



## WASHTENAW COUNTY BOARD OF COMMISSIONERS

### WAYS & MEANS COMMITTEE

July 11, 2012

Comm. Rolland Sizemore called the meeting to order at 6:30 p.m. in the Board Room, Administration Building, 220 North Main Street, Ann Arbor, Michigan.

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

**MEMBERS ABSENT:** None

**OTHERS PRESENT:** County Administrator, Verna McDaniel; Corporation Counsel, Curt Hedger; Andy Brush, ITS; Diane Heidt, HR; Greg Dill, Facilities; Bob Tetens, Parks and Recreation; Ben Toole, ITS; Jason Brooks, County Administration; Peter Simms, Clerk's Office; various citizens; and members of the press.

#### Roll Call

#### Citizen Participation

Thomas Partridge, Washtenaw County and City of Ann Arbor resident, noted that he was running for the 53<sup>rd</sup> State House seat. He urged members of the 53<sup>rd</sup> to register to vote. He stated that the deadline for the August primary had passed but there was still time to register to vote in the November election. He called on the County Commission to adopt a unified agenda for the meeting going forward. He asked the board to help those who needed and deserved job opportunities and homes. He reported that the majority of Washtenaw County residents need affordable housing.

Bill Nickels, Chair of the Accommodations Ordinance Commission, stated that he was bringing a second amendment of the tax to the board. He said that on June 5 the resolution was passed unanimously by the AOC. He stated that revenue information was requested from the treasurer's office. He noted that less than 1% of the tax revenue came from B&B's. He noted that part time staff had been retained to ensure that those facilities were paying the tax.

Joan Knoertzer, B&B Owner, stated that she has been in business 12 years. She said that the last time she realized the tax was being passed it was thirty minutes before the tax went through. She said this time the business owners were contacted. She reported that the local owners of bed and breakfasts were thrilled at the repeal of the tax. She noted that this community of small business owners are dedicated to Ann Arbor. She added that they represent the community.

Kurt Koseck, Sylvan Township resident, he said that this issue has motivated him to come to these meetings and become politically involved. He commended Conan Smith for noting the county's role in the issue. He asked why the project had been undertaken in the first place. He said that there had been benefits to the county. He asked if the contracts between the township and developer had been scrutinized. He said that this project was larger than anything Sylvan Township had undertaken.

Tim Kelly, Sylvan Township resident, said that he has reviewed a lot of the history regarding the drain project. He noted that the residents of Sylvan Township were never asked if they wanted the project. He added that Sylvan Township residents were not being consulted about the millage in front of that board that night.

Jim Mogenson said that this is a particularly important time to watch public bodies do their work. He said that he was before the board to discuss brownfield projects. He reported that brownfield projects had expanded beyond their original definition. He asked the board to bear in mind how each project would benefit the public.

Jeff Irwin, State Representative 53<sup>rd</sup> District, stated that he was there to speak about the transit plan. He urged the board to consider it seriously. He noted that the payment plan aligns very closely with the services that each municipality will receive. He said that the board should not stop their actions because they think that Lansing or Washington D.C. will provide support. He stated that he did not see new sources of revenue coming for this in Lansing. He added that he does not believe that RTA legislation will come through in this year.

Pat Materka, Ann Arbor Bed and Breakfast, thanked the board for turning their attention to the AOC proposal regarding bed and breakfasts. She said that the treasurer's office policy of audits has not been beneficial. She thanked the AOC for their work.

#### Commissioner Follow-Up to Citizens' Participation

Comm. Bergman asked Jeff Irwin to stick around after the meeting so that the two could discuss RTA legislation.

Comm. Turner thanked his Sylvan Township neighbors. He noted that the Lakes sewage system is separate from the County's. He asked that the item before the ways and means committee be approved that night so that people in Sylvan Township could see the final draft. He said it was important for those people to see that if their property values increase the money will be used strictly for the repayment of the loan.

