

**TUSCOLA COUNTY BOARD OF COMMISSIONERS
MEETING AGENDA
TUESDAY, FEBRUARY 23, 2010 – 7:30 P.M.**

(Please Note Special Time for This Meeting)

**JUNIATA TOWNSHIP HALL
1971 S. Ringle Road
Caro, MI 48723**

207 E. Grant Street
Caro, MI 48723-1660

Phone: 989-672-3700
Fax : 989-672-4011

7:30 P.M. Call to Order – Chairperson Bardwell
Prayer – Commissioner Roggenbuck
Pledge of Allegiance – Commissioner Kern
Roll Call – Clerk White-Cormier
Adoption of Agenda
Action on Previous Meeting Minutes (See Correspondence #1)
Brief Public Comment Period
Consent Agenda Resolution (See Correspondence #2)
New Business
 -Discussion of Draft Airport Zoning Ordinance
 -RBEG Support Letter (See Correspondence #3)
 -Medical Care Facility Privacy Agreement (See Correspondence #4)
 -Hiring of MSU-Extension Parent Educator
Old Business
Correspondence/Resolutions

COMMITTEE AND LIAISON REPORTS

Committee of the Whole – FINANCE FOCUS (See Correspondence # 5)
Commissioner Peterson/Commissioner Bardwell

Other Business/On-Going Matters
Next Meeting Date Thursday, February 25, 2010 – 8:00 A.M.

Committee of the Whole – PERSONNEL FOCUS (See Correspondence # 5)
Commissioner Peterson/Commissioner Roggenbuck

Other Business/On-Going Matters
Next Meeting Date Thursday, February 25, 2010 – 8:00 A.M.

Committee of the Whole – BUILDING AND GROUNDS FOCUS (See
Commissioner Kern/Commissioner Petzold Correspondence # 5)

Other Business/On-Going Matters

Next Meeting Date Thursday, February 25, 2010 – 8:00 A.M.

COMMISSIONER LIAISON COMMITTEE REPORTS

ROGGENBUCK

Board of Public Works

Local Unit of Government Activity Report

Human Services Coordinating Council

MAC Judiciary & Public Safety Committee

Great Start Collaborative – Tuscola County

Parks & Recreation

NACo Agricultural Committee

NACo Rural Action Caucus

MAC Agriculture & Tourism

BARDWELL

Caro DDA

Brownfield Redevelopment Authority

Economic Development Corporation

Tuscola 2011

MAC Economic Development/Taxation

MAC 7TH District

Local Unit of Government Activity Report

Michigan Association of Counties – Board of Directors

NACo

KERN

Thumb Area Consortium

Human Development Commission

Health Board

Senior Services Advisory

Local Unit of Government Activity Report

Community Corrections Advisory Board

Behavioral Health Board

DHS/Medical Care Facility Liaison

PETERSON

Enterprise Facilitation
Human Development Commission

MEMS

Michigan Association of Counties – Aging Work Group
Michigan Association of Counties – Environmental

LEPC

NACo

Local Unit of Government Activity Report
Parks & Recreation
Dispatch Authority Board
County Planning Commission

PETZOLD

Recycling Advisory
Resource Conservation and Development District
Mid-Michigan Mosquito Control Technical Advisory Committee
Thumb Area Consortium

Multi-County Solid Waste

TRIAD

Local Unit of Government Activity Report
Road Commission
Health Board

Closed Session (If Necessary)

Other Business as Necessary

Extended Public Comment

Adjournment

Note: If you need accommodations to attend this meeting please notify the Tuscola County Controller/Administrator's Office (989-672-3700) two days in advance of the meeting.

CORRESPONDENCE

- #1 February 9, 2010 Full Board Minutes
- #2 Consent Agenda Resolution
- #3 Draft RBEG Support Letter
- #4 Medical Care Facility Privacy Agreement
- #5 February 11, 2010 Committee of the Whole and Statutory Finance Committee Minutes
- #6 February 4, 2010 Tuscola County Recycling Advisory Committee Minutes
- #7 January 22, 2010 Multi-County Recycling Solid Waste Task Force Minutes

DRAFT

**Tuscola County Board of Commissioners
February 9, 2010 Minutes
Courthouse Annex**

Chairman Thomas Bardwell called the meeting of the Board of Commissioners of the County of Tuscola, Michigan, held at the County Annex Building in the Village of Caro, Michigan, on the 9th day of February, 2010 to order at 8:05 o'clock a.m. local time.

Prayer by Commissioner Peterson
Pledge by Commissioner Kern

COMMISSIONERS PRESENT:

District #2 Thomas Bardwell, District #3 Tom Kern, District #4 Roy Petzold, District #5 Gerald Peterson

COMMISSIONERS ABSENT: District #1 Amanda Roggenbuck

10-M-025

Motion by Kern seconded by Peterson to adopt the agenda as amended.
Motion carried.

Pat Kaltenback and Robert Kendrick with Braun Kendrick & Finkbeiner appeared to express his firm's appreciation of the board's selection as the county's labor counsel.

