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NOTICE OF HEARING FOR REMOVAL OF OFFICER

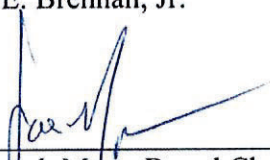
JUSTIN F. ROEBUCK
OTTAWA COUNTY CLERK/REGISTER

PLEASE TAKE NOTICE that the Ottawa County Board of Commissioners shall hold a hearing under MCL 46.11(n) to consider, and render a decision regarding, charges justifying the removal of Adeline Hambley from her position as interim Administrative Health Officer¹ for the reasons stated in the previously issued charges attached below. MCL 46.11(n) states that the Board may:

“remove an officer or agent appointed by the board if, in the board's opinion, the officer or agent is incompetent to execute properly the duties of the office or if, on charges and evidence, the board is satisfied that the officer or agent is guilty of official misconduct, or habitual or willful neglect of duty, and if the misconduct or neglect is a sufficient cause for removal. However, an officer or agent shall not be removed for that misconduct or neglect unless charges of misconduct or neglect are presented to the county board of commissioners or the chairperson of the county board of commissioners, notice of the hearing, with a copy of the charges, is delivered to the officer or agent, and a full opportunity is given the officer or agent to be heard, either in person or by counsel.”

The previous Notice of Hearing issued on October 23, 2023 is rescheduled because of a scheduling conflict with Ms. Hambley's counsel. The removal hearing shall be held at a special meeting of the Board of Commissioners on the 24th day of October, 2023, at 8:00 a.m., in the County Commissioner Board Room, located at the Administration Building, 12220 Fillmore Street, West Olive, Michigan, 49460. Please note you will be given a full opportunity to be heard, either in person or by your agent. You may be represented by an attorney at your own expense. The hearing will be presided over by retired Judge Thomas E. Brennan, Jr.

Dated: October 11, 2023.



Joseph Moss, Board Chair
Ottawa County Board of Commissioners

Dated: October 11, 2023.



Justin Roebuck, County Clerk
Ottawa County

¹ Ms. Hambley is contesting whether she is the interim Administrative Health Officer or the permanent Administrative Health Officer through litigation currently pending in the Court of Appeals; however, that litigation is irrelevant to the charges raised in this matter as these charges occurred after Ms. Hambley filed suit. The Board of Commissioners will consider her removal regardless of the outcome of that litigation and regardless of whether she is the interim or permanent Administrative Health Officer. Nevertheless, Ms. Hambley will be referred to as the interim Health Officer in this Notice.

CHARGES JUSTIFYING REMOVAL OF OFFICER HAMBLEY

These charges are brought pursuant to all three applicable grounds under MCL 46.11(n) (incompetence, misconduct, and neglect of duty), with the latter two grounds requiring notice and the holding of a hearing before the Board of Commissioners (BOC) to determine:

1. Whether if, in the Board's opinion, officer Hambley is incompetent to execute properly the duties of her office.

2. Whether if, on charges and evidence, in the Board's opinion, the Board is satisfied that officer Hambley is guilty of official misconduct, and that her misconduct is sufficient cause for her removal.

3. Whether if, on charges and evidence, in the Board's opinion, the Board is satisfied that officer Hambley is guilty of habitual or willful neglect of duty and that neglect of duty is sufficient cause for her removal.

Because MCL 46.11(n) does not define what constitutes "incompetence," "misconduct," or "neglect of duty," the following definitions from Black's Law Dictionary (11th Edition) shall be used:

- | | |
|------------------|--|
| Incompetence: | "The quality, state, or condition of being unable or unqualified to do something." |
| Misconduct: | "A dereliction of duty; unlawful, dishonest, or improper behavior, especially by someone in a position of authority or trust." |
| Neglect of Duty: | "A public officer's failure to perform one or more duties imposed by law." |

BACKGROUND

Ottawa County's fiscal year begins on October 1 of every year. Prior to the BOC approving the final budget, the County Administrator gathers information and presents different budget scenarios to the Finance Committee. The Finance Committee then finalizes a recommended budget and sends it to the full BOC for review and approval. The full BOC conducts a final review of the budget, makes any final changes, and votes on its approval.

Ms. Hambley has been actively involved in the budgetary process as evidenced by more than a dozen emails concerning the budget from August 16th through the present date. The following is a timeline and summary of Ms. Hambley's involvement in the budgetary process:

- **August 16, 2023:** Prior to the first Finance Committee meeting regarding the Health Department Budget on August 21, 2023, County Administrator John Gibbs requested information from Ms. Hambley regarding unfilled positions in the Health Department for upcoming budgetary discussions (Exhibit A). Ms. Hambley responded later that day (Exhibit A).
- **August 17, 2023:** Administrator Gibbs sent the following email to Ms. Hambley (Exhibit B, emphasis added):

Hi Addie!

Good morning and I hope all is well!

As you know, budget is in full swing. As part of that process, there's some information I'd like to have available in the likely event it comes up during budget deliberations at next Monday's Finance Committee Special Work Session.

Please provide me with a budget scenario that includes both of the following components:

1. **General fund expenditures for Public Health set at pre-COVID levels, adjusted for inflation.** For reference, in FY2019 – the last pre-COVID year – general fund expenditures for Public Health were approximately \$4.5 million, and in FY2023 general fund expenditures were approximately \$6.7 million; and,
2. The exclusion of all FY24 COVID-related grants. Please have this info ready by close of business Friday August 18th.

Thank you!

Ms. Hambley responded on August 18, 2023 (Exhibit B). Ms. Hambley included a written memo to Administrator Gibbs, dated August 18, 2023, responding to his budgetary questions (Exhibit C).

- **August 21, 2023:** The Finance Committee held a public meeting to discuss the budget, where Commissioner Moss stated (emphasis added):²

“Taking a historical perspective on public health budgets, and if you look back towards 2009 through 2019, that kind of area, you see public health, at least general fund allocations, **much closer to 2.5 to 3 million dollars, somewhere in that range, maybe a little more than that.**”

“What I think would be a wise use of taxpayer funds is to look at bringing the general fund allocations for public health back towards kind of its historical standard over the last 10 or so years.”

“I'd love to see that budget go back to kind of what it has been historically. Maybe put it down towards 2.5 in the general fund allocation?”

