



WASHTENAW COUNTY BOARD OF COMMISSIONERS

Wednesday January 4, 2012

RECORD OF PROCEEDINGS

A session of the Washtenaw County Board of Commissioners was held at the Administration Building, in the City of Ann Arbor, Michigan, on Wednesday, January 4, 2012.

The meeting was called to order at 6:30 p.m. by Larry Kestenbaum, Interim Chair of the Board.

MEMBERS PRESENT: Comms. Bergman, Brabec, Gunn, Peterson, Ping, Prater, Rabhi, Sizemore, Conan Smith, Dan Smith, and Turner

MEMBERS ABSENT: None

OTHERS PRESENT: Interim Deputy County Administrator, Kelly Belknap; Corporation Counsel Curtis Hedger; Greg Dill, Sheriff's office; Ken Schrader, ITS; Jason Brooks, County Administration; Peter Simms, Clerk's Office; various citizens; and members of the press.

Roll Call

Pledge of Allegiance

Approval of the Minutes of the Previous Meeting

Comm. Prater seconded by Comm. Rabhi moved that the minutes of the December 7, 2011 meeting of the Board of Commissioners be approved. Motion carried.

Citizen Participation

Thomas Partridge asked if citizens could run for the offices that were listed on that night's agenda. He called for an immediate expansion of homeless facilities in Ann Arbor and the County as a whole. He asked that the Board adopt a policy that would require all Boards facilitated with County Government to meet in facilities outfitted with television broadcast equipment.

Orian Zakai, U of M Grad Student, spoke on behalf of a group that is working to establish an all day homeless shelter. She stated that the Delonis Center is not enough care because it does not provide day-time warming services. She reported that some of the people who might be served by the Delonis Center choose not to use the center because they did not feel comfortable there. She stated that a plan has been developed to help meet some of the unmet needs of the homeless. She reported that she had come before the Board for help in locating a space that could be donated or leased to their cause.

Commissioner Follow-Up to Citizen Participation

Comm. Conan Smith thanked Ms. Zakai for speaking before the Board. He noted that the County has a great staff who work on homelessness and who could help her navigate some of the bureaucratic and legal issues associated with care for the homeless population.

Communications

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

R-0001 RECEIVED: December 1, 2011. A letter to the Chair of the Washtenaw County Board of Commissioners from Debbie Hiler, Whitmore Lake Resident re: People's Express Transport Service, not dated. Received and filed.

R-0002 RECEIVED: December 5, 2011. A letter to Conan Smith, Chair Washtenaw County Board of Commissioners, from Heather Rosales, Child Care Fund Specialist, State of Michigan Department of Human Services, re: 2010/2011 Child Care Fund Budget, dated November 21, 2011. Received and filed.

R-0003 RECEIVED: December 8, 2011. A letter to the Washtenaw County Board of Commissioners, from Lee Gorman, Secretary, Ann Arbor Charter Township Planning Commission re: Ann Arbor Charter Township Proposed Master Plan Agreement dated December 5, 2011. Received and filed.

R-0004 RECEIVED: December 13, 2011. A letter to Conan Smith, Chair Washtenaw County Board of Commissioners, from Mary Mehren, Federal Compliance Division, State of Michigan Department of Human Services re: 2011-12 Child Care Fund Budget, dated December 2nd, 2011. Received and filed.

R-0005 RECEIVED: December 27, 2011. A letter to the Washtenaw County Board of Commissioners, from Nicole Adelman, Executive Director, MPH re: Human Services Coordinated Funding, dated December 8, 2011. Received and filed.

R-0006 RECEIVED: December 27, 2011. A letter to the Washtenaw County Board of Commissioners, from Janis Bobrin, Water Resources Commissioner, re: Portage Baseline Lake Level, dated December 16, 2011. Received and filed.

R-0007 RECEIVED: December 27, 2011. A letter to the Washtenaw County Board of Commissioners, from Judith Green, Ann Arbor Resident, re: Animal Control, not dated. Received and filed.

R-0008 RECEIVED: December 27, 2011. A letter to the Chair of the Washtenaw County Board of Commissioners, from Sue Thelen, Air Quality Division, State of Michigan Department of Environmental Quality re: Pending New Source Review Applications Report, dated December 13, 2011. Received and filed.

