Amendment also revises sections of the Agreement: 1) It clarifies the procedure for submitting Financial Status Reports (FSR) to the State, 2) Requires submission of a work plan for the funds used to support our Infant Mortality Coalition, 3) Specifies that travel dollars in the WIC Special Funding System Upgrade Program (SUP) can only be used for travel related to SUP, and 4) Adds Contractor Requirements for our receipt of funds for the AIDS Referral and Care program.

I recommend that the Board of Commissioners adopt the attached resolution and that the Controller is authorized to amend the Health Department's 2007 Budget in order to implement this resolution.

Introduced by the Human Services and Finance Committees of the:

INGHAM COUNTY BOARD OF COMMISSIONERS

**RESOLUTION TO AUTHORIZE AMENDMENT #3 TO THE 2006-2007
COMPREHENSIVE PLANNING, BUDGETING AND CONTRACTING AGREEMENT
WITH THE MICHIGAN DEPARTMENT OF COMMUNITY HEALTH**

WHEREAS, the responsibility for protecting the public health is a shared responsibility between the State and County governments in Michigan; and

WHEREAS, the Michigan Department of Community Health (MDCH) and Ingham County have historically entered into contracts to clarify the role and responsibility of each party in protecting the public health; and

WHEREAS, the MDCH and Ingham County have entered into a 2006-2007 Agreement for the delivery of public health services under the Comprehensive, Planning, Budgeting and Contracting (CPBC) process to clarify roles and responsibilities, including funding relationships, authorized by Resolution No. 06-227 and amended by Resolution No. 06-330; and

WHEREAS, the MDCH has proposed a third amendment to the 2006-2007 CPBC to implement an AIDS Referral and Care program, adjust grant funding levels and clarify Agreement procedures; and

WHEREAS, the Health Officer has recommended that the Board of Commissioners authorize the Amendment.

THEREFORE BE IT RESOLVED, that the Ingham County Board of Commissioners authorizes Amendment #3 to the 2006-2007 Comprehensive Planning, Budgeting, and Contracting (CPBC) Agreement with the Michigan Department of Community Health (MDCH).

BE IT FURTHER RESOLVED, that the amendment shall: 1) Add/revise information in Section IV – Payment and Reporting Procedures; 2) Add/revise information in Attachment III – Program Specific Assurances and Requirements; and 3) Incorporate Attachment IV – Funding/Reimbursement Matrix for the Local Public Health Operations (LPHO) and categorical budget detail, output measures and performance reimbursement criteria.

BE IT FURTHER RESOLVED, that the net adjustment in state/federal funding shall be an increase of \$139,322 from \$4,545,220 to \$4,684,542 and that the Controller is authorized to amend the Health Department's 2007 Budget in order to implement this resolution.

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

Agenda Item 3b

RESOLUTION STAFF REVIEW

DATE August 10, 2007

Agenda Item Title: Resolution to Authorize Amendment to Lease Agreement with JJJ Company, LLC

Submitted by: Health Department

Committees: LE___ JD___, HS X, CS ___, Finance X

Summary of Proposed Action: (See the attached letter of explanation.)

This resolution amends the current lease agreement with JJJ Company, LLC to include 48 square feet of storage space in the warehouse at 5656 S. Cedar Street, Lansing.

The expansion of card printing operations in the Bureau of Health Plan Management Services (HPMS) has consumed available space while creating a need to store more supplies and equipment.

Financial Implications: JJJ Company, LLC has agreed to amend the lease agreement to include 48 square feet of storage space in the warehouse at 5656 S. Cedar, Lansing, MI at the rate of \$7.00 per square foot.

Other Implications: None.

Staff Recommendation: MM___ JN ___ HH ___ TM___ JC X

Staff recommends approval of the resolution.

MEMORANDUM

To: Human Services Committee
Finance Committee

From: Dean Sienko, M.D.

Date: August 14, 2007

Subject: Authorization to amend lease agreement with JWJ Company, LLC

This is a recommendation to amend the current lease agreement with JWJ Company, LLC to include 48 square feet of storage space in the warehouse at 5656 S. Cedar Street, Lansing. Ingham County has approximately three years remaining on a five year lease to house the Bureau of Health Plan Management Services (HPMS) and the Breast and Cervical Cancer Control Program (BCCCP). The expansion of card printing operations in HPMS has both consumed available space while creating a need to store more supplies and equipment.

JWJ Company, LLC has proposed a rental rate for the 48 square feet to be \$7.00 per square foot, effective July 1, 2007. The anniversary date will be June 1, consistent with the current lease. All other terms and conditions of the lease shall remain the same.

Attachment

c: Jayson Welter, Manager, Health Plan Management Services
Laura Peterson, Deputy Health Officer
John Jacobs w/attachment, Chief Financial Officer, Health Department

Introduced by the Human Services and Finance Committees of the:

INGHAM COUNTY BOARD OF COMMISSIONERS

**RESOLUTION TO AUTHORIZE AMENDMENT TO LEASE AGREEMENT WITH
JWJ COMPANY, LCC**

WHEREAS, on June 1, 2005, Ingham County entered into a lease agreement with JWJ Company, LCC which authorized in Ingham County to occupy 7,300 square feet at 5656 S. Cedar Street, Lansing MI to house the Bureau of Health Plan Management Services and the Breast and Cervical Cancer Control Program; and

WHEREAS, the lease agreement will expire on May 31, 2010; and

WHEREAS, the Health Department has requested that the lease agreement be amended to include 48 square feet of storage space; and

WHEREAS, JWJ Company, LCC has agreed to amend the lease agreement to include 48 square feet of storage space in the warehouse at 5656 S. Cedar, Lansing, MI at the rate of \$7.00 per square foot; and

WHEREAS, the Health Officer has recommended that the Board of Commissioners amend the lease agreement with JWJ Company, LLC; and

WHEREAS, all other terms and conditions of the lease shall continue in full force and effect.

