



WASHTENAW COUNTY BOARD OF COMMISSIONERS

Wednesday, November 6, 2013

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, November 6, 2013.

Yousef Rabhi, Board Chair, called the meeting to order at 10:27 p.m.

MEMBERS PRESENT: Comm. Brabec, LaBarre, Martinez-Kratz, Peterson, Ping, Rabhi, Sizemore, Conan Smith, Dan Smith

MEMBERS ABSENT: None

OTHERS PRESENT: County Administrator, Verna McDaniel; Brian Mackie, Prosecutor; Curt Hedger, Corporate Counsel; Kelly Belknap, Finance; Tina Gavalier, Finance; Bob Tetens, Parks and Recreation; Ken Schwartz, ITS; Lisa Moutinho, 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. Ping seconded by Comm. LaBarre moved that the minutes of the October 16, 2013 meeting of the Board of Commissioners be approved. Motion carried.

Citizen Participation

Tom Partridge, recent candidate for Michigan Legislature, called on the Board of Commissioners to give their attention to acts of bullying. He said that no one should be denied services. He said that health services should be readily available. He stated that there needs to be a more responsive emergency room at the University of Michigan Health System.

Doug Smith said that a final vote would be taken that night on increasing property taxes through the Act 88 millage. He noted that Act 88 only authorized three activities. He said that he did not have it before tonight but the policy statement utilizes the language of the law. He said that everything that SPARK does has to be counted as something that your money goes towards. He asked that Act 88 millage not be used to support economic development.

Bill McMaster distributed a leaflet to the board. He said that the constitution reigns supreme for law and order in the state. He said that the reference to public Act 88 as being a way to impose a tax levy came as a surprise to him. He urged the board not to approve the Act 88 millage resolution.

Brian Mackie said that it was now November. He suggested that the budget discussion was being made more difficult than it needed to be. He said that county government is a unit of state government. He stated that it is essential in the scheme of government. He added that deference should be given to Administrator McDaniel. He stated that there may be a difference of opinion between the Sheriff and Administrator but he did not feel there was tension. He said that the Sheriff should be listened to. He noted that the Sheriff is a national figure. He added that the Sheriff might know more about public safety than the commissioners. He said that in any given hour 3 people call 911 in need of assistance.

Christina Lirones noted that roughly \$4.5 million would be siphoned from Parks and Recreation through the Tax Sharing Agreement between Washtenaw County and Pittsfield Township. She said that Pittsfield has always required its developers to pay for their own road improvements. She asked that the Board of Commissioners opt out of this agreement.

Commissioner Follow-Up to Citizen Participation

Comm. Conan Smith thanked Mr. McMaster for speaking before the Board.

Communications

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

R-0078-80 RECEIVED: October 16, 2013. Notices of receipt of applications for industrial facilities tax exemption certificates and one notice to establish an industrial development district addressed to the Washtenaw County Board of Commissioners from Alan Israel, Pittsfield Township Clerk, re: Progenity, Inc, and Extang Corporation, dated October 11th, 2013. Received and filed.

R-0081 RECEIVED: October 17, 2013. A notice of receipt of application for industrial facilities exemption Certificate addressed to the Washtenaw County Board of Commissioners, re: InterClean Equipment, Inc, dated October 15, 2013. Received and filed

R-0082 RECEIVED: October 18, 2013. A resolution from the Bay County Board of Commissioners addressed to the Washtenaw County Board of Commissioners re: H.B. 4194 dated October 8, 2013. Received and filed

R-0083 RECEIVED: October 24, 2013. A letter from Representative John Dingell addressed to the Washtenaw County Board of Commissioners re: Pall-Germane Dioxane Plume dated October 21, 2013. Received and filed

R-0084 RECEIVED: October 28, 2013. A letter and card expressing appreciation from the Charles E. Beatty Jr. addressed to the Washtenaw County Board of Commissioners re: Washtenaw County Head Start Program dated October 22, 2013. Received and filed

Not included in the packet:

R-0081 RECEIVED: October 17, 2013. The application for industrial facilities exemption Certificate from InterClean Equipment, Inc, dated October 15, 2013. Received and filed. The application itself was not included in the communications packet due to size.

R-0085 RECEIVED: October 18, 2013. An issue of Pipeline Magazine. Received and filed. Not included in packet due to size/shape.

R-0086 RECEIVED: November 6, 2013. A letter from Robert Tetens, Director of Washtenaw County Parks and Recreation, addressed to the Washtenaw County Board of Commissioners, re: State Road Corridor Improvement Authority. Received and filed. Not received in time to include in printed packet.

Liaison Reports

Comm. Martinez-Kratz said that he was frustrated with the DEQ for not updating their guideline limit for dioxane. He said that an update of the rules has been delayed. He added that the EPA has found that the limits set twenty-years ago were inadequate and the poison was 3,000 times more toxic than previously believed.

Comm. LaBarre said that he had attended the October 25th meeting of the Area Agency on Aging. He noted that they were putting together a plan to address any future government shutdowns.

Comm. Sizemore said that WCC has started to have meetings on providing training for heavy equipment mechanics. He thanked those who were working on this project.

