



WASHTENAW COUNTY BOARD OF COMMISSIONERS

Wednesday March 7, 2007

RECORD OF PROCEEDINGS

An adjourned session of the Washtenaw County Board of Commissioners was held at the Administration Building, in the City of Ann Arbor, Michigan, on Wednesday, March 7, 2007.

The meeting was called to order at 8:00 p.m. by Jeff Irwin, Chair of the Board.

MEMBERS PRESENT: Comms. Bergman, Grewal, Gunn, Irwin, Ping Mills, Ouimet, Peterson, Lovejoy Roe, Schwartz, Sizemore, and Smith.

MEMBERS ABSENT:

OTHERS PRESENT: County Administrator Robert Guenzel, Deputy County Administrators David Behen and Verna McDaniel, Corporation Counsel Curt Hedger; Catherine McClary, Treasurer; Lawrence Kestenbaum, County Clerk; Peter Ballios, Finance; Diane Heidt, Human Resources; Dale Vanderford, Ken Schrader, Information Technology; Alan Israel, Prosecuting Attorney's Office; Jennifer Watson, Budget; Patricia Denig, Herbert Mahony, Undersheriff; Anthony VanDerworp, Planning and Environment; Mark Lindke, Veterans Services; Kerry Sheldon, Tammy Richards, Administration; Jason Brooks, Clerk's Office; various citizens; and members of the press.

Pledge of Allegiance

Approval of the Minutes of the Previous Meeting

Comm. Lovejoy Roe stated that there was no mention of her discussing the receipt of resolution 07-0054 too close to the meeting, her desire to table it for further thought, and to receive feedback from Comm. Peterson.

Comm. Gunn seconded by Comm. Bergman moved that the minutes of the February 21, 2007, Board of Commissioners meeting be approved as amended. Motion carried.

Citizen Participation

Tom Partridge stated that he is calling on the Board to become more progressive in areas of socioeconomic and race relations. He stated that many members of the Board do not take past leadership into consideration. He added that Commissioners should invite citizens from diverse backgrounds to these meetings. Partridge also stated that there is a lack of access for the handicapped to the Administration building. He stated that health care in the County needs to be re-evaluated.

Roberta Asplin stated that the Michigan Public Health budget is going to be cut, and that it will affect public health nurses. Asplin detailed many of the duties of public nurses, and added that there is not enough leadership in nursing. She stated that in the past, more nurses were available to carry out and supervise others. Asplin also commended Bob Guenzel on the work he has done for the County.

Commissioner Follow-Up to Citizen Participation

Comm. Smith stated that the Administration and the County Commissioners are berated for actions that are not taken. He added that core values guide decision made in Washtenaw County. He stated that County programming over decades has shown humanities to be an interest with the Board of Commissioners. Comm. Smith stated that he has high regards for the staff around the table.

Communications

Comm. Bergman seconded by Comm. Gunn moved that the communications be received and dealt with as recommended. Motion carried.

R-0058 RECEIVED: February 3, 2007. An e-mail from Donna Dettling to Tammy Richards re: Resolution approving dissolution of Local Development Finance Authority of the Village of Dexter, dated January 31, 2007. Received and filed.

R-0059 RECEIVED: February 19, 2007. A letter from the Washtenaw County Department of Planning & Environment to Mr. Bob Guenzel, County Administrator, Washtenaw County, re: A letter informing that the Washtenaw County Board of Commissioners will hold a public hearing on February 21, 2007 on the topic of the Village Marketplace and Lofts Brownfield Redevelopment Project, dated February 13, 2007. Received and filed.

R-0060 RECEIVED: February 19, 2007. A letter from the Washtenaw County Department of Planning & Environment to Mr. Bob Guenzel, County Administrator, Washtenaw County, re: A letter informing that the Washtenaw County Board of Commissioners will hold a public hearing on February 21, 2007 on the topic of the 200 South Ashley Street Redevelopment Project, dated February 13, 2007. Received and filed.

R-0061 RECEIVED: February 20, 2007. A newsletter from the Milan Area Chamber of Commerce, re: Business Newsworth. Received and filed.

