WASHTENAW COUNTY BOARD OF COMMISSIONERS

Wednesday September 3, 2008

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, September 3, 2008.

The meeting was called to order at 7:07 p.m. by Jeff Irwin, Chair of the Board.

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

MEMBERS ABSENT: Comm. Grewal and Ouimet

OTHERS PRESENT: Deputy County Administrators, Verna McDaniel and David Behen; Corporation Counsel Curt Hedger; Dale Vanderford, James McFarlane, Jim Zwolensky, Support Services; Peter Ballios, Finance; Ellen Clement, Public Health; Jenny Bivens, ETCS; Patricia Denig, Dan Myers, Planning and Environment; Judy Kramer, Risk Management; Diane Heidt, Barb Finch, Human Resources; Caryette Fenner, CSTS; Ken Schrader, ITS; Kerry Sheldon, Scott Patton, Joanna Bidlack Administration; Jason Brooks, Clerk's Office; various citizens; and members of the press.

Roll Call

Pledge of Allegiance

Approval of the Minutes of the Previous Meeting
Comm. Gunn seconded by Comm. Bergman moved that the minutes of the August 6, 2008, meeting of the Board of Commissioners be approved. Motion carried.

Citizen Participation
Tom Partridge discussed the resolutions he offered at the County Democratic Convention.

Frank Parkinson asked the Board to consider geographic diversity in the upcoming Road Commissioner appointment. He stated that this will bring diversity to the current Road Commission.

Commissioner Follow-Up to Citizen Participation
None

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

R-0162 RECEIVED: July 18, 2008. A resolution to the Washtenaw County Board of Commissioners, from the Allegan County Board of Commissioners, re: Resolution of Support for House Bill 5398, dated July 10, 2008. Received and filed.

R-0163 RECEIVED: July 25, 2008. A letter to President, Perk & Brew Corporation, from Kelli Sobel, Executive Secretary, State Tax Commission, re: Revocation of industrial facilities exemption certificate number 2007-002, dated July 17, 2008. Received and filed.

R-0164 RECEIVED: July 31, 2008. A letter to Mr. Robert E. Guenzel, County Administrator, Washtenaw County, from Jeanette Harris, Director, Community Planning and Development, Detroit Field Office, U.S. Department of Housing and Urban Development, re: FY 2008 Action Plan Approval – CDBG and HOME, dated July 24, 2008. Received and filed.

R-0165 RECEIVED: August 4, 2008. A Master Plan Draft document to the Washtenaw County Board of Commissioners, from Ann Arbor Charter Township, re: Ann Arbor Township 2008 Master Plan – August 1, 2008 Draft for Distribution. Received and filed, copied to Planning and Environment..

R-0166 RECEIVED: August 4, 2008. A resume to the Washtenaw County Board of Commissioners, from John G. Bulmer, re: Road Commission resume, dated July 30, 2008. Received and filed, copied to County Administration and each Commissioner.

R-0167 RECEIVED: August 7, 2008. A resolution to the Washtenaw County Board of Commissioners, from the Lake County Board of Commissioners, re: Resolution of Support for House Bill 5398. Received and filed.

R-0168 RECEIVED: Augsut 7, 2008. An invitation from the Michigan Association of Counties, re: Super Committee Meeting. Received and filed, copied to each Commissioner.

R-0169 RECEIVED: August 7, 2008. A press release from the Washtenaw County Public Health Department, re: Prescription for Health Program Promotes Healthy Eating, dated August 6, 2008. Received and filed.

R-0170 RECEIVED: August 7, 2008. A news article taken from Discover Magazine – August 2008, re: *Stop the Madness – Can a mix of therapy and medication stave off psychosis among teens at risk?*, dated August 2008. Received and filed.

R-0171 RECEIVED: August 8, 2008. A resolution to the Washtenaw County Board of Commissioners, from the St. Joseph County Board of Commissioners, re: Resolution of Opposition to House Bill 6112. Received and filed.

R-0172 RECEIVED: August 11, 2008. A letter to Lawrence Kestenbaum, Clerk, Washtenaw County, from Duncan P. Ogilvie, Miller Canfield, re: Notice of Intent to Establish Condominium Project, dated August 6, 2008. Received and filed.

R-0173 RECEIVED: August 11, 2008. A newsletter from the Michigan Association of Counties, re: MAC Legislative Update, dated August 1, 2008. Received and filed.

R-0174 RECEIVED: August 11, 2008. A press release from the Washtenaw County Public Health Department, re: Washtenaw County Hearing and Vision Program Announces New Dates and Times for Hearing and Vision Office Screenings, dated August 11, 2008. Received and filed.

R-0175 RECEIVED: August 11, 2008. A newsletter from the Michigan Association of Counties, re: MAC Legislative Update, dated August 8, 2008. Received and filed.

R-0176 RECEIVED: August 11, 2008. A Notice of Receipt of Application for Industrial Facilities Exemption Certificate to the Washtenaw County Board of Commissioners, from Diane S. Hill, Clerk, City of Saline, re: Application for American Soy Products, Inc., Received and filed.

R-0177 RECEIVED: August 11, 2008. A letter to Mr. Jeff Irwin, Chair, Washtenaw County Board of Commissioners, from Kathy Angerer, State Representative, re: Request for adoption of resolution in support of HB 4257, dated July 31, 2008. Received and filed, copied to each Commissioner.

R-0178 RECEIVED: August 11, 2008. A letter to Mr. Jeff Irwin, Chair, Washtenaw County Board of Commissioners, from David L. Wahl, Controller, Huron-Clinton Metropolitan Authority, re: 2008 Huron-Clinton Metropolitan Authority Tax Levy, dated August 5, 2008. Received and filed.

R-0179 RECEIVED: August 15, 2008. A resolution to Lawrence Kestenbaum, Clerk, Washtenaw County, from Michele K. Manning, Northfield Township Clerk, re: Resolution in Support of Senate Bill 12 to Allow “No Reason” Absentee Voting. Received and filed.

R-0180 RECEIVED: Augsut 15, 2008. An invitation to Jeff Irwin, Chair, Washtenaw County Board of Commissioners, from the Bureau of Justice Assistance, re: Celebrate Safe Communities. Received and filed, copied to each Commissioner.

R-0181 RECEIVED: August 19, 2008. A letter to Lisa Taylor, Total Vinyl Products Inc., from Kelli Sobel, Executive Secretary, State Tax Commission, re: Revocation of industrial facilities exemption certificate number 1998-486, dated August 6, 2008. Received and filed.

R-0182 RECEIVED: August 20, 2008. An e-mail to the Washtenaw County Board of Commissioners, from Ed Lambert (gelambertpe@yahoo.com), re: Criminal Mischief, dated August 20, 2008. Received and filed.

R-0183 RECEIVED: August 20, 2008. A Notice of Receipt of Application for Industrial Facilities Exemption Certificate to the Washtenaw County Board of Commissioners, from Diane S. Hill, Clerk, City of Saline, re: Application for Saline Lectronics, Inc., Received and filed.

R-0184 RECEIVED: August 25, 2008. A letter from Rashyeda Lewis, Church Administrator, New Beginnings Christian Center, re: Request for Contribution, dated August 21, 2008. Received and filed.

R-0185 RECEIVED: August 25, 2008. A letter to the Washtenaw County Clerk, from Darrell A. Fecho, Township Manager, Scio Township, re: Public hearing on Industrial Development District request from Terumo Cardiovascular Systems, dated August 15, 2008. Received and filed.

R-0186 RECEIVED: August 25, 2008. A letter to the Chair, Washtenaw County Board of Commissioners, from Leas Brookins, Planning and Zoning Coordinator, Green Oak Charter Township, re: Green Oak Charter Township Master Plan (Plan is on CD available in County Clerk's office – Permanent Board of Commissioner packet 9/3/08 – see Communications), dated August 18, 2008. Received and filed.

Liaison Reports
None

Report of the Chair of the Board of Commissioners
Comm. Irwin reported that the Road Commissioner appointment has been pushed back to the second meeting in October.

Special Order of Business:
08-0144 Comm. Smith seconded by Comm. Peterson moved that the resolution proclaiming September 2008 as Recovery Month be adopted. Roll call vote: YEAS: 9 NAYS: 0 ABSENT: 2 (Comms. Grewal and Ouimet). Motion carried.

08-0145 Comm. Smith seconded by Comm. Peterson moved that the resolution expressing appreciation for Kerry Sheldon and wishing her well in her future endeavors be adopted. Roll call vote: YEAS: 9 NAYS: 0 ABSENT: 2 (Comms. Grewal and Ouimet). Motion carried.

Reports of the Standing Committees
Comm. Smith seconded by Comm. Peterson moved that the following reports be received and approved: Administrative Briefing, dated July 30, 2008; Ways & Means, dated August 6, 2008. Motion carried. (Complete reports are on file in the County Clerk/Register's Office.)

Reports of Special Committees
Comm. Smith seconded by Comm. Peterson moved that the following reports be received: Board of Road Commissioners, dated August 4, 2008, and July 15, 2008; Concealed Weapon Licensing Board, dated July 15, 2008; Historic District Commission, dated June 12, 2008; Jury Board, dated July 2, 2008; Library Board of Trustees, dated March 10, 2008; Planning Advisory Board, dated July 28, 2008, Parks and Recreation Commission, dated June 10, 2008; Police Services Steering Committee, dated June 4, 2008; Public Works Board, dated June 18, 2008; Washtenaw Community Health Organization (WCHO), dated June 17, 2008 and May 20, 2008 be adopted. Motion carried. (Complete reports are on file in the County Clerk/Register's Office.)

Other Reports
None

Report of the Treasurer
None

Appointments
08-0146 Comm. Gunn seconded by Comm. Peterson moved that the resolution appointing one member to the 800 MHz Project Oversight Committee be adopted. Roll call vote: YEAS: 9 NAYS: 0 ABSENT: 2 (Comms. Grewal and Ouimet). Motion carried.

Report of the County Administrator:
A. Memorandum to Sheriff Minzey outlining the transition plan for the new Sheriff effective January 1, 2009 (on file in County Clerk's office).

Resolutions:

Ways and Means – September 3, 2008
08-0147 Comm. Gunn seconded by Comm. Peterson moved that the resolution creating a 1.0 FTE position for the Washtenaw Community Health Organization be adopted. Roll call vote: YEAS: 9 NAYS: 0 ABSENT: 2 (Comms. Grewal and Ouimet). Motion carried.

08-0148 Comm. Gunn seconded by Comm. Peterson moved that the resolution directing the Washtenaw County Administration office to secure a higher caliber of coffee products, at the expense of the Board of Commissioners and other stakeholders be adopted. Roll call vote: YEAS: 9 NAYS: 0 ABSENT: 2 (Comms. Grewal and Ouimet). Motion carried.

Approval of Claims
08-0149 Comm. Gunn seconded by Comm. Peterson moved that the resolution authorizing payment of claims commencing with the last previously approved claim and continuing through the date of August 22, 2008 be adopted. Roll call vote: YEAS: 9 NAYS: 0 ABSENT: 2 (Comms. Grewal and Ouimet). Motion carried.

