



5 Healthy Towns Foundation
Executive Committee
~ Jan. 15, 2020 ~
4:30 p.m.

AGENDA

Any items in blue font are protected by attorney-client privilege.

- 1. Call to Order**
- 2. Approval of Oct. 16, 2019 minutes***
- 3. Strategies**
 - a. Goals*
 - i. Strategy graphic
 - ii. 2020-21 proposed goals
 - b. Wellness Center opportunities
 - i. Updated WC summary from 2016*
 - ii. Resource consumption
 1. financial
 - a. legal**
 - b. plant maintenance/age of plant
 - c. long-term debt**
 2. HR
 - c. **DWC legal action update***

[Internet – 5healthytownsguest and Password –5HTwellness]

*Material on website

**Material available at the meeting



**5 Healthy Towns Foundation
Executive Committee Meeting**

October 16, 2019

4:30 p.m.

MEETING MINUTES

Any items in blue font are protected by attorney-client privilege and must not be shared with anyone outside our Board of Directors and 5HF attorneys.

Present: P. Conlin, J. Wallace, Cindy Dresch, S. DeVol. A. Heydlauff, S. Broshar
Staff: Sheila Gillman

- 1) Call to Order: 4:28
- 2) August 21, 2019 minutes approved pending a change from missing to absent in the second line.
- 3) Strategies
 - a) CSI Alcohol and Drug Funding Criteria
 - i) The Committee for Strategic Impact has adopted new screening criteria for interventions falling under the alcohol and drug use heading in the Avoid Unhealthy Substances vision element. This criteria was adopted from the University of Wisconsin, *What Works for Health*, a well-researched and credible resource. We also plan to consider *What Works for Health* tobacco and vaping criteria in the future. This will be a discussion at the October 28th Board meeting.
 - ii) *What Works for Health* does not have mental health criteria.
 - iii) **ReThink ‘Pie’ Exercise**
 - (1) Committee members participated in the ReThink Health Well-Being Portfolio pie exercise. They were asked to tag areas under “Vital Conditions” and “Urgent Services” they believe we are focused and areas they think we should be focused.
 - (2) Their results will be aggregated with others who’ve participated in the Pie exercise and shared as appropriate.

Action: Sheila will have two more Well-being pie exercise posters for the October Board meeting

iv) Application to Appeal to the COA dated 10-15-19

- (1) Dexter filed another suit this month asking the Court of Appeals if they can appeal a case in which they asked the Washtenaw County Circuit Court if they could appeal (the WCCC request was denied). Joanne is investigating options to take formal action for abuse of process/harassment charges including attorney fees.

(2) A complaint has not yet been filed against Dexter City Assessor, Marie Sherry.

Action: The Committee directed Amy to instruct J. Faycurry to file the STC complaint against M. Sherry.



Recorded by: Sheila Gillman
Approved by:

Jeff Wallace, Chair

Date

Addendum, November 8, 2019

Per a call with J. Faycurry, E. Yu (associate) & M. Kennison (Power Wellness attorney) the following was decided (slightly amended from the original email):

We'll wait to do anything on the M. Sherry complaint until the Court of Appeals rules on the pending applications for leave filed by Dexter. The first application for leave (involving tax year 15, 16, 17) is completely briefed and we are just waiting on a ruling. The second application for leave (tax year 2016, STC petition signed by Marie Sherry) we just filed a motion to consolidate with the first application. Dexter can file a response to this motion which would be due 11/12 (court closure on 11/11) and can file a reply in support of its application which would be due 11/25.

Next steps we talked about:

1. FOIA to Dexter to see what else they've been talking about since the last time we FOIAed them. We have a form letter for this, so will get this out early next week.
2. Marie Sherry complaint. We will wait for CoA ruling, also maybe wait to see if Dexter submits a 154 petition to the STC for tax year 2017 only, before year end.
3. We will move for sanctions in CoA assuming it is decided in our favor. If sanctions are awarded it would be for COA fees, only.
4. Possible claims against Dexter: abuse of office or similar, which Elises will look into a little more. Given our discussion on a possible "harassment" type of claim (which would ultimately be a tort claim against the city), we discussed it may be best to forego this type of claim because too many potential issues with governmental immunity, etc. that would make it costly.
5. Possible bar complaint against Scott depending on ruling from CoA re: frivolity. This would come from the attorneys, not SHF.