“We could kind of dig into it a little bit more, but **I think that would be a very wise use of taxpayer funds and still allow all of the essential services to function just fine like they have since 2009.**”

² Video of Finance Committee Meeting, August 21, 2023, at 44:40.
<https://www.youtube.com/watch?v=bQgsy1649iE>

- **August 22, 2023:** Administrator Gibbs sent the following email to Ms. Hambley at 12:20 p.m. (Exhibit D):

Hi Addie,

Good afternoon!

As discussed yesterday, the Finance & Administration Committee would like to see the Public Health budget in line with historical levels before COVID. Please work with Fiscal Services to work out the details of a budget using \$2.5 million general fund contribution and also discontinuing all COVID-related grants.

Please send this to me by Thursday August 23 close of business.

Thank you!

Ms. Hambley responded later that day at 4:58 p.m. that it would be difficult to produce a budget at 2.5 million (Exhibit D).

One minute later, at 4:59 p.m., Ms. Hambley publicly posted her August 18, 2023 memo on the Ottawa County Health Department Facebook page and stated in her post (emphasis added):

“[Moss’] proposal would slash Health Department funding from a \$6.4 million total general fund contribution to a total of \$2.5 million, a reduction of over 60%. This action brings the total operating budget for 2024 to \$500,000 less than the 2009 budget, which was during the worst economic conditions the United States has experienced since The Great Depression.”

“Proposed budget reductions of this size will significantly impair, and likely eliminate, various public health services and the Health Department’s ability to maintain public health and safety.”

“These actions may necessitate large increases in fees for services that our businesses and citizens depend upon, and/or long delays for completion of services.”

- **August 23, 2023:** Administrator Gibbs responded at 8:32 a.m. (Exhibit E, emphasis added):

Hi Addie,

Good morning!

Thank you for sharing the information below.

Please proceed with producing a budget with a general fund contribution as close to the below-directed level as possible, which discontinues all COVID-related grants.

Thank you!

This demonstrates that Administrator Gibbs left it up to Ms. Hambley to propose a budget amount that was as close to \$2.5 million as possible while still addressing Ms. Hambley’s concerns.

- **August 24, 2023:** Ms. Hambley ignored Administrator Gibbs request to produce a budget at a point higher than 2.5 million (Exhibit E), and instead reiterates that she cannot create a budget at exactly 2.5 million, a request that was no longer in effect. Again, the last communication from Administrator Gibbs at this point was for Ms. Hambley to select a recommended amount for the budget. Ms. Hambley responded to Administrator Gibbs’ email on August 24, 2023 at 5:08 p.m. (Exhibit E).

Ms. Hambley also prepared a second memo regarding the budget, dated August 24, 2023 (Exhibit F), and she posted it publicly on Ottawa County Health Department Facebook page at the same minute that she sent her response to Administrator Gibbs.

In the memo, Ms. Hambley provided the following chart:

PUBLIC HEALTH GENERAL FUND BUDGETED AMOUNTS 2009 - 2020

	FY09	FY10	FY11	FY12	FY13	FY14	FY15	FY16	FY17	FY18	FY19	FY20
TOTAL GENERAL FUND	\$4,298,869	\$4,055,311	\$3,992,341	\$3,761,261	\$3,648,130	\$3,382,719	\$3,379,710	\$3,379,710	\$4,489,636	\$4,309,423	\$4,360,714	\$3,727,297
General Fund												
County Admin. Overhead	\$510,853	\$449,944	\$540,854	\$557,624	\$616,091	\$624,159	\$655,857	\$514,114	\$544,793	\$741,755	\$944,201	\$1,108,682
GENERAL FUND PUBLIC HEALTH OPERATIONS	\$3,788,016	\$3,605,367	\$3,451,487	\$3,203,637	\$3,032,039	\$2,758,560	\$2,723,853	\$2,865,596	\$3,944,843	\$3,567,668	\$3,416,513	\$2,618,615

Using the information provided by Ms. Hambley, the average amount provided for General Fund Public Health Operations was \$3,158,281.10 per year (using the previous 10 years of budgets Pre-COVID (2011-2020)).

In either case, the budgeted amount for Public Health Operations coincided with Commissioner Moss’ estimate at the Finance Committee Meeting on August 21, 2023 that the historical average was “maybe a little more” than \$3 million per year.

It is important to note that there is an amount budgeted for the Health Department that has not yet accounted for county administrative costs and overhead (gross), and there is an amount budgeted for the Health Department after those costs are deducted (net).

Ms. Hambley created a budget using \$2.5 million as the gross amount for the Health Department (Exhibit F, page 2). Even if this was a miscommunication between Administrator Gibbs and Ms. Hambley, she never asked any questions or asked for clarification as to whether the County Administrator or the Finance Committee was referring to the gross or net amount. Further, after Ms. Hambley made it clear on August 22, 2023 at 4:58 p.m. that a \$2.5 million budget for the gross amount was unworkable, Administrator Gibbs responded on August 23, 2023 at 8:32 a.m. that he understood her concerns and left it up to her to find a budget number “as close to” \$2.5 million as possible.

Instead, Ms. Hambley created a net budget for \$585,011 (Exhibit F, page 2). Again, Ms. Hambley ignored Administrator Gibbs' August 23, 2023 request that she prepare a budget "as close to the below-directed level as possible" where she could have recommended a minimum budget level. Ms. Hambley also ignored Commissioner Moss' clear request that any new budget still "allow all of the essential services to function just fine like they have since 2009."

- **August 25, 2023:** Despite Ms. Hambley continually publicly stating that entire programs within the Health Department would be shutting down, she sent an internal email to all Public Health Department employees at 11:24 a.m. (Exhibit G, emphasis added):

"At this time, **budgets are still being discussed** by the Board of Commissioners in the Finance Committee Workgroup. If you have clients contacting you with concerns, please let them know that **services are continuing as usual and budgets have not yet been finalized** so we are unable to give definitive answers as to what will happen after October 1, 2024."

- **August 25, 2023:** Commissioner Gretchen Cosby, chair of the Finance Committee, sent the following email to Ms. Hambley at 3:24 p.m. (Exhibit H):

Good afternoon Adeline,

During the Budget Work Session on Monday, I requested the following information to help with budget decisions for FY2024:

Number of current health department programs.