THEREFORE BE IT RESOLVED, that the Ingham County Board of Commissioners authorizes execution of an amendment to the lease agreement with JWJ Company, LLC to include 48 square feet of storage space in the warehouse at 5656 S. Cedar, Lansing, MI at the rate of \$7.00 per square foot.

BE IT FURTHER RESOLVED, that the period of the amendment shall be July 1, 2007 through May 31, 2010.

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

RESOLUTION STAFF REVIEW

DATE August 10, 2007

Agenda Item Title: Resolution to Authorize an Agreement with Capital Area Community Services to Serve Early Head Start Children Through the Jump Start Program

Submitted by: Health Department

Committees: LE___ JD___, HS X, CS ___, Finance X

Summary of Proposed Action: (See the attached letter of explanation.)

This resolution authorizes an agreement with Capital Area Community Services to provide para-professional outreach services to the Early Head Start population through the Ingham County Jump Start Program.

The term of the proposed agreement is August 1, 2007 to July 31, 2008.

Financial Implications: Capital Area Community Services will provide Ingham County with up to \$62,295, to support para-professional outreach services to the Early Head Start Program. The agreement requires the Health Department to provide in-kind support valued at \$15,574 in the form of supervisor salary and benefits, indirect costs, facilities and advisory committee and parent participation in the programming.

Other Implications: None.

Staff Recommendation: MM___ JN ___ HH ___ TM___ JC X
Staff recommends approval of the resolution.

MEMORANDUM

To: Human Services Committee
Finance Committee

From: Dean Sienko, M.D.

Date: August 14, 2007

Subject: Agreement with Capital Area Community Services to Provide Outreach Services to the Early Head Start Program

This is a recommendation to authorize an agreement with Capital Area Community Services to provide para-professional outreach services to the Early Head Start population through the Ingham County Jump Start Program.

Through Federal grants, CACS has developed programming for a younger population of low-income, at-risk children. One of the components of the programming is home-visiting in which CACS utilized the model created in the Jump Start Program to deliver those services. The CACS is proposing to continue this agreement with Ingham County, to provide the CACS Early Head Start Program enrollees the outreach services of the Jump Start Program. The term of the proposed agreement is August 1, 2007 to July 31, 2008.

This is an excellent example of using service models in one organization to support the service needs in another organization. These services are anticipated and supported in the 2008 budget at the level proposed in this agreement.

The agreement requires the Department to provide in-kind support valued at \$15,574 in the form of supervisor salary and benefits, indirect costs, facilities and advisory committee and parent participation in the programming. Our experience last year was that we were able to do this as part of our normal work and we expect this to continue.

I recommend that the Board of Commissioners adopt the attached resolution and authorize the agreement with CACS.

Attachment

c: Renee Canady w/attachment
John Jacobs w/attachment
Jane Noice w/attachment

Introduced by the Human Services and Finance Committees of the:

INGHAM COUNTY BOARD OF COMMISSIONERS

**RESOLUTION TO AUTHORIZE AN AGREEMENT WITH CAPITAL AREA
COMMUNITY SERVICES TO SERVE EARLY HEAD START CHILDREN THROUGH
THE JUMP START PROGRAM**

WHEREAS, Capital Area Community Services (CACS) manages the Head Start Program to provide early education and growth programming to a younger at-risk population; and

WHEREAS, CACS has contracted with Ingham County to incorporate a para-professional outreach component to the programming through the Jump Start Program; and

WHEREAS, Capital Area Community Services has proposed to continue the services for the period August 1, 2007 to July 31, 2008; and

WHEREAS, the Health Department has proposed to continue such programming as part of its Jump Start Initiative; and

WHEREAS, the Health Officer has advised that this agreement is anticipated in the 2008 budget and has recommended that the Board of Commissioners authorize the continuation of the agreement with Capital Area Community Services.

THEREFORE BE IT RESOLVED, that the Ingham County Board of Commissioners authorizes an agreement with Capital Area Community Services to provide para-professional outreach worker services to support the Early Head Start Program.

BE IT FURTHER RESOLVED, that the period of the agreement will be August 1, 2007 to July 31, 2008.

BE IT FURTHER RESOLVED, that Capital Area Community Services will provide Ingham County with up to \$62,295, to support para-professional outreach services to the Early Head Start Program.

BE IT FURTHER RESOLVED, that the Health Department is required by the grant agreement to provide, as a non-federal share, an in-kind match in an amount of at least \$15,574 which shall constitute supervisor wage/salary and benefits, indirect, facilities, advisory committee participation and parent participation.

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

RESOLUTION STAFF REVIEW

DATE August 10, 2007

Agenda Item Title: Resolution to Authorize a Child Care Training Agreement with the Michigan 4C Association for Fiscal Year 2008

Submitted by: Health Department

Committees: LE___ JD___, HS X, CS ___, Finance X

Summary of Proposed Action: (See the attached letter of explanation.)

This resolution will authorize the Child Care Provider Training Agreement with the Michigan Community Coordinated Child Care Association for 2007-2008, to continue child care provider recruitment and training services.

Financial Implications: The attached resolution will provide Ingham County with up to \$57,100 to continue child care provider recruitment and training services for the period of October 1, 2007 through September 30, 2008.

Other Implications: The Michigan 4C Association acts as the fiduciary agency for the training grants on behalf of the Michigan Department of Human Services.

Staff Recommendation: MM___ JN___ HH___ TM___ JC X
Staff recommends approval of the resolution.

MEMORANDUM

To: Human Services Committee
Finance Committee

From: Dean Sienko

Date: August 9, 2007

Subject: OYC Training Grant with the Michigan 4C Association

This is a recommendation to authorize a 4C Association Training Grant Agreement. For many years, the Michigan Community Coordinated Child Care Association (MI 4C) has helped fund the Office for Young Children through child care provider recruitment and training service agreements. The Michigan 4C Association acts as the fiduciary agency for the training grants on behalf of the Michigan Department of Human Services.