R-0009 RECEIVED: December 27, 2011. MAC Legislative Update re: Legislative Happenings, dated December 16, 2011. Received and filed.

R-0010 RECEIVED: December 28, 2011. A letter to the Bill Nickels, Washtenaw County Accommodations Ordinance Commission, from Mary Kerr, Ann Arbor Area Convention & Visitors Bureau, re: 2011 Accommodations Ordinance Commission, dated December 9, 2011. Received and filed.

Not included in the packet:

R-0011 RECEIVED: December 6, 2011. Pipeline Magazine re: Michigan Association of County Drain Commissioners, not dated. Received and filed. Not included in the packet due to size.

R-0012 RECEIVED: December 6, 2011. World Health Care Congress Brochure re: Conference, not dated. Received and filed. Not included in the packet due to size/shape.

R-0013 RECEIVED: December 6, 2011. World Congress Brochure re: Health Clinics, not dated. Received and filed. Not included in the packet due to size/shape.

R-0014 RECEIVED: December 7, 2011. Women of China Magazine re: Next Decade will be Even Better, not dated. Received and filed. Not included in the packet due to size.

R-0015 RECEIVED: December 8, 2011. Pomerantz Monitor re: Pomerantz ends 2011 on a Winning Streak, not dated. Received and filed. Not included in the packet due to size/shape.

R-0016 RECEIVED: December 14, 2011. World Congress Brochure re: Health Benefit Financing, not dated. Received and filed. Not included in the packet due to size/shape.

R-0017 RECEIVED: December 16, 2011. World Business Forum Brochure re: Leadership in Action, not dated. Received and filed. Not included in the packet due to size/shape.

R-0018 RECEIVED: December 27, 2011. Holiday Card addressed to Mark Ouimet, Chairperson, from Mark Barry re: Warmest Wishes, not dated. Received and filed. Not included in the packet due to size/shape.

R-0019 RECEIVED: December 27, 2011. Holiday Card addressed to Washtenaw County Board of Commissioners, from Project Outreach Teams re: Warmest Wishes, not dated. Received and filed. Not included in the packet due to size/shape.

R-0020 RECEIVED: December 27, 2011. Women of China Magazine re: Back to China, not dated. Received and filed. Not included in the packet due to size.

Liaison Reports

Comm. Turner noted that Roy Townsend had been selected as the new Road commission director. He stated that the Road commission has all their receipts up to November and the commission was 1.4% ahead of their budget. He reported that the Road Commission has used less salt this year than last which he noted would translate into savings. He reported that acting superintendent Andy Burkowitz had been very helpful and that he was a great guy.

Comm. Turner reported that he has been routinely attending Court re-model meetings and that the project is closer to being on schedule. He noted that move-in happened over the holiday season and that phase two is complete and phases 3 and 4 have begun. He added that Jason Friess would like to make a report at a working session, possibly in February. He mentioned that by the first week of February phase 3 will be complete.

Comm. Rabhi noted that at the last board meeting (December 7, 2011) the Agricultural Lands Preservation Advisory Commission went through and looked at the scoring of applications of different farmers throughout the County that wish to sell their development rights. He reported that ALPAC has narrowed the list down to ten properties and that the Commission has just over a million dollars to work with. He added that he was hopeful that this would help some farmers to stay in business.

Comm. Sizemore recommended that the facilities report and the court house project be presented at the same time.

Comm. Bergman asked for clarification on the phases of the court project.

Comm. Turner stated that the first phase was the set up and remodel of the Court Room. He noted that phase 1 was completed and work had now moved to the first floor. He reported that the first remodel was the strip of the building along Huron St. He added that if you stood in the building and you knew it well there is a hall way right in the middle. He stated that the north side of the building was phase 1. He stated that phase 2 was the south side of the corridor from the far east end up to about where Dan Dwyer's office sits. He said the area from Dan Dwyer's office heading north is phase 3 and phase 4 of the northeastern corner. Comm. Bergman asked if there had been any construction penalties. Comm. Turner responded that there had not been. He added that most of the construction team was county employees, which he added was saving the County money.

Report of the Chair of the Board of Commissioners

12-0005 Comm. Prater seconded by Comm. Gunn nominated Comm. Sizemore to be Chair of the Ways and Means meeting. Comm. Prater seconded by Comm. Bergman moved the unanimous ballot.