1. Descriptions of the programs and services.
2. Number of residents served by the individual program.
3. Resources required- human/FTE's and supplies to provide the program.
4. Intended outcomes and current outcomes.

I am interested in learning more about your business and believe that my background as a nurse will be helpful as we plan for a healthier Ottawa County in 2024.

Thank you for your assistance.

Gretchen

Ms. Hambley responded later on August 25, 2023 at 7:01 p.m. (Exhibit H).

- **August 25, 2023:** Administrator Gibbs next proposed a new scenario for the Health Department Budget at \$3.8 million and requested that Ms. Hambley and Karen Karasinski (head of the Finance Department) work together on such a scenario.

Administrator Gibbs sent the following email to Ms. Hambley and Ms. Karasinski (Exhibit I):

Hi Karen,

Good afternoon.

Please take the following action to draft Public Health's budget:

1. Set the Public Health general fund contribution to \$2.5 million, and then have Public Health use a portion (\$1.3 million) of their \$3 million fund balance to reach \$3.8 million, the average general fund contribution from 2009 to 2019. Please transfer \$1.5 million of the remaining Public Health fund balance to the County's contingency fund (unless specific parameters prevent it).
2. Eliminate all COVID positions approved at the August 24, 2021 Full Board of Commissioners meeting, totaling \$2,179,153. (See the attached for more info)
3. Eliminate the following COVID-19 related grants, and any general fund contribution to programs funded by these grants
 - o PHEP 9 Month Grant
 - o PHEP 3 Month Grant
 - o PHEP to provide training for a new Public Health Emergency Preparedness Manager
 - o Immunization Action Plan (Note: keep grant, remove general fund contribution)
 - o Immunization ELPHS (Note: keep grant, remove general fund contribution)
 - o COVID-19 SUD
 - o GCD ELPHS - Disease Control
 - o Contact Tracing
 - o COVID Immunization
 - o Reopening Schools HRA
 - o NNICE Vaccine COVID-19
 - o COVID Workforce Development to expand

For any additional details, please work with Nina and Kris to set the exact budget numbers within the above parameters.

Thank you,

- **August 28, 2023:** Commissioner Cosby sent the following email to Ms. Hambley at 12:19 p.m. (Exhibit J):

Good Afternoon,

Thank you for sending me the online link for the Ottawa County Health Department programs, I am interested in setting the Health Department up for success, regardless of what has been reported in the media.

If you could provide the other data points I requested by program, I would be willing to meet with you to see if there is an advocacy opportunity for specific programs and program requirements.

Thank you for your assistance.

Gretchen Cosby

Ms. Hambley responded to Commissioner Cosby on August 28th (Exhibit J, emphasis added):

Thank you for your email. I appreciate your communication, and I am working on gathering the requested information. I wanted to let you know that it may be a few days before I can provide some of it, **as much of my weekend and today have been spent helping provide answers for Karen from Fiscal Services, so that she can assist Administrator Gibbs with his various requests for different possible budget decrease scenarios, and the ramifications of each. This work is ongoing,** and I didn't want you to think that I don't consider your message important. As you know, I have welcomed discussions with you and your colleagues in my various communications, offering to meet since December prior to when the Commission took office in January. Please know that I am working to provide the information in Friday's request as soon as possible.

This demonstrates that Ms. Hambley was actively involved in budget negotiations. Further, she admits that she was still gathering information and working with Fiscal Services on different budget scenarios.

- **August 28, 2023:** Ms. Hambley responded to Administrator Gibbs' August 25, 2023 email (Exhibit K, emphasis added):

Hi John,

Thank you for cc'ing me on the request you sent Friday afternoon to Karen for changes to the Public Health FY 2024 budget. It is important for both Fiscal Services and Public Health to work together on your new request for budget amendments, since there are program details that Karen will need from Public Health to attempt to do what you have asked: **suggest configurations of the Health Department budget which could still comply with the Public Health Code and with state and federal funding requirements.**

Unfortunately, in my view, your request to Karen on Friday afternoon is still asking her to do the impossible. **I have been working this weekend and so far today to answer Karen's questions while she is on her vacation.** My

understanding is that you have now asked her for different information, and so we are now pivoting to help her with those new requests. **We will continue to try our best to help Karen with these new requests as of today at 5pm.**

However, as a general matter, the information attached will be useful to you to keep in the background.

Ms. Hambley attached a third memo, dated August 28, 2023 (Exhibit L).

- **August 29, 2023:** Commissioner Cosby sent the following email to Ms. Hambley (Exhibit M):

Good evening Adeline,

Thank you for capturing the information that I have requested. I am asking for the information so I can be helpful, point to successes of the Health Department and seek solutions.

I need to give context or background to the statement you made about, “welcoming discussions since December.” During my meeting with John Shay and Patrick Waterman in late November, John shared constructive steps Lisa was taking to transition the OCPHD from her leadership and preparing for the next leader. I recognized that she cared about the department and people that she led and asked to meet with her. John said he would arrange a meeting.

After not hearing back from John, approximately 2 weeks later, I called and asked John about meeting with Lisa. It was during this phone call he told me that you were training with Lisa and would be filling in as interim Administrative Health Director, I asked to meet with both of you. He gave me Lisa’s office number, I called and left a message, it may have been the Monday before the December 13, 2022 BOC meeting.

I had hoped as a nurse, to be bridge between parents and the OCPHD. Had I known you were interested in in the role of Administrative Health Director, I certainly would have considered you for the role.

Sincerely,

Gretchen Cosby

- **August 30, 2023:** Ms. Hambley sent the following email to Commissioner Cosby (Exhibit N):

Commissioner Cosby,

I wanted to share some information to get you started. Attached is a pdf of communication reaching out and various information shared in the past. This might be helpful to find past documents shared.

The following links also provide some great info on program performance highlights:

<https://www.miottawa.org/Health/OCHD/admin.htm#ARPT>

Bottom of the page are the annual reports, these reports provide an excellent highlight of services and outcomes

<https://www.miottawa.org/Health/OCHD/data.htm#CommunicableDisease>

The communicable disease reports will provide a nice summary of annual reportable diseases in Ottawa County, which, as you know, all require work on behalf of public health.

I will also forward you some email threads that have been sent to Administrator Gibbs regarding the Public Health budget. It appears that the information may not be being shared with the full Committee. Those emails/reports have information that provides some context to funding mechanisms and limitations. There are also some statistics in the attached documents.