Comm. Brabec noted that Community Level Outcomes for Coordinated Funding were provided to the Board.

Comm. Rabhi thanked Comm. Martinez-Kratz for his leadership on CARD.

Report of the Chair of the Board of Commissioners

Comm. Rabhi said that at the last meeting a resolution had been adopted directing staff to develop a policy for addressing TIF requests in the future.

Special Order of Business

None

Reports of the Standing Committees

Comm. Brabec seconded by Comm. Conan Smith moved that the following report be received: Ways and Means, dated October 16, 2013; Working Session, dated October 17, 2013. Motion carried. (Complete reports are on file in the County Clerk/Register's Office.)

Reports of Special Committees

Comm. Brabec seconded by Comm. Conan Smith moved that the following reports be received: Washtenaw Food Policy Council, dated September 19, October 9, 2013; Road Commission, dated October 1, 2013; Weapons Licensing Board, dated September 17, 2013. 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

None

Resolutions:

13-0184 Comm. Brabec seconded by Comm. Conan Smith moved that the Board honor the life of Bennie Lee Lewis for her dedication and service to the citizens of Ypsilanti and Washtenaw County. Roll call vote: YEAS 9 NAYS 0 ABSENT 0 Motion carried.

13-0185 Comm. Brabec seconded by Comm. Conan Smith moved that the Board approve the appointment of Ellen Rabinowitz, as Interim Administrative Health Officer for the Public Health Department effective November 18, 2013. Roll call vote: YEAS 9 NAYS 0 ABSENT 0 Motion carried. Discussion on this item is provided below.

Ellen Rabinowitz said that she was honored and excited by the interim appointment. She added that Dick Fleece's retirement left a big hole and big shoes to fill. She noted that he was leaving the department in great shape. She said that it was an exciting and dynamic time. She added that the Affordable Care Act was opening up many opportunities.

Comm. Peterson said that a more capable and able appointee could not have been found. He said that Dick Fleece is someone he has known for a long time. He stated that Dick Fleece had always provided outstanding service to the public. He said that Dick would be deeply missed. He thanked Dick for his service.

Comm. Sizemore asked for an update on the Public Health Department.

Comm. Conan Smith welcomed Ellen to her new role. He wished Dick good luck in his retirement. He asked Ellen for her help with the Public Health Board and what it would mean to her department. Ellen Rabinowitz said that she would definitely do that. Comm. Conan Smith said that he would like to be solidly on the path to implementing the Public Health Board.

Comm. Peterson said that Ellen is quite familiar with the Board of Public Health. He noted that it was required by state statute and there was not much research that needed to be done. He said that having a Board of Public Health was dependent upon the Board's interest. He said that the Board of Public Health should be in place by January. He said that it should be a goal to establish the board by the end of the year. He said that he wants the Board of Public Health to be part of the process for choosing a permanent health director.

Richard Fleece said that Ellen was the perfect candidate at the perfect time. He said that she had demonstrated her managerial effectiveness. He thanked Comm. Peterson for his kind words. He wished Comm. Martinez-Kratz luck with his work on dioxane issues. He said that he fully supports the concept of the Board of Public Health. He noted that the Board would not give up any authority by establishing a board of public health. He said that there are many sources of advice. He said that it had been an honor to serve.

13-0186 Comm. Brabec seconded by Comm. Conan Smith moved that the Board schedule a second public hearing for the Board of Commissioners' meeting on November 20, 2013 for the Proposed 2014/2017 Budget in compliance with Section 2 of ACT 43, P.A. 1963, 2nd Ex. Session (M.C.L.A. 141.412), Section 24E of Act 206, P.A. 1893 (M.C.L.A. 211.24E). Roll call vote: YEAS 9 NAYS 0 ABSENT 0 Motion carried.

13-0187 Comm. Brabec seconded by Comm. Conan Smith moved that the Board schedule a second public hearing for the Board of Commissioners' meeting on January 8, 2014 for issuance of municipal civil infractions for owning an unlicensed dog; to establish the bureau for this municipal civil infraction as the Washtenaw County Treasurer; to provide for licensing fee changes; and to provide an effective date. Roll call vote: YEAS 9 NAYS 0 ABSENT 0 Motion carried.

13-0188 Comm. Brabec seconded by Comm. Conan Smith moved that the Board amend the indigent veteran's millage which was previously passed by the Washtenaw County Board of Commissioners on October 16, 2013. Roll call vote: YEAS 9 NAYS 0 ABSENT 0 Motion carried.

13-0189 Comm. Brabec seconded by Comm. Conan Smith moved that the Board authorize the County Administrator to sign a Tax Sharing Agreement between County of Washtenaw, Charter Township of Pittsfield and the State Street Corridor Improvement Authority. Roll call vote: YEAS 9 NAYS 0 ABSENT 0 Motion carried.

13-0190 Comm. Brabec seconded by Comm. Conan Smith moved that the Board adopt the Combined Brownfield Plan and Act 381 Work Plan for the Jiffy Buchanan North Warehouse Renovation. Roll call vote: YEAS 9 NAYS 0 ABSENT 0 Motion carried.