10-M-026

Motion by Kern seconded by Peterson to approve the minutes of the 01/26/10 regular meeting. Motion carried.

Brief Public Comment - none

10-M-027

It was moved by Kern and supported by Petzold that the following Consent Agenda resolution be adopted:

CONSENT AGENDA

Agenda Reference: A

Entity Proposing: COMMITTEE OF THE WHOLE 1/28/10

Description of Matter: Move that per the information supplied by the Michigan Department of Treasury that the 2010 budgeted State Revenue Sharing be reduced from the original \$1,017,408 to \$985,000 and budgeted reserves be increased from \$411,661 to \$444,069 in order to off-set the reduced State Revenue Sharing payment from the state.

Agenda Reference: B

Entity Proposing: COMMITTEE OF THE WHOLE 1/28/10

Description of Matter: Move that per the January 25, 2010 memo from the Mosquito Abatement Director, authorize purchasing the specified treatment materials and corresponding quantities and charging them to the Mosquito Abatement Fund.

Agenda Reference: C

Entity Proposing: COMMITTEE OF THE WHOLE 1/28/10

Description of Matter: Move that as part of the re-banding process authorization is given for 911/Dispatch to implement the change to the Michigan Public Safety Communication System with dispatch funds budgeted in 2010 and 2011 to pay for all costs that are not paid by Sprint/Nextel.

Agenda Reference: D

Entity Proposing: COMMITTEE OF THE WHOLE 1/28/10

Description of Matter: Move that per the January 22, 2010 memo of request from the Circuit/Family Court Administrator, to approve the termination of the contract between Maximus, Tuscola County and Circuit/Family Court and authorize the letter of notification to be sent.

Agenda Reference: E

Entity Proposing: COMMITTEE OF THE WHOLE 1/28/10

Description of Matter: Move that per the January 22, 2010 memo of request from the Circuit/Family Court Administrator, to allow the Friend of the Court to enter into a new contract with MGT of America, Inc. in April 2010,

for all services previously held with Maximus, and authorize the Chairperson to sign.

Agenda Reference: F

Entity Proposing: COMMITTEE OF THE WHOLE 1/28/10

Description of Matter: Move that per the January 27, 2010 memo of request from the Circuit/Family Court Administrator, to authorize the budgetary/accounting changes from the General Fund to Friend of the Court Fund as required by the State for the administration of the Bench Warrant Enforcement program.

Agenda Reference: G

Entity Proposing: COMMITTEE OF THE WHOLE 1/28/10

Description of Matter: Move to amend the County Travel Meal Policy to allow the Internal Revenue Service meal rate for respective metropolitan areas when traveling to these locations.

Agenda Reference: H

Entity Proposing: COMMITTEE OF THE WHOLE 1/28/10

Description of Matter: Move to award labor counsel legal services to Braun, Kendrick and Finkbeiner, P.L.C. with service costs as delineated in their proposal.

Agenda Reference: I

Entity Proposing: COMMITTEE OF THE WHOLE 1/28/10

Description of Matter: Move to receive and place on file the 2009 County Treasurer Investment Report.

Agenda Reference: J

Entity Proposing: COMMITTEE OF THE WHOLE 1/28/10

Description of Matter: Move to approve the Mosquito Abatement Employee Handbook as prepared and presented at the January 28, 2010 Committee of the Whole meeting by the Mosquito Abatement Director.

Agenda Reference: K

Entity Proposing: COMMITTEE OF THE WHOLE 1/28/10

Description of Matter: Move to approve the out-of-state travel request from the Mosquito Abatement Director as identified in the January 27, 2010 memo.

Agenda Reference: L

Entity Proposing: COMMITTEE OF THE WHOLE 1/28/10

Description of Matter: Move that with the award of the DELEG Energy Efficiency Grant for Tuscola, Huron and Sanilac Counties (along with certain local units of government within each county) and because Tuscola County is the fiduciary for the grant, appropriate budgeting-accounting be established for grant administration.

Agenda Reference: M

Entity Proposing: COMMITTEE OF THE WHOLE 1/28/10

Description of Matter: Move that per the request from the National Day of Prayer Chairperson, that use of the courthouse lawn be authorized on Thursday, May 6, 2010.

IT IS FURTHER RESOLVED that any motion, resolution, or other act of Tuscola inconsistent with this Resolution is hereby rescinded, modified, replaced or superseded by this Resolution.

YEAS: all

NAYS: none

ABSTENTIONS: none

RESOLUTION ADOPTED.

Pat Finn updated the board regarding the anticipated weather

Dispatch Director Robert Klenk appeared to request approval for Dee Ann Summersett to travel to Washington DC.

10-M-028

Motion by Peterson seconded by Petzold that per the February 8, 2010 letter of request from the Dispatch Director, to grant the out-of-state travel request and authorize temporarily increasing the credit card limit for this employee to \$3,000. (All costs for this travel will be reimbursed by the National Emergency Number Association). Motion carried.