If you have specific questions as you review this information, please let me know. Moving forward, I will share any budget communication to Administrator Gibbs to ensure, as chair of the Finance Committee Workgroup, that you receive the information.

Thank you

- **August 30, 2023:** Ms. Hambley issued a Health Department press release regarding the budget, which included the following false statements (Exhibit O, emphasis added):

“As of today, Ottawa County Fiscal Services is creating a new Public Health budget at the direction of Administrator John Gibbs, without input from leadership at the health department.”

“Public Health has not been consulted about this budget, or provided with any information on the proposed budget or suggested cuts.”

“Despite Hambley’s best efforts to inform and educate County Administration on the complexity of funding mechanisms and statutory program requirements of a local health department in Michigan, and her offers to discuss public health programs, funding, and legal requirements on numerous occasions, the Health Officer was not included in this process.”

“The Ottawa County general fund contribution to Public Health will be \$3.8 million (of which \$1.3 million is from Public Health Fund Balance).”

“At this time, Hambley has met all requests by County Administration to the best of her ability, including providing four budget scenarios which outline the consequences of not meeting the State’s minimum requirements for all essential local public health services, such as food inspections; drinking water and sewage disposal permitting and inspecting; hearing and vision services for children, and communicable disease surveillance;”

- **August 30, 2023:** Ms. Hambley was interviewed by Fox 17 and made the following statements:³

“I have not been involved in any of the conversations about public health programming and potential cuts.”

“I’ve reached out numerous times to ask to be at the table or to say this is complex and we should meet and discuss with fiscal. I have not received anything.”

“[T]his would force the department to close within a matter of weeks.”

“If they're proposing a cut, and every single line item for public health, you would be looking at significant time increases, or turning away of people for programs, or you look at significant time increases for inspections, permit issuance, or things like that. . .”

- **August 30, 2023:** Ms. Hambley was interviewed by the Holland Sentinel, and the article stated:⁴

“Hambley told The Sentinel and other media outlets last week that Moss' demands to slash her budget next year by nearly \$4 million could violate her state-mandated duties to protect public health, and **potentially close the health department altogether.**”

“And to me, this is a threat to the foundations of the public health and the health and safety of the community.”

“Hambley said she's made efforts to ‘inform and educate county administration on the complexity of funding mechanisms and statutory program requirements of a local health department in Michigan,’ and that she's offered to ‘discuss public health programs, funding and legal requirements on numerous occasions.’ She said those offers went unaccepted . . .”

³ Health Dept.: Ottawa Co. Administrator Handling Budget Cuts, Matt Witkos, Fox 17. <https://www.fox17online.com/news/local-news/lakeshore/ottawa/health-dept-ottawa-co-administrator-handling-budget-cuts#:~:text=%22I%20know%20Fiscal,community%2C%22%20Hambley%20said>

⁴ Hambley: State Consequences Loom as Gibbs Orders Cuts. <https://www.hollandsentinel.com/story/news/politics/county/2023/08/30/hambley-state-consequences-still-loom-as-gibbs-bypasses-her-with-cuts/70722648007/>

“ . . . the county's fiscal services department is now creating a new budget for the health department — bypassing her and her staff altogether — and has been instructed to ‘reduce funding in every public health line item to meet this funding level.’”

- **September 1, 2023:** Fiscal Services provided Ms. Hambley with the first proposed budget at 12:45 p.m. The proposal had approximately \$5.7 million general fund contribution budgeted for the Health Department. Ms. Hambley sent the following email to Administrator Gibbs at 1:33 p.m. (Exhibit P):

John,

I received the proposed changes from Fiscal Services around 12:45 today, if there are any changes between now and 10am on Tuesday could you please notify me.

Thank you!

- **September 1, 2023:** At 3:58 p.m., Ms. Hambley filed an emergency motion in her Court of Appeals case and stated in part:⁵

“However, Administrator Gibbs made this request of Appellee Hambley despite entirely excluding Appellee Hambley since Monday, August 28, 2023, from any discussions or information about the frequent new iterations of how to achieve the Health Department budget cuts that he and Defendant County Commission Chairman Joe Moss want.”

“Instead, Mr. Gibbs has gone entirely to Fiscal Services for the County to run various budget scenarios this week, even though Appellee Hambley has repeatedly asked to and offered to be consulted in these talks.”

Ms. Hambley’s motion was denied by the Court of Appeals.

- **September 5, 2023:** At the Finance Committee meeting, Ms. Hambley made the following statements:

“As I have not been invited to any discussions in the past two weeks regarding the budget for the health department, I’m not sure I’ll be invited to speak later in this meeting.”

“After attempts to communicate these concerns to Administrator Gibbs went nowhere it was important that I be transparent with the rest of the commission and the public and communicate the risk to public health if funding went forward at 2.5 million.”

⁵ Ms. Hambley’s Motion for Emergency Relief, September 1, 2023, page 4.

“Administrator Gibbs moved forward **instructing that fiscal services draw up a budget without public health input.**”

“**In some instances you are literally taking services out of the mouths of children.**”

- **September 18, 2023:** The latest budget scenario was released. The following is a summary of the previous five budget years of Health Department Approved Budgets and the current FY 2024 proposal:

<i>FY 2019</i>	<i>FY 2020</i>	<i>FY 2021</i>	<i>FY 2022</i>	<i>FY 2023</i>	<i>FY 2024</i>
\$11,377,553	\$12,595,671	\$12,885,857	\$14,196,134	\$15,258,827	\$14,397,715

The latest budget is over three million dollars more than it was Pre-COVID in 2019. **It is more than 2019, 2020, 2021, and 2022’s budgets and is the second highest budget ever proposed for the Health Department.** The latest budget proposal is a 27% increase from 2019 and a mere 5.6% reduction from 2023’s approved budget.

The latest proposal is exactly in line with the BOC’s stated goal of returning the Health Department budget to Pre-COVID levels while accounting for inflation and population growth. Moreover, it is also consistent with Commissioner Moss’ stated goal from August 21, 2023, to reduce the budget “and still allow all of the essential services to function just fine like they have since 2009.”

CHARGES

I. MS. HAMBLEY DEMONSTRATED INCOMPETENCE, MISCONDUCT, AND NEGLECT OF DUTY BY MAKING FALSE PUBLIC REPRESENTATIONS ABOUT BUDGETARY SCENARIOS.

