

- 1. A Regular Meeting of the Monroe County Board of Commissioners was held in the City of Monroe on Tuesday, March 22, 2011, the meeting was called to order by Vice-Chairman Sisk at 7:00 p.m. Roll call by Clerk as follows:

Table with 3 columns: PRESENT, ABSENT, and names of commissioners. Present: Henry Lievens, David Hoffman, Stephen Bell, Daniel Donahue. Absent: LaMar Frederick (excused). Other names: William Sisk, Jerry Oley, Mary O'Neill, Jason Sheppard.

A quorum being present, the Board proceeded to transact business.

- 2. Commissioner Jerry Oley led the Pledge of Allegiance.
3. Vickie Koczman, Deputy Clerk, Monroe County Board of Commissioners led the Opening Prayer.
4. Motion by Commissioner Sheppard to approve the Agenda for the Tuesday, March 22, 2011, Regular Meeting as amended. Supported by Commissioner Hoffman. Roll call by Clerk as follows:

Table with 3 columns: AYES, NAY, ABSENT and names of commissioners. Ayes: Henry Lievens, David Hoffman, Stephen Bell, Daniel Donahue. Nays: William Sisk, Jerry Oley, Mary O'Neill, Jason Sheppard. Absent: LaMar Frederick (excused).

Motion carried.

- 5. Motion by Commissioner Sheppard to approve the Minutes for the Tuesday, March 8, 2011, Regular Meeting and waive the reading of the minutes. Supported by Commissioner Hoffman.

Motion carried.

- 6. Resolutions, Special Tributes & Presentations –

Presentation by April Corie, Community Development Coordinator, Monroe County Substance Abuse Coalition.

Ms. Corie introduced the 2011 Dundee Middle School Tobacco Prevention Leadership Team; Kadee Rutkowske, Breven Phillips, Madison Maviglia, Kylie Justice, Paige Nolan, Dominique D'Anna, Trevor Campbell, Alyssa McDonald and Milly Tacket.

- 7. Resolution recognizing April, 2011, as Smoke Free Awareness Month.

WHEREAS, statistics provided by the Michigan Department of Community Health show that every year in Michigan over 1,740 non-smokers die as a result of exposure to second-hand smoke; and,

WHEREAS, in 2007, 257 (19.8%) of the 1,293 deaths in Monroe County were due to tobacco-related illness, of those 30 were non-smokers exposed to second-hand smoke; and,

WHEREAS, tobacco kills more people in Monroe County than AIDS, alcohol, auto accidents, cocaine, heroin, murders and suicides combined; and,

WHEREAS, smoking related health care costs for Monroe County Michigan are \$53.3 million dollars a year, \$17.2 Million of which are paid by Medicaid; and,

WHEREAS, the tax burden to each household in Monroe County to pay for smoking-related costs at the State and Federal level is \$614 per household; and,

WHEREAS, the *American Journal of Preventive Medicine* reports that secondhand smoke exposure alone is estimated to cause between 38,100 and 128,900 heart attacks each year in the United States; and,

WHEREAS, the American Institute of Medicine reports dramatic reductions (ranging from 6% - 47%) in heart attacks in communities with smokefree laws in place; and,

WHEREAS, the Smoke-Free Air Law, prohibiting smoking in certain public places including restaurants, bars, bowling alleys, and in certain places of employment went into effect for the State of Michigan on May 1, 2010; and,

WHEREAS, the Monroe County Substance Abuse Coalition, a collaborative prevention initiative, funded by a Drug Free Communities grant from the US Substance Abuse and Mental Health Services Administration, is committed to tobacco prevention and cessation strategies in Monroe County; and,

WHEREAS, the Dundee Middle School Tobacco Prevention Leadership Team is sponsoring a Dangers of Tobacco campaign during the month of March 2011, including a rally against the "Big Tobacco Industry" on National Kick Butts Day March 23, 2011; and now therefore be it,

NOW, THEREFORE, BE IT RESOLVED, that on this 22<sup>nd</sup> Day of March, 2011, the Monroe County Board of Commissioners, Monroe County Michigan, do hereby proclaim April 2011 as Smoke Free Air Month for Monroe County Michigan.