10-M-029

Motion by Kern seconded by Peterson that the Road Patrol Fund budget be amended to establish the accounting to administer the Underage Drinking Prevention Coalition Grant in the amount of \$10,000. Motion carried.

Victim Services Coordinator, Diane Santhany, appeared seeking approval to apply to the Department of Justice office for a Violence Against Women grant.

10-M-030

Motion by Kern seconded by Petzold that per the request of the Victim Services Coordinator, to authorize application to be submitted to the Department of Justice Office for a Violence Against Women Grant in the amount of \$400,000 for 24 months with the understanding no matching funds are required from Tuscola County. Also, authorize all appropriate signatures. Motion carried.

10-M-031

Motion by Kern seconded by Petzold to concur with the Recycling Coordinator and Recycling Committee to lay-off a part-time employee at the Recycling Center effective 2/23/10. Motion carried.

10-M-032

Motion by Kern seconded by Peterson that per the request of the County Treasurer, to approve the Addendum to the Agreement with GovPay Swipe be which reduces the taxpayer fees from 5% to 3.5% when they pay fees by credit card. Also, authorize all appropriate signatures. Motion carried.

10-M-033

Motion by Kern seconded by Peterson to receive and place on file the February 4, 2010 letter of resignation from Debra Lung-Lipan from the County Planning Commission. Also, the County Clerk is requested to advertise to refill this Commission vacancy. Motion carried.

10-M-034

Motion by Peterson seconded by Petzold that per the recommendation of the Sheriff, to approve the Letter of Understanding for Outpatient Services between the Sheriff's office and List Psychological for jail inmates and authorize all appropriate signatures. Motion carried.

10-M-035

Motion by Peterson seconded by Kern that per the January 25, 2010 letter from the Region VII Area Agency on Aging, reappoint Kenneth Hess to the Region VII Area Agency on Aging Board of Directors for a three year term beginning April 1, 2010 through March 31, 2013. Motion carried.

Extended Public Comment – none

Margie White-Cormier
Tuscola County Clerk

'DRAFT'

COUNTY OF TUSCOLA

STATE OF MICHIGAN

RESOLUTION TO ADOPT CONSENT AGENDA

At a regular meeting of the Board of Commissioners of the County of Tuscola, Michigan, held at the Juniata Township Hall, located at 1971 S. Ringle Road, Caro, Michigan, on the 23rd day of February, 2010 at 7:30 p.m. local time.

COMMISSIONERS PRESENT:

COMMISSIONERS ABSENT:

It was moved by Commissioner _____ and supported by Commissioner _____ that the following Consent Agenda Resolution be adopted:

CONSENT AGENDA

Agenda Reference: A

Entity Proposing: COMMITTEE OF THE WHOLE 2/11/10

Description of Matter: Move that the resolution be approved in strong opposition to codification of the *DWAYNE B. VS GRANHOLM* consent judgment related to the costs and placement of children in the child welfare system as contained in House Bill 4118. Also, this resolution be forwarded to all appropriate parties.

Agenda Reference: B

Entity Proposing: COMMITTEE OF THE WHOLE 2/11/10

Description of Matter: Move that the contract with Behavioral Health Systems for county inmate hospitalization be approved with the elimination of the 30 day cancellation clause and all appropriate signatures are authorized.

Agenda Reference: C

Entity Proposing: COMMITTEE OF THE WHOLE 2/11/10

Description of Matter: Move that the request from the Fremont Township Assessor as explained in the January 28, 2010 letter requesting the county to pay a portion of the cost for a property appraisal be denied because this is a local government responsibility.

Agenda Reference: D

Entity Proposing: COMMITTEE OF THE WHOLE 2/11/10

Description of Matter: Move that the county policy regarding Identify Theft Prevention (Red Flag) be approved and the recommended committee be formed to implement the policy.

Agenda Reference: E

Entity Proposing: COMMITTEE OF THE WHOLE 2/11/10

Description of Matter: Move that the 2010 Budget be amended to increase the County Clerk's Budget by \$7,000 for support costs related to the new Data/Workflow Imaging System (reduces General Fund contingency to approximately \$24,000).

Agenda Reference: F

Entity Proposing: COMMITTEE OF THE WHOLE 2/11/10

Description of Matter: Move that per the February 10, 2010 request from the Caro Chamber of Commerce that authorization is given to use the Courthouse lawn on Saturday mornings for the Farmers Market from May 8, 2010 – October 9, 2010.

IT IS FURTHER RESOLVED that any motion, resolution, or other act of Tuscola inconsistent with this Resolution is hereby rescinded, modified, replaced or superseded by this Resolution.

YEAS:

NAYS:

ABSTENTIONS:

RESOLUTION ADOPTED.