R-0062 RECEIVED: February 20, 2007. A newsletter from the Michigan AFSCME Council 25 to Jeff Irwin, Chairman, Washtenaw County Board of Commissioners, re: Breakfast Caucus. Received and filed.

R-0063 RECEIVED: February 20, 2007. A letter from the Michigan Department of Human Services to Jeff Irwin, Chairperson, Washtenaw County Board of Commissioners, re: A letter stating that the 2006-07 annual plan and budget for Child Care Fund expenditures is approved for state reimbursement in the amount of \$4,483,500.04., dated February 15, 2007. Received and filed, copied to Budget and Trial Court.

R-0064 RECEIVED: February 22, 2007. A letter from David Trent, Clerk, Salem Township, To Mr. Robert Guenzel, Washtenaw County Administrator, re: Copy of resolution 2007-02-13-01, dated February 14, 2007. Received and filed.

R-0065 RECEIVED: February 22, 2007. A letter from Brenda L. Stumbo, Clerk, Ypsilanti Township to Mr. Robert E. Guenzel, County Administrator, Washtenaw County Board of Commissioners, re: Copy of resolution 2007-3, dated February 16, 2007. Received and filed.

R-0066 RECEIVED: February 23, 2007. A Notice of Public Hearing from Sherry L. Steinwedel, Clerk/Treasurer, City of Milan re: Public Hearing on transfer of Industrial Facilities Exemption Certificates, dated March 1, 2007 (Publish Date). Received and filed, copied to Commissioner Lovejoy Roe.

R-0067 RECEIVED: February 26, 2007. A newsletter from the Michigan Association of Counties, re: MAC Legislative Update, dated February 23, 2007. Received and filed.

R-0068 RECEIVED: February 26, 2007. A press release from the Michigan Press Association, re: Freedom of Information Act and Open Meetings Act seminar with Attorney General Mike Cox, dated February 23, 2007. Received and filed.

Liaison Reports

Comm. Ouimet stated that he recently attended an Accommodations Ordinance Commission meeting, and that representatives would like to make a presentation to the Board. He stated that he and Comm. Ping Mills made budget presentations to some of the Townships. He stated that the presentations seemed to go over well.

Comm. Bergman communicated that in the area of Public Health, treating disorders is a strong point in the County. She stated that in June, between 90 and 100 participants are expected for a conference on the issue. She added that legislators were brought in on the process to ensure that funds are brought to the County for people released from prison. She added that funding would continue to be discussed. She stated that all legislators should be reminded that taxes may need to be raised to support the less privileged.

Comm. Schwartz stated the Board of Public Works held their second public hearing of the year on the Whitmore Lake improvement project. He stated that the expert reports were positive. He added that bringing the lake back into ecological balance, as well as improving the fishery habitat were key aspect of the project for the first three to five years.

Report of the Chair of the Board of Commissioners

None

Special Order of Business

Comm. Irwin thanked Tammy Richards on behalf of the Board of Commissioners for her years of dedicated service in Administration.

07-0055 Comm. Bergman seconded by Comm. Gunn moved that the resolution of appreciation to Tammy Richards be adopted. Roll call vote: YEAS: 11. NAYS: 0 ABSENT: 0. Motion carried.

Reports of the Standing Committees

Comm. Bergman seconded by Comm. Gunn moved that the following reports be received and approved: Ways & Means, dated February 21, 2007, and Board Working Session, dated February 22, 2007. Motion carried. (Complete reports are on file in the County Clerk/Register's Office.)

Reports of Special Committees

Comm. Bergman seconded by Comm. Gunn moved that the following reports be received: 800 MHz Project Oversight Committee, dated January 8, 2007, December 11, 2006, and November 20, 2006; Board of Road Commissioners, dated January 16, 2007, and January 4, 2007; Brownfield Redevelopment Authority, dated January 17, 2007, Concealed Weapons Licensing Board, dated January 17, 2007; Statutory Drainage Board, dated January 19, 2007. Motion carried. (Complete reports are on file in the County Clerk/Register's Office.)