Motion by Commissioner, Dr. Stephen Bell to adopt the resolution recognizing April, 2011, as Smoke Free Awareness Month. Supported by Commissioner, Dr. Daniel Donahue. Roll call by Clerk as follows:

| AYES           | NAY            | ABSENT          |
|----------------|----------------|-----------------|
| Henry Lievens  | William Sisk   | LaMar Frederick |
| David Hoffman  | Jerry Oley     | (excused)       |
| Stephen Bell   | Mary O'Neill   |                 |
| Daniel Donahue | Jason Sheppard |                 |

Motion carried.

8. Resolution seeking state solutions to local disputes over funding for border-forming roads read:

WHEREAS, the Monroe County road network consists of many public roads that require ongoing repair, maintenance and upgrades; and

WHEREAS, citizens and businesses rely daily upon our road system for personal and commerce related transportation; and

WHEREAS, virtually all of those entities that have responsibility for maintaining roads are suffering constrained budgets; and

WHEREAS, in numerous instances, roads form the borders between two political jurisdictions that must share the costs for their maintenance; and

WHEREAS, recent experience has shown that in many such cases, bordering jurisdictions are unable to agree upon cooperative funding strategies for these border-forming roads; and

WHEREAS, the State of Michigan Department of Transportation, under Public Act 51 of 1951, has ultimate authority over road funding and issues.

NOW, THEREFORE, BE IT RESOLVED, that the Monroe County Board of Commissioners seeks a State solution or solutions to these disputes regarding funding of border-forming roads; and

BE IT FURTHER RESOLVED, that on this 22<sup>nd</sup> day of March, 2011, the Monroe County Board of Commissioners requests that the State of Michigan investigate this problem, with the ultimate goal of using State resources, expertise and authority to seek creative solutions to the problem of cooperation in the funding of border-forming roads and possibly act as an additional funding source, in order to keep our road system in good repair; and

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to State Senator Randy Richardville, State Representative Dale Zorn, State Representative Rick Olson, Michigan Association of Counties and 82 county clerks.

Motion by Commissioner Lievens to adopt the resolution seeking state solutions to local disputes over funding for border-forming roads. Supported by Commissioner Hoffman. Roll call by Clerk as follows:

| AYES           | NAY            | ABSENT          |
|----------------|----------------|-----------------|
| Henry Lievens  | William Sisk   | LaMar Frederick |
| David Hoffman  | Jerry Oley     | (excused)       |
| Stephen Bell   | Mary O'Neill   |                 |
| Daniel Donahue | Jason Sheppard |                 |

Motion carried.

9. The following items were listed under Consent Agenda:
  - A. Finance Committee Report (03/08/11)
    1. The Finance Committee recommends to the full board to adopt the proposed 2012 – 2013 budget calendar.

B. Finance Committee Report (03/22/11)

1. The Finance Committee recommends to the full board to approve the 03/23/11 Accounts Payable Current Claims Report in the amount of \$345,990.15.

C. Approval of Non-Claims Against the County:

1. Check Register dated 03/11/11 in the amount of \$498,227.97.
2. Check Register dated 03/18/11 in the amount of \$558,163.12.

Motion by Commissioner Bell to approve the Consent Agenda as presented. Supported by Commissioner Hoffman. Roll call by Clerk as follows:

| AYES           | NAY            | ABSENT          |
|----------------|----------------|-----------------|
| Henry Lievens  | William Sisk   | LaMar Frederick |
| David Hoffman  | Jerry Oley     | (excused)       |
| Stephen Bell   | Mary O'Neill   |                 |
| Daniel Donahue | Jason Sheppard |                 |

Motion carried.

10. Consideration of entering into a consulting service agreement with Kushner & Company as the county's employee benefit counselor.

The agreement has been reviewed by County legal counsel and is acceptable.

Motion by Commissioner Donahue to enter into a consulting service agreement with Kushner & Company as the county's employee benefit counselor to perform an analysis of the county's health care and retiree health care benefits not to exceed \$91,350; with the cost of the health care portion of the analysis from the health care fund and the retiree portion of the analysis from the retiree health care fund. Supported by Commissioner O'Neill. Roll call by Clerk as follows:

| AYES           | NAY            | ABSENT          |
|----------------|----------------|-----------------|
| Henry Lievens  | William Sisk   | LaMar Frederick |
| David Hoffman  | Jerry Oley     | (excused)       |
| Stephen Bell   | Mary O'Neill   |                 |
| Daniel Donahue | Jason Sheppard |                 |

Motion carried.