Ms. Hambley knew that the County Administrator cannot unilaterally adopt a budget, nor can he unilaterally increase or decrease any department’s budget. Ms. Hambley knew that any request for proposed budgetary scenarios were not final or binding on the Finance Committee or the Board of Commissioners.

Yet, instead of responding professionally and competently to the County Administrator’s requests for different budgetary scenarios, Ms. Hambley ran to the media claiming that the Health Department may be shut down. Her actions incited fear and panic in the community.

Administrator Gibbs presented a budgetary scenario using \$2.5 million from the general fund to Ms. Hambley on August 22, 2023 at 12:20 p.m. (Exhibit D). On August 22, 2023 at 4:59 p.m. Ms. Hambley responded to Administrator Gibbs’ proposal to use \$2.5 million from the general fund (Exhibit D). At the exact time she emailed her response to Administrator Gibbs, Ms. Hambley publicly posted on the Health Department Facebook page that the proposed budget “will significantly impair, and likely eliminate, various public health services and the Health Department’s ability to maintain public health and safety” and threatened that the State of Michigan may issue an administrative compliance order (Exhibit Q).

Rather than acting competently and in good faith by offering a reasoned response for why a \$2.5 million budget scenario would not work, Ms. Hambley unprofessionally resorted to extreme public hyperbole. Ms. Hambley knew that Administrator Gibbs could not unilaterally dictate a budget for the Health Department. She also knew that no formal budgetary proposals had even been submitted to the Finance Committee at that point.

On August 23, 2023 at 8:32 a.m., approximately five business hours after the initial \$2.5 million budget proposal and less than one business hour after Ms. Hambley's response, Administrator Gibbs responded to Ms. Hambley's concerns and asked her to "Please proceed with producing a budget with a general fund contribution as close to the below-directed level as possible." (Exhibit E). At that point, it became Ms. Hambley's duty to prepare a budget proposal and inform the County Administrator how close she could get to the proposal of \$2.5 million. In other words, Administrator Gibbs abandoned a strict \$2.5 million proposal and indicated that it would be up to Ms. Hambley to set a minimum budget amount. Ms. Hambley either ignored or refused Administrator Gibbs' request.

It is important to note that after Administrator Gibbs' August 23, 2023 email, a strict \$2.5 million proposal was never addressed or brought up again. Instead, the next budgetary scenario that was proposed to Ms. Hambley was for \$3.8 million on August 25, 2023 (Exhibit I). One week later, on September 1, 2023, the first actual budgetary proposal of \$5.7 million was formally submitted to the Finance Committee and it was also sent to Ms. Hambley (Exhibit P).

Yet, Ms. Hambley continued to parrot the \$2.5 million proposal and implied that it was the only amount being considered. For example, Ms. Hambley told the Holland Sentinel on August 24, 2023:⁶

"At \$2.5 million ... with again, \$1.7 million going back ... so essentially \$800,000? I ... I don't ... I don't know, I don't even know how to propose an operating budget for that"

Ms. Hambley also prepared a memo on August 24, 2023 (Exhibit F) and posted it on the Health Department's Facebook page. It provided a response to the \$2.5 million proposal and completely ignored Administrator Gibbs' response from August 23, 2023 that acknowledged Ms. Hambley's concerns and requested that she prepare a budget as close to \$2.5 million as possible.

Instead, Ms. Hambley presented to the public the \$2.5 million proposal as if it was the only amount being considered. She also failed to inform the public that she was requested to provide her own budgetary scenario that addressed all of her concerns while being as close to \$2.5 million as possible. Ms. Hambley then used this internal discussion to stoke fear and panic in the community. Again, at no point was \$2.5 million ever formally proposed to the Finance Committee or the BOC, yet Ms. Hambley stated in her report (Exhibit F):

- The proposed \$2.5 million in general fund contribution is an 88% reduction in general funds available to provide services to the community.

⁶ Hambley: Health Department Could Shut Down in Weeks Under Proposed Budget. Holland Sentinel. <https://www.hollandsentinel.com/story/news/politics/2023/08/24/hambley-health-department-could-shut-down-in-weeks-under-proposed-budget/70660296007/>

- No federal or state funding will be received due to local governing entity requirements not being met.
- 12 mandated or community need-based programs will be eliminated by October 1, 2023, such as: Children’s Special Health Care Services, Dental Sealant Program and Miles of Smiles Mobile Dental Office for school children, Maternal and Infant Health Program for pregnant moms and infants, Family Planning and Women’s Health Services, Ottawa Food, Suicide Prevention Coalition, Pathways to Better Health, and others.
- This does not meet the minimum maintenance of effort to provide mandated programs as is required by law.
- Actions may subject the County to legal consequences:
 - Issuance of an administrative compliance order to the local governing entity by the State of Michigan for failure to demonstrate adequate provision of required services to the community.
 - Unlaw (sic) retaliatory actions against the Health Officer will lead to additional claims being filed in court.
- Loss of public health knowledge and expertise through loss of staff and programs that will take many years and many dollars to rebuild.
- It strips citizens of the services they are guaranteed under the law and the rights they are granted under the Michigan Constitution. These actions are not fiscally conservative but fiscally, and legally, irresponsible.
- These actions may necessitate large increases in fees for services that our businesses and citizens depend upon, long delays for completion of services, or elimination of services.

Ms. Hambley concluded by promoting doomsday scenarios where the Health Department would close its doors in as little as four weeks and that this budget risks “the health of each person who lives or works in Ottawa County.”

Ms. Hambley misled the public on August 24, 2023, implying that \$2.5 million was the only budget amount being considered even though Administrator Gibbs, on August 23, 2023, had already abandoned that proposed amount and requested that Ms. Hambley provide a minimum amount.

Even if Ms. Hambley found Administrator Gibbs’ original \$2.5 million proposal to be unworkable, impossible, or even offensive, she had a professional duty to explain her concerns while working towards a solution that addressed those issues. Indeed, this was exactly what Administrator Gibbs’ did in response to her concerns by asking Ms. Hambley to prepare her own budget “as close to” \$2.5 million as possible.

Instead of responding to Administrator Gibbs’ updated request that acknowledged her concerns and working towards a solution, Ms. Hambley resorted to misleading the public and causing

panic that the Health Department was going to be imminently closed. Rather than working towards a solution, Ms. Hambley used the very first proposal from Administrator Gibbs to attack and impugn his and the BOC's motives.