Thomas Bardwell, Chairperson
Tuscola County Board of Commissioners

Margie White-Cormier
Tuscola County Clerk

TUSCOLA COUNTY BOARD OF COMMISSIONERS

Draft
#3

207 E. Grant Street
Caro, MI 48723

Telephone: 989-672-3700
Fax: 989-672-4011

February 17, 2010

Paula Gromack
Business and Cooperative Specialist
USDA Rural Development
1075 Cleaver Road P.O. Box 291
Caro, MI 48723-0291

Dear Paula:

Please let this letter serve to emphasize the importance of approving the Rural Business Enterprise Grant (RBEG) submitted by Tuscola Enterprise. In 2007 and 2008, RBEG funding was approved to assist Tuscola County in the planning and implementation phase of the Sirolli Institute program of Enterprise Facilitation. Current year RBEG funding is vital to enable the county to continue the advancement of enterprise facilitation.

All major indicators demonstrate that the State of Michigan and Tuscola County are experiencing the worst economic conditions in the nation and possibly the worst this state and county have experienced since the Great Depression. Over the past ten years hundreds of thousands of quality jobs have been permanently eliminated from the automobile industry and this unprecedented decline has not ended with further job cuts recently announced by all of the major domestic automobile manufacturers.

Tuscola County took action several years ago to begin the process of reversing these disconcerting trends by working diligently as a partnership of public/private entities and individuals to rebuild the economy through implementation of enterprise facilitation. In 2007 we signed a 30 month contract with the Sirolli Institute. Through a series of countywide Town hall meetings the purpose and value of the program was explained to over 200 interested citizens. The Board of Management was formed from citizens who attended the Town hall meeting. An intensive full day training session by Sirolli Institute project managers was conducted for the Board of Management and Committees were organized. An Enterprise Facilitator has been hired to sustain the program.

Current year RBEG funding will provide the financial support that is needed to help the enterprise facilitation program become sustainable. Current year RBEG investment is paramount to moving the enterprise facilitation project through the implementation phase where job creating results occur. The citizens and families of Tuscola County need and merit the financial support of our federal government with third year RBEG funding.

Thank you for considering this matter of critical importance to the wellbeing of Tuscola County citizens and businesses.

Sincerely,

Thomas Bardwell, Chairman
Tuscola County Board of Commissioners

Tuscola County Medical Care Facility

Your Care Partner in Skilled Nursing and Rehabilitation Therapy

1285 CLEAVER ROAD ♦ CARO, MICHIGAN 48723
PHONE (989) 673-4117 ♦ FAX (989) 673-6665

Administrative Staff

Margot Roedel, R.N., N.H.A. – Administrator
Arshad Aqil, M.D. – Medical Director
Brenda Kretzschmer, R.N. – Director of Nursing



Family Independence Agency Board
Robert Hirn - Chairman
Kelly Clements – Co-Chair
Doug Hall - Member

Standards for Privacy of Individually Identifiable Health Information – Business Associate Agreement

DEFINITIONS

Definition:

Terms used, but not otherwise defined, in this Agreement shall have the same meaning as those terms in 45 CFR 160.103 and 164.501.

Examples of specific definitions:

- (a) Business Associate. “Business Associate” shall mean the Business identified as “Business Associate” in the execution of this document on page 5.
- (b) Covered Entity. “Covered Entity” shall mean Tuscola County Medical Care Facility.
- (c) Individual. “Individual” shall have the same meaning as the term “individual” in 45 CFR 164.501 and shall include a person who qualifies as a personal representative in accordance with 45 CFR 164.502(g).
- (d) Privacy Rule. “Privacy Rule” shall mean the Standards for Privacy of Individually Identifiable Health Information at 45 CFR part 160 and part 164, subparts A and E.
- (e) Protected Health Information. “Protected Health Information” shall have the same meaning as the term “protected health information” in 45 CFR 164.501, limited to the information created or received by Business Associate from or on behalf of Covered Entity.
- (f) Required By Law. “Required By Law” shall have the same meaning as the term “required by law” in 45 CFR 164.501.
- (g) Secretary. “Secretary” shall mean the Secretary of the Department of Health and Human Services or his designee.

Obligations and Activities of Business Associate

- (a) Business Associate agrees to not use or disclose Protected Health Information other than as permitted or required by the Agreement or as required By Law.
- (b) Business Associate agrees to use appropriate safeguards to prevent use or disclosure of the Protected Health Information other than as provided for by this Agreement.