2019-20 5HF STRATEGIC GOALS



Leadership

- L1 - Facilitate Coalition Activities
- L2 - Utilize data to identify health needs
- L3 - Lead efforts to promote prevention as a valuable strategy for improving long-term health



Stewardship

- S1 - Maintain financial stability
- S2 - Leverage available resources, including human resources, to impact mission
- S3 - Maintain high quality facilities



Collaboration

- C1 - 5HF will be visible in the community
- C2 - Partner with targeted local and statewide organizations when mutually beneficial
- C3 - Strengthen the 5H brand in Lansing.

Leadership

1. Lead efforts to promote prevention as a valuable strategy for improving long-term health
 - a. Increased focus on mental health with OBT partners
 - i. determine 5HF long-term, OBT measures (board strategic work)
 - ii. develop and implement OBT plan to meet Board approved OBT measures
 - iii. facilitate OBT meetings and communication with our OBT partners
 - iv. Identify and incorporate appropriate ReThink Health learning and tools
2. Facilitate coalition activities
 - a. continue to strengthen leadership capacity of the Community Advisory Council
 - b. build expectations and capacity to unify coalition planning
 - c. Secure agreement to use their 2019 \$25,000 for communication platform & other communication options
3. Utilize data to identify health needs
 - a. establish long-term, trackable data points in advance of designing questions for our area-wide health assessment
 - b. complete an area-wide health assessment in 2020

Stewardship

1. Maintain financial stability
 - a. meet board approved budget
2. Leverage available resources, including HR, to impact mission
 - a. offset the majority of the Outreach Coordinator's salary through her 2020-21 activities
 - b. work with our OBT partners to identify the organization best equipped for the specific actions the Stewardship Council agrees to undertake (examples: SJMHS marketing department for designing marketing material, WCCMH to engage law enforcement or 5HF to engage faith based organizations).
3. Utilize real estate holdings for greatest, feasible mission impact (previously Maintain high quality facilities)
 - a. Informally assess the mission and financial value of all real estate holdings through review of existing information. Initiate changes where appropriate/feasible.

Collaboration

1. 5HF will work with our OBT partners to become interdependent (previously Partner with targeted local and statewide organizations when mutually beneficial)
 - a. Work within each organizations' stated abilities and constraints recognizing each organizations' area/s in which they desire to have greater impact (see Stewardship Council's Dec. 2019 Design Lab work).
 - b. Identify opportunities to break-down barriers between healthcare organizations and their communities in the area of prevention. Potential opportunities include
 - i. learn about and engage with MMFM residency program
 - ii. facilitate opportunities to expand SJMHS health ministry in the faith community
2. 5HF will focus on connecting our service area around mental health interventions, across demographics and geography (CAC, faith community, seniors, school districts...) (this is new)
3. 5HF will be visible in the community
 - a. OBT partnership will be visible in the community
 - i. 5HF will establish multiple communication options/opportunities with and for OBT partners, specifically and directly related to mental health
 - ii. 5HF will engage the CAC in grass roots efforts to communicate OBT work through the coalitions
 - iii. We will utilize *Connected* to promote OBT
4. We eliminated 'Strengthen the 5H brand in Lansing'

Wellness Center Workgroup summary April 2016

Updated Jan. 2020 to address DWC only

The Wellness Center (WC) work group's purpose:

1. Assess the impact of the WC strategy on our mission
2. Assess the impact of the strategy on organizational
 - a. Reputation
 - b. Finances – can we meet our goal of being perpetual with the current WC strategy
 - c. Other resource consumption (staff time in particular)
3. Determine long-term viability of the WC strategy
4. Make recommendations (if any) to our Board of Directors (BOD).