FUND	DESCRIPTION	SYSTEM CHECKS	UTILITIES CREDIT CARD	EXCEPTION & PRE-CLAIMS	TOTAL
1010	GENERAL FUND	$ -	$ 61,179.78	$ -	$ 61,179.78
1685	HOMELESS SERVICES FUND	$ -	$ 149.97	$ -	$ 149.97
1850	RRNWWD:STORM WATER GENERAL PE	$ -	$ 120.87	$ -	$ 120.87
1882	HIDTA	$ -	$ 18,450.96	$ -	$ 18,450.96
1900	3 - 911 FUND	$ -	$ 2,156.46	$ -	$ 2,156.46
1950	DOMESTIC PREPAREDNESS SUPPL.	$ -	$ 489.52	$ -	$ 489.52
2080	PARKS & RECREATION	$ -	$ 86,335.06	$ -	$ 86,335.06
2110	COUNTY LIBRARY FUND	$ -	$ 469.80	$ -	$ 469.80
2150	FRIEND OF THE COURT	$ -	$ 416.04	$ -	$ 416.04
2370	JTPA ADMINISTRATION	$ -	$ 9,756.65	$ -	$ 9,756.65
2510	CSA HEADSTART	$ -	$ 3,238.19	$ -	$ 3,238.19
2630	CSA SR NUTRITION	$ -	$ 185.17	$ -	$ 185.17
2812	JUVENILE DRUG COURT PLAN GRANT	$ -	$ 12.89	$ -	$ 12.89
2822	WASHTENAW AREA TEENS FOR TOMORROW	$ -	$ 1,746.54	$ -	$ 1,746.54
2920	WCHO	$ -	$ 8,549.77	$ -	$ 8,549.77
2930	MENTAL HEALTH	$ -	$ 13,388.77	$ -	$ 13,388.77
2960	HEALTH	$ -	$ 4,585.74	$ -	$ 4,585.74
2962	PUBLIC HEALTH LOCAL GRANTS	$ -	$ 17.56	$ -	$ 17.56
2990	CHILD CARE/PROBATE CT.	$ -	$ 4,610.99	$ -	$ 4,610.99
4010	CAPITAL PROJECTS	$ -	$ 196.00	$ -	$ 196.00
4050	CAPITAL EQUIPMENT	$ -	$ 3,883.71	$ -	$ 3,883.71
6310	FACILITIES MGMT - O & M	$ -	$ 103,356.01	$ -	$ 103,356.01
6320	FACILITIES MGMT - TRANSP	$ -	$ 203.88	$ -	$ 203.88
6440	SELF INSURANCE	$ -	$ 115.44	$ -	$ 115.44
6900	CENTREX ASSOCIATION	$ -	$ 77,112.20	$ -	$ 77,112.20
7412	LAWNET - DRUG ENFORCEMENT	$ -	$ 1,455.23	$ -	$ 1,455.23
7413	LAWNET NON-FORFEITURE FUND	$ -	$ 487.11	$ -	$ 487.11
7520	EMPLOYEE RETIREMENT FUND	$ -	$ 268.00	$ -	$ 268.00
7550	MONEY PURCHASE PENSION PLAN	$ -	$ 1,585.00	$ -	$ 1,585.00
7950	HAZ MATL RESPONSE TEAM	$ -	$ 240.54	$ -	$ 240.54

7990	CO-OP EXTENSION SERVICE	$ -	$ 3,110.31	$ -	$ 3,110.31
	TOTALS	$ -	$ 407,874.16	$ -	$ 407,874.16

New Business

08-0150 Comm. Gunn seconded by Comm. Peterson moved that the resolution that the Board of Commissioners adopt an ordinance designating the Conant Farm as a Washtenaw County Historic District under the jurisdiction of the Washtenaw County Historic District Commission be adopted. Roll call vote: YEAS: 9 NAYS: 0 ABSENT: 2 (Comms. Grewal and Ouimet). Motion carried.

08-0151 Comm. Gunn seconded by Comm. Peterson moved that the resolution setting a public hearing on the proposed Washtenaw County Regulation for the Onsite Management, Treatment and Disposal of Wastewater for Wednesday, October 1, 2008 at 6:45 p.m. be adopted. Roll call vote: YEAS: 9 NAYS: 0 ABSENT: 2 (Comms. Grewal and Ouimet). Motion carried.

08-0152 Comm. Gunn seconded by Comm. Peterson moved that the resolution to accept the comments from Washtenaw County Department of Planning and Environment staff on the City of Ypsilanti Master Plan Amendment and direct the County Clerk to send comments to the City of Ypsilanti and the contiguous local units of government be adopted. Roll call vote: YEAS: 9 NAYS: 0 ABSENT: 2 (Comms. Grewal and Ouimet). Motion carried.

Items for Current/Future Discussion

None

Citizen Participation

None

Commissioners Follow-up to Citizen Participation

None

Adjournment

Comm. Gunn seconded by Comm. Peterson moved to adjourn until Wednesday, September 17th, 2008, at 6:45 p.m. in the Board Room, Washtenaw County Administration Building. Motion carried.

The meeting adjourned at 7:26 p.m.

_____
Jeff Irwin, Chair

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

Board Approved:

RESOLUTION PROCLAIMING THE MONTH OF SEPTMEBER 2008 AS THE RECOVERY MONTH

WASHTENAW COUNTY BOARD OF COMMISSIONERS

September 3, 2008

WHEREAS, 22.2 million people in the United States have faced a substance use disorder in the past year, and all deserve to experience the many benefits of recovery; and

WHEREAS, treatment reduces reported job problems, including incomplete work and absenteeism, by an average of 75 percent; and

WHEREAS, treatment is cost effective, with some measurements showing a benefit-to-cost ratio of up to 7:1, with substance use disorder treatment costing $1,583 per person on average and having a monetary benefit to society of nearly $11,487 for each person treated; and

WHEREAS, we must recognize the financial savings associated with treatment services, and ensure that such services are readily available to those who need assistance; and

WHEREAS, cost and insurance barriers present obstacles to those who need access to treatment facilities and want to re-establish their place in the community; and

WHEREAS, it is critical that we educate our community members and local businesses that substance use disorders are a treatable, yet serious health care problem, and by taking steps to address it, as well as provide support for the families and children of those with these disorders, we can save both lives and dollars; and

WHEREAS, to help achieve this goal, the U.S. Department of Health and Human Services, the Substance Abuse and Mental Health Services Administration, the White House Office of National Drug Control Policy, and Home of New Vision invite all residents of Washtenaw County, MI to participate in Recovery Month; and

NOW, THEREFORE, We, the Washtenaw County Commissioners by virtue of the authority vested us by the laws of Washtenaw County, Michigan, do hereby proclaim the month of September 2008 Recovery Month

COMMISSIONER	Y	N	A	COMMISSIONER	Y	N	A	COMMISSIONER	Y	N	A
Bergman	X			Ouimet			X	Schwartz	X		
Grewal			X	Peterson	X			Sizemore	X		
Gunn	X			Ping	X			Smith	X		
Irwin	X			Lovejoy Roe	X						

CLERK/REGISTER'S CERTIFICATE - CERTIFIED COPY **ROLL CALL VOTE: TOTALS** **9** **0** **2**

STATE OF MICHIGAN)

COUNTY OF WASHTENAW)SS.

I, Lawrence Kestenbaum, Clerk/Register of said County of Washtenaw and Clerk of Circuit Court for said County, do hereby certify that the foregoing is a true and accurate copy of a resolution adopted by the Washtenaw County Board of Commissioners at a session held at the County Administration Building in the City of Ann Arbor, Michigan, on September 3rd, 2008, as it appears of record in my office.

In Testimony Whereof, I have hereunto set my hand and affixed the seal of said Court at Ann Arbor, this 4th day of September, 2008.

LAWRENCE KESTENBAUM, Clerk/Register

BY:_____

Deputy Clerk

Res. No. 08-0144

A RESOLUTION EXPRESSING APPRECIATION FOR KERRY SHELDON AND WISHING HER WELL IN HER FUTURE ENDEAVORS

WASHTENAW COUNTY BOARD OF COMMISSIONERS

September 3, 2008

WHEREAS, Kerry Sheldon has been a Washtenaw County employee for eight years; and

WHEREAS, her tenure began as an intern of the Public Works Office in September 2000 under the direction of Jeff Krcmarik; and

WHEREAS, Ms. Sheldon transferred to Facilities Management in 2001 under the direction of Gregory Dill; and

WHEREAS, Ms. Sheldon transferred to the Office of the Administrator in 2004 under the direction of Robert Guenzel; and

WHEREAS, during her tenure in the Administrator's Office, Ms. Sheldon served Robert Guenzel, Frank Cambria, David Behen, and Verna McDaniel; and

WHEREAS, during the course of supporting three (3) Boards of Commissioners, Ms. Sheldon faithfully served Barbara Levin Bergman, Mandy Grewal, Leah Gunn, Jeff Irwin, Ken Schwartz, Mark Ouimet, Ronnie Peterson, Karen Lovejoy Roe, Rolland Sizemore, Jr., Conan Smith, Jessica Ping, Martha Kern-Boprie, Wesley Prater, Stephen Solowczuk, Robert Brackenbury, Vivienne Armentrout and Joe Yekulis; and

WHEREAS, her passion, knowledge and expertise in the field of alternative energy and energy efficiency led to the initiation of the Chevron Energy project in 2004; and

WHEREAS, Ms. Sheldon has actively and enthusiastically demonstrated leadership as she participated in the Literacy Coalition established in July 2007; and

WHEREAS, Ms. Sheldon has made significant contributions to the Task Force on Sustainable Revenue for Supportive Housing established in December 2007 ; and

WHEREAS, in support of public/private/non-profit partnerships, Ms. Sheldon's assistance and research on the feasibility of the proposal for the Humane Society of Huron Valley resulted in increased funding for the construction of a new facility; and

WHEREAS, in representation of the Administration office, Ms. Sheldon has conferred with County staff, governmental agencies, professional and community groups, vendors and the general public with an emphasis on customer service; and

WHEREAS, Ms. Sheldon has shown the utmost in integrity, loyalty, and dedication to public service during her career; and

WHEREAS, Ms. Sheldon has been an invaluable asset to the Office of the Administrator and the Board of Commissioners, and will be deeply missed; and

NOW THEREFORE BE IT RESOLVED that the Washtenaw County Board of Commissioners expresses their appreciation for Kerry Sheldon's hard work, dedication, and service, and wishes her well in all her future endeavors.

_____
Jeff Irwin, Chair
Washtenaw County Board of Commissioners

WASHTENAW COUNTY BOARD OF COMMISSIONERS

BARBARA LEVIN BERGMAN	MARK OUIMET	KAREN LOVEJOY ROE
MANDY GREWAL	RONNIE PETERSON	KENNETH SCHWARTZ
LEAH GUNN	JESSICA PING	ROLLAND SIZEMORE, JR.
JEFF IRWIN		CONAN SMITH

COMMISSIONER	Y	N	A	COMMISSIONER	Y	N	A	COMMISSIONER	Y	N	A
Bergman	X			Ouimet			X	Schwartz	X		
Grewal			X	Peterson	X			Sizemore	X		
Gunn	X			Ping	X			Smith	X		
Irwin	X			Lovejoy Roe	X						

CLERK/REGISTER'S CERTIFICATE - CERTIFIED COPY **ROLL CALL VOTE: TOTALS** **9** **0** **2**

STATE OF MICHIGAN)

COUNTY OF WASHTENAW)SS.

I, Lawrence Kestenbaum, Clerk/Register of said County of Washtenaw and Clerk of Circuit Court for said County, do hereby certify that the foregoing is a true and accurate copy of a resolution adopted by the Washtenaw County Board of Commissioners at a session held at the County Administration Building in the City of Ann Arbor, Michigan, on September 3rd, 2008, as it appears of record in my office.

In Testimony Whereof, I have hereunto set my hand and affixed the seal of said Court at Ann Arbor, this 4th day of September, 2008.