The attached resolution will provide Ingham County with up to \$57,100 to continue child care provider recruitment and training services for the period of October 1, 2007 through September 30, 2008.

The services required by this grant and the funds provided through the grant are included in the Health Department's 2008 budget recommendation. I recommend that the Board of Commissioners adopt the attached resolution and authorize the Child Care Provider Training Agreement with the Michigan Community Coordinated Child Care Association for 2007-2008.

Attachment

c: John Jacobs w/attachment
Laura Peterson w/attachment

Introduced by the Human Services and Finance Committees of the:

INGHAM COUNTY BOARD OF COMMISSIONERS

**RESOLUTION TO AUTHORIZE A
CHILD CARE TRAINING AGREEMENT
WITH THE MICHIGAN 4C ASSOCIATION FOR FISCAL YEAR 2008**

WHEREAS, the Office for Young Children provides information and referral, training, and other services to day care organizations and to parents of children in Ingham, Clinton, Eaton and Shiawassee Counties; and

WHEREAS, the Michigan Community Coordinated Child Care (4C) Association Training Contract has provided financial support for these services for many years acting as the fiduciary agent for the Michigan Early Childhood Investment Corporation; and

WHEREAS, the Michigan 4C Association is proposing to continue the agreement for Fiscal Year 2008; and

WHEREAS, the Health Department's 2008 budget anticipated a continuation of 4C services and funding; and

WHEREAS, the Health Officer has recommended that the Board of Commissioners authorize the proposed contract with the Michigan 4C Association.

THEREFORE BE IT RESOLVED, that the Ingham County Board of Commissioners hereby authorizes a Child Care Training Agreement with the Michigan 4C Association.

BE IT FURTHER RESOLVED, that the agreement period shall be October 1, 2007 through September 30, 2008 and that the Michigan 4C Association shall reimburse Ingham County up to \$57,100 for services provided pursuant to the agreement.

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

**INGHAM COUNTY, MICHIGAN
REGULATION ELIMINATING SMOKING
IN PUBLIC AND PRIVATE WORKSITES AMENDED TO CONTROL AIR CONTAMINATION
BY TOBACCO USE IN RESTAURANTS AND BARS**

Sec. 1000. Title

This article shall be known as the Ingham County Clean Air Regulation.

Sec. 1001. Authority

This regulation is hereby adopted pursuant to authority conferred upon local health departments by the Michigan Public Health Code, 1978 P.A. 368, as amended.

Sec. 1002. Jurisdiction and Administration

A. This regulation shall have effect throughout Ingham County in all areas incorporated and unincorporated, which includes cities, villages, and townships.

B. The Health Officer shall have responsibility for administering and enforcing this regulation, including all amendments hereafter adopted unless otherwise specifically stated.

C. This Regulation shall apply to any public accommodation or business enterprise operating as a food service establishment as covered by Section 33.12905 of the Michigan Public Health Code, 1978 P.A. 368, as amended inasmuch as said law provides that all public areas of food service establishments shall be nonsmoking, except for certain areas which may be designated as seating for smokers, and shall clearly designate and maintain the nonsmoking areas.

D. In order to protect employees and members of the general public from avoidable exposure to the byproducts of tobacco combustion, the Ingham County Board of Commissioners authorizes and directs the County Health Department to devise and implement policies and requirements to effectively protect the air in nonsmoking areas of food service establishments from contamination from secondhand smoke.

Sec. 1003. Purpose

A. Ingham County hereby finds and declares that:

1. The U.S. Surgeon General, National Research Council, and National Academy of Sciences, report that environmental tobacco smoke: causes lung cancer in healthy adult nonsmokers, can cause lung function and structure alteration to the fetus of pregnant non smoking women. Additionally, in utero exposure is known to predispose children to long-term pulmonary risks. Further, these agencies found, separating smokers and nonsmokers within the same air space may reduce but does not eliminate a nonsmoker's exposure to environmental tobacco smoke.

2. The U.S. Environmental Protection Agency (EPA) finds that environmental tobacco smoke is a Group A Carcinogen - a category reserved for known cancer-causing agents in humans.

3. The National Institute for Occupational Safety and Health (NIOSH):

(a) finds that secondhand smoke poses an increased risk of lung cancer and, possibly, heart disease to people exposed in the worksite,

(b) recommends that nonsmokers should not be exposed to secondhand smoke, and

(c) finds that nonsmokers can be protected by elimination of smoking in the building, or establishing separately ventilated smoking areas that exhaust directly to the outside.

B. These studies find that tobacco smoke is a major contributor to indoor air pollution, and that breathing secondhand smoke is a cause of disease, including cancer, heart disease and stroke in nonsmokers. At special risk are infants, children, teens, pregnant women, elderly people, nonsmokers with long-term exposure to secondhand smoke, individuals with cardiovascular disease, and individuals with impaired respiratory function, including the young, asthmatics and those with obstructive airway disease. Also harmed are those with health conditions induced by breathing secondhand smoke including asthma, lung cancer, heart disease, respiratory infection, decreased respiratory function, including bronchoconstriction and broncho-spasm.

C. Accordingly, Ingham County finds and declares that the purpose of this regulation is to protect the public health and welfare by regulating smoking in public places and places of employment and recreation.

Sec. 1004. Definitions

A. The following words and phrases, whenever used in this regulation, shall be constructed as defined in this section:

1. "Business" means any sole proprietorship, partnership, joint venture, corporation or other business entity formed for profit-making purposes, including retail establishments where goods or services are sold as well as professional corporations and other entities where legal, medical, dental, engineering, architectural or other professional services are delivered.

2. "Convention Hall" means any enclosed area where public or private groups assemble to engage in business or social functions.

3. "Employee" means any person who is employed by any employer in the consideration for direct or indirect monetary wages or profit, and any person who volunteers his or her services for a nonprofit entity.

4. "Employer" means any person, partnership, corporation, including a municipal corporation, or non-profit entity, who employs the services of one or more individual persons.