**New Business:**

**A. Land Use & Environment**

**1. Water Resources Commissioner:**

**a. Huron River Green Infrastructure District:**

Comm. Rabhi seconded by Comm. Gunn moved that the Board of Commissioners pledge the County's limited full faith and credit for payment of bonds for the Huron River Green Infrastructure Drain Project in an amount not to exceed three hundred forty-five thousand (\$345,000) dollars.

Roll call vote: YEAS: 11 NAYS: 0 ABSENT: 0 Motion carried.

**b. Traver Creek Leslie Park Golf Course Drain Project:**

Comm. Rabhi seconded by Comm. Gunn moved that the Board of Commissioners pledge the County's limited full faith and credit for payment of bonds for the Traver Creek Leslie Park Golf Course in an amount not to exceed one million, eight hundred five thousand (\$1,805,000) dollars.

Roll call vote: YEAS: 11 NAYS: 0 ABSENT: 0 Motion carried.

**c. Allen Creek Willard Street Drain Project:**

Comm. Rabhi seconded by Comm. Gunn moved that the Board of Commissioners pledge the County's limited full faith and credit for payment of bonds for the Allen Creek Willard Street Drain Project in an amount not to exceed three hundred forty-five thousand (\$345,000) dollars.

Roll call vote: YEAS: 11 NAYS: 0 ABSENT: 0 Motion carried.

**d. North Lake Improvement Project:**

Comm. Rabhi seconded by Comm. Gunn moved that the Board of Commissioners direct the Board of Public Works to undertake a lake improvement project for North Lake in the Townships of Lyndon and Dexter in Washtenaw County.

Roll call vote: YEAS: 11 NAYS: 0 ABSENT: 0 Motion carried.

**B. Economic Development**

**1. Office of Community and Economic Development:**

**a. Employment Services Program**

Comm. Rabhi seconded by Comm. Gunn moved that the Board of Commissioners ratify the Chair of the Board's signature on the Employment Services (ES) program plan to the Workforce Development Agency, State of Michigan (WDASOM) for the period of July 1, 2012 through June 30, 2013 in the amount of \$470,755.

Roll call vote: YEAS: 11 NAYS: 0 ABSENT: 0 Motion carried.

**b. Workforce Investment Act (WIA) Adult, Dislocated Worker and Youth Programs**

Comm. Rabhi seconded by Comm. Gunn moved that the Board of Commissioners ratify the Chair of the Board's signature on the budget summary submission of the Program Year 2012 Workforce Investment Act (WIA) Adult, Dislocated Worker, and Youth funding to the Workforce Development Agency, State of Michigan (WDASOM) for the period of July 1, 2012 through June 30, 2013 in the total amount of \$2,548,864.

Roll call vote: YEAS: 11 NAYS: 0 ABSENT: 0 Motion carried.

**c. American Recovery and Reinvestment Act Regional Economic Impact Workforce Investment Act National Emergency Grant**

Comm. Rabhi seconded by Comm. Gunn moved that the Board of Commissioners approve additional funding for the American Recovery and Reinvestment Act (ARRA) Regional Economic Impact (REI) Workforce Investment Act (WIA) National Emergency Grant (NEG) in the amount of \$258,919 increasing the budget from \$762,252 to \$1,021,171 and extending the time period through June 30, 2012.

Roll call vote: YEAS: 11 NAYS: 0 ABSENT: 0 Motion carried.

**d. Workforce Investment Act (WIA) – Dislocated Worker (DW) Program**

Comm. Rabhi seconded by Comm. Gunn moved that the Board of Commissioners approve additional funding for the Appropriation Year 2010 Workforce Investment Act (WIA) Dislocated Worker (DW) Program in the amount of \$350,000 increasing the budget from \$785,977 to \$1,135,977 for the period of July 1, 2010 through December 31, 2012.