LAWRENCE KESTENBAUM, Clerk/Register

BY:_____

Deputy Clerk

Res. No. 08-0145

A RESOLUTION APPOINTING A MEMBER TO THE 800 MHZ PROJECT OVERSIGHT COMMITTEE FOR A TERM EXPIRING DECEMBER 31, 2009

WASHTENAW COUNTY BOARD OF COMMISSIONERS

September 3, 2008

WHEREAS, there is one vacancy on the 800 MHz Project Oversight for a three-year term expiring December 31, 2009; and

WHEREAS, Resolution 06-146, which established the 800 MHz Oversight Committee, provides representation to County police, fire, and emergency medical providers;

NOW THEREFORE BE IT RESOLVED that the Washtenaw County Board of Commissioners hereby appoints the following members to the 800 MHz Project Oversight Committee for a term expiring December 31, 2009

MEMBER	Expiring
Sam Hopkins, Ann Arbor City Fire Chief	12/31/09

COMMISSIONER	Y	N	A	COMMISSIONER	Y	N	A	COMMISSIONER	Y	N	A
Bergman	X			Ouimet			X	Schwartz	X		
Grewal			X	Peterson	X			Sizemore	X		
Gunn	X			Ping	X			Smith	X		
Irwin	X			Lovejoy Roe	X						
CLERK/REGISTER'S CERTIFICATE - CERTIFIED COPY					**ROLL CALL VOTE: TOTALS**				**9**	**0**	**2**

STATE OF MICHIGAN)

COUNTY OF WASHTENAW) SS.

I, Lawrence Kestenbaum, Clerk/Register of said County of Washtenaw and Clerk of Circuit Court for said County, do hereby certify that the foregoing is a true and accurate copy of a resolution adopted by the Washtenaw County Board of Commissioners at a session held at the County Administration Building in the City of Ann Arbor, Michigan, on September 3rd, 2008, as it appears of record in my office.

In Testimony Whereof, I have hereunto set my hand and affixed the seal of said Court at Ann Arbor, this 4th day of September, 2008.

LAWRENCE KESTENBAUM, Clerk/Register

BY:_____

Deputy Clerk

Res. No. 08-0146

A RESOLUTION CREATING A 1.0 FTE POSITION FOR THE WASHTENAW COMMUNITY HEALTH ORGANIZATION

WASHTENAW COUNTY BOARD OF COMMISSIONERS

September 3, 2008

WHEREAS, Washtenaw Community Health Organization (WCHO) has grown from a $40 million dollar to a $127 million dollar operation, with over $96 million of this amount committed for behavioral health care; and

WHEREAS, the WCHO is actively pursuing a new Medicaid waiver and other available revenue sources to provide new funding options which will support expansion of the integrated healthcare model; and

WHEREAS, this anticipated growth will further increase the span of control of budgeting, supervision, and monitoring of the two senior administrative staff of the organization and requires the creation of one additional administrative position; and

WHEREAS, the WCHO will cover all personnel costs for this position; and

WHEREAS, this matter has been reviewed by the Washtenaw Community Health Organization Board, Corporation Counsel, the Finance Department, Human Resources, the County Administrator's Office, and the Ways and Means Committee.

NOW THEREFORE BE IT RESOLVED that the Washtenaw County Board of Commissioners hereby approves the creation of the following position:

Position #	Position Title	Level	Group	Create
9005-0003	WCHO Deputy Administrator	01	32	1.0
	Totals			1.0

COMMISSIONER	Y	N	A	COMMISSIONER	Y	N	A	COMMISSIONER	Y	N	A
Bergman	X			Ouimet			X	Schwartz	X		
Grewal			X	Peterson	X			Sizemore	X		
Gunn	X			Ping	X			Smith	X		
Irwin	X			Lovejoy Roe	X						

CLERK/REGISTER'S CERTIFICATE - CERTIFIED COPY **ROLL CALL VOTE: TOTALS** **9** **0** **2**

STATE OF MICHIGAN)

COUNTY OF WASHTENAW)SS.

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In Testimony Whereof, I have hereunto set my hand and affixed the seal of said Court at Ann Arbor, this 4th day of September, 2008.

LAWRENCE KESTENBAUM, Clerk/Register

BY:_____

Deputy Clerk

Res. No. 08-0147

A RESOLUTION DIRECTING THE WASHTENAW COUNTY ADMINISTRATION OFFICE TO SECURE A HIGHER CALIBER OF COFFEE PRODUCTS, AT THE EXPENSE OF THE BOARD OF COMMISSIONERS AND OTHER STAKEHOLDERS

WASHTENAW COUNTY BOARD OF COMMISSIONERS
September 3, 2008

WHEREAS, the important policy deliberations undertaken by the Board of Commissioners could be severely undermined by Commissioners whose alertness and/or mental acuity is compromised; and

WHEREAS, coffee is a readily available source of caffeine, which is such an effective performance enhancer that the substance is prohibited for use by athletes in certain professional competitions; and

WHEREAS, the Washtenaw County Board of Commissioners' meetings are fortunately not subject to such prohibitions; and

WHEREAS, the provision of high quality coffee products for use by the Board of Commissioners and their guests has been severely limited due to the regrettably high cost of said products; and

WHEREAS, the Commissioners wish to be good hosts to the public and all other stakeholders who visit the Administration Office for various business purposes; and

WHEREAS, the serving of suboptimal coffee reflects poorly on the Commissioners' hospitality; and

WHEREAS, in the spirit of cooperation and accountability, Commissioner Barbara Levin Bergman has suggested that a cost-sharing option be enacted whereby any Commissioner who consumes coffee products at the Administration office, and/or any Commissioner whose guest(s) participate in said coffee consumption, periodically surrender a cash contribution sufficient to offset the cost of quality coffee;

NOW THEREFORE BE IT RESOLVED that the staff of the Washtenaw County Administration Office is hereby directed to secure an improved caliber of coffee products for purposes of enjoyment by the Board of Commissioners, visitors, and guests.

BE IT FURTHER RESOLVED that the Administration staff are invited to alert the members of the Board of Commissioners when a cash infusion is necessary to support this directive.

COMMISSIONER	Y	N	A	COMMISSIONER	Y	N	A	COMMISSIONER	Y	N	A
Bergman	X			Ouimet			X	Schwartz	X		
Grewal			X	Peterson	X			Sizemore	X		
Gunn	X			Ping	X			Smith	X		
Irwin	X			Lovejoy Roe	X						

CLERK/REGISTER'S CERTIFICATE - CERTIFIED COPY **ROLL CALL VOTE: TOTALS** **9** **0** **2**

STATE OF MICHIGAN)

COUNTY OF WASHTENAW) SS.

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In Testimony Whereof, I have hereunto set my hand and affixed the seal of said Court at Ann Arbor, this 4th day of September, 2008.

LAWRENCE KESTENBAUM, Clerk/Register

BY:_____

Deputy Clerk

Res. No. 08-0148

A RESOLUTION AUTHORIZING PAYMENT OF CLAIMS COMMENCING WITHTHE LAST PREVIOUSLY APPROVED CLAIM AND CONTINUING THROUGH THE DATE OF AUGUST 22, 2008

WASHTENAW COUNTY BOARD OF COMMISSIONERS

September 3, 2008

WHEREAS, as filed with the County Clerk is a true copy of the record of claims commencing with the last previously approved claim and continuing through the date of August 22, 2008, inclusive; and

WHEREAS, the Board of Commissioners has been assured by the County Clerk that no claim received is withheld or rejected by the list, shows the name of the claimant, the amount of the claim and the date presented;

NOW THEREFORE BE IT RESOLVED that the Washtenaw County Board of Commissioners hereby authorizes the payment of claims commencing with the last previously approved claim and continuing through the date of August 22, 2008, inclusive, as listed in the statement of claims as attached hereto and made a part hereof.

COMMISSIONER	Y	N	A	COMMISSIONER	Y	N	A	COMMISSIONER	Y	N	A
Bergman	X			Ouimet			X	Schwartz	X		
Grewal			X	Peterson	X			Sizemore	X		
Gunn	X			Ping	X			Smith	X		
Irwin	X			Lovejoy Roe	X						
CLERK/REGISTER'S CERTIFICATE - CERTIFIED COPY					**ROLL CALL VOTE: TOTALS**				**9**	**0**	**2**

STATE OF MICHIGAN)

COUNTY OF WASHTENAW) SS.

I, Lawrence Kestenbaum, Clerk/Register of said County of Washtenaw and Clerk of Circuit Court for said County, do hereby certify that the foregoing is a true and accurate copy of a resolution adopted by the Washtenaw County Board of Commissioners at a session held at the County Administration Building in the City of Ann Arbor, Michigan, on September 3rd, 2008, as it appears of record in my office.

In Testimony Whereof, I have hereunto set my hand and affixed the seal of said Court at Ann Arbor, this 4th day of September, 2008.

LAWRENCE KESTENBAUM, Clerk/Register

BY:_____

Deputy Clerk

Res. No. 08-0149

COUNTY ADMINISTRATOR

220 North Main, P.O. Box 8645
(734) 222-6850

Ann Arbor, Michigan 48107-8645
FAX (734) 222-6715

M E M O R A N D U M

August 26, 2008

TO: Lawrence Kestenbaum, Washtenaw County Clerk/Register

FROM: Robert E. Guenzel, County Administrator

RE: Certification of Claims List Inclusive from July 26, 2008 through August 22, 2008

I HEREBY CERTIFY that to the best of my knowledge the list of attached claims as presented to the County Clerk/Register of Washtenaw, constitutes all claims received for payment subsequent to the List of Claims presented through the date of August 22, 2008 and that none have been withheld or omitted.

FURTHER; that all claims bear the date received.

FURTHER; that the list contains the name of each claimant, and the amount of the claims, and that proper authorization and documentation has been reviewed, checked and retained.

FURTHER; that the total demand upon each of the various general operating funds requiring approval by the Board of Commissioners prior to disbursements has been accurately determined and is stipulated in gross total by fund as an integral part of the List of Claims herein presented.

Staff Recommendation By:

_____

June Marie Burke
Payables Analyst II

EXCEPTIONS AND PRE-CLAIMS LISTING FOR:
September 3, 2008

PAYEE	FUND/CO	CHECK NO.	CHECK DATE	AMOUNT	EXPLANATION	
United Postal Services	1010	401345	08/05/08	$17.00	1	394059
United Postal Services	1010	401872	08/14/08	$23.40	1	394605
				$40.40		

EXPLANATION
1)Early release to avoid late fees

BEGINNING OF CLAIMS: July 26, 2008
END OF CLAIMS: August 22, 2008
FOR BOARD APPROVAL: September 3, 2008

FUND	DESCRIPTION	SYSTEM CHECKS	UTILITIES CREDIT CARD	EXCEPTION & PRE-CLAIMS	TOTAL
1010	GENERAL FUND	$ -	$ 61,179.78	$ -	$ 61,179.78
1685	HOMELESS SERVICES FUND	$ -	$ 149.97	$ -	$ 149.97
1850	RRNWWD:STORM WATER GENERAL PE	$ -	$ 120.87	$ -	$ 120.87
1882	HIDTA	$ -	$ 18,450.96	$ -	$ 18,450.96
1900	3 - 911 FUND	$ -	$ 2,156.46	$ -	$ 2,156.46
1950	DOMESTIC PREPAREDNESS SUPPL.	$ -	$ 489.52	$ -	$ 489.52
2080	PARKS & RECREATION	$ -	$ 86,335.06	$ -	$ 86,335.06
2110	COUNTY LIBRARY FUND	$ -	$ 469.80	$ -	$ 469.80
2150	FRIEND OF THE COURT	$ -	$ 416.04	$ -	$ 416.04
2370	JTPA ADMINISTRATION	$ -	$ 9,756.65	$ -	$ 9,756.65
2510	CSA HEADSTART	$ -	$ 3,238.19	$ -	$ 3,238.19
2630	CSA SR NUTRITION	$ -	$ 185.17	$ -	$ 185.17
2812	JUVENILE DRUG COURT PLAN GRANT	$ -	$ 12.89	$ -	$ 12.89
2822	WASHTENAW AREA TEENS FOR TOMORROW	$ -	$ 1,746.54	$ -	$ 1,746.54
2920	WCHO	$ -	$ 8,549.77	$ -	$ 8,549.77
2930	MENTAL HEALTH	$ -	$ 13,388.77	$ -	$ 13,388.77
2960	HEALTH	$ -	$ 4,585.74	$ -	$ 4,585.74
2962	PUBLIC HEALTH LOCAL GRANTS	$ -	$ 17.56	$ -	$ 17.56
2990	CHILD CARE/PROBATE CT.	$ -	$ 4,610.99	$ -	$ 4,610.99
4010	CAPITAL PROJECTS	$ -	$ 196.00	$ -	$ 196.00
4050	CAPITAL EQUIPMENT	$ -	$ 3,883.71	$ -	$ 3,883.71