5. "Enclosed Area" means all space between a floor and ceiling which is enclosed on all sides by solid walls or windows (exclusive of door or passage ways) which extend from the floor to the ceiling, including all space therein screened by partitions which do not extend to the ceiling or are not solid, office landscaping or similar structures.

6. "Food Service Establishments" means a fixed or mobile restaurant, coffee shop, cafeteria, short order café, luncheonette, grill, tearoom, sandwich shop, soda fountain, tavern, bar cocktail lounge, nightclub, drive-in, industrial feeding establishment, private organization serving the public, rental hall, catering kitchen, delicatessen, theater, commissary, or similar place in which food or drink is prepared for direct consumption through service on the premises or elsewhere, and any other eating or drinking establishment or operation where food is served or provided for the public. Food service establishment does not include: i) a motel that serves continental breakfasts only; ii) a food concession; iii) a bed and breakfast that has 10 or fewer sleeping

rooms, including sleeping rooms occupied by the innkeeper; iv) a bed and breakfast that has at least 11 but fewer than 15 rooms for rent, if the bed and breakfast serves continental breakfasts only; or v) a child care organization regulated by Michigan law unless the establishment is carrying out an operation considered by the State of Michigan to be a food service establishment.

7. "Plan Submission Approval" refers to food services establishment renovation procedures and guidelines outlined in the Michigan Food Law.

8. "Public Place" means any enclosed area to which the public is invited or in which the public is permitted, including but not limited to, banks, educational facilities, health facilities, laundromats, public transportation facilities, reception areas, retail food production and marketing establishments, retail service establishments, retail stores, theaters and waiting rooms. A private residence is not a "public place."

9. "Tobacco Specialty Store" means a retail store utilized primarily for the sale of tobacco products and accessories and in which the sale of other products is merely incidental.

10. "Service Line" means any indoor line at which one (1) or more persons are waiting for or receiving services of any kind, whether or not such service involves the exchange of money.

11. "Smoking" means inhaling, exhaling, burning or carrying any lighted cigar, cigarette or pipe.

12. "Sports Arena" means sport pavilions, gymnasiums, health spas, boxing arenas, swimming pools, roller and ice rinks, bowling alleys and other similar enclosed areas where members of the general public assemble either to engage in physical exercise, participate in athletic competition, or witness sports events, excluding facilities licensed as a food service establishment.

13. "Worksite" means any enclosed area under the control of a public or private employer which employees normally frequent during the course of employment, including, but not limited to, work areas, employee lounges and restrooms, conference and class rooms, employee cafeterias and hallways. A private residence is not a "worksite" unless it is used as a child care, adult day care or health care facility.

Sec. 1005. Prohibition of Environmental Tobacco Smoke exposure in Worksites, Restaurants, Bars and other Food Service Establishments

A. Prohibition of Smoking in Public and Private Worksites. Smoking shall be prohibited in all enclosed public and private worksites within Ingham County, including but not limited to, the following places:

1. Restrooms, lobbies, reception areas, hallways and any other common-use areas.

2. Buses, taxicabs, and other means of public transit under the authority of the County of Ingham, and ticket, boarding, and waiting areas of public transit depots.

3. Service lines.

4. Retail stores.

5. All areas available to and customarily used by the general public in all businesses and nonprofit entities patronized by the public, including but not limited to, attorneys' offices and other office, banks and laundromats.

6. All areas of galleries, libraries and museums.
7. Any facility which is primarily used for exhibiting any motion picture, stage, drama, lecture, musical recital or other similar performance, except performers when smoking is part of a stage production.
8. Sports arenas.
9. Convention Halls.
10. Public and private meeting facilities.
11. Every room, chamber, place of meeting or public assembly, including school buildings under the control of any board, council, commission, committee, including joint committees, or agencies of Ingham County or any political subdivision of the State of Michigan, to the extent such location is subject to the jurisdiction of Ingham County.
12. Waiting rooms, hallways, wards and semi-private rooms of health facilities, including, but not limited to, hospitals, clinics, physical therapy facilities, doctors' offices, and dentists' offices.
13. Lobbies, hallways, and other common areas in : hotels, motels, multiple-tenant office buildings and malls, apartment buildings, condominiums, trailer parks, retirement facilities, nursing homes, and other multiple-unit residential facilities.
14. On the premises of child care centers and child care institutions.
15. On the premises of family and group day care homes for children during hours of operation of the family and group day care homes.

B. Requirements for Protecting Air Quality in Restaurants, Bars and other Food Service Establishments, which have Designated Smoking and Nonsmoking Areas

1. Notwithstanding any other provisions of this regulation, any restaurant, bar and/or other food service establishment covered by Section 333.12905 of the Michigan Public Health Code, 1978 P.A. 368, as amended, shall be required to protect the air quality in any areas of said establishment designated for nonsmokers, pursuant to the following provisions:

(a) Establishments covered by this section shall be required to make application to the Ingham County Health Department for a Food Service Establishment License as part of the Plan Review Process. Said application shall set forth measures to protect air quality in nonsmoking areas of said establishment, including the procedures the establishment will follow, to assure that nonsmoking areas are free of environmental tobacco smoke, and describing any systems or equipment that will be utilized for this purpose and the maintenance program for said equipment.

(b) The Ingham County Health Department shall review said application and shall issue a food service establishment license upon determination that the measures and procedures set forth in said application are expected to protect against contamination from secondhand smoke in non-smoking areas, and that there exist reasonable means to verify that the proposed measures and procedures are being followed.

(c) An application that states that all areas of the establishment are to be nonsmoking, and that meet the requirements for licensing, shall be deemed sufficient for the issuance of the food service establishment license.

Sec. 1006. Application of Regulation

Notwithstanding any other provision of this regulation, any owner, operator, manager or other person who controls any establishment or facility may declare that entire establishment or facility as a nonsmoking establishment. This applies to governmental offices of and in Ingham County.