Other Reports

None

Report of the Treasurer

None

Report from the County Administrator

None

Resolutions

07-0056 Comm. Bergman seconded by Comm. Gunn moved that the resolution authorizing the signature of the County Administrator on the 2007 Emergency Shelter Grant application to the Michigan State Housing Development Authority in the amount of \$334,905 for the period of June 1, 2007 to May 31, 2008; authorizing the Administrator to sign the Notice of Grant award; amending the budget; and authorizing the County Administrator to sign delegate contracts be adopted. Roll call vote: YEAS: 11. NAYS: 0 ABSENT: 0. Motion carried.

07-0057 Comm. Bergman seconded by Comm. Gunn. moved that the resolution authorizing the signature of the County Administrator on the 2007n Ypsilanti Health Food Access Initiative grant application to the MSU Land Policy Institute in the amount of \$25,000 for the period of May 1, 2007 to April 30, 2008; authorizing the County Administrator to sign the Notice of Grant award; amending the budget; and authorizing the County Administrator to sign delegate contracts be adopted. Roll call vote: YEAS: 11. NAYS: 0 ABSENT: 0. Motion carried.

07-0058 Comm. Bergman seconded by Comm. Gunn moved that the resolution ratifying the County Administrator's signature on the Community Foundation of Southeastern Michigan on behalf of the Food System Economic Partnership for a "Farm-To-School Demonstration Project" grant in the amount of \$62,535; authorizing the Administrator to sign the Notice of Grant award; amending the budget; and authorizing the County Administrator to sign delegate contracts be adopted. Roll call vote: YEAS: 11. NAYS: 0 ABSENT: 0. Motion carried.

07-0059 Comm. Bergman seconded by Comm. Gunn moved that the resolution ratifying the County Administrator's signature on the United States Environmental Protection Agency for a Brownfields Supplemental Revolving Loan Fund grant in the amount of \$1,000,000; authorizing the Administrator to sign the Notice of Grant award; amending the budget; and authorizing the County Administrator to sign delegate contracts be adopted. Roll call vote: YEAS: 11. NAYS: 0 ABSENT: 0. Motion carried.

07-0060 Comm. Bergman seconded by Comm. Gunn moved that the resolution ratifying the County Administrator's signature on an application with the U.S. Department of Justice – Office of Justice Programs' Violence Against Women Office for the Grants To Encourage Arrest Policies Program for the Prosecutor's Office in the amount of \$400,000 for the period commencing August 1, 2007 and ending July 31, 2009 be adopted. Roll call vote: YEAS: 11. NAYS: 0 ABSENT: 0. Motion carried.

07-0061 Comm. Bergman seconded by Comm. Gunn moved that the resolution to adopt the proposed amendment to the Brownfield Plan for Washtenaw County approving tax increment financing and single business tax credit incentives for the "200 South Ashley" Brownfield Redevelopment Project in the City of Ann Arbor be adopted. Roll call vote: YEAS: 11. NAYS: 0 ABSENT: 0. Motion carried.

07-0062 Comm. Bergman seconded by Comm. Gunn moved that the resolution to adopt the Brownfield Plan for Washtenaw County approving tax increment financing and single business tax credit incentives for the "Village Marketplace and Lofts" Brownfield Redevelopment Project in the City of Saline be adopted. Roll call vote: YEAS: 11. NAYS: 0 ABSENT: 0. Motion carried.

07-0063 Comm. Bergman seconded by Comm. Gunn moved that the resolution amending the 2006 Budget be adopted. Roll call vote: YEAS: 11. NAYS: 0 ABSENT: 0. Motion carried.

07-0064 Comm. Bergman seconded by Comm. Gunn moved that the resolution to support the Transportation, Community, and System Transportation Preservation grant for the North South Rail Pilot and Construction Mitigation located in Washtenaw and Livingston Counties. Roll call vote: YEAS: 11. NAYS: 0 ABSENT: 0. Motion carried.

Discussion of Item #9, the proposed resolution authorizing the County Administrator to execute a contract with Excelon Energy for the provision of natural gas to County facilities took place.