6310	FACILITIES MGMT - O & M	$ -	$ 103,356.01	$ -	$103,356.01
6320	FACILITIES MGMT - TRANSP	$ -	$ 203.88	$ -	$ 203.88
6440	SELF INSURANCE	$ -	$ 115.44	$ -	$ 115.44
6900	CENTREX ASSOCIATION	$ -	$ 77,112.20	$ -	$ 77,112.20
7412	LAWNET - DRUG ENFORCEMENT	$ -	$ 1,455.23	$ -	$ 1,455.23
7413	LAWNET NON-FORFEITURE FUND	$ -	$ 487.11	$ -	$ 487.11
7520	EMPLOYEE RETIREMENT FUND	$ -	$ 268.00	$ -	$ 268.00
7550	MONEY PURCHASE PENSION PLAN	$ -	$ 1,585.00	$ -	$ 1,585.00
7950	HAZ MATL RESPONSE TEAM	$ -	$ 240.54	$ -	$ 240.54
7990	CO-OP EXTENSION SERVICE	$ -	$ 3,110.31	$ -	$ 3,110.31
	TOTALS	$ -	$ 407,874.16	$ -	$407,874.16

* This includes Utilities and Credit Cards

COUNTY ADMINISTRATOR
220 NORTH MAIN STREET, P.O. BOX 8645
ANN ARBOR, MICHIGAN 48107-8645
(734) 222-6850
FAX (734) 222-6715

TO: Jeff Irwin
Chair, Washtenaw County Board of Commissioners

THROUGH: Robert E. Guenzel
County Administrator

FROM: Anthony VanDerworp
Director of Planning and Environment

DATE: September 3, 2008

SUBJECT: Conant Farm Local Historic District Designation

BOARD ACTION REQUESTED:
It is requested that the Washtenaw County Board of Commissioners consider adoption of the proposed Local Historic District Ordinance for the Conant Farm, which is located at 5683 and 5671 Napier Road in Salem Township.

BACKGROUND:
On June 5, 1974, the Washtenaw County Board of Commissioners adopted by resolution (074-0266) the Washtenaw County Historic Preservation Ordinance, thereby establishing the Washtenaw County Historic District Commission with a mission to protect and preserve historic resources within the County. On July 13, 2004, the Salem Township Board of Trustees approved a resolution requesting the Washtenaw County Board of Commissioners to conduct work on their behalf to determine the potential of Conant Farm to be nominated as a local historic district and authorized its Supervisor to execute a contract with Washtenaw County granting the County the authority to exercise jurisdiction granted by P.A. 169 of 1970 and the Washtenaw County Historic Preservation Ordinance #115 over the proposed Conant Farm Local Historic District.

On March 16, 2005, the Washtenaw County Board of Commissioners considered this request and passed a resolution (05-0058) to appoint an Historic District Study Committee to evaluate the Conant Farm located at 5683 and 5671 Napier Road in Salem Township, and determine if it meets the criteria to be included in a local historic district. The Board of Commissioners is now requested to review and consider for adoption the Ordinance as discussed below.

DISCUSSION:

State of Michigan Local Historic Districts Act (PA 169)
Pursuant to the State of Michigan Local Historic Districts Act (PA 169 of 1970, as amended) herein referred to as the "Act", Section 399.203 (Historic districts; establishment; study committee; duties; public hearing; notice; actions; availability of writings to public) requires Washtenaw County Board of Commissioners to consider the following:

a) Whether a historic district commission has been established to oversee the proposed district, pursuant of Section 399.204 of the Act.

   On June 5, 1974, the Washtenaw County Board of Commissioners adopted by resolution (074-0266) the Washtenaw County Historic Preservation Ordinance, and thereby established the Washtenaw County Historic District Commission. The ordinance was subsequently amended in 1975, 1988, 1999, 2000, and 2003 to remain in compliance with the Act.

b) Whether the proposed local historic district was examined by a committee containing a majority of persons who have a clearly demonstrated interest in or knowledge of historic preservation, and contained representation from 1 or more duly organized local historic preservation organizations.

   The Conant Farm Study Committee was established on March 16, 2005, by resolution (05-0058) of the Washtenaw County Board of Commissioners. Committee members met or exceeded the requirements outlined in the Act.

   - ***Ina Hanel-Gerdenich (Chair and Principal Report Author)*** *– Ina Hanel-Gerdenich is a graduate of the Historic Preservation Program at Eastern Michigan University. She was formerly employed as the Preservation Planner for Washtenaw County, serving the Washtenaw County Historic District Commission, and has completed several grant-funded projects for the County.*
   - ***Kathy Holtz*** *– Kathy Holtz graduated with an M.S. in Historic Preservation from Eastern Michigan University. She worked for Washtenaw County in Historic Preservation on the award-winning HistWeb and Heritage Tours projects and was part of the team that surveyed Bridgewater Township farmsteads for HistWeb in 2004.*
   - ***Wilhelmina Lawson*** *– Wilhelmina Lawson is a resident and owner of a farmhouse in Salem Township. She is interested in the history of the local area.*
   - ***Shelley Griffith*** *– Shelley Griffith received a Bachelor of Arts in American Studies from Reed College in 1980. She is currently a graduate student at*

Eastern Michigan University in the History Department, and in that capacity, served as an intern with the Washtenaw County Historic District Commission during the Fall 2004 semester. She is presently a member of the Historical Society of Michigan.

- ***Olive Conant (Ex Officio) –*** *Mrs. Conant is a partner in the Conant Family Limited Partnership, which owns the Conant Farm property.*

- ***Donald Riddering (Ex Officio) –*** *Mr. Riddering is a former member of the Washtenaw County Historic District Commission.*

- ***Nancy Snyder (Ex Officio) –*** *Nancy Snyder has served on the Washtenaw County Historic District Commission for over twenty years, and is currently its Chair.*

- ***Melissa Milton-Pung*** *(Staff) - Washtenaw County Department of Planning & Environment*

c) Whether the Historic District Study Committee conducted an investigation of the proposed Conant Farm Local Historic District in a manner compliant with the Act.

The Study Committee researched the history and significance of the Conant Farm. Committee members consulted local history archives and libraries, conducted oral history interviews with knowledgeable family members, and engaged members of the local community for stakeholder participation in the investigation process.

A preliminary report was produced on February 14, 2008, which recommended local historic designation for the Conant Farm. The report was distributed to the Historic District Commission and public in hardcopy and electronic formats, posted online by the Department of Planning and Environment, and supplied to the Michigan State Historic Preservation Office, the Michigan Historical Commission, the Washtenaw County Historic District Commission, in accordance with the Act. As a matter of courtesy, the report was also furnished to the Washtenaw County Planning Advisory Board and Salem Township.

The Study Committee Report was finalized on June 18, 2008. It incorporates comments received from the public, Study Committee members, Michigan State Historic Preservation Office, Washtenaw County Planning Advisory Board, and the Department of Planning and Environment.

This report meets all requirements outlined in the Act.

d) Whether a Public Hearing was held in compliance with the Act not less than sixty days after the transmittal of the Preliminary Report and whether copies of the report have been made available to the public, the Michigan Historical Commission, and the Michigan State Historic Preservation Office.

The Preliminary Study Committee Report was transmitted to the Michigan State Historic Preservation Office and Michigan Historical Commission on February 14, 2008. The Preliminary Report was also provided to the Washtenaw County Historic District Commission, published on the Washtenaw County website, and made available to members of the public.

In accordance with the Act, a Public Hearing was held more than sixty days after the transmission of the Preliminary Report, on May 21, 2008 at the Jarvis/Stone School in Salem Township. Study Committee and the Department of Planning and Environment coordinated emailing lists and contacts for public notice of the hearing. Members of the Salem Area Historical Society and Salem Township also assisted in publicizing the event, which was attended by approximately twenty enthusiastic local residents.

Is it important to note that the Conant family has recently executed a conservation easement with the Southeast Michigan Land Conservancy, containing the entire 94.5 acre farm. In addition to members of the public, Committee members, and Washtenaw County Planning and Environment staff, staff of the Southeast Michigan Land Conservancy were also in attendance at the Public Hearing, to provide comment and answer questions regarding the complementary aspects of local historic district designation and conservation easements.

IMPACT ON HUMAN RESOURCES:
None.

IMPACT ON BUDGET:
None.

IMPACT ON INDIRECT COSTS:
None.

IMPACT ON OTHER COUNTY DEPARTMENTS OR OUTSIDE AGENCIES:
Guiding Principle No. 7 -- This project will encourage Washtenaw County Government, through the Historic District Commission, to work in cooperation with Salem Township and the Southeast Michigan Land Conservancy to protect the historic/architectural and open space resources of the Conant Farm.

CONFORMITY TO COUNTY POLICIES:
This action is in conformance with County policies.

ATTACHMENTS/APPENDICES:

Attachment A	Conant Farm Local Historic District Resolution
Attachment B	Conant Farm Local Historic District Ordinance
Attachment C	Conant Farm Local Historic District Report

A RESOLUTION ADOPTING AN ORDINANCE DESIGNATING THE CONANT FARM AS A WASHTENAW COUNTY HISTORIC DISTRICT UNDER THE JURISDICTION OF THE WASHTENAW COUNTY HISTORIC DISTRICT COMMISSION

WASHTENAW COUNTY BOARD OF COMMISSIONERS

September 3, 2008

WHEREAS, the property at 5683 and 5671 Napier Road known as Conant Farm in Salem Township had potential to be nominated as a historic district; and

WHEREAS, in 2004, Salem Township asked the Washtenaw County Board of Commissioners via the Washtenaw County Historic District Commission to have the property listed as a historic district; and

WHEREAS, under Michigan's Historic Districts Act (P.A. 169 of 1970, as amended in 1992), a historic district study committee must be established to evaluate the property and determine if it meets criteria to be included in a historic district; and

WHEREAS, under P.A. 169, the County Board of Commissioners has the authority to establish such a historic district committee; and

WHEREAS, on March 16, 2005, the Washtenaw County Board of Commissioners passed resolution 05-0058 authorizing the Historic District Study Committee to study the Conant Farm; and

WHEREAS, the preliminary report by the study committee was issued on February 14, 2008 and on May 21, 2008 a Public Hearing was held in Salem Township to discuss the proposal; and

WHEREAS, on June 18, 2008 the Conant Farm Historic District Study Committee Final Report was issued incorporating comments from the Public Hearing, with a recommendation that the Board of Commissioners adopt an ordinance designating the Conant Farm as a Washtenaw County Historic District under the jurisdiction of the Washtenaw County Historic District Commission; and

WHEREAS, on August 14, 2008 the Washtenaw County Historic District Commission reviewed and recommended approval of the proposal to create a historic district for the Conant Farm; and

WHEREAS, this matter has been reviewed by Corporation Counsel, Finance, Human Resources, the County Administrator's Office and the Ways and Means Committee;

NOW THEREFORE BE IT RESOLVED that the Washtenaw County Board of Commissioners hereby accepts the Conant Farm Historic District Study Committee Final Report, as on file with the County Clerk.

BE IT FURTHER RESOLVED that the Board of Commissioners hereby adopt the ordinance designating the Conant Farm as a Washtenaw County Historic District under the jurisdiction of the Washtenaw County Historic District Commission, as attached hereto and made a part hereof.

COMMISSIONER	Y	N	A	COMMISSIONER	Y	N	A	COMMISSIONER	Y	N	A
Bergman	X			Ouimet			X	Schwartz	X		
Grewal			X	Peterson	X			Sizemore	X		
Gunn	X			Ping	X			Smith	X		
Irwin	X			Lovejoy Roe	X						
CLERK/REGISTER'S CERTIFICATE - CERTIFIED COPY					**ROLL CALL VOTE: TOTALS**				**9**	**0**	**2**

STATE OF MICHIGAN)

COUNTY OF WASHTENAW)SS.