11. Consideration of ratifying the 38<sup>th</sup> Judicial Circuit Court/Family Division and the UAW/Youth Center Shift Supervisors (4 employees) employee contract effective January 1, 2011 through December 31, 2012.

Motion by Commissioner Oley to ratify the 38<sup>th</sup> Judicial Circuit Court/Family Division and the UAW/Youth Center Shift Supervisors (4 employees) employee contract effective January 1, 2011 through December 31, 2012. Supported by Commissioner Sheppard. Roll call by Clerk as follows:

AYES

NAY

ABSENT

Henry Lievens  
David Hoffman  
Stephen Bell  
Daniel Donahue

William Sisk  
Jerry Oley  
Mary O'Neill  
Jason Sheppard

LaMar Frederick  
(excused)

Motion carried.

12. Discussion of Blue Cross Blue Shield administrative fees.

Commissioner Lievens stated he is watching the issue of counties that have been overcharged and introduced Liza Favaro, Giarmarco, Mullins & Horton, P.C.

Ms. Favaro noted the following:

- In 1994, Blue Cross Blue Shield began adding an undisclosed fee, called the “ASC Access Fee,” to most hospital claims of self-insured employers
- The Plan – BCBSM was losing customers because of its high cost. The Plan was to hide the cost. A memorandum from a BCBSM officer to the CEO stated, “The billing of these amounts to customers was an add-on to the bill, highlighted for all to see” and, therefore, “BCBSM has been its own worst enemy.” The solution: add the fees onto hospital claims where they will “no longer be visible to the customer.”
- Plan Worked – The Plan worked. The ASC Access Fee is invisible – does not appear in claims listings, quarterly statements or any other report. Your staff could not find these fees.
- BCBSM’s Argument – BCBSM says the ASC Access Fee was disclosed by the following language in annual renewal documents: “Hospital claims cost will reflect certain charges for provider network access, contingency and other subsidies as appropriate.” Meaningless!
- How We Discovered The Hidden Fee – Oakland County detected the ASC Access Fee when the language of its annual renewal was changed in 2007.
- Fees Are Large – ASC Access Fees are about 3% of total claims. For example, in 2007, Oakland County paid \$2.2 million in disclosed administrative fees and an additional \$1.7 million in secret ASC Access Fees!
- The Goal – Recover as much of past ASC Access Fees as possible; make sure the contract is completely transparent going forward.

Ms. Favaro stated Giarmarco, Mullins & Horton, P.C., has successfully handled cases, BCBS has not disclosed ASC Access Fees since 1994, Monroe County pays claims, BCBSM pays providers on behalf of Monroe County, BCBSM then pays themselves ASC Access Fees, Monroe County was charged between \$2 and \$2.2 million in access fees and BCBSM is filing counter claims.

Commissioner Lievens stated Giarmarco, Mullins & Horton, P.C., has spent much time researching the overcharges, he is confident in the firm and statute of limitations is approaching.

Commissioner Bell questioned how this is not fraud.

Ms. Favaro stated there is vague language in the contracts.

Commissioner Bell questioned if the case could be tried as criminal.

Ms. Favaro stated “probably not.”

Commissioner Sheppard questioned the cost of hiring the firm.

Ms. Favaro stated the firm could be hired on an hourly basis or on a contingency basis.

Commissioner Lievens suggested “riding the shirt tail of other counties” and Monroe County judges are “wonderful.”

Commissioner Sheppard stated he is glad Commissioner Lievens took the time to look into the allegations and noted he is in support of pursuing the matter.

Commissioner Donahue questioned the counties exposure.

Ms. Favaro stated the counter claim would be in effect if Monroe County wins, the worst scenario would be Monroe County loses and the case goes away and the best scenario would be Monroe County would receive 100 cents on the dollar and the counter claim would go away.

Commissioner Donahue questioned if the firm would pay if they lose the case.

Ms. Favaro stated it depends on the fee arrangement.

Commissioner Bell questioned if the firm could negotiate the rates; times are tough and money is precious; employees have been laid-off.