Sec. 1007 Prohibition of Smoking in Places of Employment

A. It shall be the responsibility of employers to provide a smoke-free worksite as set forth in this regulation.

B. Notwithstanding any other provision of this regulation, an employer may designate a smoking room for employees, provided such area is a separate enclosed area and is separately ventilated so that smoke does not enter other non-smoking areas of the worksite; and, further provided that the employer shall simultaneously designate an equivalent non-smoking room for employees. The provisions of this section do not include municipal or other governmental employers.

C. Within 90 days of the effective date of this regulation, each employer having an enclosed place of employment located within Ingham County shall adopt, implement, make known and maintain a written smoking policy. If a current policy does not exist, the policy shall contain, at a minimum, the following wording:

Smoking is prohibited in all enclosed areas within this worksite except in designated areas. This includes common work areas, auditoriums, classrooms, conference and meeting rooms, private offices, elevators, hallways, medical facilities, cafeterias, employee lounges, stairs, restrooms, employer owned vehicles, and all other enclosed facilities.

D. The smoking policy shall be communicated to all current employees at least three (3) weeks prior to its effective date, and at the time of employment of all other employees.

E. All employers shall supply a written copy of the smoking policy upon request to any existing or prospective employee.

Sec. 1008 Where Smoking is Not Regulated

A. Notwithstanding any other provision of this regulation to the contrary, the following areas shall not be subject to the smoking restrictions of this regulation.

1. Private residences, except when used as a child care, health care facility or adult day care facility.

2. Hotel and motel rooms rented to guests.

3. Tobacco specialty stores.

4. Hotel and motel meeting rooms or assembly halls while these places are enclosed areas, and being used for private functions.

5. A worksite used by a single business owner which does not ordinarily have public or employee interactions at the site, and does not share a ventilation system with any other worksite.

Sec. 1009. Posting of Signs

A. "No Smoking" signs or the international "No Smoking" symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it) shall be clearly, sufficiently and

conspicuously posted where they can be observed by all persons entering the building. The signage shall be posted by the owner, operator, manager or other person having control of such building or other area.

B. Every public place where smoking is regulated shall have signs posted clearly, stating where smoking is prohibited.

C. All ashtrays and other smoking paraphernalia shall be removed from any area where smoking is prohibited by this regulation by the owner, operator, manager or other person having control of such area.

D. The Health Department shall provide a supply of standard signage which shall be available at cost.

Sec. 1010. Enforcement

A. Enforcement for Public and Private Worksites

1. Enforcement of this regulation shall be implemented by the Health Officer, or his or her designee.

2. Notice of the provisions set forth in this regulation shall be given to all applicants for a business license in Ingham County.

3. Any citizen who desires to register a complaint under this chapter may initiate enforcement through the Health Officer, or his or her designated staff. However, if the complaint is against an employer, the employee shall first exhaust internal procedures.

4. The Health Department or the Fire Department shall require, while an establishment is undergoing otherwise mandated inspections, a "self-certification" from the owner, manager, operator or other person having control of such establishment that all requirements of this regulation have been complied with.

5. Any owner, manager, operator or employee of any establishment regulated by this regulation shall inform persons who are violating this regulation.

6. After exhausting an employer's internal procedures and the Health Department Administrative Rules, a private citizen may bring legal action against any employer to enforce this regulation.

B. Enforcement for Restaurants, Bars and other Food Service Establishments

1. In addition to any other provisions of this regulation, as it applies to any restaurant, bar, and/or other food service establishment covered by Section 333.12905 of the Michigan Public Health Code, 1978 P.A. 368, as amended, the enforcement of this regulation shall be implemented as follows by the Health Officer in order to ameliorate the problem of contamination of air in non-smoking areas of restaurants, bars and other food services establishments in which smoking is allowed in other areas.

2. Inspection of food service establishments for the purposes of determining compliance with this regulation may be made by the Ingham County Health Department staff during routine food services inspections or as a separate Clean Air Regulation inspection, announced or unannounced, or in response to a citizen complaint.

3. In designating a smoke-free area, it is the business owner's responsibility to assure that areas designated as smoke-free are free of environmental tobacco smoke. The Ingham County Health Department will evaluate the smoke-free areas; this may require evaluation by a PE Mechanical Engineer, to ascertain the effectiveness of procedures, equipment or systems used to contain secondhand smoke.

4. If upon inspection of an establishment the Health Officer determines that a nonsmoking area of the establishment is contaminated by tobacco combustion byproducts, the Health Officer shall require the implementation of such measures as necessary to ensure a smoke-free area and suspend the food service establishment license until such measures are implemented.

Sec. 1011. Nonretaliation

No person or employer shall discharge, refuse to hire or in any manner retaliate against any employee, applicant for employment, or customer because such employee, applicant, or customer exercises any right to a smokefree environment afforded by this regulation.

Sec. 1012. Violations and Penalties

A. It shall be unlawful for any individual who owns, manages, operates or otherwise controls the use of any premises subject to jurisdiction under this regulation to fail to comply with any of its provisions.

B. It shall be unlawful for any individual to smoke in any area where smoking is prohibited by the provisions of this regulation. Any individual violating this section shall be subject to a warning and shall be required to leave the premises if she or he refuses to extinguish smoking materials.

C. Any individual who owns, manages, operates or otherwise controls the use of any premises subject to jurisdiction under this regulation and on whose premises a violation of any provision of this regulation occurs shall be guilty of an infraction, punishable by:

1. A warning citation for a first violation.

2. A fine not exceeding one hundred dollars (\$100) for a second violation within one (1)-year from a finding of the first violation, provided that adequate time has elapsed between the first and second violation for the alleged violator to have received notice of the first violation.

3. A fine not exceeding two hundred dollars (\$200) for a third violation of this regulation within one (1) year from a finding of the first violation.

4. A fine not exceeding five hundred dollars (\$500) for each additional violation of this regulation within one (1) year from a finding of the first violation.