I, Lawrence Kestenbaum, Clerk/Register of said County of Washtenaw and Clerk of Circuit Court for said County, do hereby certify that the foregoing is a true and accurate copy of a resolution adopted by the Washtenaw County Board of Commissioners at a session held at the County Administration Building in the City of Ann Arbor, Michigan, on September 3rd, 2008, as it appears of record in my office.

In Testimony Whereof, I have hereunto set my hand and affixed the seal of said Court at Ann Arbor, this 4th day of September, 2008.

LAWRENCE KESTENBAUM, Clerk/Register

BY:_____

Deputy Clerk

Res. No. 08-0150

COUNTY ADMINISTRATOR
220 NORTH MAIN STREET, P.O. BOX 8645
ANN ARBOR, MICHIGAN 48107-8645
(734) 222-6850
FAX (734) 222-6715

TO: Jeff Irwin, Chair
Board of Commissioners

THROUGH: Robert E. Guenzel
County Administrator

FROM: Anthony VanDerworp, Director
Department of Planning and Environment

DATE: September 3, 2008

SUBJECT: Public Hearing on the Proposed Washtenaw County Regulation for the Onsite Management, Treatment and Disposal of Wastewater

BOARD ACTION REQUESTED:

It is requested that the Board of Commissioners approve the attached resolution setting a date for a Public Hearing on the Washtenaw County Regulation for the Onsite Management, Treatment and Disposal of Wastewater.

BACKGROUND:

Clean water and proper sewage treatment and disposal have done more to extend life expectancy in the United States than all other public and personal health actions combined. This new proposed Regulation builds on basic public and environmental health principles to continue Washtenaw County's leadership in the protection of public health and the environment.

The current "Washtenaw County Sewage Code, Rules and Regulations for the Disposal of Sewage and Human Excreta", was first adopted in 1961 with minor amendments approved in 1977 and 1979. While the current regulation has served the County well in permitting new construction there was little consideration given for maintaining systems once they were in place and it allowed major repairs to occur with no oversight by the County.

Other deficiencies that have become more evident over time have included; the inability to provide consumer protection from unscrupulous contractors, the inability to take advantage of greater public health protections offered by advancements in technology,

and the inability to incorporate improvements in the knowledge of public health principles and technological advances over the last 30 years in the protection of surface and ground water.

The proposed Regulation for the Onsite Management, Treatment and Disposal of Wastewater will address these issues through:

- Contractors and Operation and Maintenance Service Providers Registration and Certification
- Operating permits for alternative onsite sewage systems and larger commercial systems generating 2000 gallons per day or more
- Repair permits for repairs within a drainfield
- Increased vertical separation to the Groundwater
- Allowing alternative systems in use in other areas to be reviewed and evaluated for acceptance through a controlled approval and evaluation procedures

DISCUSSION:

The need for revisions to the existing Sewage Regulation has been building for some time. The current regulation has inconsistencies with other County regulations, existing fees and outdated terminologies. Staff routinely work with other local agencies, the Michigan Department of Environmental Quality (MDEQ), contractors, consultants and engineers to identify solutions and best management practices. As part of the process for developing the new regulation, staff made significant contact with other agencies to develop benchmarks for the future. Staff also reviewed recommended practices by the USEPA Onsite Wastewater System Manual, performed internet searches of dozens of existing codes and spoke with other regulatory agencies across Michigan and the Country.

An internal draft of the proposed regulation was completed in February of this year. At that time there was a comprehensive effort to solicit comments from the regulated community and other affected parties.

That effort included:

- Presentation to contractors and installers in Washtenaw County
- Discussion with the Public Health Advisory Committee/Environmental Appeals Board
- Meetings with engineers and consultants
- Meeting with suppliers and manufacturers
- Two separate discussions with the Home Builders Association
- Presentation to the Michigan Septic Tank Association
- Provided information to the Board of Realtors
- Presentation to the Washtenaw County CEO Group
- Discussion with several concerned Commissioners

As a result of those meetings several significant changes to the proposed February regulation draft were made:

- Removed the requirement for reporting of minor repairs (including septic tank pumping)
- Grandfathering existing locations on the increased vertical isolation requirement from groundwater unless there was a failure or potential contamination related to the isolation distance
- Added a process for technologies accepted in other areas to become demonstration projects and ultimately approvable as an alternative system
- Modified some definitions and terminologies

This regulation is allowed under authority of the State of Michigan's Public Health Code, Act 368 of the Public Acts of 1978, State of Michigan, MCL 333.1101 et seq. as amended. It provides authority to the Public Health Officer and her authorized representatives to enforce the regulation. The regulation will allow for the establishment of fees to cover the cost of implementing and enforcing the regulation.

IMPACT ON HUMAN RESOURCES:

No additional personnel are anticipated as a result of this regulation.

IMPACT ON BUDGET:

None.

IMPACT ON INDIRECT COSTS:

None.

IMPACT ON OTHER COUNTY DEPARTMENTS OR OUTSIDE AGENCIES:

None.

CONFORMITY TO COUNTY POLICIES:

This action is in conformance with County policies. The regulation has been reviewed by the Washtenaw County Public Health Advisory Committee / Environmental Appeals Board, and by Corporation Counsel.

ATTACHMENTS/APPENDICES:

Resolution

Preparer: Daniel R. Myers P.E.
Director of Public Works

RESOLUTION SETTING A PUBLIC HEARING TO RECEIVE COMMENT ON THE PROPOSED WASHTENAW COUNTY REGULATION FOR THE ONSITE MANAGEMENT, TREATMENT AND DISPOSAL OF WASTEWATER

WASHTENAW COUNTY BOARD OF COMMISSIONERS
September 3, 2008

WHEREAS, The Washtenaw County Board of Commissioners has authority under the State of Michigan's Public Health Code, Act 368 of the Public Acts of 1978, State of Michigan, MCL 333.1101 et seq. as amended to establish regulations to protect the public health and environment; and

WHEREAS, the safe and sanitary treatment and disposal of human sewage wastes is fundamental to individual, community, and public health and protection of the environment; and

WHEREAS, privately owned onsite sewage systems can be an effective means of sewage treatment and disposal if they are properly sited, designed, constructed, operated, and maintained; and

WHEREAS, a county regulation will provide assurance for the proper siting, design, construction, operation, and maintenance of private onsite sewage systems; and

WHEREAS, a Regulation for the Onsite Management, Treatment, and Disposal of Wastewater has been drafted by staff of the Washtenaw County Planning and Environment Department with input from interested parties; and

WHEREAS, in order to proceed with adoption of the proposed Regulation for the Onsite Management, Treatment, and Disposal of Wastewater it is necessary to hold a public hearing to hear comments on the proposed regulation.

NOW THEREFORE, BE IT RESOLVED that the Board of Commissioners of the County of Washtenaw will hold a Public Hearing on Wednesday, October 1, 2008 at 6:45 P.M. Michigan Time at 220 N. Main Street, Ann Arbor, Michigan, for the purpose of taking comments on the proposed Washtenaw County Regulation for the Onsite Management, Treatment and Disposal of Wastewater.

BE IT FURTHER RESOLVED that notice of such public hearing, in a form similar to Exhibit A, shall be given by publication thereof in the Ann Arbor News at least ten (10) days prior to the public hearing.

COMMISSIONER	Y	N	A	COMMISSIONER	Y	N	A	COMMISSIONER	Y	N	A
Bergman	X			Ouimet			X	Schwartz	X		
Grewal			X	Peterson	X			Sizemore	X		
Gunn	X			Ping	X			Smith	X		
Irwin	X			Lovejoy Roe	X						

CLERK/REGISTER'S CERTIFICATE - CERTIFIED COPY **ROLL CALL VOTE: TOTALS** **9** **0** **2**

STATE OF MICHIGAN)

COUNTY OF WASHTENAW)SS.

I, Lawrence Kestenbaum, Clerk/Register of said County of Washtenaw and Clerk of Circuit Court for said County, do hereby certify that the foregoing is a true and accurate copy of a resolution adopted by the Washtenaw County Board of Commissioners at a session held at the County Administration Building in the City of Ann Arbor, Michigan, on September 3rd, 2008, as it appears of record in my office.

In Testimony Whereof, I have hereunto set my hand and affixed the seal of said Court at Ann Arbor, this 4th day of September, 2008.

LAWRENCE KESTENBAUM, Clerk/Register

BY:_____

Deputy Clerk

Res. No. 08-0151

EXHIBIT A

WASHTENAW COUNTY BOARD OF COMMISSIONERS

PUBLIC HEARING NOTICE

NOTICE OF PUBLIC HEARING ON
A PROPOSED REGULATION FOR THE ONSITE MANAGEMENT, TREATMENT AND DISPOSAL OF WASTEWATER

TO ALL INTERESTED PARTIES:

PLEASE TAKE NOTICE that the Board of Commissioners of the County of Washtenaw will hold a Public Hearing on Wednesday October 1, 2008 at 6:45 P.M. Michigan Time in the Board Room of the County Administration Building at 220 N. Main, Ann Arbor, Michigan for the purpose of taking comments on the proposed Washtenaw County Regulation for the Onsite Management, Treatment and Disposal of Wastewater.

The proposed regulation is established under authority of the State of Michigan's Public Health Code, Act 368 of the Public Acts of 1978, State of Michigan, MCL 333.1101 et seq. as amended.

The Washtenaw County Regulation for the Onsite Management, Treatment and Disposal of Wastewater recognizes:

> The safe and sanitary treatment and disposal of human sewage wastes is fundamental to individual, community, and public health;
>
> Privately Owned Sewage Systems must be designed, installed and operated in a proper manner to safeguard public health and the environment.

The regulation will address the following subjects and issues related to Onsite Management Treatment, and Disposal of Wastewater:

- Contractor Registration and Certification
- Operating permits for alternative systems and larger commercial systems
- Repair permits for repairs within a drainfield
- Increased vertical isolation to the groundwater
- Allow alternative systems in use in other areas to be reviewed and evaluated for acceptance

The Washtenaw County Board of Commissioners may consider adopting the regulation at its regularly scheduled meeting on Wednesday, November 5, 2008. The proposed effective date of the regulation will be 45 days after adoption by the Board of Commissioners.

The proposed regulation is available online at:
http://www.ewashtenaw.org/government/departments/environmental_health

A copy of the Regulation can be obtained at the Department of Planning and Environment, 705 N. Zeeb Road, Ann Arbor, Michigan 48107. The offices are located on the first floor of the Washtenaw County Western Service Center. To ask questions or obtain information on the regulation, please call (734) 222-3800.

Washtenaw County

Department of Planning & Environment
Development Services Division

WASHTENAW COUNTY REGULATION FOR THE ONSITE MANAGEMENT, TREATMENT AND DISPOSAL OF WASTEWATER

705 N. Zeeb Road
P.O. Box 8645
Ann Arbor, MI 48107-8645

Phone: (734) 222-3800
Fax: (734) 222-3930
Web: www.eWashtenaw.org

Draft for Public Comment

TABLE OF CONTENTS

PREAMBLE 2

ARTICLE I: DEFINITIONS 2

ARTICLE II: WASTEWATER DISPOSAL REQUIREMENTS 3

ARTICLE III: PERMIT REQUIREMENTS FOR PRIVATE WASTEWATER DISPOSAL SYSTEMS 5

ARTICLE IV: WASTEWATER DISPOSAL SYSTEM LOCATION AND ISOLATION 7

ARTICLE V: CONSTRUCTION REQUIREMENTS 8

ARTICLE VI: OPERATION/MAINTENANCE (O/M) REQUIREMENTS 9

ARTICE VII: CERTIFICATION REQUIREMENTS 11

ARTICLE VIII: ADMINISTRATION 12

ARTICLE IX: ENFORCEMENT AND PENALTIES 13

ARTICLE X: APPEALS AND FEES 15

DRAFT

PREAMBLE

Recognizing that the safe and sanitary treatment, management and disposal of wastewater is fundamental to the individual, public and community health; further recognizing that inherent limitations of individual, private sewage disposal systems dictate their use occurs only under site and design conditions that allow for the proper operation and maintenance of these systems, this Regulation is established to prevent the creation of nuisances and conditions menacing the public health under the authority of Act No. 368 of the Public Acts of 1978.