We reviewed WC goals

1. Power Wellness goals
 - a. Average number of per member, per month visits year over year (met @ DWC only)
 - b. Meet annually budgeted expenses (only required in Dexter and met)
 - c. Membership goals (not met) (met in 2019 in Dexter)
 - d. Member satisfaction
 - i. Net promoter scores (met) (not met in 2019)
 - ii. Secret shop scores (met)
2. Assessment outcomes for vital statistics, health related fitness and functional fitness (all generally unchanged)
 - a. Weight, BMI, BP, pulse (all improved for those assessed)
 - b. Body fat percentage (improved for all assessed)
 - c. Cardio-respiratory endurance, muscle endurance, isometric strength, flexibility (improved for all assessed)
 - d. Chair stand, arm curl, 2 minute step test, chair sit & reach, back scratch test and 8 foot up & go test (improved for all assessed)
3. Financial performance goals
 - a. We have not really set a floor or ceiling for financial performance of the WCs.
 - i. We continue to invest in programs that are mission rich but revenue poor (community programs, scholarships, Next Steps, no fee for enrollment, free lectures, days open to non-members and so on)
 - ii. We eliminated revenue sources like enrollment fees and surcharges to belong to more than one facility.
 - iii. We did not take advantage of the opening of DWC to increase CWC rates at the same time.
 - b. Projections have not born out (see financial reporting)
 - i. Legal fees ()
 - ii. Membership at DWC is more than 150 above budget
 - c. We spend about 2.5 times more for the WC strategy than 5H.
 - i. 5H outcomes are nebulous and we won't be able to demonstrate real changes in health for many years – 20 or more
 - ii. WC outcomes are measurable and impact is felt quickly
 - iii. WC reach <15% of the Dexter community but still a significant portion of the population, not including any impact the brick & mortar has on culture. 5H touches are much softer & unlikely to include 15% of the population at this point in our 5H history.