Internal discussions continued and Administrator Gibbs requested on August 25, 2023, that Ms. Hambley prepare a budget scenario for \$3.8 million (Exhibit I). Again, rather than properly respond to Administrator Gibbs, Ms. Hambley prepared a memo on August 28, 2023 (Exhibit L), issued a press release on August 30, 2023 (Exhibit O), and included the August 28, 2023 memo with the press release.

In Ms. Hambley's press release, she falsely stated (Exhibit O, emphasis added):

"The Ottawa County general fund contribution to Public Health will be \$3.8 million (of which \$1.3 million is from Public Health Fund Balance)."

Ms. Hambley intentionally misled the public by stating that the funding for the Health Department "will be" \$3.8 million, even though she knew that no formal budget proposal had even been submitted to the Finance Committee at this point, or let alone voted upon the entire BOC.

Ms. Hambley's August 28, 2023 memo, that was attached to the August 30, 2023 press release, stated:

- "All items below the yellow highlight would need to be cut due to lack of funding" and "[a]s the programs below the highlighted yellow line are no longer funded, they would be eliminated . . ."
 - Dental Grants-Seal
 - Dental Services – Miles of Smiles
 - Children's Special Health Care
 - Maternal Infant Health Program
 - Medicaid Outreach
 - Ottawa Food
- "The initial request to create a budget of \$2.5 million total general fund would not meet this maintenance of effort as required . . ."
- "As explained in my response on August 24, 2023, that a total general fund contribution of \$2.5 million falls significantly short of the maintenance of effort (MOE) needed to operate all mandated essential public health services at a minimally serviceable level, let alone meet the general fund needs for other required or desirable services that Ottawa County residents have relied on and have contributed to a comparatively healthy, thriving community in the past."

Finally, Ms. Hambley continued to report to the public about problems with the \$2.5 million proposal that had already been abandoned.

Once again, instead of acting in good faith, continuing internal discussions, explaining her concerns, and working towards a solution, Ms. Hambley resorted to lying to the public, causing fear and panic, and reiterating her claims that the shut down of Public Health programs was imminent. No formal proposal had been submitted to the Finance Committee or the BOC at this point, yet Ms. Hambley lied to the public that the Health Department's funding "will be" \$3.8 million. At no point had the Finance Committee or BOC ever received or voted upon a proposal for \$3.8 million and Ms. Hambley knew this to be true when she lied to the public.

Ms. Hambley, by her own internal emails, knew that the budget had not been finalized and it was not set at \$3.8 million. This is demonstrated by the private email she sent internally to her staff on August 25, 2023 which stated that "**budgets are still being discussed** by the Board of Commissioners in the Finance Committee Workgroup" and "**services are continuing as usual and budgets have not yet been finalized**" (Exhibit G, emphasis added). This was further confirmed by the first formal proposal presented to the Finance Committee on September 1, 2023 for \$5.7 million (Exhibit P).

While Ms. Hambley was publicly proclaiming that the completed budget "will be" \$3.8 million and services "would be eliminated," she was privately admitting to her staff that "services are continuing as usual" until "after October 1, 2024," and "budgets are being discussed" and "have not been finalized" (Exhibits G, L, and O). These instances of duplicitousness and deceit warrant Ms. Hambley's removal.

All of the above demonstrates Ms. Hambley is unfit to continue in her position because of her incompetence, misconduct, and/or neglect of duty.

II. MS. HAMBLEY DEMONSTRATED INCOMPETENCE, MISCONDUCT, AND NEGLECT OF DUTY BY FALSELY CLAIMING THAT SHE WAS NOT INCLUDED IN THE BUDGET PROCESS.

Ms. Hambley, in her official capacity as interim Health Officer, publicly made numerous false claims regarding the budgetary process that reflect incompetence, misconduct, willful neglect of duty, or a combination of all three. For example:

"As I have not been invited to any discussions in the past two weeks regarding the budget for the health department, I'm not sure I'll be invited to speak later in this meeting."⁷

"After attempts to communicate these concerns to Administrator Gibbs went nowhere it was important that I be transparent with the rest of the commission and the public and communicate the risk to public health if funding went forward at 2.5 million."⁸

"Public Health has not been consulted about this budget, or provided with any information on the proposed budget or suggested cuts."⁹

⁷ Finance Committee Meeting, September 5, 2023.

⁸ Finance Committee Meeting, September 5, 2023.

⁹ Health Department Press Release, August 30, 2023.

In addition, Ms. Hambley falsely represented to the Court of Appeals that she had been shut out of the budgetary process.¹⁰

Ms. Hambley made these public claims despite knowing they were false. All of the above emails and communications clearly show that Ms. Hambley and her department were in almost daily communication with Administrator Gibbs, Fiscal Services, or Finance Chair Cosby regarding the budget.

Fiscal Services

Specifically, Ms. Hambley falsely claimed that she had no contact with Fiscal Services and was completely shut out:

August 30, 2023 (Holland Sentinel): “. . . the county's fiscal services department is now creating a new budget for the health department — bypassing her and her staff altogether — and has been instructed to ‘reduce funding in every public health line item to meet this funding level.’”

August 30, 2023 (Press Release): “As of today, Ottawa County Fiscal Services is creating a new Public Health budget at the direction of Administrator John Gibbs, without input from leadership at the health department.”

August 30, 2023 (Fox 17): “I’ve reached out numerous times to ask to be at the table or to say this is complex and we should meet and discuss with fiscal. I have not received anything.”

September 5, 2023 (Finance Meeting): “Administrator Gibbs moved forward instructing that fiscal services draw up a budget without public health input.”

By her own admissions, Ms. Hambley knew her claims and official public representations on behalf of the Health Department were false. On August 25, 2023, Administrator Gibbs sent an email to Ms. Karasinski and Ms. Hambley with the latest budget scenarios and requested that Ms. Karasinski “please work with Nina and Kris to set the exact budget numbers within the above parameters.” Nina Baranowski is the Public Health Financial Manager and Kris Conrad is an Administrative Assistant in the Public Health Department. Clearly, the Health Department was not being bypassed when the County Administrator requested that the head of the Finance Department work with two high level employees in the Health Department.