12-0006 Comm. Gunn seconded by Comm. Bergman nominated Comm. Rabhi to be Chair of the Working Session meeting. Comm. Bergman seconded by Comm. Prater moved the unanimous ballot.

12-0007 Comm. Sizemore seconded by Comm. Prater nominated Comm. Dan Smith to be Vice Chair of the Ways and Means meetings. Comm. Prater seconded by Comm. Bergman moved the unanimous ballot.

12-0008 Comm. Rabhi seconded by Comm. Bergman nominated Comm. Turner to be Vice Chair of the Working Session meeting. Comm. Gunn seconded by Comm. Prater moved the unanimous ballot.

Special Order of Business

Thomas Partridge asked for an answer to his question regarding the "election" of a Chair of the Board.

Curtis Hedger, Corporate Counsel, stated that the Chair of the Board by law has to be a member of the Board of Commissioners. He cited MCLA 46.3, which says, "The County Board of Commissioners at its first meeting in each year shall elect a member as Chair person." He reported that an outside person could not serve as the chair it had to be a commissioner. Larry Kestenbaum noted that the speaker of the U.S. House does not have to be a member of the U.S. House.

12-0003 Comm. Prater seconded by Dan Smith nominated Comm. Conan Smith for Chair of the Board.

Roll Call Vote: YEAS: 11 NAYS: 0 ABSENT: 0

12-0004 Comm. Sizemore seconded by Comm. Gunn nominated Comm. Ping to be Vice Chair of the Board. This motion was passed by voice vote of the Board.

Comm. Rabhi stated that he did not believe that limiting citizen participation was a good idea. Comm. Rabhi proposed that the structure of the Working Session, which currently has 2 sets of citizen participation time slots, be unaltered.

12-0010 Comm. Rabhi seconded by Comm. Bergman moved that the Working Session citizen participation format remain the same, this item was passed by voice vote.

Comm. Dan Smith stated that he would like to put forth an amendment to item 6 of the agenda under Resolutions. He added that the proposed amendment would give commissioners the opportunity to abstain from voting on resolutions that express support or opposition and otherwise take no action.

Comm. Dan Smith seconded by Comm. Conan Smith moved that the Board adopt an amendment stating "Members may abstain from voting on items expressing support or opposition but otherwise taking no action." This vote on this item was delayed until the second week of February so that Corporate Counsel would have the chance to review the amendment language.

Comm. Prater asked if it was a violation of Board rules to abstain from votes except from conflicts of interest. Curtis hedger suggested that the Board refrain from voting on this item until he could do some more research to be sure that this did not violate any statutes. Comm. Gunn seconded by Comm. Prater moved to table the item until the second meeting of February. This motion to table the item was passed by voice vote of the Board. Comm. Bergman stated that she was opposing the motion because she felt that it was the responsibility of commissioners to have an opinion and vote on it.

Comm. Peterson noted that he thought that it was being proposed that citizen participation be struck from the end of each meeting so that there would only be one opportunity for citizen participation per meeting. He added that he was in government for citizen participation and that it was something that he believed in. He stated that people should have the right to give voice to their concerns. He reported that not everyone gets out of work at the same time and that many citizens may waste their trip if they are unable to get out of work early enough. He noted that he was also in objection to citizen's participation being cut from 5 to 3 minutes. He added that he was against the reduction in opportunities for citizen participation. He stated that commissioner follow up should not be eliminated from the agenda and that if it was then some other method of connecting with citizens should be proposed. He added that he did not believe it was proper for citizens to drive to a Board meeting and have no opportunity to interact with their commissioners. He noted that the Board serves at the pleasure of the citizens and he thinks it is important for citizens to interact with their commissioners.

Comm. Sizemore stated he agrees with Comm. Peterson. He added that he thinks the community feels that there is a disconnect between them and their elected officials.

Comm. Turner stated that one set of citizen participations would be eliminated and the time for participation would be reduced but there would still be one opportunity for citizen participation and one opportunity for commissioner follow up.

Comm. Rabhi thanked the Board for retaining the structure of the Working Session meetings.

12-0001 Comm. Gunn seconded by Comm. Bergman moved the resolution adopting the Rules & Regulations of the Washtenaw County Board of Commissioners.