ARTICLE I: DEFINITIONS

Section 1:1
Available Sanitary Sewer: A municipally owned and operated public sewerage system whose use is permitted by the municipality which operates and maintains such sewerage system and is permitted by the local unit of government in which the property is located.

Section 1:2
Board (PHAC/EAB): Washtenaw County Public Health Advisory Committee/Environmental Appeals Board, established pursuant to Washtenaw County Board of Commissioners Resolution.

Section 1:3
Certified Individual: An individual who has met Washtenaw County certification requirements to install, repair or provide operation and maintenance of wastewater systems in Washtenaw County.

Section 1:4
Department: The Washtenaw County Department designated to administer Environmental Health programs.

Section 1:5
Health Officer: The Director of the Washtenaw County Public Health Department or his/her authorized representative.

Section 1:6
Minor Repair and Maintenance: Includes the pumping of a septic tank, cleaning of an effluent filter, clearing of obstructed sewer lines, replacing pump or electrical components, replacing damaged sewage conveyance lines outside of the soil absorption system, minor grading changes to divert surface runoff away from any system component or other minor maintenance or repairs deemed by the Health Officer.

Section 1:7
Municipality: Any city, village, township, county, authority or other unit of government.

Section 1:8
Owner: Any person, agency, firm or corporation having a legal or equitable interest in the property.

Section 1:9
Person: Any individual, firm, partnership, party, corporation, company, society, government entity or association.

Section 1:10
Premise: A tract of land with or without any building thereon.

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Section 1:11
Pretreatment: A device or process to alter the composition of the wastewater prior to final disposal using filtration, aerobic or enhanced microbial processes to yield an effluent with substantially reduced pathogens, Biochemical Oxygen Demand and other parameters than that of typical septic tank effluent.

Section 1:12
Soil Absorption System (SAS): A means of distributing and treating wastewater effluent below the ground surface in a manner protective to public health and the environment.

Section 1.13
Surface Water: Any body of water flowing or contained in natural or artificial depressions for significant periods of the year; including natural and artificial lakes, ponds, springs, rivers, streams, drains and wetlands.

Section 1:14
System Failure: The operation of a wastewater system in a manner that exposes wastewater to the ground surface; causes wastewater to discharge to any form of surface water; causes contamination to groundwater; causes an odor nuisance; or allows for access or unwanted exposure to wastewater by humans, pets, rodents, flies or other disease-carrying vectors.

Section 1:15
Wastewater: Liquid waste from flush toilets, urinals, lavatories, sinks, showers, bath tubs, floor drains, laundry trays or any similar fixture or device normally receiving and discharging liquid waste to a sanitary plumbing system. This definition specifically excludes: footing drain discharge, HVAC condensate, cation exchange water treatment regeneration discharge, reverse-osmosis water treatment regeneration discharge, roof drainage downspouts and open-loop geothermal discharge.

Section 1:16
Wastewater Disposal System (WDS): For the purpose of this Regulation, WDS shall include:

- **Conventional Wastewater Disposal System (CWDS):** A system for the collection, treatment and disposal of wastewater installed on a parcel that meets minimum conventional site criteria established by the Health Officer.
- **Alternative Conventional Wastewater Disposal System (ACWDS):** A system for the collection, pretreatment and/or disposal of wastewater installed on a parcel that does not meet conventional system criterion but is designed under criteria established by the Health Officer.
- **Demonstration Wastewater Disposal System (DWDS):** A system for the collection, pretreatment and/or disposal of wastewater that is widely accepted in other areas of the country with no or a limited number of installations in Washtenaw County.

ARTICLE II: WASTEWATER DISPOSAL REQUIREMENTS

Section 2:1
No building, structure, area, or premise shall be constructed or maintained for human occupancy, use or assembly without adequate facilities for the sanitary and safe disposal of wastewater.

Section 2:2
Where a municipal wastewater system for collection and disposal of wastewater is available, the utilization of such municipal wastewater system shall be considered the only safe and sanitary means of wastewater disposal. No wastewater disposal systems shall be maintained or used on property having a municipal wastewater system available.

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Section 2:3
Any municipal wastewater system connection required herein shall be completed within six (6) months after notice by the Health Officer to the owner of the premise having a municipal wastewater system available.

Section 2:4
When any existing WDS is abandoned or its use terminated, the existing septic tank(s), drywell(s), etc. shall be properly abandoned.

Section 2:5
All facilities for management, treatment and disposal of wastewater shall be so constructed, maintained and operated that there is no system failure as defined in Section 1.14 herein.

Section 2:6
All WDS shall be located wholly upon the property served except that under certain conditions and to correct an existing problem, the Health Officer may waive this provision when suitably executed recorded easements or rights-of-way agreements exist.

Section 2:7
Wastewater holding tanks on vehicles or boats must utilize facilities designed and approved to accept such wastewater and shall not be emptied or drained onto any public or private property.

Section 2:8
Nothing in this Regulation shall prevent the construction of wastewater treatment plants or Privately Owned Community Sewage Systems (POCSS) in accordance with plans approved by the appropriate regulatory agencies having jurisdiction.

Section 2:9
In the event of a WDS failure, the Heath Officer shall require the owner or user of the failed WDS to immediately cease the discharge until an approved corrective action plan has been implemented in accordance with this Regulation.

The Health Officer shall approve a corrective action plan that includes, but is not limited to, the following:

1. Connect the property to an available municipal sewer; or
2. Repair or replace the failed WDS or any of its components after receiving approval and a permit from the Department; or
3. Obtain an easement adjacent to the property in question where a SAS can be approved and placed; or
4. Apply for an ACWDS when items 1, 2 and 3 above cannot be met; or
5. Vacate/discontinue occupancy of the property.

Section 2:10
The Health Officer shall have the ability to approve and permit the use of onsite WDS for properties with existing habitable dwellings, as defined by the building code in the local unit of government having jurisdiction, provided that the permitted system as determined by the Health Officer will:

1. Mitigate an existing problem; and
2. Be in maximum feasible compliance with this Regulation; and
3. Meet required isolation distance to any neighboring property line(s), well(s) and surface water; and
4. Reduce risk to the environment and the public health.

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ARTICLE III: PERMIT REQUIREMENTS FOR PRIVATE WASTEWATER DISPOSAL SYSTEMS

Section 3:1
No private wastewater disposal system shall be constructed, relocated, repaired, except for minor repairs as defined in Section 1:6, or expanded until a permit has been issued by the Health Officer.

Section 3:2
An application for a permit for the construction or repair of a WDS shall be made by the property owner or his/her authorized representative. The application shall include, but not be limited to, the correct address of the property, the name and address of the applicant, the description of the property, the intended use for which said construction is proposed, and an accurate, scaled plot plan showing the pertinent features of the wastewater system, any/all wells, the driveway, surface water, property lines and all proposed building locations.

Section 3:3
An application for a site analysis to conduct soil evaluations and gather groundwater information shall be required by the Health Officer prior to issuing a permit to construct a WDS.

The application shall be made by the property owner or his/her authorized representative to the Department. The application shall include, but not be limited to, the correct address of the property, the name and address of the applicant, the description of the property, and the intended use for which said construction is proposed.

A soil evaluation shall be conducted in a manner approved by the Health Officer to determine the suitability of soil to treat and dispose of wastewater. Suitability of soil shall be determined by an adequate number of test holes in the location of a proposed WDS. If the soil evaluation indicates that a high groundwater condition may exist, additional observations shall be required by the Health Officer.

Any application for a soil evaluation shall be valid for a period not to exceed two (2) years after date of application unless an extension is approved by the Health Officer.

Section 3:4
No permit shall be issued by the Department unless an accurate determination has been made regarding the suitability of the site and all required information has been submitted to and reviewed and approved by the Health Officer.

Section 3:5
The permit or approval to construct a WDS may be declared void or additional conditions imposed by the Health Officer if, prior to final inspection, the Health Officer determines that the area designated for the SAS has been disturbed by major filling, eroding, excavating, paving or flooding, or by location of a water supply well or other feature so as to encroach on any required isolation distance. The permit may also be declared void or additional conditions imposed by the Health Officer if there is any increase in the scope of the project prior to final inspection and approval of the WDS.

A permit shall be valid for a period not to exceed two (2) years. After a permit has expired, a renewal fee of 50% of the original permit cost will be assessed.

If substantial changes in the scope of work are proposed, a new permit shall be required.

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Section 3:6
Before construction, modification or change in use of any building or structure, the WDS shall be reviewed by the Health Officer to determine its adequacy for the intended use. The modification or change of use shall not interfere with or damage any portion of the WDS. If the Health Officer determines that such system is not adequate for the intended use, a permit to expand or replace the existing WDS shall be required by the Health Officer.

Section 3:7
Permits shall be issued only to the property owner of record and may only be transferred to a new owner upon authorization of the Health Officer. The property owner shall be responsible for compliance with all permit conditions.

Section 3:8
A permit shall be denied for one or more of the following reasons:

1. Where a municipal wastewater system is available;
2. Where any portion of the WDS would be inaccessible for cleaning or inspection purposes;
3. Where the property dimensions are too small for the required isolation distances specified in Section 4:3, herein;
4. Where the maximum groundwater level is less than one (1) foot below the existing grade;
5. Where the soil conditions are deemed by the Health Officer to be unsuitable. Unsuitability shall be determined by analysis of soil characteristics such as soil texture, drainage, color, structure, particle size, porosity, ground slope and permeability;
6. Where the WDS would be below a 100-year flood elevation of a lake, river or stream;
7. Where conditions exist or may be created which may endanger the public health or the environment;
8. When the Health Officer has made the determination that installation of a WDS would endanger public health.

Section 3:9
Any lawfully installed WDS in existence at the time of adoption of this Regulation may continue in use as long as:

1. The operation does not constitute a failure as defined in Section 1:14; and
2. A publicly operated wastewater system is not available; and
3. The system is in compliance with the Washtenaw County Regulation for the Inspection of Residential Onsite Water and Sewage Disposal Systems at the Time of Property Transfer; and
4. The owner maintains a valid Operating Permit as required by this Regulation.

Section 3:10
All work performed on a WDS requiring a permit must be performed by a Washtenaw County Certified Individual who is registered with the Department and who has demonstrated the capability to perform the work in a timely and proficient manner.

Section 3:11
Any permit to install or repair a WDS, including the approved plot plan, must be conspicuously posted on site.

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ARTICLE IV: WASTEWATER DISPOSAL SYSTEM LOCATION AND ISOLATION

Section 4:1
Private wastewater disposal systems shall be permitted only where the Heath Officer has made the determination that suitable soil, drainage conditions and land area will accommodate the sustained use of such systems in a manner that assures that wastewater will be transmitted into the soil under all anticipated weather conditions and not contaminate the surface of the ground, groundwater or surface waters, and where repair and replacement of such systems can be made.

Section 4:2
All septic tanks, pump chambers and tanks used to house pre-treatment devices installed after the effective date of this Regulation shall be installed in such a location and manner as to be readily accessible for maintenance purposes and shall be equipped with risers to grade. No wastewater disposal system shall be installed under any building and no SAS shall be permitted under any driveway, parking lot or paved area.

Section 4:3
The following minimum isolation distances shall be maintained as follows.