13-0191 Comm. Brabec seconded by Comm. Conan Smith moved that the Board approve the allocation and review process for 2014-2016 Human Services/Coordinated Funding. Roll call vote: YEAS 8 NAYS 0 ABSENT 1 (Comm. Sizemore) Motion carried. Comm. Peterson separated this item from the consent agenda for a separate vote. Discussion on this item is provided below.

Comm. Conan Smith asked Mary Jo Callan which grants would get funded by the county. Mary Jo Callan noted that reviewers would be appointed. She said that one of the goals of five funding streams working in unison is that organizations do not have to apply to five different grants. She said that county dollars go into six priority areas. Comm. Conan Smith said that he felt that the scoring rubric needs to be shared with the board. He asked if work had been done to make the application process easier for smaller non-profits. Mary Jo Callan noted that the requirements for audits had been loosened.

Comm. Peterson said that he appreciated the questions asked by Comm. Conan Smith. He said that he has talked to the administrator about some of the questions. He said that government is the last resort for many people. He said that there is no other choice but to be the advocates for the Board of Public Health. He noted that in the 1960's through the 1980's there had been aggressive poverty fighting actions. He said that at that time pockets of poverty existed in only a few places and they were addressed. He noted that Ann Arbor has addressed poverty. He said that people in poverty cannot afford to live in Ann Arbor. He noted that State and Federal dollars are constantly being reduced. He said that people have to eat. He added that there is a large population of children in poverty. He said that the only dollars at the last resort are government dollars. He said that the county is the organization which receives the anti-poverty dollars. He stated that there needs to be a plan to address poverty. He said that in 1968 he had gone to the Poor People's Campaign rally in Washington D.C. He said that he was a caseworker for a big part of his life. He stated that Eastern Michigan University gave 30 single mothers full scholarships and it was the best poverty fighting campaign he had ever seen. He said that he was talking about children and families in need of help.

13-0192 Comm. Brabec seconded by Comm. Conan Smith moved that the Board approve the Agriculture and Economic Development millage. Roll call vote: YEAS 7 NAYS 1 (Comm. Dan Smith) ABSENT 1 (Comm. Sizemore) Motion carried. Comm. Dan Smith separated this item from the consent agenda for a separate vote. Discussion on this item is provided below.

Comm. Ping moved that the line item funding activities of the Washtenaw County Office of Community & Economic Development be reduced from \$423,135 to \$408,135 and a \$15,000 line item for MSU Extension Food Systems Economic Development be added. This motion was passed by a voice vote of the board.

Comm. Dan Smith seconded by Comm. Peterson moved that this item be tabled. This motion failed after a voice vote of the board.

Comm. Dan Smith said that he has serious constitutional questions about this millage. He said that the uses of the funds are quite limited. He added that the Board was levying these funds unconstitutionally and spending them illegally. He said that he was looking for additional clarification. He said that it was unclear that this was 100% legal. He added that he could not get past the legal concerns to even address the policy.

Comm. Conan Smith said that he appreciates Comm. Dan Smith's passion on this issue. He stated that last year the State Legislature left this law in place as is. He said that if the very conservative Michigan Legislature chose not to repeal this legislation because it comports with the State Constitution then he is comfortable that it is constitutionally sound. He said that the board does not have the best controls in place to ensure that the money distributed is used in the intended manner.

Comm. Rabhi seconded by Comm. Conan Smith moved that the language "all real property" in the first resolved clause of the resolution be changed to read "all taxable property". This motion was approved by voice vote of the board.

Comm. Peterson said that getting an opinion would open up a can worms.

13-0193 Comm. Brabec seconded by Comm. Conan Smith moved that the Board approve the Rules and Regulations of Usage for the Agriculture and Economic Development millage. Roll call vote: YEAS 8 NAYS 0 ABSENT 1 (Comm. Sizemore) Motion carried. Comm. Dan Smith separated this item from the consent agenda for a separate vote.

13-0194 Comm. Brabec seconded by Comm. Conan Smith moved that the Board authorize payment of claims commencing with the last previously approved claim and continuing through the date of October 18, 2013. Roll call vote: YEAS 9 NAYS 0 ABSENT 0 Motion carried.

13-0195 Comm. Brabec seconded by Comm. Conan Smith moved that the Board appoint 13 members to the Platt Road Development Subcommittee. Roll call vote: YEAS 9 NAYS 0 ABSENT 0 Motion carried.

Items for Current/Future Discussion

Comm. Dan Smith said that he believes that the Act 88 millage is constitutional. He said that the county is at the maximum allocation. He put forward a resolution directing Corporation Counsel to provide an opinion on property taxes levied in excess of constitutional limits without a vote of the people. This motion did not receive a second and died for lack of support.

Adjournment

Comm. LaBarre seconded by Comm. Conan Smith moved to adjourn. Motion carried.

The meeting adjourned at 12:22 a.m.

Yousef Rabhi, Chair

Lawrence Kestenbaum, Clerk/Register

By: Peter Simms, Deputy Clerk

Board Approved: 11/20/13