D. Within twenty (20) days after receipt of a citation issued under this section, the alleged violator may appeal the citation as provided in Section 2462 of the Michigan Public Health Code, 1978 P.A. 368, as amended. Further appeals, as provided by statute, may be to the Ingham County Board of Health, or a committee thereof.

E. Notwithstanding the existence and pursuit of any other remedy, the Health Officer or his/heir designee, without posting bond, may maintain an action in a court of competent jurisdiction for an injunction or other process against any person to restrain or prevent a violation of this regulation.

F. After exhausting an employer's internal procedures and the Health Department Administrative Rules, an employee or private citizen may bring legal action against an employer to enforce this regulation.

Sec. 1013. Public Education

The Ingham County Health Department shall engage in a continuing program to explain and clarify the purposes and requirements of this regulation to citizens affected by it, and to guide owners, operators and managers in their compliance with it. Such program may include publication of a brochure for affected businesses and individuals explaining the provisions of this regulation.

Sec. 1014. Other Applicable Laws

This regulation shall not be interpreted or construed to permit smoking where it is otherwise restricted by other applicable laws.

Sec. 1015. Severability

If any provision, clause, sentence or paragraph of this regulation or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect the other provisions of this regulation which can be given effect without the invalid provision or application, and to this end the provisions of this regulation are declared to be severable.

Sec. 1016. Effective Date

A. Effective Date for Public Private Worksites

1. This regulation shall be effective ninety (90) days from and after the date of its adoption and effect all public and private worksites, unless the employer provides written notification within ninety (90) days from the effective day of the regulation to the Health Officer requesting a hardship extension. Hardship extensions of up to one (1) year may be granted at the discretion of the Health Officer.

2. The adoption date of this Amended Regulation will not affect the policies of public and private worksites.

B. Effective Date for Food Service Establishments

1. Notwithstanding any other provisions of this section, the following provisions of this subsection shall apply to restaurants, bars and other food services establishments:

(a). This regulation shall be effective ninety (90) days from and after its adoption and affect all new construction and to extensive remodeling that requires a "Plan Submission Approval" as outlined in the Michigan Food Law by the Michigan Department of Agriculture.

(b) Five years after the initial effective date of this regulation, all existing food service establishments which exceed the lowest Renewal License category established for food service establishments by the Ingham County Health Department's Bureau of Environmental Health will be regulated.

(c) Any establishment claiming financial hardship may apply for a single five (5) year exemption. Such exemption shall be granted by the Ingham County Board of Health after the business has complied with the regulation for no less than one-year. The Ingham County Board of Health must concur that the business has suffered loss of business based on their compliance with this regulation. An exemption may be granted conditioned upon the applicant implementing specific measures or procedures set forth by the Ingham County Health Department to reduce air contamination from secondhand smoke which falls short of full compliance with this regulation.

(d) Ten years after the initial effective date of this regulation, all food service establishments within Ingham County will be regulated.

Issues raised by the Human Services Committee at its May 14, 2007 meeting
Draft August 6, 2007

1) Need an amendment to the present worksite regulation that includes #14 and #15 on p. 4.

The amendment is not necessary as the Regulation was amended in 2002 to include this language.

2) What exactly is the operating permit? Does it allow a restaurant to permit smoking? If so, why would we then issue a permit to a completely nonsmoking restaurant?

The language in the new draft of the regulation was amended to clarify this point. The Food Services Establishment (FSE) License is what will be issued.

3) Estimate the time required to review applications for an operating permit and the administrative time to issue the permits. What might be the fee for this permit?

There are currently several points to “Plan Review” to acquire a FSE License. Approval for an entire “Plan Review” will take an average of 2.0 hours and would cost on average \$189.00. Each additional hour is currently rated at \$89/hour. The smoke-free section review would be an additional component within the existing Plan Review. It is estimated that this review would take an additional one-half hour.

4) Determine the number of “smoking” complaints we receive from FSEs.

There have been several calls into the Health Promotion office regarding smoking in restaurants and bars, asking why smoking is allowed. While these calls are not tracked, we would estimate 20 contacts in the past year complaining about smoking in restaurants and bars.

There have been two formal complaints in the last year, related to the current smoking sections not complying with state-laws. One complaint involved smoking in the restaurant’s break room and offices. The corporate office informed ICHD staff that company policy permitted smoking in break rooms and offices. This was not a complaint that was enforceable under the Ingham County regulation. The second complaint concerned smoking in the bathroom, vestibule, and other undefined smoking sections and involved a violation of state law. Since the Environmental Health Division can enforce state laws, this complaint was referred to EH. The complainant did not follow through with EH so no action was taken.

5) Find three restaurants with greater than \$750,000 in annual revenues where there are smoking and nonsmoking areas and estimate the renovation costs that would be needed to bring them into compliance with the proposed regulation.

When looking at restaurants with annual revenues greater than \$750,000, a renovation to comply with the regulation would be very expensive, about \$200,000 to \$250,000 depending on square footage. For new construction the cost for design would be minimal while installation costs for additional equipment and space is estimated at \$50,000, assuming that a separate heating and cooling system would be installed for the smoking and smoke-free section. This information was provided by two local design firms: Matrix Consulting Engineering and Architectural Solutions.

6) Look at ways other than, or in addition to, plan review that would trigger the need to comply with the regulation.

Initially it was suggested that renovations to comply with the Americans with Disabilities Act could be the “trigger” for complying with the regulation. However, since these types of renovations do not necessarily require the involvement of the Environmental Health Division, they would not be a reliable “trigger.”

There are other ways that could be considered to trigger compliance with the regulation: license renewal, license transfer, license suspension, temporary closure for a minimum period, and any remodeling that affects the number of seats. Because of the phased-in nature of the regulation, “plan review” is recommended as the trigger for compliance.

7) Determine the hourly rate to hire a PE Mechanical Engineer and roughly the amount of time they would need to design or review a system that meets the regulation’s standards.