Isolation Distance From	To Septic Tank	To SAS
Property Line	10 ft.	10 ft.
Water Supply Well	50 ft.	100 ft.*
Surface water	25 ft.	50 ft.

*Isolation distances may be increased from wells serving other than individual dwellings and wells subject to groundwater contamination as determined by the Health Officer.

Section 4:4
Horizontal isolation distances from a SAS to a residential well may be reduced to no less than fifty (50) feet if the well is determined to have a protective clay layer that is not less than ten (10) feet in thickness and the well and the WDS are both located on the same property.

Section 4:5
When installing a WDS for a new dwelling or expanded use of an existing dwelling, an open available location for the SAS shall contain a gross area at least two and one-half (2 ½) times that required for the primary SAS to allow for adequate replacement and expansion. Size and design of the SAS shall be in accordance with soil conditions as determined by required soil evaluations specified in Section 3:3, as well as anticipated probable use.

Section 4:6
Nothing contained herein shall prevent the use of special construction methods to develop sub-surface, permeable soil formations or to use other techniques/technologies, provided the engineering design of such methods/techniques is first approved by the Health Officer and their operation is in accord with the standards of Article VI: Operation/Maintenance Requirements, contained herein.

Section 4:7

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Unless specifically approved by the Health Officer, each WDS shall serve only one (1) family or one (1) business establishment under the same ownership. This Section does not preclude multiple tenants as long as the business remains under one common ownership.

Section 4:8
All WDS shall be located in such a manner and location that surface water drainage is diverted away from the installation. Furthermore, such drainage should generally not be toward any water supply well in the immediate vicinity.

Section 4:9
All SAS shall be installed at an elevation of not less than thirty-six (36) inches above the maximum ground water level as indicated by soil mottling or physical observations except as provided below. If soil evaluations indicate that the soil formation holds water in a confined aquifer or perched water table formation, it shall not be approved for wastewater disposal.

Vertical separation of not less than 24 inches may be granted for properties that employ an approved pre-treatment device prior to the SAS. Additionally, SAS serving homes built prior to the effective date of this Regulation shall not be subject to this provision unless there is a sewage failure attributable to the seasonal high water table or when a determination is made to ensure that such reduction is not likely to impact drinking water quality.

Section 4:10
When a site drainage improvement system is installed in an attempt to lower and control the groundwater elevation, it shall be evaluated, prior to issuance of a permit, during periods of high groundwater to determine how effectively it has controlled the water table. If the water table has not been lowered to provide the minimum vertical isolation distance between a seasonal high water table and the bottom of the SAS, then a WDS permit shall be denied.

ARTICLE V: CONSTRUCTION REQUIREMENTS

Section 5:1
All construction and design of WDS shall fully comply with guidelines and standards published by the Health Officer. All WDS shall be constructed in accordance with accepted engineering practices, be of durable, serviceable materials and be installed in a professional, timely manner. In addition:

1. All materials shall be tested as required by the Health Officer to verify compliance with current specifications.
2. The septic tank shall have sufficient capacity for the anticipated loading.
3. The excavation of the SAS shall be inspected as required by the Health Officer.

Section 5:2
The Health Officer shall establish procedures, guidelines or both on the use of DWDS and the mechanism of accepting these systems as ACWDS in Washtenaw County. At the end of the demonstration period, the Health Officer shall make a determination as to whether the DWDS is:

1. Approved to be classified as ACDWS; or
2. Denied; or
3. Additional information is needed.

At a minimum, these guidelines and procedures shall include:

1. The site must have an approved and available conventional WDS located wholly on the property.

2. Documentation of at least five (5) installations with site conditions similar to those being proposed.
3. Confirmation by the permitting agency where these installations exist that they perform as proposed.
4. A minimum and a maximum number of installations for each proposed DWDS in Washtenaw County shall be established by the Health Officer.
5. The Health Officer shall establish the length of the testing and monitoring period for each proposed DWDS in Washtenaw County.
6. The Health Officer shall establish testing parameters and monitoring frequency for each proposed DWDS.
7. The DWDS owner must obtain an Operating Permit in conformance with this Regulation.
8. A property use agreement between the Department and the property owner clearly identifying the sewage system conditions shall be entered into and recorded with the Register of Deeds.
9. The Health Officer shall have the authority to revoke a permit to install a DWDS when any or all of the following occurs:
    a. If the use of the DWDS presents substantial risk to the public health.
    b. The system discharges sewage to the ground and is not operating as intended.
    c. The Manufacturer or the owner of the system is violating conditions set forth in the Operating Permit.
    d. Where fraudulent practice has been found.

Section 5:3
Other devices and systems, including pretreatment devices, that demonstrate the ability to overcome site limitations may be approved for use in Washtenaw County, provided that before any such approval is granted, the proposed device or system shall undergo a thorough review by the Health Officer and must meet minimum established performance standards and specifications.

ARTICLE VI: OPERATION/MAINTENANCE (O/M) REQUIREMENTS

Section 6:1
Within 6 months from the effective date of this Regulation, a valid Operating Permit is required:

1. Where an ACWDS or a DWDS as defined under Section 1:16 are permitted and constructed after the effective date of this Regulation.
2. Where an existing alternative or experimental system was permitted in conjunction with a recorded property use agreement requiring perpetual operation and maintenance.
3. Where commercial or any other non-residential facilities generate 2000 gallons per day or more, unless a valid Operating Permit has been issued by other State or Local agencies. All non-residential facilities generating fats, oil or grease (FOG) shall obtain an Operating Permit regardless of flow volume.
4. When the Health Officer has made the determination that an Operating Permit is needed due to site-specific concerns, and/or to mitigate an existing problem.

For all existing alternative systems installed before the adoption date of this Regulation, and where there is not a property use agreement requiring perpetual operation and maintenance, an Operating Permit shall be required at the time the property transfers.

Modified Fill Type Drainfields serving residential properties are not required to obtain an Operating Permit.

Section 6:2

The Health Officer shall establish conditions, requirements and frequency of renewal of Operating Permits deemed necessary to assure the safe and effective operation and maintenance of wastewater systems described in Section 6.1 and shall issue an Operating Permit reflecting those conditions and requirements.

Section 6:3

Prior to issuance of an Operating Permit the following shall be provided, in a manner acceptable to the Health Officer:

1. Identification of the owner of the system.
2. A recorded deed document or a recorded affidavit that clearly establishes the responsibilities of the owner of the system, including the requirement to pay all costs needed to manage, operate and maintain the system.
3. An operational plan that identifies the certified operator, the required routine maintenance to be performed, and emergency procedures, if any.
4. Evidence of system inspection and maintenance as required on the Operating Permit.
5. Payment of the appropriate fees.

Section 6:4

All WDS listed under Section 6:1 shall be required to submit a completed annual operation and maintenance report on forms supplied by or approved by the Health Officer. The report shall be prepared and signed by a person certified by the Department.

Section 6:5

The Department may require inspection(s) of the facility as part of an Operating Permit renewal.

Section 6:6

All Operating Permits shall be renewed by the property owner of record prior to the expiration date of the Operating Permit.

Section 6:7

If the annual report indicates that the system is deficient and not in substantial compliance with this Regulation, the Health Officer shall, within 10 business days from the date a report is received, notify the owner in writing of all the deficiencies included in the report.

The owner or his/her designated representative, within 30 days from the date of the notification, shall bring the system into compliance with this Regulation or submit a corrective action plan.

The Department shall, within 10 business days from receipt of the corrective action plan, review the corrective action plan and provide written comments, grant approval or issue a permit, if necessary, to ensure that the system is in compliance with this Regulation.

It is the responsibility of the property owner to complete all approved corrective actions within a time period specified by the Health Officer.

Under no condition shall a sewage failure remain unabated.

Section 6:8

If an owner does not submit an annual operating report as stipulated in this Regulation, the Department shall have the authority to cause an inspection to be performed and may charge all costs and fees for the evaluation to the owner of the premises.

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Section 6:9
If the owner or party violating this Regulation refuses on demand to pay such expenses incurred by the Department for monitoring purposes, the sum shall be assessed against the property and shall be collected and treated in the same manner as taxes assessed under the general tax laws of this State.

Section 6:10
A system that has an Operating Permit in compliance with this Regulation shall be considered exempt from the Regulation for The Inspection of Residential Onsite Water and Sewage Disposal Systems at Time of Property Transfer. This exemption only applies to the wastewater disposal system serving the property.

Section 6:11
Operation and maintenance shall be performed by individuals certified under this Regulation. The Certified Individual shall be trained and knowledgeable in the technology and operations utilized. The Certified Individual shall possess all mandated licenses, certificates or other credentials required by Washtenaw County and/or the manufacturer of WDS components.

Section 6:12
All operation and maintenance service providers within Washtenaw County shall be certified by Washtenaw County and are required to register with the Health Officer on a form provided by the Health Officer. Such registration shall include copies of all certifications, identification of responsible individuals and any other information deemed appropriate by the Health Officer. Any changes to the information contained in the registration shall be reported to the Health Officer.

ARTICE VII: CERTIFICATION REQUIREMENTS

Section 7:1
Within 6 months from the effective date of this Regulation, in order to install, repair or provide operation and maintenance on any WDS in Washtenaw County, an individual shall be certified by the Health Officer or shall perform such work under the direct supervision of a Certified Individual. This Section does not apply to minor repairs and maintenance as defined under Section 1:6 of this Regulation.

Nothing in this Regulation shall prevent a homeowner from installing his/her WDS provided that he/she shall obtain all necessary permits required by this Regulation. It shall be a violation of this Regulation to employ an uncertified individual.

Section 7:2
Each Certified Individual shall register with the Health Officer biannually.

Section 7:3
As part of the certification and registration program, the Health Officer shall:

1. Establish criteria and guidelines for certifications.
2. Administer and enforce this certification requirement.
3. Develop application forms and applicant testing instruments.
4. Collect required fees and issue certifications to contractors who meet minimum requirements for certification.
5. Maintain a list of Certified Individuals.
6. Require remediation where there is evidence a Certified Individual has conducted work in nonconformance with permit requirements or which exhibits a lack of competency or proficiency.
7. Establish training and minimum requirements for certification.

8. Monitor onsite wastewater installations and repairs to ensure that all contracted work is performed by Certified Individuals.
9. Notify all Certified Individuals of any changes to the Washtenaw County Onsite Wastewater Construction Guidelines at least ninety (90) days prior to implementation.

Section 7:4

The Health Officer may de-certify any Certified Individual under one or more of the following circumstances:

1. Installing, constructing, operating and/or maintaining any WDS or any of its components without appropriate permits from the Department;
2. Failure to maintain current certification with the Department;
3. Failure to request required inspections by the Department;
4. Failure to construct a WDS or any of its components in accordance with the terms and conditions of the sewage permit issued by the Department;
5. Negligence in the discharge of his/her duties as outlined in the certification requirements;
6. Submittal of false or misleading information to the Department;
7. Engaging in fraudulent or unethical business practice;
8. Failure to demonstrate competence in performing work performed under certification;
9. Promoting or advertising products and services as being certified or approved for use by the Health Officer.

Section 7:5

The Health Officer may establish conditions by which an individual who violated any or all items listed under Section 7:4 may remain certified or be re-certified. These conditions may include, but not be limited to:

1. Signing a consent agreement as to the terms of the re-certification.
2. Submitting a Michigan company surety bond or with such sureties, form and sufficiency as shall be approved by the Health Officer, covering the period for which the certification shall be issued to indemnify persons for whom services and maintenance work are performed.

Section 7:6

Any person aggrieved by the decision of the Department to suspend or revoke his/her certification shall have the right to an administrative hearing or to an appeal as per Article X of this Regulation.

ARTICLE VIII: ADMINISTRATION

Section 8:1

The Health Officer shall have the authority under this Regulation to establish procedures and guidelines, including design and construction requirements; Operating Permit conditions; compliance schedules; financial assurance requirements; certification requirements; notification requirements; and other mechanisms deemed necessary to assure compliance with this Regulation.