In addition, Ms. Hambley’s emails prove her incompetence, misconduct, and neglect of duty:

August 25, 2023: “I wanted to let you know that it may be a few days before I can provide some of it, **as much of my weekend and today have been spent helping provide answers for Karen from Fiscal Services, so that she can assist Administrator Gibbs with his various requests for different possible budget decrease scenarios, and the ramifications of each. This work is ongoing. . .**”¹¹

¹⁰ Ms. Hambley’s Motion for Emergency Relief, September 1, 2023, page 4.

¹¹ Exhibit J.

August 28, 2023: “Thank you for cc’ing me on the request you sent Friday afternoon to Karen for changes to the Public Health FY 2024 budget.”¹²

August 28, 2023: “It is important for both Fiscal Services and Public Health to work together on your new request for budget amendments, since there are program details that Karen will need from Public Health to attempt to do what you have asked: **suggest configurations of the Health Department budget which could still comply with the Public Health Code and with state and federal funding requirements.**”¹³

August 28, 2023: “My understanding is that you have now asked her for different information, and so we are now pivoting to help her with those new requests. **We will continue to try our best to help Karen with these new requests as of today at 5pm.**”¹⁴

Ms. Hambley’s own emails undisputedly show that she was privately working with the county fiscal services department, the County Administrator, and/or the Commissioners. She was providing them with information and such work with Fiscal Services was “ongoing.” All the while, she was falsely claiming to the public to have been completely shut out of the budgetary process. Ms. Hambley was misleading the public and such conduct amounts to incompetence, misconduct, and/or neglect of duty.

Health Department Programming

Next, Ms. Hambley falsely claimed that there had been no discussions with her regarding Health Department programming:

August 30, 2023 (Fox 17): “I have not been involved in any of the conversations about public health programming and potential cuts.”

August 30, 2023 (Press Release): “Despite Hambley’s best efforts to inform and educate County Administration on the complexity of funding mechanisms and statutory program requirements of a local health department in Michigan, and **her offers to discuss public health programs, funding, and legal requirements on numerous occasions, the Health Officer was not included in this process.**”

Ms. Hambley knew her public claims, made on behalf of the Health Department, were false. Again, the Chair of the Finance Committee, Gretchen Cosby, requested from Ms. Hambley just days earlier, on August 25, 2023, the following (Exhibit H, emphasis added):

Good afternoon Adeline,

During the Budget Work Session on Monday, I requested the following information to help with budget decisions for FY2024:

1. Number of current health department **programs.**

¹² Exhibit K

¹³ Exhibit K

¹⁴ Exhibit K

2. Descriptions of the programs and services.
3. Number of residents served by the individual program.
4. Resources required- human/FTE's and supplies to provide the program.
5. Intended outcomes and current outcomes.

I am interested in learning more about your business and believe that my background as a nurse will be helpful as we plan for a healthier Ottawa County in 2024.

Thank you for your assistance.

Gretchen

Ms. Hambley responded on the same day, August 30, 2023, and provided links to Commissioner Cosby, which she claimed had "some great info on program performance highlights" from the Health Department (Exhibit H). However, on the same day, Ms. Hambley publicly told the media that she had no discussions regarding public health programming. Despite responding to Commissioner Cosby's request, Ms. Hambley publicly stoked fear and panic in the community by lying that she had no discussions regarding health programs.

Further, Ms. Hambley admitted in her August 28, 2023 email that she was providing program information to Fiscal Services (Exhibit K, emphasis added):

"It is important for both Fiscal Services and Public Health to work together on your new request for budget amendments, **since there are program details that Karen will need from Public Health to attempt to do what you have asked:** suggest configurations of the Health Department budget which could still comply with the Public Health Code and with state and federal funding requirements."

While Ms. Hambley publicly claimed that she was bypassed, excluded from the budget process, and had no discussions regarding public health programming, she was privately working with the Finance Department and the County Administrator (Exhibits A, B, D, E, I, K, and P), having discussions with Finance Chair Cosby (Exhibits H, J, M, and N), and being asked to prepare her own budget based upon different scenarios (Exhibits D, E, I, and P).

In summary, Ms. Hambley is either incompetent to hold the position of interim Health Officer because she is unable to properly engage in the budget preparation process, or she has engaged in misconduct or willful neglect of duty in the budgetary process as Interim Health Officer by actively misleading the public. In either case, she is not fit to continue in that position.

III. MS. HAMBLEY DEMONSTRATED INCOMPETENCE, MISCONDUCT, AND NEGLECT OF DUTY BY FAILING TO COOPERATE IN THE BUDGET PROCESS.

All of the above communications show Ms. Hambley's involvement in the budgetary process and belie her false public claims on behalf of the Ottawa County Health Department.

Ms. Hambley was clearly involved in the budgetary process for weeks. Instead of acting in good faith by cooperating in the process, she falsely claimed that the Health Department could be

shut down well before a budget proposal had even been submitted to the Finance Committee. In reality, the various budget scenarios were still being prepared during the week of August 28, 2023. The first proposed Health Department Budget was sent to Ms. Hambley on September 1, 2023 (Exhibit P), before she filed her motion in the Court of Appeals case in which she falsely claimed that she had been cut out of the budget process.

After Administrator Gibbs requested that Ms. Hambley prepare a budget scenario assuming a 2.5 million general fund contribution (Exhibit D), Ms. Hambley responded that such a budget was not feasible (Exhibit D). In response to Ms. Hambley's concerns, early the next morning Administrator Gibbs asked her to prepare a budget "as close to the below-directed level as possible" and left it up to Ms. Hambley to set the minimum amount required (Exhibit E). Ms. Hambley never complied with that request and instead continued to maintain that she could not produce a budget with a 2.5 million general fund contribution, a request that was no longer being made. Ms. Hambley knew that no budgetary proposals had yet even been submitted to the Finance Committee. Instead, different budgetary scenarios were still being discussed when she refused to produce a budget "as close to" \$2.5 million as possible.

Throughout the budget process, the Finance Committee and Board of Commissioners would have found it useful for Ms. Hambley to provide information concerning the acceptable minimum Health Department funding. Instead of providing that information, Ms. Hambley chose, instead, to go to the media with frightening and false claims that the Health Department may shut down in a matter of weeks. Her false statements, misrepresentations, failure to cooperate in the budgetary process, and her failure to act in good faith amount to incompetence, misconduct, and/or neglect of duty.