STANDARDS FOR PRIVACY OF
INDIVIDUALLY IDENTIFIABLE HEALTH INFORMATION

- (c) Business Associate agrees to mitigate, to the extent practicable, any harmful effect that is known to Business Associate of a use or disclosure of Protected Health Information by Business Associate in violation of the requirements of this Agreement.
- (d) In keeping with the American Recovery and Reinvestment Act of 2009, Business Associate agrees to keep an accounting log of all disclosures of Protected Health Information made, even for the purposes of treatment, payment and healthcare operations, and to make that log available to the Covered Entity upon request. Business Associate agrees to report immediately to Covered Entity any use or disclosure of the Protected Health Information not provided for by this Agreement of which it becomes aware.
- (e) Business Associate agrees to ensure that any agent, including a subcontractor, to whom it provides Protected Health Information received from, or created or received by Business Associate on behalf of Covered Entity agrees to the same restrictions and conditions that apply through this Agreement to Business Associate with respect to such information.
- (f) Business Associate agrees to provide access, at the request of Covered Entity, and in the time and manner designated by Covered Entity, to Protected Health Information in a Designated Record Set, to Covered Entity or, as directed by Covered Entity, to an Individual in order to meet the requirements under 45 CFR 164.524.
- (g) Business Associate agrees to make any amendment(s) to Protected Health Information in a Designated Record Set that the Covered Entity directs or agrees to pursuant to 45 CFR 164.526 at the request of Covered Entity or an Individual, and in the time and manner designated by Covered Entity.
- (h) Business Associate agrees to make internal practices, books, and records, including policies and procedures and protected health information relating to the use and disclosure of Protected Health Information received from, or created or received by Business Associate on behalf of, Covered Entity available to the Covered Entity, or to the Secretary, in a time and manner designated by the Covered Entity or the Secretary, for purposes of the Secretary determining Covered Entity's compliance with the Privacy Rule.
- (i) Business Associate agrees to document such disclosures of Protected Health Information and information related to such disclosures as would be required for Covered Entity to respond to a request by an Individual for an accounting of disclosures of Protected Health Information in accordance with 45 CFR 164.528.
- (j) Business Associate agrees to provide to Covered Entity or an Individual, in time and manner designated by Covered Entity, Protected Health Information collected under this Agreement, to permit Covered Entity to respond to a request by an Individual for an accounting of disclosures of Protected Health Information in accordance with 45 CFR 164.528.

Permitted Uses and Disclosures by Business Associate

General Use and Disclosure Provisions

STANDARDS FOR PRIVACY OF INDIVIDUALLY IDENTIFIABLE HEALTH INFORMATION

Specify purposes:

Except as otherwise limited in this Agreement, Business Associate may use or disclose Protected Health Information on behalf of, or to provide services to, Covered Entity, if such use or disclosure of Protected Health Information would not violate the Privacy Rule if done by Covered Entity or the minimum necessary policies and procedures of the covered entity:

Refer to underlying services agreement:

Except as otherwise limited in this Agreement, Business Associate may use or disclose Protected Health Information to perform functions, activities, or services for, or on behalf of, Covered Entity as specified in the Business Associate's services agreement with the Covered Entity, provided that such use or disclosure would not violate the Privacy Rule if done by Covered Entity, or the minimum necessary policies and procedures of the covered entity.

Specific Use and Disclosure Provisions

- (a) Except as otherwise limited in this Agreement, Business Associate may use Protected Health Information for the proper management and administration of the Business Associate or to carry out the legal responsibilities of the Business Associate.
- (b) Except as otherwise limited in this Agreement, Business Associate may disclose Protected Health Information for the proper management and administration of the Business Associate, provided that disclosures are required by law, or Business Associate obtains reasonable assurances from the person to whom the information is disclosed that it will remain confidential and used or further disclosed only as required by law or for the purpose for which it was disclosed to the person, and the person notifies the Business Associate of any instances of which it is aware in which the confidentiality of the information has been breached.
- (c) Except as otherwise limited in this Agreement, Business Associate may use Protected Health Information to provide Data Aggregation services to Covered Entity as permitted by 42 CFR 164.504 (e) (2) (i) (B).
- (d) Business Associate may use Protected Health Information to report violations of law to appropriate Federal and State authorities, consistent with §164.502(j)(1).

Obligations of Covered Entity

- (a) Covered Entity shall notify Business Associate of any limitation(s) in its notice of privacy practices of Covered Entity in accordance with 45 CFR 164.520, to the extent that such limitation may affect Business Associate's use or disclosure of Protected Health Information.
- (b) Covered Entity shall notify Business Associate with any changes in, or revocation of, permission by Individual to use or disclose Protected Health Information, to the extent that such changes may affect Business Associate's use and disclosure of Protected Health Information.

STANDARDS FOR PRIVACY OF
INDIVIDUALLY IDENTIFIABLE HEALTH INFORMATION

(c) Covered Entity shall notify Business Associate of any restriction to the use or disclosure of Protected Health Information that Covered Entity has agreed to in accordance with 45 CFR 164.522, to the extent that such restriction may affect Business Associate's use or disclosure of Protected Health Information.

Permissible Requests by Covered Entity

Covered Entity shall not request Business Associate to use or disclose Protected Health Information in any manner that would not be permissible under the Privacy Rule if done by Covered Entity.

Term and Termination

(a) **Term.** The Term of this Agreement shall be effective as of the date of execution, and shall terminate when all of the Protected Health Information provided by Covered Entity to Business Associate, or created or received by Business Associate on behalf of Covered Entity, is destroyed or returned to Covered Entity, or, if it is infeasible to return or destroy Protected Health Information, protections are extended to such information, in accordance with the termination provisions of this Section.