Comm. Peterson stated that he appreciates the proposal as it relates to the County savings. He stated that he would feel more comfortable if DTE was here. He communicated that DTE does a lot for the community, and that it is only fair to bring them into the process. Comm. Peterson stated that if local providers lose business they could leave Michigan, and added that all parties should be present during this decision. He stated that what occurred five years ago should be under scrutiny. He added that his no vote is to give DTE an opportunity in the process.

Comm. Gunn seconded by Comm. Bergman called the question on item #9. Roll call vote: YEAS: 4. NAYS: 7 (Comms. Irwin, Ping Mills, Ouimet, Peterson, Lovejoy Roe, Schwartz, and Sizemore). ABSENT: 0. Motion failed.

Comm. Lovejoy Roe stated that rushing through and avoiding the 7 day review process is an issue. She stated that she has a problem with not being able to see contracts ahead of time, and that this resolution would not be an issue if it had not been raised by a Commissioner. She stated that DTE did not know what was going on, and that they would welcome the opportunity to sit down and be a part of the process. She stated that communities that have locked in rates have lost money. She added that she is a strong advocate of competition.

Comm. Lovejoy Roe stated that the resolution is not correct. She stated that in Ypsilanti Township, there is a financial policy that if a local company offers a bid within 10% of a competitor, the contract stays in the community. She added that the County is not being financially responsible when discussion has not taken place. She stated that what worked at the time of contracting may not work now. She stated that it is prudent to explore what Michigan companies may charge. She added that going outside of the County and giving dollars to another company is relative to buying foreign automobiles.

Comm. Sizemore stated that he will be supporting this resolution tonight, but that he would like staff to evaluate this proposal. He added that he is County first. He stated that he would like to see the process opened up as well.

Comm. Gunn stated that this item is clear. She added that asking DTE to come in and give information is not going to change that fact. She stated that DTE is a profit making company, but that they make a lot of money from the community. Comm. Gunn referred to untold staff hours that are saved through good service. She stated that a company that can provide good service is worth it.

Comm. Ouimet asked about the time sensitivity of this proposal. Sheldon stated that the contract expires on March 31. Comm. Ouimet asked if a carry over can be done in the contract. Sheldon stated that we either do it or we do not.

Comm. Smith stated that DTE has been a good community partner. Comm. Smith stated that an additional public posting on contracts would not hurt in the process. He added that opening up the process fully puts the Board in an administrative nightmare, and jeopardizes trust put in staff.

Comm. Smith communicated that discussing community contributions is a place that the Commission should not go. Comm. Smith stated that it is tacit bribery, and opens the Board up to a completely different type of bargaining. He stated that DTE is working in a regulated area, and that it is highly unlikely they can do better at this point. He stated that the staff does not have hard bids at this time because the Board is opting to go with a market-regulated cost. Comm. Smith stated that the staff has been asked which process to go with. He stated that the judgment of staff should be trusted, and added that we are not locking in a rate.

Comm. Schwartz stated that one of his concerns about DTE is how they trim trees in rural areas. He stated that if DTE appears at a meeting he will ask why they employ people who are not Americans.

Comm. Bergman stated that Bob Devault could be invited to explain the RFP process in the County. She stated that she is very satisfied with the work that Mr. Devault does. She added that they are spending citizen money, and that should be a high consideration.

Comm. Irwin stated that 18 months ago the Board began reviewing policies, and changed over the procurement policy. He added that a reasonable level was reached that would trigger reviews. He stated that the policy of the Board is available for review on Ecentral, and that the Board is open to reviewing policies. He added that the elements of local preference, and environmental preference were new to the policy.

Comm. Lovejoy Roe stated that this is not an RFP question. She stated that this is on the distribution not on the commodity (the 15%.) She stated that savings are not sizeable in terms of the contract. She stated that she thinks payment in taxes by DTE cannot be ignored. She stated that she appreciates Comm. Smith's comments, but that other policy changes may be helpful.