Roll call vote: YEAS: 11 NAYS: 0 ABSENT: 0 Motion carried.

## **C. Children's Well-Being**

### **1. Head Start:**

**a. Annual Head Start Program**

Comm. Rabhi seconded by Comm. Gunn moved that the Board of Commissioners ratify the signature of the Chair of the Board on the grant application to the Department of Health and Human Services for the Head Start program for the period of August 1, 2012 through July 31, 2013 in the amount of \$4,551,357. This item was separated out of the agenda vote for further discussion by Comm. Prater.

Comm. Peterson stated that he had had questions about the Head Start program answered earlier in the year. He noted that he had asked for an independent evaluation professional to evaluate the program. He said he hoped that work had been done so that a decision could be made on more than just money. He added that he had hoped that someone from Head Start and the University of Michigan would have been there that night to add to the discussion. He said that children experts should be at the table when the discussion is being held. He noted that people go to public health services as last resort. He asked if there were any experts in the room to speak on child care. He warned the audience that no one should stand if they were not an expert because he had done his research. He asked for an explanation as to why the classroom sizes had been changed. He said that this would reduce services for the children many of whom have special needs. He stated that getting by does not win national awards. He reported that getting by is not what Head Start is for. He asked for an assessment of the changes to the Head Start. He stated that he would be voting no on both Head Start items that evening. He said that if the county has a standard for child care then that standard should be maintained until the county is no longer in the education business. He said that he wants to know who did the assessment of the standards for the children. Comm. Conan Smith stated that he is not an expert on early childhood education so he cannot address some of the programmatic changes. He added that staff would be able to answer how the program changes would affect the service provided to children. He noted that the Head Start program of the past was extraordinary but that no one expected that in this last year the same standard would be able to be upheld. He added that the board had recognized that there are bodies better suited to providing this service than the county can. He said that this program would not have been relinquished if the county had believed it was the optimum service provider. He noted that there had been trouble when the transition had not been as seamless as possible. He added that the factors affecting the transfer had been outside of the county's control. He thanked the County Administrator for digging deep into the budget and finding a way to continue the service for another year. He said that as a community member he was grateful for that continued service. He agreed that the service was not exactly the same. He said that this last year was budget driven process. He

noted that the decision to relinquish the program has already been made. He said the action taken tonight is financially motivated. He stated that it was not programmatic driven. He reported that the decision was made in a way so as to limit the impact to the children. Comm. Peterson thanked Comm. Conan Smith for admitting that it had been driven by finances. He said that the problem had been created by the Board of Commissioners. He noted that the board had started the ball rolling. He said that if you voted against children of poverty having a fair chance than he would not support you. He stated that education opportunities need to be provided to children all over the county. He said that he had asked for an evaluation of the program by an independent review team. He said he was going to vote yes on creating Head Start and bringing it back. He stated that he would vote no on its budget cut. He said that these changes affected toddlers. He reported being proud of the past success of the program. He added that there would be more discussion on this issue.

Comm. Brabec asked if it was known who had made the decisions on how the positions were chosen for elimination. Verna McDaniel stated that Cassandra Sheriff who is the current program manager had noted that the program was meeting the requirement but had reduced the number of teachers per room by one. She added that some of the management positions had been put on hold. Cassandra Sheriff stated that the Head Start program used to have a nutrition assistant and a cook, the program still retained a nutrition assistant and a cook. Comm. Brabec asked Cassandra Sheriff how she felt about how the changes would affect the program in the next year. Cassandra Sheriff noted that she had had many discussions with the policy council, parents. She noted that a small ration of students to teachers is always best. She added that the changes made seem inevitable. She noted that Washtenaw County operated with 3 teachers while most operated with one teacher and one teacher assistant and that those are still excellent programs. She said that the Washtenaw County program has only eliminated one teacher assistant per class room. She added that the assistant teachers who are now floaters will be assigned to classrooms.