(b) **Termination for Cause.** Upon Covered Entity's knowledge of a material breach by Business Associate, Covered Entity shall either:

- (1) provide an opportunity for Business Associate to cure the breach or end the violation and terminate this Agreement if Business Associate does not cure the breach or end the violation within the time specified by Covered Entity,
- (2) immediately terminate this Agreement, if Business Associate has breached a material term of this Agreement and cure is not possible.
- (3) If neither termination nor cure are feasible, Covered Entity shall report the violation to the Secretary.

(c) **Effect of Termination.**

(1) Except as provided in paragraph (2) of this section, upon termination of this Agreement, for any reason, Business Associate shall return or destroy all Protected Health Information received from Covered Entity, or created or received by Business Associate on behalf of Covered Entity. This provision shall apply to Protected Health Information that is in the possession of subcontractors or agents of Business Associate. Business Associate shall retain no copies of the Protected Health Information.

(2) In the event that Business Associate determines that returning or destroying the Protected Health Information is not feasible, Business Associate shall provide to Covered Entity notification of the conditions that make return or destruction infeasible. Upon mutual agreement of the Parties that return or destruction of Protected Health Information is infeasible, Business Associate shall extend the protections of this Agreement to such Protected Health Information and limit further uses and disclosures of such Protected Health Information to those purposes that make the return or destruction infeasible, for so long as Business Associate maintains such Protected Health Information.

STANDARDS FOR PRIVACY OF
INDIVIDUALLY IDENTIFIABLE HEALTH INFORMATION

Miscellaneous

- (a) **Regulatory References.** A reference in this Agreement to a section in the Privacy Rule means the section as in effect or as amended.
- (b) **Amendment.** The Parties agree to take such action as is necessary to amend this Agreement from time to time as is necessary for Covered Entity to comply with the requirements of the Privacy Rule and Health Insurance Portability and Accountability Act of 1996, Public Law 104-191.
- (c) **Survival.** The respective rights and obligations of Business Associate under this Agreement shall survive the termination of this Agreement.
- (d) **Interpretation.** Any ambiguity in this Agreement shall be resolved to permit Covered Entity to comply with the Privacy Rule.

Execution of Agreement by Business Associate

Signature

Print Name / Title

Business Associate Company Name

Business Associate Address

Business Associate Phone

_____ Dated _____

Execution of Agreement by Covered Entity

Signature – TCMCF

_____ Dated _____

Margot D. Roedel, Administrator
Tuscola County Medical Care Facility
1285 Cleaver Road, Caro, MI 48723
(989) 673 – 4117

DRAFT
Tuscola County Board of Commissioners
Committee of the Whole Minutes
Thursday, February 11, 2010 – 8:00 A.M.
Annex Board Room (207 E. Grant Caro, Mi.)

Commissioners present: Bardwell, Kern, Petzold, Peterson. Also present: Mike Hoagland, Margie White-Cormier, Mike Miller, Mary Drier, Clayette Zechmeister, Tom Begin, Mike Tuckey, Lee Teschendorf, Steven Lark

Finance

Child Care Fund Concerns and Resolution – in opposition to codifying the consent judgment (see consent agenda resolution)

Road Patrol and Senior Citizen Millage Renewal Language – 8 special millages needing to be renewed at the same time could be problematic

MGT County-Wide Cost Allocation Plan Proposal – currently paying \$8450 per year with Maximus. MGT has submitted two bids: \$8200 and \$7500.

Contracts for Mental Health Services for Jail Inmates – TBHS contracts: one for January 2010 and the other contract is for hospital services. Sharon Beals explained TBHS contracts with hospitals. List Psychological does not offer that potential (see consent agenda resolution – eliminate the 30-day termination wording in the one-month contract)

Request from Fremont Township Assessor – according to the Equalization Director, sets a bad precedent (see consent agenda resolution to decline)

Red Flag Rule Draft Policy – to prevent identity theft. Auditors suggest this policy needs to be adopted. A committee will be formed to monitor compliance (see consent agenda resolution)

County Clerk Budget Request for Data/Workflow Imaging System – \$7000 to cover incidental costs, maintenance, etc. (see consent agenda resolution)

Airport Zoning – Tom Begin with Consumers Energy stated the airport overlay proposal is something they can live with and does not materially affect their plans in Tuscola County. Wind development is in 3 stages: Mason County near Ludington (because the infrastructure is already in place) by 2011; next project will be in this area slated to be completed in 2015, and another project (area undisclosed) in 2017. The current proposed zoning adds an extra step through the variance process.