Docket #	Case Name	Venue	Tax Years	Exemption/Tax at Issue	Current Posture
14-001671	Chelsea Health & Wellness Foundation v. City of Dexter et al	Michigan Tax Tribunal (MTT)	2014, 2015	Charitable exemption under MCL 211.7o or 7r	RESOLVED ; Final Order Issued on Remand July 26, 2018 entering judgment in CHWF favor (entitled to charitable exemption under MCL 211.7o for tax years 2014, 2015).
332483	Chelsea Health & Wellness Foundation v. City of Dexter et al	Court of Appeals (COA)	2014, 2015	Charitable exemption under MCL 211.7o or 7r	RESOLVED ; Reversed & Remanded to MTT in SHF favor (finding in favor of SHF on Wexford factor 3 and finding against Dexter's cross appeal on all other Wexford factors).
156813	Chelsea Health & Wellness Foundation v. City of Dexter et al	MI Supreme Court	2014, 2015	Charitable exemption under MCL 211.7o or 7r	RESOLVED ; Denied Dexter Leave to Appeal.
14-002362	Chelsea Health & Wellness Foundation v. City of Dexter	MTT	2014	Valuation Petition	DISMISSED by Tribunal on February 28, 2019.
16-001894	Chelsea Health & Wellness Foundation v. City of Dexter	MTT	2016, 2017	Valuation Petition	RESOLVED ; 2016 conceded in Jan. 2019 and 2017 conceded in May 2019.
16-001898 (consolidated with 17-001774) SCHIFF	Chelsea Health & Wellness Foundation v. City of Dexter	MTT	2016, 2017	Charitable exemption under MCL 211.7o or 7r	RESOLVED ; 2016 conceded in Jan. 2019 and 2017 conceded in May 2019.
17-001774 (consolidated with 16-001898)	Chelsea Health & Wellness Foundation v. City of Dexter	MTT	2016, 2017	Charitable exemption under MCL 211.7o or 7r	Same as above.
154-16-0871	City of Dexter v. Chelsea Health & Wellness Foundation and Power Wellness Management, LLC	State Tax Commission (STC)	2014, 2015, 2016	Lessee-user tax under MCL 211.181 on Power Wellness Management, LLC	RESOLVED ; STC dismissed Dexter's STC Petition on August 29, 2017 for lack of jurisdiction. Dexter appealed to MTT (17-004637) and WCCC (18-000247-AA).
17-004637	City of Dexter v. Chelsea Health & Wellness Foundation and Power Wellness Management, LLC	MTT	2014, 2015, 2016	Lessee-user tax under MCL 211.181 on Power Wellness Management, LLC	RESOLVED ; MTT granted CHWF motion for summary disposition affirming STC dismissal of Dexter's STC Petition and dismissed case. Dexter appealed to COA (342364).
342364	City of Dexter v. Chelsea Health & Wellness Foundation and Power Wellness Management, LLC	COA	2014, 2015, 2016	Lessee-user tax under MCL 211.181 on Power Wellness Management, LLC	RESOLVED ; Court of Appeals denies Dexter's appeal of MTT grant of CHWF motion for summary disposition affirming STC dismissal of Dexter's Petition.
18-000247-AA SCHIFF/RILEY	City of Dexter v. Chelsea Health & Wellness Foundation and Power Wellness Management, LLC	Washtenaw County Circuit Court (WCCC)	2014, 2015, 2016	Lessee-user tax under MCL 211.181 on Power Wellness Management, LLC	RESOLVED ; Dexter appeal of STC August 29, 2017 dismissal of Dexter's STC Petition for lack of jurisdiction denied by WCCC because Dexter's appeal to WCCC was untimely.
154-17-00849	City of Dexter v. Power Wellness Management, LLC	STC	2015, 2016, 2017	Lessee-user tax under MCL 211.181 on Power Wellness Management, LLC	RESOLVED ; STC dismissed Dexter's STC Petition on August 28, 2018. Dexter appealed to MTT (18-003874) and WCCC (18-000981-AA).
18-001383 RILEY/SCHIFF	Power Wellness Management LLC v. City of Dexter	MTT	2018, 2019	Lessee-user tax under MCL 211.181 on Power Wellness Management, LLC	Dexter assessed Power Wellness Management (and not CHWF) for tax year 2018, which Power Wellness timely appealed to the MTT. June 2019 severed 2019 from this case (per Judge) and will hold it in abeyance. Decision in SHF favor on 12/23/19.
18-003874 SCHIFF/RILEY	City of Dexter v. Power Wellness Management, LLC	MTT	2015, 2016, 2017	Lessee-user tax under MCL 211.181 on Power Wellness Management, LLC	RESOLVED ; MTT granted Power Wellness Management Motion for Summary Disposition in Lieu of Answer because issue is identical to 17-004637.
18-000981-AA SCHIFF/RILEY	City of Dexter v. Power Wellness Management, LLC	WCCC	2015, 2016, 2017	Section 154 petition	RESOLVED ; WCCC denied Dexter's Appeal and affirmed STC's decision to dismiss Dexter's STC Petition for lack of jurisdiction.
154-18-1057	City of Dexter v. Power Wellness Management, LLC	STC	2016	Lessee-user tax under MCL 211.181 on Power Wellness Management, LLC	RESOLVED ; STC denied Dexter's STC Petition because it raises identical issues and identical tax years as 154-17-00849.
19-000691	City of Dexter v. Power Wellness Management, LLC	WCCC	2016	Section 154 petition	RESOLVED ; Dexter's application for leave to appeal the STC's denial of its Section 154 Petition for tax year 2016 to the WCCC was denied for the same reasons the WCCC denied Dexter's appeal of the STC's denial of its Section 154 Petition for tax years 2015, 2016, and 2017 in 18-000981 (lack of jurisdiction)
349793	City of Dexter v. Chelsea Health & Wellness Foundation and Power Wellness Management, LLC	COA	2015, 2016, 2017	Lessee-user tax under MCL 211.181 on Power Wellness Management, LLC	On July 16, 2019, Dexter filed an application for leave to appeal to the Michigan Court of Appeals the WCCC denial of Dexter's Appeal in 18-000981-AA. LEAVE GRANTED JAN. 2020.
351074	City of Dexter v. Power Wellness Management	COA	2016	Section 154 petition	Oct 2019, Dexter filed an application for leave to appeal the WCCC decision in 19-000691.
	City of Dexter v. Power Wellness Management, LLC	STC	2017	Lessee-user tax under MCL 211.181 & 211.154 on Power Wellness Management, LLC	Filed by Dexter on 12/30/2019.
City of Dexter/DDA filings and appeals					
Resolved in favor of SHF					
No fill = unresolved					