Comm. Lovejoy Roe seconded by Comm. Peterson moved to table item #9, the Excelon resolution, until the Board of Commissioners meeting on March 21, 2007. Roll call vote: YEAS: 5. NAYS: 6 (Comms. Bergman, Grewal, Gunn, Irwin, Sizemore, and Smith). ABSENT: 0. Motion carried.

Comm. Sizemore seconded by Comm. Smith moved to call the question on the Excelon resolution. Roll call vote: YEAS: 11. NAYS: 0 ABSENT: 0. Motion carried.

Comm. Bergman seconded by Comm. Gunn moved that the resolution authorizing the County Administrator to execute a contract with Excelon Energy for the provision of natural gas to County facilities. Roll call vote: YEAS: 6. NAYS: 5 (Comms. Ping Mills, Ouimet, Peterson, Lovejoy Roe, Schwartz). ABSENT: 0. Motion held until the regular meeting of March 21, 2007.

Comm. Irwin pointed out that the rules state that a 2/3 vote is required to pass a resolution through Ways and Means and the Board of Commissioners meeting on the same night. He added that since the vote fell short, the Excelon resolution will appear on the agenda for the Board of Commissioners meeting scheduled for March 21, 2007.

Comm. Schwartz asked if DTE would come for a presentation the night of the March 21st. Comm. Irwin responded that discussion would have to take place to determine if they were available.

Approval of Claims

07-0065 Comm. Bergman seconded by Comm. Gunn moved that the resolution authorizing payment of claims commencing with the last previously approved claim and continuing through the date of February 23, 2007 be adopted. Roll call vote: YEAS: 11. NAYS: 0 ABSENT: 0. Motion carried.

FUND	DESCRIPTION	SYSTEM CHECKS	UTILITIES CREDIT CARD	EXCEPTION & PRE-CLAIMS	TOTAL
1010	GENERAL FUND	\$ 721.37	\$ -	\$ -	\$ 721.37
	TOTALS	\$ 721.37	\$ -	\$ -	\$ 721.37

New Business

Comm. Smith commended Ypsilanti Township on their plan, and stated that this is only the tip of the iceberg.

Comm. Lovejoy Roe stated that space would be condensed in the plan. She explained that more houses have been put on smaller lots of land in Ypsilanti Township in the last ten years. She stated that this has led to open space and natural habitat preservation.

07-0066 Comm. Bergman seconded by Comm. Gunn moved that the resolution to accept comments from Washtenaw County Department of Planning and Environment staff on the Ypsilanti Township Growth Management Plan revisions and direct the County Clerk to send comments to the Charter Township of Ypsilanti and the contiguous local units of government be adopted. Roll call vote: YEAS: 11. NAYS: 0 ABSENT: 0. Motion carried.

07-0067 Comm. Bergman seconded by Comm. Gunn moved that the resolution adopting the revised 2008/09 Planning Process Calendar and revised 2007 Board of Commissioners Calendar be adopted. Roll call vote: YEAS: 11. NAYS: 0 ABSENT: 0. Motion carried.

Items for Current/Future Discussion

Comm. Peterson stated that he believes in corporate responsibility. He stated that it will be important to ensure all are on the same page. He added that it would be important to look for non-governmental dollars. Comm. Peterson stated that the business community has a lot to offer, including staff. He communicated that it will be important to ask before the need becomes greater.

Citizen Participation

Partridge stated that he plans on being an independent minded democratic candidate in the future. He stated that he would like to see public hearings on large issues. He calls on the Board of Commissioners to create a Civil Rights Board to represent minorities. He stated that civil rights legislation should be considered as the Board makes policy. He stated that he is asking that a board be created to represent the elderly and disabled.

Commissioners Follow-up to Citizen Participation

Comm. Bergman mentioned the Blueprint on Aging. She also discussed the commendable work that they have done.

Adjournment

Comm. Grewal seconded by Comm. Bergman moved to adjourn until Wednesday March 21st, 2007, at 6:45 p.m. in the Board Room, Washtenaw County Administration Building. Motion carried.

The meeting adjourned at 9:10 p.m.

Jeff Irwin, Chair

Lawrence Kestenbaum, Clerk/Register
By: Jason Brooks, Deputy Clerk

Board Approved: