



## WASHTENAW COUNTY BOARD OF COMMISSIONERS

Wednesday, September 2, 2009

### 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 2, 2009.

The meeting was called to order at 10:19 p.m. by Mark Ouimet, Vice Chair of the Board.

**MEMBERS PRESENT:** Comms. Gunn, Irwin, Judge, Ouimet, Ping, Prater, Schwartz, and Smith.

**MEMBERS ABSENT:** Comms. Bergman, Peterson, and Sizemore

**OTHERS PRESENT:** County Administrator Bob Guenzel; Deputy County Administrator, Verna McDaniel; Corporation Counsel Curt Hedger; Jennifer Watson, Andy Brush, Support Services; Peter Ballios, Roberta Allen, Finance; Patricia Horne-McGee, Head Start; Mark Lindke, Veterans Affairs; Diane Heidt, Human Resources; Bob Tetens, Parks and Recreation; Ken Schrader, ITS; Joanna Bidlack, Stephanie Jensen, 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. Ping moved that the minutes of the August 5, 2009, meeting of the Board of Commissioners be approved. Motion carried.

#### Citizen Participation

Tom Partridge stated that he would like to propose that the Board does not make cuts recommended by the County Administrator. He stated that President Obama has called on residents to contribute.

#### Commissioner Follow-Up to Citizen Participation

None

#### Communications

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

**R-0128** RECEIVED: July 9, 2009. A resolution to the Washtenaw County Clerk, from the Gratiot County Board of Commissioners, re: Resolution in support of the State of Michigan to fulfill its obligations and promises and fully and unconditionally restore revenue sharing for all Michigan's 83 counties. Received and filed.

**R-0129** RECEIVED: August 3, 2009. A letter to the Washtenaw County Board of Commissioners, from Elizabeth Pollard Hines, District Court Judge, re: Letter in support of PORT program. Received and filed, copied to all commissioners.

**R-0130** RECEIVED: August 5, 2009. An e-mail to the Washtenaw County Board of Commissioners, from Virginia L. Vogel, Professor of Art, Department of Art/0224, University of Nevada, Reno, (Virginia.vogel@gmail.com), re: Concerns over the Budget, dated August 5, 2009. Received and filed.

**R-0131** RECEIVED: August 5, 2009. An e-mail to the Washtenaw County Board of Commissioners, from Pete Murdock, City Council – Ward 3, City of Ypsilanti, (pmurdock@cityofypsilanti.com), re: Budget Cuts, dated August 5, 2009. Received and filed.

**R-0132** RECEIVED: August 5, 2009. A letter to the Washtenaw County Board of Commissioners, from Caroline Depp, Riske Riders, 4H Leader, Manchester, re: Washtenaw County MSU Extension Services. Received and filed, copied to all commissioners.

**R-0133** RECEIVED: August 5, 2009. An e-mail to the Washtenaw County Board of Commissioners, from Barbara Dunlap, CSTS, (dunlapb@ewashtenaw.org), re: CSTS Vocational Services, dated August 5, 2009. Received and filed.

**R-0134** RECEIVED: August 6, 2009. A newsletter from the Michigan Association of Counties, re: MAC Legislative Update, dated July 24, 2009. Received and filed.

**R-0135** RECEIVED: August 7, 2009. An e-mail to the Washtenaw County Board of Commissioners, from Marilyn Gatewood, WCHS Employee, (margatewood@aol.com), re: Consideration for Head Start program, dated August 7, 2009. Received and filed.

**R-0136** RECEIVED: August 7, 2009. A letter to Chair Washtenaw County Board of Commissioners, from Thomas L. Mesenbourg, Acting Director, U.S. Census Bureau, re: Locations of people experiencing homelessness, dated August 3, 2009. Received and filed, copied to CSTS.

**R-0137** RECEIVED: August 7, 2009. A letter to the Washtenaw County Board of Commissioners, from Daniel J. Turvey, AIA, Dan Joseph Architects, re: Work Opportunities Favor Out of State Vendors, dated August 3, 2009. Received and filed.

**R-0138** RECEIVED: August 10, 2009. A newsletter from the Michigan Association of Counties, re: MAC Legislative Update, dated August 7, 2009. Received and filed.

**R-0139** RECEIVED: August 11, 2009. A letter to the Washtenaw County Board of Commissioners, from Steve Krull & Lori Krull, Head Start Teacher, re: Save Head Start from Elimination. Received and filed, copied to all commissioners.

**R-0140** RECEIVED: August 11, 2009. A letter to the Washtenaw County Board of Commissioners, from Sylvia M. Spikes, Head Start Teacher, re: Save Head Start from Elimination. Received and filed, copied to all commissioners.

**R-0141** RECEIVED: August 11, 2009. A letter to the Washtenaw County Board of Commissioners, from Michelle Trummel, re: Benefits of Head Start. Received and filed, copied to all commissioners.

**R-0142** RECEIVED: August 11, 2009. A letter to the Washtenaw County Board of Commissioners, from Rachel Hicks, re: Benefits of Head Start. Received and filed, copied to all commissioners.

**R-0143** RECEIVED: August 11, 2009. A letter to the Washtenaw County Board of Commissioners, from Mary C. Browning, re: Budget Cuts to Most Vulnerable. Received and filed, copied to all commissioners.

**R-0144** RECEIVED: August 13, 2009. An e-mail to the Washtenaw County Board of Commissioners, from Rae Ann Kluienberg, (ednrae@sbcglobal.net), re: Surprise in Proposed Cuts, dated August 13, 2009. Received and filed.

**R-0145** RECEIVED: August 14, 2009. A press release from the Washtenaw County Public Health Department, re: WCHO SAFE Survey, dated August 13, 2009. Received and filed.

**R-0146** RECEIVED: August 14, 2009. A letter to the Washtenaw County Board of Commissioners, from Anita Clegg, re: Head Start Program Excellence. Received and filed, copied to all commissioners.

**R-0147** RECEIVED: August 14, 2009. An e-mail to the Washtenaw County Board of Commissioners, from Catherine A. Bott-Wilcox, (cbsec@unityrealestate.com), re: Metroparks Recycling, dated August 14, 2009. Received and filed.

**R-0148** RECEIVED: August 17, 2009. A letter to the Washtenaw County Board of Commissioners, from Michelle R. Broniak, Teacher Assistant, Washtenaw County Head Start, re: Head Start Program Excellence, dated August 10, 2009. Received and filed, copied to all commissioners.

**R-0149** RECEIVED: August 17, 2009. A letter to the Washtenaw County Board of Commissioners, from Angela L. Parrinello, Early Childhood Development Assistant, Washtenaw County Head Start, re: Head Start Program, dated August 12, 2009. Received and filed, copied to all commissioners.

**R-0150** RECEIVED: August 18, 2009. A resolution to the Washtenaw County Clerk, from the Lake County Board of Commissioners, re: Resolution urging all legislators, to delete the boilerplate language introduced in the Senate Appropriations Subcommittee for Community Health and adopted as Senate Substitute for HB 4436, known as Section 407 (1) and Section 407 (4), dated July 22, 2009. Received and filed.

**R-0151** RECEIVED: August 18, 2009. A resolution to the Washtenaw County Clerk, from the Oceana County Board of Commissioners, re: Resolution strongly encouraging the Michigan Senate to pass and Governor Jennifer Granholm to sign into law House Bills 4785 and 4786 as soon as possible so that these federal dollars can rapidly be brought into our communities, dated August 13, 2009. Received and filed.

**R-0152** RECEIVED: August 20, 2009. A letter to the Washtenaw County Board of Commissioners, from Karen Essell, RDH, BSDH, re: Head Start Fluoride Varnish Program, dated August 17, 2009. Received and filed, copied to all commissioners.

**R-0153** RECEIVED: August 20, 2009. A letter to the Washtenaw County Board of Commissioners, from Awatif Khalifa, Head Start Teacher, re: Opposition to Elimination of Head Start. Received and filed, copied to all commissioners.

**R-0154** RECEIVED: August 20, 2009. A resolution to the Washtenaw County Clerk, from the Lenawee County Board of Commissioners, re: Resolution in opposition to the language proposed in Section 470 of the S-I version of the Department of Community Health Budget bill which would allocate state General Fund allocations for Community Mental Health services through PIHP's instead of directly to Community Mental Health Services Programs, dated August 12, 2009. Received and filed.

**R-0155** RECEIVED: August 21, 2009. A resolution to the Washtenaw County Clerk, from the Alger County Board of Commissioners, re: Resolution in support of House Bill No. 4893 as presented, dated August 10, 2009. Received and filed.

**R-0156** RECEIVED: August 21, 2009. A letter to the Washtenaw County Board of Commissioners, from Alice J. Ralph, WCHDC Commissioner, on behalf of the WCHDC, re: Support of an Act 88 millage to fund constituent-focused Washtenaw County Historic Preservation Programs. Received and filed, copied to all commissioners.

**R-0157** RECEIVED: August 24, 2009. A letter to the Washtenaw County Board of Commissioners, from Connie, re: Support of the CSTS Clothes Closet program. Received and filed, copied to all commissioners.

#### **Liaison Reports**

Comm. Irwin stated that there is an interesting development in state legislation regarding a health care plan for all public employees. He added that a state health care plan for all public employees would include county employees.

#### **Report of the Chair of the Board of Commissioners**

None

#### **Special Order of Business:**

##### **Public hearing to receive comments on the proposed indigent Veterans Relief Millage of 1/40<sup>th</sup> of a mill to be levied in December 2009**

Tom Partridge stated that he is dismayed that the Board would bring forward a tax increase to cover only a small sector of the population.

##### **Public hearing to receive comments on designating all of Washtenaw County as a "Recovery Zone" to make the County eligible to participate in Recovery Zone Economic Development Bonds and Recovery Zone Facility Bonds**

#### **Reports of the Standing Committees**

Comm. Prater seconded by Comm. Gunn moved that the following reports be received and approved: Administrative Briefing, dated July 29, 2009; Ways & Means, dated August 5, 2009; Working Session, dated August 6, 2009. Motion carried. (Complete reports are on file in the County Clerk/Register's Office.)

### **Reports of Special Committees**

Comm. Prater seconded by Comm. Gunn moved that the following reports be received: Community Corrections Advisory Board, dated July 14, 2009; Concealed Weapon Licensing Board, dated July 21, 2009 and August 24, 2009; Planning Advisory Board, dated July 27, 2009; Police Services Steering Committee, dated May 6, 2009; Social Services Board, dated June 18, 2009; Statutory Drainage Board, dated June 18, 2009, July 2, 2009, and July 30, 2009. Motion carried. (Complete reports are on file in the County Clerk/Register's Office.)

### **Other Reports**

None

### **Report of the Treasurer**

None

### **Appointments:**

None

### **Report of the County Administrator**

None

### **Resolutions:**

#### **Ways & Means – September 2, 2009**

**09-0146** Comm. Prater seconded by Comm. Gunn moved that the resolution approving the settlement of the following litigation: (1) Bruce Lee v The County of Washtenaw ET AL (Case No. 08-12350-GL); and (2) Beatrice McKeown v The County of Washtenaw ET AL (Case No. 09-0457-GL) and authorizing the County Administrator to execute all documents required as part of the settlement be adopted. Roll call vote: YEAS: 8 NAYS: 0 ABSENT: 3 (Comms. Bergman, Peterson, and Sizemore). Motion carried.

#### **New Business:**

**09-0147** Comm. Prater seconded by Comm. Gunn moved that the resolution setting application deadlines and qualifications for appointments to County Boards, Committees or Commissions be adopted. Roll call vote: YEAS: 8 NAYS: 0 ABSENT: 3 (Comms. Bergman, Peterson, and Sizemore). Motion carried.

**09-0148** Comm. Prater seconded by Comm. Gunn moved that the resolution rescinding resolution #09-0112 and two appointments from resolution #09-0108 (Daniel Brady and Danielle Choi) be adopted. Roll call vote: YEAS: 8 NAYS: 0 ABSENT: 3 (Comms. Bergman, Peterson, and Sizemore). Motion carried.

**09-0149** Comm. Prater seconded by Comm. Gunn moved that the resolution for supporting an increase in Michigan Tax on Tobacco and other Tobacco Products (OTP) be adopted. Roll call vote: YEAS: 8 NAYS: 0 ABSENT: 3 (Comms. Bergman, Peterson, and Sizemore). Motion carried.

**09-0150** Comm. Prater seconded by Comm. Gunn moved that the resolution amending the by-laws for the Washtenaw County Building Code/Construction Board of Appeals be adopted. Roll call vote: YEAS: 8 NAYS: 0 ABSENT: 3 (Comms. Bergman, Peterson, and Sizemore). Motion carried.

**09-0151** Comm. Prater seconded by Comm. Gunn moved that the resolution approving by-laws for the Washtenaw County Veteran's Affairs Committee be adopted. Roll call vote: YEAS: 8 NAYS: 0 ABSENT: 3 (Comms. Bergman, Peterson, and Sizemore). Motion carried.

**09-0152** Comm. Prater seconded by Comm. Gunn moved that the resolution authorizing creation of Economic Recovery Zone be adopted. Roll call vote: YEAS: 8 NAYS: 0 ABSENT: 3 (Comms. Bergman, Peterson, and Sizemore). Motion carried.

#### **Approval of Claims**

**09-0153** Comm. Prater seconded by Comm. Gunn moved that the resolution authorizing payment of claims commencing with the last previously approved claim and continuing through the date of August 21, 2009 be adopted. Roll call vote: YEAS: 8 NAYS: 0 ABSENT: 3 (Comms. Bergman, Peterson, and Sizemore). Motion carried.

FUND	DESCRIPTION	SYSTEM CHECKS	UTILITIES	CREDIT CARDS	EXCEPTION & PRE-CLAIMS	TOTAL
1010	GENERAL FUND	\$ -	\$ 57,651.42	\$ 42,037.39	\$ 529.54	\$ 100,218.35
1293	COMMUNITY DEVELOPMENT	\$ -	\$ -	\$ 181.73	\$ -	\$ 181.73
1710	BFI SOLID WASTE COORD.	\$ -	\$ 99.98	\$ -	\$ 61.22	\$ 161.20
1750	BUILDING INSPECTION & SOIL EROSION	\$ -	\$ 99.98	\$ 29.70	\$ -	\$ 129.68
1760	ENVIRONMENTAL HEALTH	\$ -	\$ -	\$ 64.07	\$ -	\$ 64.07
1810	VETERANS TRUST FUND ADMIN.	\$ -	\$ -	\$ 72.50	\$ -	\$ 72.50
1811	VETERANS RELIEF FUND	\$ -	\$ 1,612.42	\$ 783.35	\$ -	\$ 2,395.77
1850	STORM WATER GENERAL PE	\$ -	\$ -	\$ 18.99	\$ -	\$ 18.99
1882	HIDTA	\$ -	\$ 14,642.13	\$ 3,206.97	\$ -	\$ 17,849.10
1905	911 MAINTENANCE FUND	\$ -	\$ 493.04	\$ 255.47	\$ -	\$ 748.51
2080	PARKS & RECREATION	\$ -	\$ 48,695.04	\$ 12,878.49	\$ -	\$ 61,573.53
2090	PARKS - NATURAL AREAS MILEAGE	\$ -	\$ -	\$ 1,831.29	\$ -	\$ 1,831.29
2150	FRIEND OF THE COURT	\$ -	\$ -	\$ 771.11	\$ -	\$ 771.11
2370	ETCS ADMINISTRATIVE FUND	\$ -	\$ 2,149.02	\$ 5,990.82	\$ -	\$ 8,139.84
2510	CSA HEADSTART	\$ -	\$ -	\$ 5,899.80	\$ -	\$ 5,899.80
2630	SR NUTRITION	\$ -	\$ 216.23	\$ -	\$ -	\$ 216.23
2812	JUVENILE DRUG COURT PLAN GRANT	\$ -	\$ -	\$ 115.89	\$ -	\$ 115.89
2822	WATT	\$ -	\$ -	\$ 99.49	\$ -	\$ 99.49
2920	WCHO	\$ -	\$ 957.77	\$ 2,613.61	\$ -	\$ 3,571.38
2930	(CSTS) MENTAL HEALTH	\$ -	\$ 17,386.20	\$ 9,284.17	\$ -	\$ 26,670.37
2960	HEALTH	\$ -	\$ 1,103.61	\$ 1,866.55	\$ -	\$ 2,970.16
2990	CHILD CARE	\$ -	\$ -	\$ 1,805.19	\$ -	\$ 1,805.19
4050	CAPITAL EQUIPMENT	\$ -	\$ 379.80	\$ -	\$ -	\$ 379.80
5508	2007 PROP FORECLOSURE	\$ -	\$ 8.42	\$ -	\$ -	\$ 8.42
6310	FACILITIES MGMT - O & M	\$ -	\$ 106,735.27	\$ 23,184.19	\$ -	\$ 129,919.46
6320	FACILITIES MGMT - TRANSP	\$ -	\$ 99.98	\$ 3,584.44	\$ -	\$ 3,684.42
6440	SELF INSURANCE	\$ -	\$ 106.79	\$ -	\$ -	\$ 106.79
6900	CENTREX ASSOCIATION	\$ -	\$ 47,733.63	\$ -	\$ -	\$ 47,733.63
7412	LAWNET - DRUG ENFORCEMENT	\$ -	\$ 928.40	\$ -	\$ -	\$ 928.40
7413	LAWNET NON-FORFEITURE	\$ -	\$ 1,164.59	\$ -	\$ -	\$ 1,164.59
7520	EMPLOYEE RETIREMENT FUND	\$ -	\$ -	\$ 6.45	\$ -	\$ 6.45
7570	VEBA HEALTH TRUST	\$ -	\$ -	\$ 37.70	\$ -	\$ 37.70
7950	HAZ MATL RESPONSE TEAM	\$ -	\$ 6.36	\$ -	\$ -	\$ 6.36
7990	CO-OP EXTENSION SERVICE	\$ -	\$ -	\$ 2,994.08	\$ -	\$ 2,994.08
<b>0</b>	<b>TOTALS</b>	\$ -	\$ 302,270.08	\$ 119,613.44	\$ 590.76	\$ 422,474.28

**Items for Current/Future Discussion**

**Report on contracts in the amount of \$25,000 and under from January 1, 2009 through July 31, 2009**

Comm. Judge stated that she would like to see a monthly contract statement in the future.

**Citizen Participation**

None

**Commissioners Follow-up to Citizen Participation**

**Adjournment**

Comm. Prater seconded by Comm. Ping moved to adjourn until Wednesday, September 16<sup>th</sup>, 2009, at 6:45 p.m. in the Board Room, Washtenaw County Administration Building. Motion carried.

The meeting adjourned at 10:33 p.m.

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Mark Ouimet, Vice Chair

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

Board Approved:

A RESOLUTION APPROVING THE SETTLEMENT OF THE FOLLOWING LITIGATION: (1) BRUCE LEE v THE COUNTY OF WASHENAW ET AL (CASE NO. 08-12350-GL); AND (2) BEATRICE McKEOWN v THE COUNTY OF WASHTENAW ET AL (CASE NO. 09-0457-GL) AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE ALL DOCUMENTS REQUIRED AS PART OF THE SETTLEMENT

WASHTENAW COUNTY BOARD OF COMMISSIONERS

September 2, 2009

WHEREAS, on June 1, 2006 a number of Washtenaw County Sheriff's Office personnel were involved in a physical altercation with Clifton Lee and his brother Bruce Lee in the West Willow neighborhood of Ypsilanti Township; and

WHEREAS, three separate lawsuits were filed against the County, County Sheriff and various individual County defendants arising from this incident; and

WHEREAS, the County's insurance limit to cover civil claims arising from this incident was \$5 million dollars, with the County's having a \$250,000 Self Insured Retention ("SIR") Amount which must be paid by the County before any of the insurance proceeds could be used; and

WHEREAS, the estate of Clifton Lee filed a lawsuit, alleging, in part, wrongful death and a federal violation of civil rights claim under 42 USC Section 1983; and

WHEREAS, this case settled for \$4 million dollars, with the County contributing its \$250,000 SIR and the remaining \$3,750,000 coming from insurance; and

WHEREAS, after the settlement of this suit, there was \$1,250,000 of insurance proceeds left to cover any other claims arising out of the June 1, 2006 incident; and

WHEREAS, Bruce Lee filed suit against the County, County Sheriff and individual County Defendants alleging, in part, physical and psychological damages, as well as violation of his federal civil rights under 42 USC Section 1983; and

WHEREAS, Beatrice McKeown, the mother of Clifton and Bruce Lee, filed a separate lawsuit against the County, County Sheriff and various individual County Defendants alleging, in part, intentional interference with familial relations, as well as violation of her federal civil rights under 42 USC Section 1983; and

These two remaining cases have been consolidated before the Honorable Julian Abele Cook, Jr. in federal district court in Detroit; and

WHEREAS, the parties to these voluntarily agreed to mediate the claims before the Honorable Richard Kauffman, former Chief Judge of Wayne County; and

WHEREAS, as a result of this mediation, the parties have agreed, subject to final approval by the Washtenaw County Board of Commissioners, to settle both cases for \$1,375,000; and

WHEREAS, since there was only \$1,250,000 of insurance monies remaining after the settlement of the Estate of Clifton Lee lawsuit, it is necessary for the County to pay \$125,000 in addition to the remaining insurance proceeds to complete the proposed settlement; and

WHEREAS, under the County insurance coverage, the County is reimbursed for approximately 94% of its attorney fees spent in defending litigation once the SIR has been met; and

WHEREAS, in the present cases, the County has met its SIR obligation and thus is entitled to reimbursement for its attorney fees; and

WHEREAS, to date the County has spent \$201,382.70 for which it will be reimbursed for \$189,299.74 (94% of the amount paid); and

WHEREAS, once approved, the County's \$125,000 portion of the settlement will be paid with the attorney fee reimbursement funds, not the general fund; and

WHEREAS, Corporation Counsel and County Administration believe that it is in the best long-term interest of the County to approve the comprehensive settlement of these lawsuits at this time.

NOW THEREFORE, BE IT RESOLVED that the Washtenaw County Board of Commissioners approves the comprehensive settlement of the following pending lawsuits: (Bruce Lee v The County of Washtenaw, et al, Case No. 08-12350-GL) and (Beatrice McKeown v The County of Washtenaw, et al Case No. 09-0457-GL) for \$1,375,000, of which the County shall be responsible for \$125,000.

BE IT FURTHER RESOLVED that the County's \$125,000 of the settlement amount shall be paid from the attorney fee reimbursement amount received from the County's insurance carrier and shall not be paid from the County's general fund.

BE IT FURTHER RESOLVED that the Washtenaw County Board of Commissioners authorizes the County Administrator to execute any documents necessary to complete the comprehensive settlement upon consultation with Corporation Counsel and the County's contract attorneys working on these cases.

COMMISSIONER	Y	N	A	COMMISSIONER	Y	N	A	COMMISSIONER	Y	N	A
Bergman			X	Ouimet	X			Schwartz	X		
Gunn	X			Peterson			X	Sizemore			X
Irwin	X			Ping	X			Smith	X		
Judge	X			Prater	X						

**CLERK/REGISTER'S CERTIFICATE - CERTIFIED COPY**                      **ROLL CALL VOTE: TOTALS**                      **8    0    3**

STATE OF MICHIGAN                      )

COUNTY OF WASHTENAW)<sup>SS</sup>.

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 2, 2009, 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 3<sup>rd</sup> day of September, 2009.

**LAWRENCE KESTENBAUM, Clerk/Register**

BY: \_\_\_\_\_

Deputy Clerk



**Res. No. 09-0146**

A RESOLUTION SETTING APPLICATION DEADLINES AND QUALIFICATIONS FOR APPOINTMENTS TO COUNTY BOARDS, COMMITTEES OR COMMISSIONS.

WASHTENAW COUNTY BOARD OF COMMISSIONERS

SEPTEMBER 2, 2009

WHEREAS, the Washtenaw County Board appoints members of the general public to numerous boards, committees and commissions each year; and

WHEREAS, a deadline for application is posted for interested residents; and

WHEREAS, applications are accepted by the Washtenaw County Clerk's Office; and

WHEREAS, some boards, committees or commissions have guidelines regarding applicant qualifications due to State and/or Federal requirements.

NOW THEREFORE BE IT RESOLVED that the Washtenaw County Board of Commissioners directs the Washtenaw County Clerk's office to ensure that applicants are qualified for positions they seek prior to moving such applications to the Board of Commissioners for approval.

BE IT FURTHER RESOLVED that the Washtenaw County Board of Commissioners will appoint citizens to County Boards, Committees or Commissions when their resume applications have been submitted to and time stamped by the Washtenaw County Clerk's office on or before the posted deadline, provided, however, that individual members of the Board of Commissioners retain their right to nominate and/or vote for any candidate they may choose that qualifies for the position. If no submissions are received by the deadline for a particular position, an extension will be given until that position is filled.

COMMISSIONER	Y	N	A	COMMISSIONER	Y	N	A	COMMISSIONER	Y	N	A
Bergman			X	Ouimet	X			Schwartz	X		
Gunn	X			Peterson			X	Sizemore			X
Irwin	X			Ping	X			Smith	X		
Judge	X			Prater	X						

CLERK/REGISTER'S CERTIFICATE - CERTIFIED COPY

ROLL CALL VOTE: TOTALS

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STATE OF MICHIGAN )

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 2, 2009, as it appears of record in my office.

COUNTY OF WASHTENAW)<sup>SS.</sup>

In Testimony Whereof, I have hereunto set my hand and affixed the seal of said Court at Ann Arbor, this 3<sup>rd</sup> day of September, 2009.

**LAWRENCE KESTENBAUM, Clerk/Register**

BY: \_\_\_\_\_

Deputy Clerk



**Res. No. 09-0147**

A RESOLUTION RESCINDING RESOLUTION #09-0112 AND TWO APPOINTMENTS FROM RESOLUTION #09-0108 (DANIEL BRADY AND DANIELLE CHOI)

WASHTENAW COUNTY BOARD OF COMMISSIONERS

SEPTEMBER 2, 2009

WHEREAS, on July 8, 2009, the Washtenaw County Board of Commissioners passed Resolution # 09-0108, which appointed three consumer representatives to the Washtenaw County Community Action Board and two appointments from resolution #09-0112 which appointed members to the Washtenaw Workforce Development Board; and

WHEREAS, applicants with the exception of Mary F. Smith, Head Start appointee to the Community Action Board, either did not indicate what position they were qualified for or were not qualified for their indicated representation; and

WHEREAS, this matter has been reviewed by the Employment Training and Community Services (ETCS) Department, and Corporation Counsel.

NOW THEREFORE BE IT RESOLVED that the Washtenaw County Board of Commissioners rescinds #09-0112 (appointing members to the Washtenaw County Workforce Development Board for terms expiring as indicated) and the appointments of Daniel Brady and Danielle Choi from resolution #09-0112 (appointing members to the Washtenaw County Workforce Development Board for terms expiring as indicated).

BE IT FURTHER RESOLVED that the appointment of Mary F. Smith remains valid as she met all qualifications to sit on the Community Action Board.

BE IT FURTHER RESOLVED that the Washtenaw County Board of Commissioners directs the County Clerk to repost for these vacant positions as a part of the annual appointment process.

COMMISSIONER	Y	N	A	COMMISSIONER	Y	N	A	COMMISSIONER	Y	N	A
Bergman			X	Ouimet	X			Schwartz	X		
Gunn	X			Peterson			X	Sizemore			X
Irwin	X			Ping	X			Smith	X		
Judge	X			Prater	X						

CLERK/REGISTER'S CERTIFICATE - CERTIFIED COPY

ROLL CALL VOTE: TOTALS

8 0 3

STATE OF MICHIGAN )

COUNTY OF WASHTENAW)<sup>SS</sup>.

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 2, 2009, 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 3<sup>rd</sup> day of September, 2009.

**LAWRENCE KESTENBAUM, Clerk/Register**

BY: \_\_\_\_\_

Deputy Clerk



**Res. No. 09-0148**

A RESOLUTION SUPPORTING AN INCREASE IN MICHIGAN TAX ON  
TOBACCO AND OTHER TOBACCO PRODUCTS (OTP)

WASHTENAW COUNTY BOARD OF COMMISSIONERS

September 2, 2009

WHEREAS: Each year over 14,000 Michiganders die from tobacco use and exposure to secondhand smoke and more than 18,000 Michigan children become addicted to tobacco, of whom 1/3 will die prematurely because of this addiction;

WHEREAS: the Washtenaw County Board of Commissioners passed the Clean Indoor Air Regulation in 2002 to provide leadership in protecting the public from the health dangers of tobacco use and secondhand smoke,

WHEREAS: Smoking-caused health problems cost Michigan a total of more than \$3.4 billion per year, including more than \$1.1 billion paid for by the state Medicaid program with taxpayer dollars;

WHEREAS: raising the state's tobacco tax by 50-cents per pack, and raising the tax on Other Tobacco Products (OTP) to parity with the increased cigarette tax will dramatically reduce teen and adult tobacco use, save lives and state health care costs, and generate \$150 Million in new revenue for Michigan as part of the 2009/10 state budget;

WHEREAS: Polls consistently show that over 70% of voters including Republicans, Democrats, and Independents support tobacco tax increases and support spending a portion of the revenue raised on the Michigan Tobacco Prevention Program;

WHEREAS: The U.S. Centers for Disease Control & Prevention and other experts have established that comprehensive tobacco prevention programming is essential to saving money and saving lives, and recommends \$121 Million be spent on the Michigan Tobacco Prevention Program annually;

WHEREAS: The efforts of the Michigan Tobacco Prevention Program and its many local partners are effective, have resulted in a 52.9% drop in Michigan high school smoking since 1997 and a 19.5% drop in adult smoking over the same time period, and should be expanded to serve more Michigan residents;

WHEREAS: the Washtenaw County Health Improvement Plan (HIP) data demonstrated that the smoking rate among adult smokers in 1995 was 23% and in 2005 the percentage of adult smokers had decreased to 15.7%;

NOW THEREFORE BE IT RESOLVED that the Washtenaw County Board of Commissioners is in full support of increasing the tobacco tax and urges passage of a State of Michigan budget that includes this tax increase, and encourages the Governor to sign a budget that includes this revenue enhancement.

BE IT FURTHER RESOLVED that the Board directs the County Clerk to forward copies of the resolution to the State of Michigan legislators and the Governor.

COMMISSIONER	Y	N	A	COMMISSIONER	Y	N	A	COMMISSIONER	Y	N	A
Bergman			X	Ouimet	X			Schwartz	X		
Gunn	X			Peterson			X	Sizemore			X
Irwin	X			Ping	X			Smith	X		
Judge	X			Prater	X						
<b>CLERK/REGISTER'S CERTIFICATE - CERTIFIED COPY</b>									<b>ROLL CALL VOTE: TOTALS</b>		
									<b>8</b>	<b>0</b>	<b>3</b>

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 2, 2009, 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 3<sup>rd</sup> day of September, 2009.

**LAWRENCE KESTENBAUM, Clerk/Register**

BY: \_\_\_\_\_

Deputy Clerk



**Res. No. 09-0149**

A RESOLUTION AMENDING THE BY-LAWS FOR THE WASHTENAW COUNTY  
BUILDING CODE / CONSTRUCTION BOARD OF APPEALS

WASHTENAW COUNTY BOARD OF COMMISSIONERS

September 2, 2009

WHEREAS, the Washtenaw County Building Code/Construction Board of Appeals was created by the Board of Commissioners to hear appeals and consider requests for variances from Act 230 of P.A. 1972 related to highly technical issues concerning construction code administration and enforcement, and

WHEREAS, it is desired that the Building Code/Construction Board of Appeals be able to hear appeals related to Property Maintenance Codes, and

WHEREAS, the current By-Laws of the Building Code/Construction Board of Appeals do not allow the hearing of appeals related to Property Maintenance Codes.

NOW THEREFORE BE IT RESOLVED that the Washtenaw County Board of Commissioners hereby amends the By-Laws for the Washtenaw County Building Code / Construction Board of Appeals to include the following statement on the first page, under Section 3 - Purpose:

Upon request from a local unit of government that has adopted a property maintenance ordinance; the Board shall also hear appeals and consider requests for variances related to such ordinances.

BE IT FURTHER RESOLVED that the amended By-Laws, as attached hereto, are the approved By-Laws for the Washtenaw County Building Code / Construction Board of Appeals.

COMMISSIONER	Y	N	A	COMMISSIONER	Y	N	A	COMMISSIONER	Y	N	A
Bergman			X	Ouimet	X			Schwartz	X		
Gunn	X			Peterson			X	Sizemore			X
Irwin	X			Ping	X			Smith	X		
Judge	X			Prater	X						

CLERK/REGISTER'S CERTIFICATE - CERTIFIED COPY

ROLL CALL VOTE: TOTALS

8 0 3

STATE OF MICHIGAN )

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 2, 2009, as it appears of record in my office.

COUNTY OF WASHTENAW)<sup>SS</sup>.

In Testimony Whereof, I have hereunto set my hand and affixed the seal of said Court at Ann Arbor, this 3<sup>rd</sup> day of September, 2009.

**LAWRENCE KESTENBAUM, Clerk/Register**

BY: \_\_\_\_\_

Deputy Clerk



**Res. No. 09-0150**

**BY-LAWS OF THE WASHTENAW COUNTY  
BUILDING CODE/CONSTRUCTION BOARD OF APPEALS**

**ARTICLE I – ORGANIZATION AND PURPOSE**

Section 1 – Name: The name of this Board shall be the Washtenaw County Building Code/Construction Board of Appeals.

Section 2 – Authority: Resolution 74-0331 designated the Building Code Board of Appeals as the Construction Board of Appeals as prescribed in Section 14 of Act 230 of P.A. of 1972 which requires that each county enforcing the state construction code has a Construction Board of Appeals.

Section 3 – Purpose: The Washtenaw County Building Code/Construction Board of Appeals will hear appeals and consider requests for variances from Act 230 of P.A. 1972 related to highly technical issues concerning construction code administration and enforcement.

Upon request from a local unit of government that has adopted a property maintenance ordinance; the Board shall also hear appeals and consider requests for variances related to such ordinances.

Section 4 – Operational Requirements: The Washtenaw County Building Code/Construction Board of Appeals accepts the Michigan Department of Labor, Bureau of Construction Codes Technical Bulletin, Publication #9 of June 12, 1991 or the most current publication, as operational guide for the Board, unless otherwise noted in the by-laws.

**ARTICLE II – BOARD STRUCTURE**

Section 1 – Board Members: The Washtenaw County Building Code/Construction Board of Appeals shall consist of not less than 3 nor more than 7 members. Members shall be appointed by the Washtenaw County Board of Commissioners for two year terms.

Section 2 – Qualifications of Appointed Members: The Washtenaw County Building Code/Construction Board of Appeals should consist of a minimum of the following:

- (1) Builder (licensed in the State of Michigan)
- (1) Architect (licensed in the State of Michigan)
- (2) Persons qualified by experience or training in construction trades.

An example of training/experience could include:

- Engineer
- Superintendent
- Contractor

**In addition to the minimum appointments, it is also highly recommended that the following appointments also be made to supplement the expertise of the Board:**

- (1) Mechanical contractor (licensed in Michigan)
- (1) Electrical contractor (licensed in Michigan)
- (1) Plumbing contractor (licensed in Michigan)

The resume of the applicant for Board appointment should specify type and amount of training/experience and list licenses held, if any. Notification of the public should be ongoing as necessary to fill the highly desired Board vacancies.

Section 3 – Selection of Officers: At the first meeting of the newly appointed Board, the chair, vice-chair and alternate vice-chair will be selected from the members. The chair will serve until the end of the appointed (2) year term. The vice-chair will serve until the end of the appointed (2) year term. The alternate vice-chair will serve until the end of the appointed (2) year term. The vice-chair will preside in the absence of the chair. The alternate vice-chair will preside in the absence of the chair and the vice-chair. The chair will be charged with:

- Presiding and calling meetings to order
- Enforcing Board rules
- Ensuring Board proceedings run smoothly
- Adjourning meetings

Section 4 – General Dismissal of a Member: The Board may recommend dismissal of any member at any time for whatever reason, by a majority vote of the Board if members feel that the member is a detriment to the viability of the Board. Such a recommendation will be subject to approval by the Board of Commissioners.

### **ARTICLE III – MEETING STRUCTURE**

Section 1 – Meeting Frequency: Monthly meetings of the Washtenaw County Building Code/Construction Board of Appeals will be scheduled. An annual meeting schedule will be approved at the first meeting of the calendar year. Monthly meetings will be held if there are appeals to be considered.

If no appeals have been requested, staff will contact the chair and a decision to cancel will be made. All members will be notified by staff of meeting cancellations. An annual meeting calendar will be published with the Washtenaw County Board of Commissioners. Notification of canceled meetings will be posted for the public.

Section 2 – Meeting Attendance and Vote: A quorum shall consist of a majority of the Board members. A vote by a quorum will be required for all granted appeals. Members of the Board who are unable to attend a scheduled meeting shall notify in advance of the scheduled meeting.

Section 3 – Meeting Conduct: All meetings shall be conducted in accordance with the Open Meetings Act.

The order of business shall be:

1. Roll call
2. Approval of Minutes
3. Appeals
4. Old Business
5. New Business
6. Adjourn

Recognition:

Every member, previous to speaking, shall raise a hand and address the Chair. When two or more members address the Chair at the same time, the Chair shall designate the member who is first to speak.

Motions Put:

No motion shall be debated or put unless it shall be seconded and stated by the Chair. Any motion shall be in writing if the Chair or any members desires it.

Motions Withdrawn:

After a motion is stated by the Chair, it shall be deemed to be in the possession of the Board, but may be withdrawn at any time before amended or otherwise acted upon.

Section 4 – Staffing of Meetings: It is recommended that the Building Official shall be present at all meetings plus an inspector representative (optional). In the absence of the Building Official a designated building inspector will attend in the Building Official's place. The current Customer Service Representative (part of the Zeeb Road Support Staff) is designated as attendance and minute taker, and therefore should also be present at all meetings.

#### **ARTICLE IV – MEETING & MILEAGE PAYMENTS**

All members of the Building Code/Construction Board of Appeals shall receive payments of \$25.00 a meeting and county mileage reimbursement from their residence or from their actual place of departure, whichever is less.

A RESOLUTION APPROVING BY-LAWS FOR THE WASHTENAW COUNTY VETERANS' AFFAIRS COMMITTEE

WASHTENAW COUNTY BOARD OF COMMISSIONERS

September 2, 2009

WHEREAS, on October 15, 2008 the Washtenaw County Board of Commissioners reorganized the County's Veteran Services Department (Resolution #08-0176) pursuant to P.A. 192 of 1953 (MCLA 35.621 et seq); and

WHEREAS, as part of the reorganization, the Board of Commissioners created the Washtenaw County Department of Veterans' Affairs to be administered by a five-member Washtenaw County Veterans' Affairs Committee ("VAC"); and

WHEREAS, the effective date of the reorganization was January 1, 2009; and

WHEREAS, on August 13, 2009, the VAC approved VAC By-Laws subject to final approval by the Board of Commissioners as required by County Policy.

NOW THEREFORE, BE IT RESOLVED that the Washtenaw County Board of Commissioners approves the attached By-Laws for the Washtenaw County Veterans' Affairs Committee.

COMMISSIONER	Y	N	A	COMMISSIONER	Y	N	A	COMMISSIONER	Y	N	A
Bergman			X	Ouimet	X			Schwartz	X		
Gunn	X			Peterson			X	Sizemore			X
Irwin	X			Ping	X			Smith	X		
Judge	X			Prater	X						

CLERK/REGISTER'S CERTIFICATE - CERTIFIED COPY      ROLL CALL VOTE: TOTALS      8   0   3

STATE OF MICHIGAN      )

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 2, 2009, as it appears of record in my office.

COUNTY OF WASHTENAW)<sup>SS</sup>.

In Testimony Whereof, I have hereunto set my hand and affixed the seal of said Court at Ann Arbor, this 3<sup>rd</sup> day of September, 2009.

**LAWRENCE KESTENBAUM, Clerk/Register**

BY: \_\_\_\_\_ Deputy Clerk



**Res. No. 09-0151**



COUNTY OF WASHTENAW  
**DEPARTMENT OF VETERANS AFFAIRS**

2155 Hogback Road P.O. Box 8645 Ann Arbor, Michigan 48107-8645  
Ph: (737) 973-4540 Fax: (734) 973-4560  
www.ewashtenaw.org

**BYLAWS**

**I. Name**

The name of this Committee shall be the Washtenaw County Veterans Affairs Committee.

**II. Authority**

On October 15, 2008, the Washtenaw County Board of Commissioners adopted Resolution #08-0176 which reorganized the Washtenaw County Veteran Services Department to create the Washtenaw County Department of Veterans' Affairs administered by a new five-member body to be known as the Washtenaw County Veterans Affairs Committee ("VAC").

**III. Purpose and Function**

A. Purpose

The purpose of the VAC is to administer the provision of veterans' services by the Washtenaw County Department of Veterans' Affairs and to insure that such services are available and accessible to the citizens of Washtenaw County.

B. Function

The VAC will serve as the oversight authority for the Washtenaw County Department of Veterans Affairs ("WCDVA") in their delivery of services in accordance with the Michigan Compiled Laws relating to veterans. The VAC will meet regularly to address a number of items including, but not limited to the following:

- Review, monitor and/or affirm the actions of the WCDVA
- Authorize and/or delegate employees to conduct the day to day operations of the WCDVA
- Make recommendations to the Washtenaw County Board of Commissioners or WCDVA as needed

- Establish policies and procedures for the WCDVA staff to follow in conducting the day to day operations of the office

#### **IV. Membership**

##### A. Qualification and Appointment

The VAC shall be composed of five members each of whom shall be an honorably discharged veteran of the United States Armed Forces. Each VAC member shall be appointed by the Washtenaw County Board of Commissioners.

##### B. Term

The initial five VAC members will serve staggered terms as follows: two members will serve 4 year terms; two members will serve 3 year terms and one member will serve a two year term. Future appointees to these positions shall serve 4 year terms.

##### C. Vacancy

When a vacancy occurs on this Committee either by death or resignation, the Washtenaw County Board of Commissioners shall fill the vacancy for the remainder of the unexpired term in the same manner as the original appointment.

#### **V. Officers and Staff**

##### A. Chairperson

At the first regularly scheduled meeting of the year, the VAC shall, by majority vote, elect one of its members to be the Chairperson of the Committee. A vacancy in the office of the Chairperson shall be filled by a majority vote of the VAC members present at the scheduled meeting.

The Chairperson's duties and powers shall include the following:

- (1) He/she shall preside at all VAC meetings.
- (2) He/she shall appoint all VAC standing and special committees, with such appointments being confirmed by a majority of the VAC.
- (3) He/she shall be the VAC representative and shall perform such other duties as specified by law, custom, or the VAC.

## B. Vice Chairperson

At the first regularly scheduled meeting of the year, or as soon thereafter as possible, the VAC shall elect an individual from among its membership to be the Vice-Chairperson. He/she shall assume the duties and responsibilities of the Chairperson in his/her absence, and shall perform such other duties as may from time to time be assigned. A vacancy in the office of the Vice Chairperson shall be filled by a majority vote of the VAC members present at the next scheduled meeting.

## C. Secretary

At the first regularly scheduled meeting of the year, or as soon thereafter as possible, the VAC shall elect an individual from among its membership to be the Secretary of the VAC. The Secretary shall keep the minutes of each VAC meeting. In addition, the Secretary shall be responsible to post appropriate notice of upcoming VAC meetings and take all actions necessary to insure that VAC meetings comply with the Open Meetings Act, MCLA 15.261 et. seq.

## D. Succession

The Chairperson of the VAC shall preside over all VAC meetings. If the Chairperson is absent from any VAC meeting, the following VAC officers shall preside over the meeting in the following order:

Vice Chairperson of the VAC  
Secretary of the VAC

## E. Term of Office

Each officer elected shall serve a one-year term and each officer may be reappointed to more than one term.

## **VI. Committees**

The VAC Chairperson may create such committees, both standing and special, as he/she deems necessary to meet the purposes and responsibilities of the VAC. Membership of any VAC Committee shall be approved by majority vote of the VAC. The Chairperson shall have the power to appoint Committee chairpersons, with the approval of a majority of VAC members.

## **VII Meetings**

### **A. Regular Meetings**

Except as otherwise required by law, the regular meetings of the VAC shall be as follows:

The VAC shall meet on the second Thursday of each month at 3:00 p.m. If the regular meeting date is a national holiday, the meeting shall be rescheduled.

### **B. *Order of Business***

VAC meetings shall be conducted by way of an established agenda. There shall be at least one place on the agenda for citizen participation.

### **C. Adjourned Meetings**

Any legal meeting of the VAC may be adjourned from time to time as a majority of VAC members deems necessary.

### **D. Quorum**

A majority of the members appointed and serving shall constitute a quorum for the transaction of the business of the VAC.

### **E. Voting**

Each appointed member shall have the right to one (1) vote. Voting by proxy is not allowed. Except as otherwise provided in these Bylaws, by statute, or Roberts Rules of Order, all questions requiring a vote shall be determined by a majority the VAC members appointed and serving.

### **F. Citizen Participation**

Any citizen may comment upon Agenda items prior to the taking of a vote. Citizens, after being recognized, shall identify themselves by name and address and shall limit their presentation to 3 minutes, unless time is extended by the Chairperson or by vote of the VAC.

#### G. Distribution of Minutes

Proposed minutes shall be available for public inspection not more than eight (8) business days after each meeting. Approved minutes shall be available for public inspection not later than five (5) business days after the meeting in which the minutes are approved by the VAC. Corrections in the minutes shall be made not later than the next meeting after the meeting to which the minutes refer. Corrected minutes shall be available no later than the next subsequent meeting after corrections. The corrected minutes shall show both the original entry and the correction.

#### H. Commission Orders and Records

Every order, resolution, and determination of the VAC shall be recorded by the Washtenaw County Clerk.

#### I. Rules of Order

The rules contained in Robert's Rules of Order, newly revised, shall govern the procedures of the VAC. However, when those rules of procedure are inconsistent with these Bylaws or any special rules of order adopted by the VAC, the Bylaws or special rules of order shall prevail over Robert's Rules of Order.

### **VIII Fiscal Year**

The fiscal year of the VAC shall coincide with the Washtenaw County fiscal year.

### **IX Amendment of By-Laws**

These Bylaws may be amended, altered, changed, added to or repealed by the affirmative vote of a majority of the members of the VAC appointed and serving at any regular or special meeting, provided notice of such change was given to the VAC at an earlier meeting. A unanimous vote of the entire VAC, however, shall be required when a motion to amend, alter, change, add to or repeal these Bylaws is introduced from the floor at a regular or special meeting with no prior notice of such change having been given to the VAC.

The foregoing Bylaws were adopted by the Washtenaw County Veterans Affairs Committee on August 13, 2009.

TO: Rolland Sizemore, Jr, Chair  
Board of Commissioners

THROUGH: Robert E. Guenzel  
County Administrator

FROM: Curtis N. Hedger  
Office of Corporation Counsel

DATE: September 2, 2009

SUBJECT: Designation of the Entire Geographic Area of Washtenaw County as a Recovery Zone Eligible to use Recovery Zone Economic Development Bonds and Recovery Zone Facility Bonds

**BOARD ACTION REQUIRED:**

It is requested that the Board of Commissioners designate all of Washtenaw County as a Recovery Zone which would be eligible to use Recovery Zone Economic Development Bonds and Recovery Zone Facility Bonds.

**BACKGROUND:**

In an attempt to address the worsening national economy, the United States Congress in February, 2009 passed the American Recovery and Reinvestment Act of 2009 (“ARRA”). ARRA created new tax credit bonding vehicles and broadened considerably the types of projects which may be financed by Economic Development Corporation (“EDC”) bonds both of which are designed to spur investment throughout the Country.

One of these new bonds is called the Recovery Zone Economic Development Bond. These bonds are for public projects to be built within a recovery zone, which is defined as an area designated by state and local governments as having significant poverty, unemployment, home-foreclosure rates or general distress or any area for which a designation as an empowerment zone or renewal community is in effect. Interest generated by these public bonds are taxable, hence the interest rate charged to local governmental entities issuing such bonds will be higher. To offset this expense, any public entity issuing bonds under this program will be given an advanced tax credit equal to 45 per cent of the interest earned on the bonds. This amount is paid annually to the governmental bond issuer. As a point of comparison, traditional tax-free government bonds typically save the governmental issuer about 35 per cent of the interest costs on that bond.

In addition, the ARRA created a new category of tax-exempt activity bonds called Recovery Zone Facility Bonds, which may also only be used in Recovery Zones. These bonds may only be used by private developers for commercial projects within the designated recovery zone. 95% or more of the net proceeds of Recovery Zone Facility Bonds must finance recovery zone property. To that extent, the proceeds must be used to construct, reconstruct, renovate or acquire private property within the recovery zone after that zone has been properly established. In addition, the bond funds must be used for a qualified business which is defined by federal law to exclude rental or residential properties; private or commercial golf courses or country clubs;

massage parlors, hot tub or sun tan facilities; racetracks or other gambling establishments; or any store whose principal business is the sale of alcoholic beverages for consumption off premises. All other private projects would be eligible to use Recovery Zone Facility Bonds. Interested private developers would work through the County's EDC to pursue this type of bonding.

This bond program greatly expands the type of project which can be financed by private developers using a governmental economic development corporation. Previous to the enactment of this program, only "manufacturing facilities" were eligible to use EDC bonds. Now all private commercial projects, except for those specifically stated above, are eligible to use EDC bonding.

Each State in the Country has been allocated a portion of the \$10 billion dollars the federal government has allocated to the Recovery Zone Economic Development Program and the \$15 billion dollars allocated for the Recovery Zone Facility Bond Program. The State of Michigan, in turn, has allocated its share of the federal funding throughout the State. Washtenaw County has been allocated a total of \$22,044,000 for the Recovery Zone Economic Development Bond Program and \$33,066,000 for the Recovery Zone Facility Bond Program.

Governmental entities who wish to participate in either the Recovery Zone Economic Development Bonds or the Recovery Zone Facility Bonds must designate a Recovery Zone for both programs.

Under the ARRA, both of the above-described bond programs are for a limited duration—bonds must be issued on or before January 1, 2011.

On September 2, 2009, the Board of Commissioners held a public hearing to receive comment from the public concerning the designation of all of Washtenaw County as a Recovery Zone, thus making the entire County eligible for Recovery Zone Economic Development Bonds and Recovery Zone Facility Bonds.

**DISCUSSION:**

Before any bonds may be issued under either the Recovery Zone Economic Development Bond Program or the Recovery Zone Facility Bond Program, local units of government must designate all or part of their governmental entity as a Recovery Zone. Once designated, bonds issued under either of the two Programs may only be issued for projects within the Recovery Zone.

As noted above, Recovery Zones are areas designated by state or local governments as having significant poverty, unemployment, home-foreclosure rates or general distress or any area for which a designation as an empowerment zone or renewal community is in effect.

Given the extremely poor Michigan economy, the entire geographic area of Washtenaw County, including the City of Ann Arbor, is eligible to be designated as a "Recovery Zone." Current figures from the U.S. Bureau of Labor Statistics, updated as of August 22, 2009, indicate that the Washtenaw County unemployment rate is 10.6%, nearly 10% higher than the national unemployment rate of 9.7%. Moreover, according to the Washtenaw County Clerk/Register of Deeds Office, foreclosures within Washtenaw County have dramatically increased between 2002

through 2008. In 2002, there were 231 Sheriff Deeds. This number steadily increased to the point where there were 1439 Sheriff Deeds in 2008, the last full year for which statistics are available.

It should also be noted that under the federal legislation, the City of Ann Arbor has a large enough population to be eligible to independently receive federal monies under these programs. To that extent, the City may also designate any part of the City as a Recovery Zone and participate in both the Recovery Zone Economic Development Bond and Recovery Zone Facility Bond programs independent of the County. A County-wide Recovery Zone designation, however, will still include the City of Ann Arbor, to preserve the County's right to independently participate in projects under both programs within the City of Ann Arbor.

Approval of the proposed Resolution designating all of Washtenaw County as a Recovery Zone will permit each of the above-referenced bond programs to begin in Washtenaw County.

**IMPACT ON HUMAN RESOURCES:**

Approval of the proposed Resolution will have no impact on the County's Human Resources.

**IMPACT ON BUDGET:**

Approval of the proposed Resolution will have no impact on the County's general fund budget.

**IMPACT ON INDIRECT COSTS:**

There are no indirect costs associated with the proposed Resolution.

**IMPACT ON OTHER COUNTY DEPARTMENTS OR OUTSIDE AGENCIES:**

None

**CONFORMITY TO COUNTY POLICIES:**

The proposed Resolution conforms to all County Policies.

**COUNTY OF WASHTENAW**

At a \_\_\_\_\_ meeting of the Board of Commissioners of the County of Washtenaw, Michigan, held in the Board of Commissioners' Meeting Room at the Washtenaw County Administration Building, 220 N. Main St., Ann Arbor, Michigan 48107 on September 2, 2009 at \_\_:\_\_ .m. Eastern Daylight Savings Time, there were:

PRESENT: \_\_\_\_\_  
\_\_\_\_\_

ABSENT: \_\_\_\_\_

The following preamble and resolution were offered by Commissioner \_\_\_\_\_ and supported by Commissioner \_\_\_\_\_:

**RESOLUTION AUTHORIZING CREATION OF ECONOMIC RECOVERY ZONE**

WHEREAS, the Board of Commissioners (the "Board") of the County of Washtenaw, Michigan (the "County") may designate an economic recovery zone (the "Recovery Zone") in accordance with Section 1401 of The American Recovery and Reinvestment Act of 2009 (the "Stimulus Act");

WHEREAS, the Stimulus Act authorizes Counties and large municipalities to issue recovery zone economic development bonds (the "Recovery Zone Bonds") for purposes of promoting development or other economic activity in a Recovery Zone, including to finance: (i) capital expenditures related to property located in the Recovery Zone; (ii) public infrastructure and facilities; and (iii) job training and educational programs (the "Qualified Economic Development Purpose");

WHEREAS, the Stimulus Act authorizes Counties and large municipalities to issue recovery zone facility bonds (the "Recovery Zone Facility Bonds") to finance property used in a recovery zone in a qualified business;

WHEREAS, the County will comply with all other applicable statutory requirements for the issuance of bonds under the laws of the state of Michigan.

WHEREAS, pursuant to the Stimulus Act, each state has been or will be allocated an amount equal to the ratio of a state's employment decline for 2008 to the aggregate of employment decline of 2008 for all states multiplied by \$10 billion for Recovery Zone Bonds, but in no event less than \$90 million and multiplied by \$15 billion for Recovery Zone Facility Bonds, but in no event less than \$35 million (collectively, the "State Allocation");

WHEREAS, the Stimulus Act provides for the reallocation of the State Allocation to all counties and large municipalities within the State of Michigan("State") in the proportion that each county's or municipality's 2008 employment decline bears to the aggregate of the 2008 employment declines for the counties and municipalities in the State ("Local Volume Cap");

WHEREAS, Washtenaw County has been allocated the sum of \$22,044,000 for its Recovery Zone Economic Development Bonds and \$33,066,000 for its Recovery Zone Facility Bonds;

WHEREAS, The Board of Commissioners authorized publication of a Notice of Public Hearing on the creation of the Economic Recovery Zone which was published in the Detroit News and the Detroit Free Press on August 20, 2009 a copy of which is attached hereto as APPENDIX A.

NOW THEREFORE BE IT RESOLVED BY THE WASHTENAW COUNTY BOARD OF COMMISSIONERS AS FOLLOWS:

Section 1. Based on information from the U.S. Bureau of Labor Statistics, and the Washtenaw County Clerk/Register of Deeds Office this Board of Commissioners makes the following determinations:

- (a) The entire County of Washtenaw is currently experiencing a high rate of unemployment (which at 10.6% is nearly 10% higher than the national unemployment rate of 9.7%). See APPENDIX B
- (b) The number of foreclosures going to Sheriff's Sale has dramatically increased. In 2002 there were 231 Sheriff Deeds issued for the year. This number has steadily increased to the point where there were 1439

Sheriff Deeds issued in 2008, the last full year for which statistics are available. See APPENDIX C

Section 2. The Board of Commissioners hereby designates the entire County of Washtenaw as an Economic Recovery Zone for the purposes specified in the Stimulus Act.

Section 3. The County's Local Volume Cap shall be allocated to Washtenaw County as follows:

(a) \$22,044,000 for Recovery Zone Economic Development Bonds

(b) \$33,066,000 for Recovery Zone Facility Bonds

Section 4. If for any reason any section, subsection, sentence, clause or phrase of this Resolution or the application thereof to any person or circumstance is declared to be unconstitutional or invalid or unenforceable, such decision shall not affect the validity of the remaining portions of this Resolution.

Section 5. This Resolution shall take immediate effect.

Section 6. All other Resolutions inconsistent with the foregoing are repealed.

COMMISSIONER	Y	N	A	COMMISSIONER	Y	N	A	COMMISSIONER	Y	N	A
Bergman			X	Ouimet	X			Schwartz	X		
Gunn	X			Peterson			X	Sizemore			X
Irwin	X			Ping	X			Smith	X		
Judge	X			Prater	X						

CLERK/REGISTER'S CERTIFICATE - CERTIFIED COPY

ROLL CALL VOTE: TOTALS

8 0 3

STATE OF MICHIGAN )

COUNTY OF WASHTENAW)<sup>SS</sup>

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 2, 2009, 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 3<sup>rd</sup> day of September, 2009.

**LAWRENCE KESTENBAUM, Clerk/Register**

BY: \_\_\_\_\_

Deputy Clerk



**Res. No. 09-0152**

## APPENDIX A

**NOTICE OF  
PUBLIC HEARING  
COUNTY OF  
WASHTENAW  
TO: ALL CITIZENS AND  
TAXPAYERS IN THE  
COUNTY OF WASHTENAW**

NOTICE IS HEREBY GIVEN that the Board of Commissioners of the County of Washtenaw (the "County") has called a public hearing for the purpose of hearing comments on the creation by the Board of Commissioners of an ECONOMIC RECOVERY ZONE in the County of Washtenaw in accordance with Section 1401 of the American Recovery and Reinvestment Act of 2009 (the "Stimulus Act") in the area set forth in EXHIBIT I which is attached to this notice.

The hearing will be held on September 2, 2009 at 6:45 p.m., Eastern Daylight Savings Time, held in the Board of Commissioners Meeting Room at the Washtenaw County Administration Building, 220 N. Main St. Ann Arbor, Michigan 48107 and will be conducted by the Board of Commissioners.

At the hearing any citizen or taxpayer of the County of Washtenaw may appear and comment on the proposed ECONOMIC RECOVERY ZONE which, if created, will permit the County of Washtenaw or one of its agencies to promote development or other economic activity within the proposed ECONOMIC RECOVERY ZONE including the ability of the County or one of its agencies to issue Recovery Zone Economic Development Bonds or Recovery Zone Facility Bonds in accordance with the Stimulus Act.

PLEASE TAKE FURTHER NOTICE that after the hearing is held the Board of Commissioners, at the same meeting or at a future meeting, will decide whether to approve the proposed ECONOMIC RECOVERY ZONE or to approve a different ECONOMIC RECOVERY ZONE.

The Board of Commissioners shall maintain a record of parties who appear to make statements at the hearing.

### EXHIBIT I

#### DESCRIPTION OF ECONOMIC RECOVERY ZONE AREA

The entire County of  
Washtenaw.

BY ORDER OF THE BOARD  
OF COMMISSIONERS,  
Lawrence Kesterbaum  
Washtenaw County Clerk  
Dated: August 20, 2009

# Appendix B

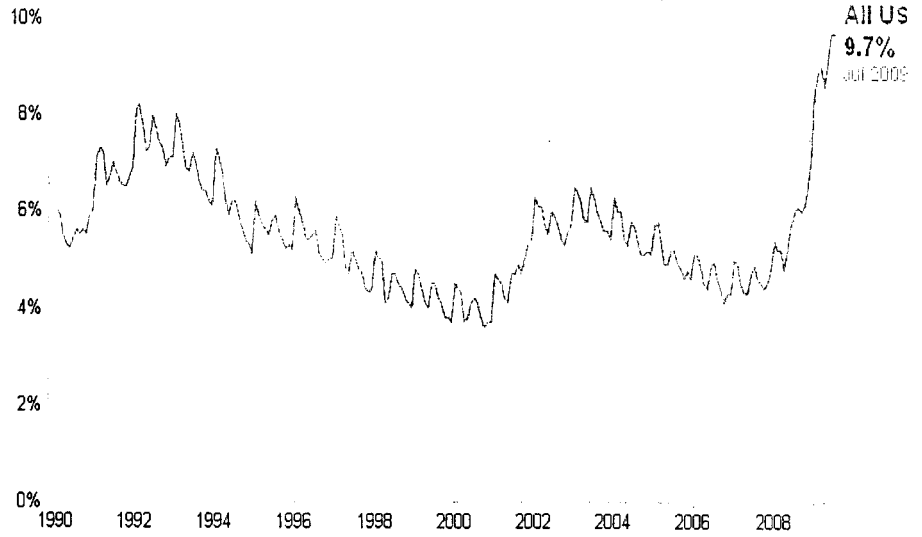
## Public Data

- All US
- Alabama
- Alaska
- Arizona
- Arkansas
- California
- Colorado
- Connecticut
- Delaware
- District of Columbia
- Florida
- Georgia
- Hawaii
- Idaho
- Illinois
- Indiana
- Iowa
- Kansas
- Kentucky
- Louisiana
- Maine
- Maryland
- Massachusetts
- Michigan

[Link](#)

### Unemployment rate

The percent of the labor force that is unemployed, not seasonally adjusted. [More info »](#)



Data source: U.S. Bureau of Labor Statistics - Last updated August 22, 2009

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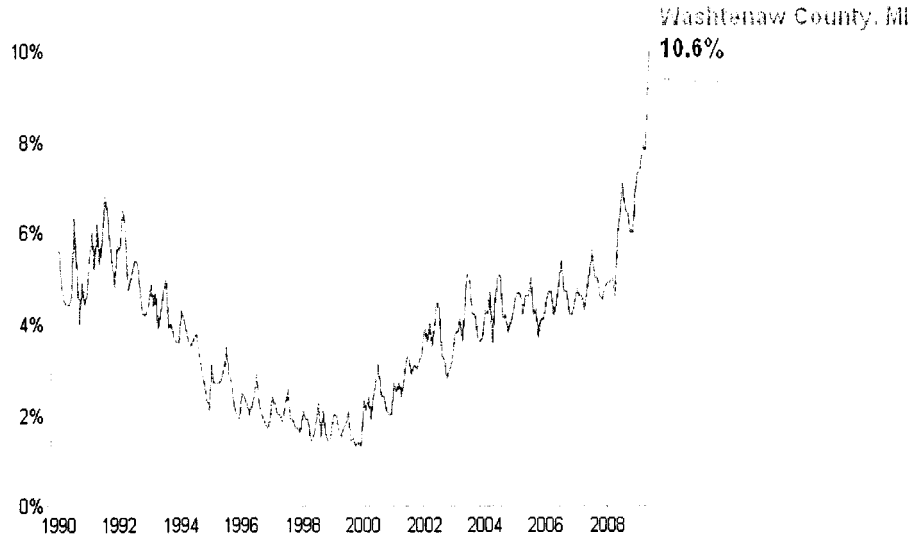
Public Data

[Link](#)

- All US
- Alabama
- Alaska
- Arizona
- Arkansas
- California
- Colorado
- Connecticut
- Delaware
- District of Columbia
- Florida
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- Hawaii
- Idaho
- Illinois
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- Kentucky
- Louisiana
- Maine
- Maryland
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- Michigan

### Unemployment rate

The percent of the labor force that is unemployed, not seasonally adjusted. [More info »](#)



Data source: U.S. Bureau of Labor Statistics - Last updated August 22, 2009

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## Appendix C

### Sheriff Deeds by Month, 2002 - July, 2009

Month	Year							
	2002	2003	2004	2005	2006	2007	2008	2009
Jan	15	21	25	33	32	88	106	85
Feb	9	17	22	28	54	99	126	162
Mar	16	10	31	38	59	103	123	63
Apr	13	37	23	27	46	72	145	93
May	20	11	29	40	53	75	119	123
Jun	25	26	13	40	69	76	136	109
Jul	19	21	29	41	30	113	136	117
Aug	23	29	22	27	68	78	102	
Sep	20	17	21	42	63	85	110	
Oct	19	25	22	42	59	108	129	
Nov	24	20	21	20	93	107	134	
Dec	28	31	30	55	77	147	73	
<b>Totals</b>	231	265	288	433	703	1,151	1,439	752

Source: Washtenaw County Clerk and Register of Deeds

A RESOLUTION AUTHORIZING PAYMENT OF CLAIMS COMMENCING WITH THE LAST PREVIOUSLY APPROVED CLAIM AND CONTINUING THROUGH THE DATE OF AUGUST 21, 2009

WASHTENAW COUNTY BOARD OF COMMISSIONERS

SEPTEMBER 2, 2009

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 21, 2009, 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 21, 2009, 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		
Gunn	X			Peterson			X	Sizemore			X
Irwin	X			Ping	X			Smith	X		
Judge	X			Prater	X						

CLERK/REGISTER'S CERTIFICATE - CERTIFIED COPY      ROLL CALL VOTE: TOTALS      8    0    3

STATE OF MICHIGAN      )

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 2, 2009, as it appears of record in my office.

COUNTY OF WASHTENAW)<sup>SS</sup>.

In Testimony Whereof, I have hereunto set my hand and affixed the seal of said Court at Ann Arbor, this 3<sup>rd</sup> day of September, 2009.

**LAWRENCE KESTENBAUM, Clerk/Register**

BY: \_\_\_\_\_  
Deputy Clerk



**Res. No. 09-0153**



COUNTY ADMINISTRATOR

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

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

MEMORANDUM

September 16, 2009

TO: Lawrence Kestenbaum, Washtenaw County Clerk/Register  
FROM: Robert E. Guenzel, County Administrator  
RE: Certification of Claims List Inclusive from July 25, 2009 through August 21, 2009

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 21, 2009 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:

---

Nicole Hann  
Management Assistant



**EXCEPTIONS AND PRE-CLAIMS LISTING FOR:**

August 5, 2009

<u>PAYEE</u>	<u>FUND/CO</u>	<u>CHECK NO.</u>	<u>CHECK DATE</u>	<u>AMOUNT</u>	<u>EXPLANATION</u>	Batch #
United Parcel Service	1010	418833	08/04/09	\$18.00	1	425776
United Parcel Service	1010	419126	08/11/09	\$18.00	1	426857
United Parcel Service	1010	419464	08/18/09	\$18.00	1	
Washtenaw County Sheriff	1010	419766	08/25/09	\$475.54	1	
Petty Cash - Public Works	1710	419232	08/13/09	\$61.22	1	

\$590.76

EXPLANATION

1)Early release to avoid late fees



**BEGINNING OF CLAIMS:** July 25, 2009  
**END OF CLAIMS:** August 21, 2009  
**FOR BOARD APPROVAL:** September 2, 2009

FUND	DESCRIPTION	SYSTEM CHECKS	UTILITIES	CREDIT CARDS	EXCEPTION & PRE-CLAIMS	TOTAL
1010	GENERAL FUND	\$ -	\$ 57,651.42	\$ 42,037.39	\$ 529.54	\$100,218.35
1293	COMMUNITY DEVELOPMENT	\$ -	\$ -	\$ 181.73	\$ -	\$ 181.73
1710	BFI SOLID WASTE COORD.	\$ -	\$ 99.98	\$ -	\$ 61.22	\$ 161.20
1750	BUILDING INSPECTION & SOIL EROSION	\$ -	\$ 99.98	\$ 29.70	\$ -	\$ 129.68
1760	ENVIRONMENTAL HEALTH	\$ -	\$ -	\$ 64.07	\$ -	\$ 64.07
1810	VETERANS TRUST FUND ADMIN.	\$ -	\$ -	\$ 72.50	\$ -	\$ 72.50
1811	VETERANS RELIEF FUND	\$ -	\$ 1,612.42	\$ 783.35	\$ -	\$ 2,395.77
1850	STORM WATER GENERAL PE	\$ -	\$ -	\$ 18.99	\$ -	\$ 18.99
1882	HIDTA	\$ -	\$ 14,642.13	\$ 3,206.97	\$ -	\$ 17,849.10
1905	911 MAINTENANCE FUND	\$ -	\$ 493.04	\$ 255.47	\$ -	\$ 748.51
2080	PARKS & RECREATION	\$ -	\$ 48,695.04	\$ 12,878.49	\$ -	\$ 61,573.53
2090	PARKS - NATURAL AREAS MILEAGE	\$ -	\$ -	\$ 1,831.29	\$ -	\$ 1,831.29
2150	FRIEND OF THE COURT	\$ -	\$ -	\$ 771.11	\$ -	\$ 771.11
2370	ETCS ADMINISTRATIVE FUND	\$ -	\$ 2,149.02	\$ 5,990.82	\$ -	\$ 8,139.84
2510	CSA HEADSTART	\$ -	\$ -	\$ 5,899.80	\$ -	\$ 5,899.80
2630	SR NUTRITION	\$ -	\$ 216.23	\$ -	\$ -	\$ 216.23
2812	JUVENILE DRUG COURT PLAN GRANT	\$ -	\$ -	\$ 115.89	\$ -	\$ 115.89
2822	WATT	\$ -	\$ -	\$ 99.49	\$ -	\$ 99.49
2920	WCHO	\$ -	\$ 957.77	\$ 2,613.61	\$ -	\$ 3,571.38
2930	(CSTS) MENTAL HEALTH	\$ -	\$ 17,386.20	\$ 9,284.17	\$ -	\$ 26,670.37
2960	HEALTH	\$ -	\$ 1,103.61	\$ 1,866.55	\$ -	\$ 2,970.16
2990	CHILD CARE	\$ -	\$ -	\$ 1,805.19	\$ -	\$ 1,805.19
4050	CAPITAL EQUIPMENT	\$ -	\$ 379.80	\$ -	\$ -	\$ 379.80

5508	2007 PROP FORECLOSURE	\$ -	\$ 8.42	\$ -	\$ -	\$ 8.42
6310	FACILITIES MGMT - O & M	\$ -	\$ 106,735.27	\$ 23,184.19	\$ -	\$129,919.46
6320	FACILITIES MGMT - TRANSP	\$ -	\$ 99.98	\$ 3,584.44	\$ -	\$ 3,684.42
6440	SELF INSURANCE	\$ -	\$ 106.79	\$ -	\$ -	\$ 106.79
6900	CENTREX ASSOCIATION	\$ -	\$ 47,733.63	\$ -	\$ -	\$ 47,733.63
7412	LAWNET - DRUG ENFORCEMENT	\$ -	\$ 928.40	\$ -	\$ -	\$ 928.40
7413	LAWNET NON-FORFEITURE	\$ -	\$ 1,164.59	\$ -	\$ -	\$ 1,164.59
7520	EMPLOYEE RETIREMENT FUND	\$ -	\$ -	\$ 6.45	\$ -	\$ 6.45
7570	VEBA HEALTH TRUST	\$ -	\$ -	\$ 37.70	\$ -	\$ 37.70
7950	HAZ MATL RESPONSE TEAM	\$ -	\$ 6.36	\$ -	\$ -	\$ 6.36
7990	CO-OP EXTENSION SERVICE	\$ -	\$ -	\$ 2,994.08	\$ -	\$ 2,994.08
<b>0</b>	<b>TOTALS</b>	\$ -	\$ 302,270.08	\$ 119,613.44	\$ 590.76	\$422,474.28