Ms. Favaro stated the pattern is not to negotiate rates; if negotiated rates with Monroe County, others would want the same.

Vice-Chairman Sisk stated the “clock is ticking fast” and we need to be on the fast track.

Commissioner Lievens questioned the deadline.

Ms. Favaro noted the limitation is on or before May 21, 2011.

Commissioner Lievens noted he considers this “fleecing” and stated he does not want to lose the \$2.2 million.

Commissioner O’Neill suggested contacting other municipalities to see if there have been any repercussions by BCBS.

Ms. Favaro reported BCBS is holding up payments, holding money hostage; refund checks and they have threatened to terminate their services; they have not done that yet.

Commissioner Bell suggested exploring the possibility of “dumping” BCBS and stated Monroe County has been defrauded; he would like to see them on the curb and questioned the repercussions of “dumping” BCBS.

Michael Bosanac, Director, Administrative Services stated he spoke with Midland County and questioned how they arrived at the dollar amount.

Commissioner Hoffman questioned how many cases the firm has represented in regards to health care issues.

Ms. Favaro stated there are 14-18 cases pending and the firm has represented several clients relating to health care issues.

Vice-Chairman Sisk applauded Commissioner Lievens for bringing this issue to the Board.

Motion by Commissioner Oley to refer the BSBS administration fee/ASC Access Fees matter to staff and legal counsel for a recommendation. Supported by Commissioner Hoffman. Roll call by Clerk as follows:

| AYES   | NAY  | ABSENT                       |
|--|--|------------------------------|
| Henry Lievens<br>David Hoffman<br>Stephen Bell<br>Daniel Donahue | William Sisk<br>Jerry Oley<br>Mary O'Neill<br>Jason Sheppard | LaMar Frederick<br>(excused) |

Motion carried.

Vice-Chairman Sisk suggested placing the matter on the Board's Agenda under Old Business until a decision is made by the Board.

13. Consideration of ratifying the 38<sup>th</sup> Judicial Circuit Court/Family Division and UAW, Local Union, West Side Local No. 174 Friend of the Court (17 employees) employee contract effective January 1, 2011 through December 31, 2012.

Motion by Commissioner Oley to ratify the 38<sup>th</sup> Judicial Circuit Court/Family Division and UAW, Local Union, West Side Local No. 174 Friend of the Court (17 employees) employee contract effective January 1, 2011 through December 31, 2012. Supported by Commissioner Sheppard. Roll call by Clerk as follows:

| AYES   | NAY  | ABSENT                       |
|--|--|------------------------------|
| Henry Lievens<br>David Hoffman<br>Stephen Bell<br>Daniel Donahue | William Sisk<br>Jerry Oley<br>Mary O'Neill<br>Jason Sheppard | LaMar Frederick<br>(excused) |

Motion carried.

14. Consideration of ratifying the County of Monroe and Police Officers Association of Michigan (POAM) Corrections Officers (63 employees) employee contract effective January 1, 2011 through December 31, 2012.

Motion by Commissioner Oley to ratify the County of Monroe and Police Officers Association of Michigan (POAM) Corrections Officers (63 employees) employee contract effective January 1, 2011 through December 31, 2012. Supported by Commissioner Bell. Roll call by Clerk as follows:

| AYES   | NAY  | ABSENT                       |
|--|--|------------------------------|
| Henry Lievens<br>David Hoffman<br>Stephen Bell<br>Daniel Donahue | William Sisk<br>Jerry Oley<br>Mary O'Neill<br>Jason Sheppard | LaMar Frederick<br>(excused) |

Motion carried.

15. Administrator's Report –

Royce Maniko, Administrator/Chief Financial Officer reported the following:

Dr. Rebecca Head is retiring from the County and has taken a position at the University of Michigan and spoke regarding the 2010 population forecast.

16. Members Time –

Commissioner Bell questioned when the Board will hold a workshop to discuss the 2011 Work Plan; he noted time is of the essence.

17. Motion by Commissioner Bell to adjourn. Supported by Commissioner Sheppard.

Motion carried.

18. The meeting was adjourned at 8:04 p.m.

R. LaMar Frederick, Chairman

Sharon D. Lemasters, Monroe County Clerk