PE Mechanical Engineers charge \$110 to \$120 per hour. The PE Mechanical Engineer would not design a job or renovation, but would advise designers in their firm. It is estimated that designing or reviewing a system would be 2-6 hours based on the complexity of the job. (See Section 1010 B. (3) for reference to PE Mechanical Engineer.)

8) Determine the legality of the violations and penalties section; that is, is it legal to suspend smoking at the restaurant? Or do we need a different penalty (eg fines)?

Based on the opinion of the County Attorney, Section 1012 Violations and Penalties subsection G was removed from the regulation proposal. Fines are recommended as the only penalty for this regulation.

9) Part 4, page 9. Do something with the word “impossible.” Is “economically feasible” an option? Find a practical way to establish a threshold using, for example, the renovation costs divided by the restaurant’s gross annual sales (past 5 years)? If this quotient exceeded the threshold, then the renovation costs would be considered economically unfeasible.

A threshold could be established by dividing the costs of renovation to comply with the proposed regulation by the FSE's gross annual sales. An arbitrary decision would need to be made to determine what cost/sales rate is economically feasible. For example, renovation costs of \$50,000/sales of \$750,000 would yield a .06 ratio of cost/sales while \$50,000 cost/sales of \$250,000 would result in a cost/sales ratio of .20.

Alternatively, a FSE which believes the costs to comply with the proposed regulation are burdensome, could be asked to become smoke-free for a one-year trial period. After that year, the owner would be asked to demonstrate that business had declined significantly and that the decline was not part of a slow business cycle or related to an already declining revenue trend. An arbitrary decision would need to be made to establish a level of decline in sales that would demonstrate hardship. If these criteria were met, the Board of Health could grant one five-year extension.

10) How would the advocacy community (e.g. Lung Association) respond to this regulation? Are they for a total ban on smoking or nothing at all? What is their take on bills in the legislature or the likelihood of a potential ballot initiative?

There are currently three smoke-free air bills in the House and Senate. These bills have an uncertain future. The Ingham County Board of Health passed a resolution supporting a Statewide Smoke-Free Air Law at their April 10, 2007 Meeting. The Ingham County Board of Commissioners passed the same Resolution at their June 19, 2007 special meeting. Michigan health advocates do not have the funds necessary for a ballot initiative at this point in time. That strategy has been discussed for several years, but the cost is larger than current resources.

11) Is there a way to measure smoke from the smoking section to the nonsmoking area using some other metric, such as some non-toxic, traceable gas?

There are two potential tracer gas options, Carbon Dioxide (CO₂) and Sulfur Hexafluoride (SF₆), both of which are non-toxic and non-hazardous, except for oxygen displacement. CO₂ has been approved by the National Sanitation Foundation (NSF) for use in restaurants to test kitchen ventilation hoods. CO₂ has also been used in research, but it has not been used in occupied food service establishments to analyze overall air ventilation systems. SF₆ has not been approved by the NSF for use in food service establishments. CO₂ detectors are readily available and cheap; SF₆ is very expensive. CO₂ has many background sources (people, grills, furnaces, traffic emissions) while SF₆ does not. There are no published guidelines for use of either tracer gas for whole building evaluation.

12) Why did we exempt bowling alleys and bingo halls?

Bowling alleys are licensed food services establishments and will be included in the proposed regulation. It has also been determined that bingo halls will be covered under the new proposed regulation. The proposed regulation will help prevent situations such as the one in which an asthmatic child and her family threatened ADA action against a

school which had been permitting smoking during bingo games held on site. ICHD staff negotiated a smoke-free bingo policy at the school in lieu of litigation.

13) How do we keep smoke from crossing into the kitchen if the kitchen is maintained under negative pressure?

The regulation does not attempt to protect employees from passive smoke exposure. It is likely that dining room air will be drawn into the kitchen based on the kitchen being under negative air pressure.

14) Arrange a special meeting of the BOH in June to review these changes.

The meeting took place on Tuesday, June 19 and relevant discussion comments from the meeting have been incorporated into this document.



Citizens for Alternatives to Chemical Contamination

Member of the Michigan Environmental Council and
Earth Share of Michigan
8735 Maple Grove Road, Lake, Michigan 48632-9511
Voice and Fax: 989-544-3318

*Chapter Organizations:
Huron Environmental Activist League*

July 17, 2007

To the Ingham County Board of Commissioners,

Protect the Health of our Waters and Communities – Stop Bad CAFO Bills!

Due to the serious impacts to Michigan's community health and to water and air quality that confined animal feeding operations (CAFOs) present, Citizens for Alternatives to Chemical Contamination (CACC) is sending the enclosed resolution regarding these CAFOs, which was passed at our June General Membership Meeting, to the Michigan Township Association (MTA), the Michigan Association of Counties (MAC), individually to each Michigan County and to Governor Granholm.

CACC is sending this resolution to you at this time, because there is current legislation, passed by the Michigan Senate, which now presents to the Michigan House of Representatives for legislative action. These bills, Senate Bills 447, 448, 501, 503, and 504 - as currently written, and with all tie-barred to SB 504 - were passed without regard for protection of human or animal health, or protection of our waters - including drinking water, healthy beaches, healthy waterways for fish or other aquatic life - and without regard for protection of our food supply.

The CAFOs and their advocates would like Michigan's citizens to believe that they are the same as the farms we grew up with. They are not. Michigan has over 53,000 farmers, most of whom are responsible stewards of the land. **Only about 200 of these 53,000 farms are designated as CAFOs. These overcrowded, massive operations are nothing like traditional family farms.**

The amount of animal wastes produced by these immense "animal factories" is not in the same league as that produced by animals raised on traditional family farms. Thousands of animals are crowded into unhealthy conditions - some for their entire lives. They seldom, if ever, leave the confines of their buildings. They produce enormous amounts of solid and liquid wastes that, due to economics, must be stored in vast lagoons nearby. Such massive amounts of untreated manure, poison the soil and the air, sicken nearby neighbors, who are exposed to dangerous amounts of hydrogen sulfide gas, ammonia and methane in a never-ending stench. These wastes often breach their containments to flow to groundwater and surface water, devastating aquatic life in connecting waterways, and threatening human health downstream by contaminating drinking water and local beaches. This is diametrically different from the amounts of manure spread on adjacent fields by a traditional family farmer.