IV. MS. HAMBLEY DEMONSTRATED INCOMPETENCE, MISCONDUCT, AND NEGLECT OF DUTY BY MAKING FALSE CLAIMS THAT ENCOURAGED AND CAUSED CONFUSION, ANXIETY, FEAR, AND PANIC IN THE COMMUNITY.

Ms. Hambley's actions have needlessly caused fear and panic in the community. It is important to note that the Health Department budget had not even been proposed to the Finance Committee, let alone to the entire BOC, at the time she was stoking fear and panic. Even though the budget process was in its infancy and the County Administrator was merely looking at different budgetary scenarios in preparation for a Finance Committee meeting, Ms. Hambley misled the public and made numerous irresponsible statements to terrorize the public.

Ms. Hambley took the very first, and quickly abandoned, budget scenario (\$2.5 million) that was not even proposed to the Finance Committee, let alone voted on by the Committee or the complete BOC, and lied about that possible scenario to the public. She continued to scare the public with her threats of the Health Department shutting down even though she knew the budget was an ongoing process.

While it is obviously appropriate to keep the public informed and updated as to the budgetary process, it is quite another to act dishonestly and in bad faith, cause fear and panic in the community, and issue threats on nearly a daily basis that the Health Department is going to close, children will be harmed, and implying that people will die. For example (emphasis added):

- **September 5, 2023 (Finance Committee Meeting): "In some instances you are literally taking services out of the mouths of children.**

- **September 5, 2023** (Holland Sentinel):¹⁵ “Hambley said [the budget] would “continue to put all public health services at risk.”
- **August 30, 2023** (Holland Sentinel): “Hambley told The Sentinel and other media outlets last week that Moss' demands to slash her budget next year by nearly \$4 million could violate her state-mandated duties to protect public health, **and potentially close the health department altogether.**”
- **August 30, 2023** (Fox 17): “[T]his would force the department to close within a matter of weeks.”
- **August 30, 2023** (Fox 17): “If they're proposing a cut, and every single line item for public health, you would be looking at significant time increases, or turning away of people for programs, or you look at significant time increases for inspections, permit issuance, or things like that. . .”
- **August 30, 2023** (Holland Sentinel): “And to me, this is a threat to the foundations of the public health and the health and safety of the community.”
- **August 22, 2023** (Facebook post): “Proposed budget reductions of this size will significantly impair, and likely eliminate, various public health services and the Health Department’s ability to maintain public health and safety.”

As a result of Ms. Hambley’s incompetence, misconduct, and/or neglect of duty, she caused fear and panic in the community. For example, the following are just a few of the statements from constituents (Exhibit R):

- “If these cuts are allowed to go through, the children of Ottawa County will suffer.”¹⁶
- “Because vulnerable people will get hurt: mothers, children, people without regular access to health care, the unborn and the whole community.”
- “This will be devastating to all of Ottawa County but it will effect those in need the most.”
- “Do not take dental care and food from children.”¹⁷
- “You will be harming people I[n] ways you have not fully considered. You’re playing politics with childrens health and wellbeing.”
- “This is an irresponsible demand that would effectively shut down public health services to county residents.”
- “As my representative in the Ottawa County commissioners, I would like to know your thoughts on the gutting of the health department.”
- “I am concerned that if the proposed budget cuts are passed, it will become very difficult to live or do business in the county.”
- “[W]hy was the Health Department asked to reduce their budget by 88% in two days?”

¹⁵ Hambley: Newly proposed budget is better, but nowhere near enough, Sarah Leach. <https://www.hollandsentinel.com/story/news/politics/county/2023/09/05/hambley-newly-proposed-budget-is-better-but-nowhere-near-enough/70763811007/>

¹⁶ Ottawa County Board of Commissioners Meeting, September 12, 2023, Public Comment at 1:16:42. <https://www.youtube.com/watch?v=fM6ljyQyqd4>

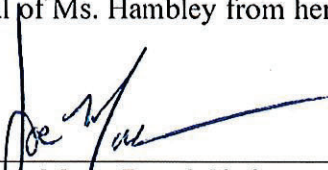
¹⁷ Ottawa County Board of Commissioners Meeting, September 12, 2023, Public Comment at 2:22:50. <https://www.youtube.com/watch?v=fM6ljyQyqd4>

- “The cuts that are proposed would be devastating to all programs.”¹⁸
- “Over the past few days I have read some very distressing articles about the sweeping budget cuts for our health department.”
- “I’m a constituent in your district and am concerned. As a health care professional, how can you be part of the dismantling of our health department? You of all people should see the harm this is going to cause.”
- “If you take away a large part of the health department's budget I can only imagine how many families like ours will not be able to pay for their child’s medication or health care needs.”
- “They do so much for us that the thought of these cuts are terrifying.”
- “I’d like to say that drastic cuts to the health department will harm many people, and you should not be at war with your health providers, and please do your job, thank you.”¹⁹

These are merely a sample of the fear and terror that Ms. Hambley inflicted on the community all because of her misconduct and inability to act competently during the budgetary process. While it is always acceptable to publicly criticize an officially proposed budget that has been presented to the Finance Committee or the BOC, it is wholly inappropriate to present internal budgetary questions to the public as though they are formal and/or finalized proposals and then stoke fear and panic based upon misrepresentations and misinterpretations of those internal and preliminary budgetary questions.

For the reasons set forth above, Ms. Hambley is incompetent, engaged in misconduct and habitual or willful neglect of duty. Ms. Hambley cannot be depended upon to act professionally and in good faith in one of the most crucial duties of the Board of Commissioners, the budget process. Further, it is clear that Ms. Hambley will lie about and manipulate good faith internal discussions to cause fear and panic in the public. This warrants removal of Ms. Hambley from her position pursuant to MCL 46.11(n).

Dated: September 26, 2023.



Joseph Moss, Board Chair
Ottawa County Board of Commissioners

¹⁸ Ottawa County Board of Commissioners Meeting, September 12, 2023, Public Comment at 1:03:30. <https://www.youtube.com/watch?v=fM6IjyQyqd4>

¹⁹ Ottawa County Board of Commissioners Meeting, September 12, 2023, Public Comment at 1:06:55. <https://www.youtube.com/watch?v=fM6IjyQyqd4>