Legal Services

- **Labor Awarded** – a letter from Braun Kendrick & Finkbeiner was reviewed
- **General Not Awarded**

Secondary/On-Going Finance Items

1. Treasurer Bank Statement Reconciliation
2. Development of Financial Guidelines for Labor Negotiations
3. Update Regarding Broadband Grant Application – no update
4. Discussion of Tether Program Potentials – Potential Use of Grant Funds

5. ATM, PayPal, Touch Pay Options for Courthouse – Need to Schedule Meeting Date with Banks
6. Dispatch Rebanding
7. Health Insurance Proposals – PEBS February 18, 2010 at 5:00 p.m. – Annex
8. Dispatch and Other Procedures for Emergency Telephone System – February 25, 2010 Committee Meeting
9. Potential 2010 Budget Amendments
 - Probation Officer Position
 - Clerk's Office – Increase in Part-Time General Office Clerk's Hours

Personnel

Behavioral Health Board Vacancies – applicants are being reviewed

Secondary/On-Going Personnel Items

1. Open Meetings Act Discussion for Boards and Commissions – Corporate Counsel and County Prosecutor
2. Incorporate County Personnel Policies and Other key Personnel Information on the County Web Site
3. Circuit/Family Court Personnel Policies
4. Road Commission Elected Versus Appointed – Next Steps – February 24, 2010 Public Hearing

Building and Grounds

Update Regarding Caro Farmers Market – May 8 thru October 9 on Sherman Street near the courthouse (see consent agenda resolution)

Draft Airport Zoning Ordinance – Information Sent to Local Officials

Niland Building – Possible Lease Buy-Out

Adult Probation Building Update and Alternative Locations

Road Commissioner – Snowmobiles – new law allows snowmobiles to travel along the roadways

Off-Road Vehicle Ordinance – no action required (not allowed in Tuscola County)

Request for Tree Removal along Deckerville Road on County Property – the lessee stated the trees prevent access

1. Review of FOC Potential Relocation to the Courthouse

Correspondence/Other Business as Necessary

1. Energy Grant Approval – Next Steps
2. Draft Airport Zoning Ordinance – County Planning Commission Public Hearing
3. Great Lakes Restoration Initiative Grant Submittal
4. Other County Resolutions

5. National Flood Insurance Program

6. Wind Energy Planning – Saturday, February 27, 2010 Colwood Church, 8:30 a.m. to 12:30 p.m.

MAC 7th District – potential topics were discussed

Public Comment Period – none

Meeting adjourned at 10:39 a.m.

Margie White-Cormier
Tuscola County Clerk

**Statutory Finance Committee Minutes
Thursday, February 11, 2010
Annex Board Room
207 E. Grant St., Caro, MI**

Called to order: 10:39 a.m.

Commissioners present: Bardwell, Kern, Petzold, Peterson

Also present: Michael Hoagland, Margie White-Cormier

Claims and per diems were reviewed and approved

Public Comment - none

Meeting adjourned at 10:43 a.m.

Margie White-Cormier
Tuscola County Clerk

Tuscola County Recycling Advisory Committee

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February 4, 2010 Meeting Minutes

MEMBERS PRESENT: Tod Fackler, Patricia Frazer, Jim McMinn, Sharon Mika & Jane Ryba

MEMBERS EXCUSED: Don Duggar and Norma Wallace

OTHERS PRESENT: Commissioner Roy Petzold, Kate Neese; Tuscola County Recycling Coordinator

Tod Fackler called the meeting to order at 4:31pm and Kate Neese took roll.

The minutes from the December 3, 2009 meeting were reviewed. Ms. Frazer pointed out that her name was misspelled in the minutes. Ms. Frazer moved to accept the minutes as corrected and Mr. McMinn seconded the motion. The motion carried.

No Public Comment at this time.

Ms. Neese stated that she and her employees have been encouraging residents to use other recycling programs for their batteries, such as Wal-Mart. The center will continue to accept rechargeable batteries and auto batteries. Staff has been encouraging residents to take their electronics to their local Goodwill store for recycling as Goodwill has a partnership with Dell Computers. Ms. Neese reminded the Committee that the center would only be hosting one Household Hazardous Waste collection this year on May 8th in an effort to reduce costs. Discussion was held and Ms. Neese will also make an effort to reduce business waste at this collection.

The 6 Year Projected Budget was reviewed and discussed at this time. Ms. Neese has seen a moderate increase in the value of materials but still feels the budget is in crisis. Discussion was held and the Committee deliberated labor costs and options. Ms. Ryba moved to proceed with the layoff of one part time permanent position no later than February 26th and Mr. McMinn seconded the motion. The motion carried.

New Business was discussed at this time. The current 2010 Budget document with distributed and reviewed.

The current sale of materials report & division figures for 2009 & 2010 were handed out at the meeting and reviewed. The 2009 figures are not yet finalized but Ms. Neese stated they would be in time for the April 1st meeting.

The current Budget Status Report for December 2009 was distributed and reviewed. It will be finalized later this month. Ms. Neese did not have a current 2010 Budget Status Report.

Ms. Neese informed the Committee that Lake Township did not renew their monthly recycling trailer contract. They have opted to hire a local waste hauler to handle their recycling. Ms. Neese also informed the Committee that Watertown Township contacted the center and is interested in starting a monthly recycling collection. She will keep the Committee up to date on this program.