To illustrate, a CAFO with 3,000 cows produces the equivalent untreated fecal matter of a city of 60,000 people or more! If these immense CAFOs were municipalities, they would be required by law to treat this waste before it went downstream.

There have been documented spills of manure from CAFOS that have spread *e coli* and other dangerous pathogens to drinking water and beaches of downstream communities. *Cryptosporidium*, a pathogen responsible for over 100 deaths and over 400,000 sick people in Milwaukee, Wisconsin in the early 1990s, has been found downstream of CAFOs in Lenawee County, in waters leading to the Raisin River, which supplies drinking water for several communities.

These bills were crafted with the intent to allow most of these immense "factory farms" to escape regulation. The Michigan Department of Environmental Quality requires water quality permits of just 60 of Michigan's roughly 200 CAFOs today. A voluntary program called Michigan Agriculture Environmental Assurance Program (MAEAP) was allowed by EPA as a trial program to see how it compared to a permit program, with most CAFOs being under voluntary oversight. **Both MDEQ and EPA have publicly stated that MAEAP does not protect the environment as well as the permits.** These bills were on a fast-track because July 1st was the deadline for over 120 CAFOs that were under the MAEAP, that would have to apply for a first-ever permit.

These bills would effectively deregulate most CAFOs in Michigan and install a largely voluntary program for pollution control. The state would have little control over the pollution from these giant CAFOs, or over conditions for either workers or animals at these CAFOs - conditions that allow for huge amounts of animal waste to overflow into our streams and rivers - air and water pollution, that can seriously sicken and kill human beings. CAFOS are less than one-half of one percent of the total number of Michigan farms, yet the pollution they produce is staggering. CAFOs continue to be built in our state because Michigan's lack of regulations makes us an easy target.

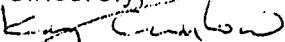
These bills are a shameful endorsement of big money riding roughshod over the health of our countryside, our waterways, our citizens and our food supply. Smaller family farms are forced to compete against these huge factory farms, that cut critical health and safety measures to make a quick buck. Consider the legacy of sick animals, sick humans, impaired watersheds and an unhealthy food supply that these massive CAFOs produce.

We urge you to contact the chairman of the House Agriculture Committee (Representative Jeff Mayes) and ask him to stop these bills that do not promote sustainable, healthy agriculture in the rich tradition of Michigan farmers. Representative Mayes may be reached at: 1-866-737-0096. Thank you to those Michigan Counties who have recognized the serious health and environmental problems that these huge CAFOs have brought the citizens of Michigan, and sought action on these issues.

CACC is one of forty organizations calling on the Michigan legislature to enact a moratorium on new and expanding CAFOs in Michigan until they can be regulated in a way that protects public health and the environment. Please see our attached resolution on CAFOs passed at CACC's General Membership Meeting in June of this year.

Citizens for Alternatives to Chemical Contamination (CACC) is a grassroots environmental education and advocacy organization dedicated to the principles of social and environmental justice and protection of the Great Lakes Ecosystem. The majority of CACC's members reside in Michigan.

Sincerely,



Kay Cumbow, (Member, Advisory Committee to the Board,) and the CACC Board of Directors,
Citizens for Alternatives to Chemical Contamination
8735 Maple Grove Road,
Lake, Michigan 48632-9511



Citizens for Alternatives to Chemical Contamination

Member of the Michigan Environmental Council and
Earth Share of Michigan
8735 Maple Grove Road, Lake, Michigan 48632-9511
Voice and Fax: 989-544-3318

*Chapter Organizations:
Huron Environmental Activist League*

Resolution Regarding CAFOs in Michigan

Whereas Citizens for Alternatives to Chemical Contamination is a grassroots environmental education and advocacy organization dedicated to the principles of social and environmental justice and protection of the Great Lakes Ecosystem; and

Whereas over one-half of U.S. livestock are now concentrated on five percent of livestock farms, and these concentrated animal feed operation (CAFOs) generate an estimated 575 billion pounds of animal manure yearly, with byproducts and materials that are a serious threat to human health, including (according to the American Public Health Association,) heavy metals, antibiotics, pathogen-bacteria, nitrogen and phosphorus, dust, and mold, among others; and

Whereas, huge amounts of manure are produced at these CAFOs and, due to economics, typically stored in lagoons, open or closed pits and later sprayed untreated on nearby fields; and

Whereas runoff from these fields can be carried by surface waters and affect water quality, including drinking water and area beaches; and

Whereas epidemiologists have linked several outbreaks of serious illness and death to pathogens from this manure waste from CAFOs; and,

Whereas Michigan's existing laws governing CAFO siting and operation are far too weak to protect public health and the environment; and

Whereas the DEQ lacks the necessary resources to monitor CAFO performance and impacts to air, water and public health; and

Whereas under the Right to Farm Act, local governmental planning and zoning units are severely restricted in their abilities to control CAFOs or the pollution they generate,

Therefore, Citizens for Alternatives to Chemical Contamination resolves that we support:

1. Immediate enforcement of the Natural Resources and Environmental Protection Act (NREPA) PA 451

2. A temporary moratorium on all construction on CAFOs in Michigan until the Right to Farm Act is amended to comply with the Natural Resources and Environmental Protection Act, PA 451
3. Acknowledgement of the established right of local government planning and zoning units to regulate CAFOs through planning and local ordinances
4. Comprehensive permitting and rigorous DEQ oversight of all new and existing CAFOs

Be it further resolved that a copy of this resolution be forwarded to Governor Granholm, to the Michigan Association of Counties, and the Michigan Township Association, and to each County Commission in the state of Michigan.

This resolution was passed unanimously at CACC's General Membership Meeting, Lansing, Michigan, June 10th, 2007.