Roll Call Vote: YEAS: 10* NAYS: 1 (Comm. Sizemore) ABSENT: 0

*Comm. Peterson and Brabec voted no on the reduction of Citizen Participation time per session from 5 minutes to 3 minutes. The two commissioners also voted no on the elimination of an opportunity for both Citizen Participation and Commissioner Follow Up.

Reports of the Standing Committees

Comm. Gunn seconded by Comm. Bergman moved that the following reports be received and approved: Ways & Means, dated December 7, 2011. Motion carried. (Complete reports are on file in the County Clerk/Register's Office.)

Reports of Special Committees

Comm. Gunn seconded by Comm. Bergman moved that the following reports be received: Drainage Board, dated December 16, 2011; Public Works Board, dated October 4, 2011 and October 19, 2011; Road Commission, dated

November 15, 2011; Weapon Licensing Board, dated October 18, 2011. Motion carried. (Complete reports are on file in the County Clerk/Register's Office.)

Other Reports

None

Report of the Treasurer

None

Appointments

None

Report of the County Administrator

Kelly Belknap noted that the University of Michigan had won their last game.

Resolutions:

12-002

Comm. Gunn seconded by Comm. Bergman moved that the resolution authorizing payment of claims commencing with the last previously approved claim and continuing through the date of December 23, 2011 be adopted. Roll call vote: YEAS: 11 NAYS: 0 ABSENT: 0 Motion carried.

New Business

None

Items for Current/Future Discussion

Comm. Dan Smith seconded by Comm. Gunn proposed a change to the BOC calendar moving admin briefings to 6 pm immediately before the Thursday scheduled working sessions.

Comm. Conan Smith noted that he had discussed with Comm. Rabhi the idea of having the admin briefing be a part of the working session.

Comm. Bergman stated that it has always been a soft goal to have the working session end at 8:30 pm, she suggested that this should be changed so that real discussion could be had.

Comm. Gunn suggested that the working session be moved up to 6 pm. (Friendly amendment)

12-0009 The vote on moving admin briefings to 6 pm before the Thursday working sessions was as follows.

Roll Call Vote: YEAS: 11 NAYS: 0 ABSENT: 0

Comm. Prater stated that he requested a list of County employees who retired, he noted that there were 117 of them. He reported that this is a chance to examine that list and determine if there was a chance to change the structure of the county by eliminating some of those positions. He stated that he would like to have a working session on this very soon.

Comm. Rabhi stated that he would be happy to have a working session on this issue.

Comm. Gunn stated that she did not believe it was the purview of the Board to examine the county at a job by job level. She reported that administration knew that there would be structural changes. She added that if the Board started examining these jobs they would quickly find that they did not have the knowledge to make these changes. She reported that administration is aware of the Board's goals and is working towards those,

Kelly Belknap reported that each position goes through a review before it is refilled. She noted that many of the positions that people are retiring from were listed as eliminated in the budget.

Comm. Prater stated that he felt that Comm. Gunn was wrong. He added that the Board is responsible for hiring not administration. He stated that administration's role was providing recommendations. He stated that if structural changes were not made then the fund balance would be depleted.

Comm. Sizemore asked why the new purchasing manager was not before the board to introduce herself. He asked if there was a report from corporation counsel on the items that would affect the county.

Comm. Rabhi stated that maybe Kirk Profit could give the update. Comm. Bergman stated that the Board was already receiving emails on legislation.

Comm. Sizemore stated it was important for the board to examine legislature together.

Citizen Participation

Thomas Partridge, Washtenaw County Democrat, noted that he is running for Rebekah Warren's Senate seat. He added that he believes in freedom and public expression. He expressed disappointment in the change of Board Rules limiting the time for citizen participation.

Commissioners Follow-up to Citizen Participation

None

Adjournment

Comm. Prater seconded by Comm. Bergman moved to adjourn until Wednesday, January 18th, 2012, at 6:45 p.m. in the Board Room, Washtenaw County Administration Building. Motion carried.

The meeting adjourned at 7:38 p.m.

Conan Smith, Chair

Lawrence Kestenbaum, Clerk/Register

By: Peter Simms, Deputy Clerk

Board Approved: 1/18/12