Section 8:2

No private WDS shall be constructed, placed in operation, or otherwise used for its intended purpose, without an approval of the construction and installation of such system by the Health Officer.

1. The Health Officer shall be notified before any sewer line, septic tanks, disposal or treatment structures are covered with earth or as required under the permit issued by the Health Officer. Expedited inspections could be performed within 24 hours, provided that applicable fees are paid.

2. When, upon inspection, the facilities are found to be in general conformance with the approved plans and this Regulation, the facilities shall be approved for use and notification of such approval shall be given. Notice to the Building Department having jurisdiction of such final approval shall constitute ample notification.
3. When, upon inspection, deficiencies are found that are in conflict with this Regulation or accepted practice, the Health Officer shall give notice to the owner, contractor or Building Department of the deficiencies, which must be corrected before final approval can be granted.

Section 8:3
The Health Officer of Washtenaw County shall have jurisdiction throughout Washtenaw County, including all cities, villages, townships, and charter townships, in the administration and enforcement of this Regulation and any amendments hereafter adopted, unless otherwise specifically stated.

Section 8:4
No person shall refuse to permit the Health Officer or his/her designated representative to inspect any premises at reasonable times, nor shall any person molest or resist the Health Officer in the discharge of his/her duty.

Section 8:5
The Health Officer shall have the right to obtain samples from any premise where the Health Officer has reason to believe that there is a likelihood of contamination of surface water, groundwater or water supply, or that other unsanitary conditions exist. Upon written notice, an owner or occupant of the premises from which such inspection is sought shall cooperate with the Health Officer or his/her designated representative.

Section 8:6
No person shall remove, mutilate or conceal any notice or placard posted by the Health Officer except by permission of the Health Officer.

Section 8:7
Nothing in this Regulation shall prevent the Health Officer from requiring the transmittal of reports or any other necessary information by electronic means made available by the Health Officer to the public.

Section 8:8
This Regulation or any amendments thereto shall become effective forty-five (45) days after adoption.

Section 8:9
Should any section, paragraph, sentence, clause, or phrase of this Regulation be declared unconstitutional or invalid for any reason, the remainder of said Regulation shall not be affected thereby.

ARTICLE IX: ENFORCEMENT AND PENALTIES

Section 9:1
This Regulation shall be enforced by the Health Officer or his/her designated representative in accordance with established procedures and guidelines.

Section 9:2
Notwithstanding the existence or pursuit of any other remedy, the Health Officer may maintain an action in the name of the County in a court of competent jurisdiction for an injunction or other appropriate process against any person to restrain or prevent violations of this Regulation.

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Section 9:3
If the Health Officer believes that a person is violating a provision of this Regulation or an order issued pursuant to this Regulation, the Health Officer may issue a citation within ninety (90) days after the alleged violation is discovered. The citation shall state with particularity the nature of the violation, including reference to the Section of the Regulation alleged to have been violated, the civil penalty established for such violation, if any, and a right to appeal the citation pursuant to MCLA 333.2461 and Article X of this Regulation. The citation shall be delivered or sent by registered mail to the alleged violator.

1. Any party issued a citation may, within ten (10) days from the date the citation is issued, request an informal conference, at which time the person may indicate why s/he believes that s/he has not violated this Regulation.
2. Any party issued a citation may appeal the citation to the PHAC/EAB or its designated committee within thirty (30) days after the citation is issued. The appeal shall be conducted in accordance with Article X of this Regulation.
3. A person aggrieved by a final decision of the Health Officer or the PHAC/EAB or its designated committee may petition the Circuit Court of the County where the premises is located for review. The time period for appeal shall begin to run the day after the date of such final decision.

Section 9:4
After learning that this Regulation has been violated, the Health Officer or his/her designated representative may:

1. Issue a Cease and Desist Order and/or suspend any permit, certificate or other approval issued pursuant to this Regulation to the owner or other party violating this Regulation, and afford the owner or other interested party Notice and Opportunity for Hearing.
2. Request that Washtenaw County Corporation Counsel file a legal action to enjoin the violation. In addition, the Health Officer may seek to recover any and all costs related to correcting, removing or abating the violation.

Section 9:5
Monetary civil penalties may be imposed according to the following schedule:

1. First violation: Up to $200.00
2. Second violation: $500.00
3. Third and subsequent violations, each: $1000.00

Section 9:6
A civil penalty levied under this Regulation may be assessed for each violation or day that the violation continues. The civil penalty may be for a specified violation of this Regulation or promulgated Rule, which the Health Officer has the authority and duty to enforce.

Section 9:7
A decision by the Health Officer not to issue a citation shall not be construed as a waiver of any other rights or remedies authorized by law or this Regulation.

Section 9:8
Any person who violates this Regulation is guilty of a misdemeanor, punishable by imprisonment for not more than ninety (90) days, or a fine of not more than $200.00, or both. Conviction by jury, court or voluntary plea and acceptance by court under this provision shall not waive any other claim for fines, costs, injunction or other relief authorized by this Regulation. Each day that a violation of this Regulation exists shall constitute a separate offense.

Section 9:9
If the owner or party violating this Regulation refuses on demand to pay such expenses incurred by the Department to abate, correct or remove a violation, unsanitary condition or nuisance, the sum shall be

assessed against the property and shall be collected and treated in the same manner as taxes assessed under the general tax laws of this State.

ARTICLE X: APPEALS AND FEES

Section 10:1

The Washtenaw County Public Health Advisory Committee/Environmental Appeals Board shall hear requests for appeals to decisions of the Health Officer and may grant individual variances from this Regulation by a concurring vote of the majority of its members.

An application for an appeal or a variance, together with applicable fees, shall be filed with the Health Officer within ninety (90) calendar days after the written decision to deny an application for a permit; provided, however, that said ninety (90) day period may be extended by the Health Officer.

The application for appeal shall specify the particular grounds on which it is based. A request for a variance shall contain a detailed description of the variance sought.

Opportunity for a hearing shall be given at the next regularly scheduled Washtenaw County Public Health Advisory Committee/Environmental Appeals Board meeting following receipt of the notice of appeal unless such notice is received within less than fourteen (14) calendar days of the time for such hearing, in which event a hearing shall be provided at a subsequent regular or special board meeting.

Due notice of such hearing shall be given to all persons listed on the last assessment roll for the township as the owner(s) of any real property contiguous to the appellant's property. In addition, notice of such hearing shall be published at least five (5) calendar days prior to the date of the hearing in a newspaper of general circulation published in Washtenaw County. Neither failure of the Board to give notice to all contiguous owners nor failure to publish such notice shall invalidate such notice or any finding and decision by the Board.

The appellant shall be notified of the decision within thirty (30) calendar days of the date of such hearing.

Section 10:2

A schedule of fees for permits, inspections, certifications and other services as authorized or required by this Regulation shall be established by the Washtenaw County Board of Commissioners pursuant to Act 306, Public Acts of 1927, as amended.

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COUNTY ADMINISTRATOR
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ANN ARBOR, MICHIGAN 48107-8645
(734) 222-6850
FAX (734) 222-6715

TO: Jeff Irwin
Chair of Board of Commissioners

THROUGH: Robert E. Guenzel
County Administrator

FROM: Anthony VanDerworp, Director
Department of Planning and Environment

DATE: September 3, 2008

SUBJECT: City of Ypsilanti Master Plan Amendment

BACKGROUND

The City of Ypsilanti (City) submitted an amendment to its Master Plan on July 24 2008, for comment by Washtenaw County, in accordance with the procedures set forth in the Municipal Planning Act, Public Act 285 of 1931 as amended. The Act requires the County to provide comments, which are advisory only, to the City. The comments must include, but need not be limited to, both of the following as applicable:

- A statement whether the county, after considering any comments received from adjacent local units of government, considers the proposed plan to be inconsistent with the plan of contiguous community (city, village, township or region), and

- A statement whether the county considers the plan to be inconsistent with the county plan.

DISCUSSION

Department of Planning and Environment staff evaluated the proposed amendment according to the goals, objectives and recommendations of *A Comprehensive Plan for Washtenaw County.* The Department of Planning and Environment distributed the amendment to the Washtenaw County Departments of Public Works, Parks and Recreation, Public Health, Washtenaw County Road Commission, Office of the Drain Commissioner and the Washtenaw Area Transportation Study (WATS) for comment. Comments received from these departments and agencies are included in the attached staff report.

The Revisions were reviewed and approved by the Washtenaw County Planning Advisory Board at their August 25, 2008 meeting. In the interests of following the 40 day comment period as stipulated in the Municipal Planning Act (Act 285 of 1931 as amended) the Revisions are forwarded to the Washtenaw County Board of Commissioners as a County staff report for review. After acceptance of the report by the Washtenaw County Board of Commissioners, the report will be submitted to the City and the contiguous communities.

ATTACHMENTS

- Cover Letter
- Staff Report

A RESOLUTION TO ACCEPT COMMENTS FROM WASHTENAW COUNTY DEPARTMENT OF PLANNING AND ENVIRONMENT STAFF ON THE CITY OF YPSILANTI MASTER PLAN AMENDMENT AND DIRECT THE COUNTY CLERK TO SEND COMMENTS TO THE CITY OF YPSILANTI AND THE CONTIGUOUS LOCAL UNITS OF GOVERNMENT

WASHTENAW COUNTY BOARD OF COMMISSIONERS
September 3, 2008

WHEREAS, Public Act 285 of 1931("the Act") requires that the County submit comments on the proposed Master Plan Amendment to the City of Ypsilanti; and

WHEREAS, the Act requires that the comments include, but not be limited to, a statement whether the proposed revisions are considered to be inconsistent with the plan of any contiguous city, village, township or region, after considering comments from contiguous communities, and a statement whether the proposed plan is considered to be inconsistent with the county plan; and

WHEREAS the County Board of Commissioners created the Planning Advisory Board to review plans and recommend adoption by the Board of Commissioners; and

WHEREAS the City of Ypsilanti submitted a Master Plan Amendment; and

WHEREAS the revisions were reviewed for consistency with the goals, objectives and recommendations of *A Comprehensive Plan for Washtenaw County*; and

WHEREAS the Amendment was reviewed and approved by the Washtenaw County Planning Advisory Board at their August 25, 2008 meeting;

WHEREAS in the interests of following the 40 day comment period as stipulated in the Act the Amendment was forwarded to the Washtenaw County Board of Commissioners as a County staff report for review;

NOW THEREFORE BE IT RESOLVED that the Board of Commissioners accepts the staff report from the Washtenaw County Department of Planning and Environment on the City of Ypsilanti Master Plan Amendment, and

BE IT FURTHER RESOLVED that the Board of Commissioners directs the County Clerk to send the comments to the City of Ypsilanti and the contiguous local units of government.

COMMISSIONER	Y	N	A	COMMISSIONER	Y	N	A	COMMISSIONER	Y	N	A
Bergman	X			Ouimet			X	Schwartz	X		
Grewal			X	Peterson	X			Sizemore	X		
Gunn	X			Ping	X			Smith	X		
Irwin	X			Lovejoy Roe	X						

CLERK/REGISTER'S CERTIFICATE - CERTIFIED COPY **ROLL CALL VOTE: TOTALS** **9** **0** **2**

STATE OF MICHIGAN)

COUNTY OF WASHTENAW)SS.

I, Lawrence Kestenbaum, Clerk/Register of said County of Washtenaw and Clerk of Circuit Court for said County, do hereby certify that the foregoing is a true and accurate copy of a resolution adopted by the Washtenaw County Board of Commissioners at a session held at the County Administration Building in the City of Ann Arbor, Michigan, on September 3rd, 2008, as it appears of record in my office.

In Testimony Whereof, I have hereunto set my hand and affixed the seal of said Court at Ann Arbor, this 4th day of September, 2008.

LAWRENCE KESTENBAUM, Clerk/Register

BY:_____

Deputy Clerk

Res. No. 08-0152