Ms. Mika asked Ms. Neese if the center could begin to accept used needles, or sharps, for disposal. Ms. Neese stated that our current Household Hazardous Waste (HHW) hauler does not accept medical waste and that most Counties that have sharps programs use their HHW contractor for the disposal. Discussion was held. Ms. Mika also asked if the center would be accepting hazardous waste year round from County residents. Ms. Neese plans on doing some advertising after the spring HHW collection. Residents will be encouraged to make an appointment to drop off their hazardous waste. Appointments enable staff to do some education about what is acceptable prior to the resident making the trip.

Ms. Frazer asked about the white storage shed and its improvements. Ms. Neese said it is definitely a work in progress. She and the Building and Grounds Department are working together to put new doors on it this spring and to paint it as well.

Mr. Fackler adjourned the meeting at 5:35pm. The next meeting is April 1, 2010 at 4:30pm and will be held in the Board of Commissioner's room at the Annex Building. All meetings are open to the public.

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Multi-County Recycling Huron, Lapeer, Sanilac and Tuscola County

Multi-County Solid Waste Task Force

January 22, 2010

10:00 AM

Marlette City Hall

Minutes

MEMBERS PRESENT: Don Duggar; MCSWTF Committee Chairperson, John Horny; Huron County Commissioner, Dyle Henning; Lapeer County Commissioner, Roy Petzold; Tuscola County Commissioner, Gary Roy; Lapeer County Commissioner, Michelle Brown; Sanilac County MSU Extension, Kate Neese; Tuscola County Recycling Coordinator.

MEMBERS EXCUSED: Clark Elftman; Huron County Commissioner, Jim Ruby; Sanilac County Commissioner

Mr. Duggar called the meeting to order at 10:00 A.M. Ms. Neese took roll. Mr. Roy moved to accept the October 30th minutes as written and Mr. Horny seconded the motion. The motion carried.

Mr. Duggar requested adding the Election of Officers and discussion of the group's By Laws to the agenda.

Election of Officers was held at this time. Mr. Henning moved to reappoint existing officers as Don Duggar – Chairperson, Michelle Brown – Treasurer and Kate Neese – Secretary. Mr. Horny seconded this motion. The motion carried unanimously.

The Treasurer reported \$958.28 in the current fund balance.

Public Comment was held. Mr. Horny asked whether or not Huron County submitted an additional \$2,500.00 to Tuscola County in support of the Clean Sweep program. Discussion was held and it was determined that this amount was not necessary since the MCSWTF submitted this sum on behalf of the Committee.

Ms. Neese stated the Clean Sweep program continues to run smoothly. Tuscola County has partnered with Urban Options in Lansing to collect and recycle thermostats. Urban Options provided a container and mailing label for the thermostats. Discussion was held.

The spring Household Hazardous Waste collection dates were discussed at this time. Lapeer County has requested Saturday April 10th, Sanilac County requested Saturday April 17th and Tuscola County requested Saturday May 8th. Huron County has not set a

date yet but will be in touch with Ms. Neese once that decision is made. Ms. Neese will then coordinate the dates with our contractor PSC.

County updates were given at this time. Lapeer County has only one HHW collection scheduled for this year due to budget constraints. Lapeer County also canceled its recycling contract with a local hauler because of their budget. This will save the County about \$6,000 per year and townships are now on their own to cover this program. Mr. Roy stated that the County is very worried about the decrease in property taxes as this has a very negative impact on the County's budget.

Mr. Horny stated that Huron County is seriously reviewing how it handles its garbage. They are currently researching plasma gasification and have many stakeholders interested in this process. The end products of this process include steam, which can run turbines for electricity and ethanol. The project will cost approximately \$460 million to install. Discussion was held.

Ms. Brown gave the update for Sanilac County. She stated she is taking over the management of the Sanilac County Recycling Center as of February 1st.

Ms. Neese stated that the Tuscola County Recycling is also hosting only one HHW due to budget constraints and decreased participation. Ms. Neese also reminded the Committee that Tuscola County is really cracking down on out of County tires and ewaste.

Mr. Duggar asked the Committee whether or not they wanted to edit and approve the By Laws presented to them at the October 30, 2009 meeting. Discussion was held and it was determined that the Committee will continue as it has without By Laws. Mr. Henning suggested having the HHW contract approved by all four County Board of Commissioners as part of the Committee's procedure. Mr. Duggar said that a statement would be drafted requiring this approval as part of the Committee's procedure.

Solid Waste Management Plans were discussed at this time. There is no pressure from the State of Michigan at this time to update the plans. Ms. Neese stated Tuscola County's plan was written in 1999 and approved in 2002 and that she has already begun marking pages that need to be updated. Discussion was held.

The Committee discussed the next meeting date and decided on Friday June 4, 2010 at 10:00am at the City of Marlette Hall.

Mr. Duggar adjourned the meeting at 11:10 AM. The next MCSWTF meeting will be held on Friday June 4, 2010 at 10:00am at the City of Marlette Hall. This meeting is open to the public.