Comm. Gunn noted that Cassandra Sheriff is an early childhood expert. She commended Cassandra Sharif for her excellent work.

Comm. Peterson asked when the teaching staff had been reduced. Cassandra Sheriff stated that the discussion had started in April or May. Comm. Peterson asked when the teachers had been dismissed. Point of order. Comm. Prater said that that question should be answered by the County Administrator. Comm. Peterson asked when the teachers had been reduced from 3 to 2. He asked when there had been an evaluation of the two teacher method. Verna McDaniel noted that before the board tonight was the grant order. Comm. Peterson asked what assessments were given after the reduction was been made. Cassandra Sheriff stated that no assessment has been given. She added that there will be an assessment in the 2012-2013 school year. Comm. Peterson stated that Cassandra Sheriff was not a professional evaluator. He noted that he had not requested for the professional staff to speak that night. He added that they are interim staff and would not be able to provide perspective on the reduction. He said that his request was for experts to help guide the transfer of the program. Comm. Sizemore commended Cassandra Sheriff for her work. Comm. Peterson asked for professional independent input on the changes made to the Head Start program. Comm. Sizemore stated that this needs to be passed so that the grant money can be received. He added that he would direct the County Administrator to get people to answer the Commissioner's questions. Comm. Peterson praised Comm. Sizemore's work to help children living in poverty. He added that he was looking forward to the second part of this discussion.

Comm. Bergman stated that the program will continue to meet federal standards. She stated that as process is completed the program will be turned over to education professionals. She commended Cassandra for her work. She stated that nobody wants to hurt children. She stated that much work on been done on behalf of children living in poverty in this county.

Comm. Prater asked if the school year has started yet. It was answered that school is not in session. He asked if it would take place when the school year starts. Verna McDaniel responded yes.

Comm. Peterson stated that the scope of the assessment was important to him. Comm. Sizemore said that he was hopeful that the County Administrator would reach out to professionals at Eastern Michigan University could make a recommendation. Comm. Peterson stated that he planned to work with whatever entity took over the Head Start program. Comm. Rabhi said that he work with the administrator to schedule this topic for the working session in August.

Comm. Prater stated that everything that had happened with Head Start so far had been approved by the board. Comm. Sizemore noted that he would work to help answer Comm. Peterson's questions.

Comm. Gunn asked if this was necessary because the program was beginning anew in September and there was no point in assessing a program that does not exist. She noted that the item needed to be passed through

both meetings that night. She said that the program should not be assessed until it is underway. Comm. Sizemore said that he is looking for opinions to be sure that is being done right.

Comm. Bergman stated that she agrees with Comm. Gunn in that you cannot assess what does not exist. She did say that it might be worthwhile to discuss with experts the program.

Comm. Conan Smith encouraged Comm. Peterson to vote for the federal grant money but vote against the balance of the issue. He added that he would like to see unanimity in the vote for the grant. He noted that the budget change was approximately a 1% reduction. He said that in terms of evaluating program quality this year over last he is not sure that the changes were made were large enough to make a real impact. Comm. Sizemore stated that he is looking for information.

Comm. Peterson said that he would vote for the continuation of the program but he would not vote for cuts to the program. He noted that there are many Head Start models across the country. He said that a teacher assisting a child to read or write is very important. He said that it is unacceptable that the standards should drop. He noted that months had been spent discussing transportation and the humane society. He added that he had received nothing but pushback when he wants to discuss the treatment of poor children. He said that education is the only thing that will make children equal. He characterized early childhood education as being the most important part of a person's education. He thanked Comm. Sizemore for his support in ensuring that children receive the best possible care. He stated that he wants to know what happens in the absence of that extra teacher.

Comm. Gunn stated that she takes it very personally when Comm. Peterson says that the members of the board do not care about the well being of children. Comm. Gunn stated that she has been there for children. She said his accusations were very personal and very insulting. Comm. Peterson said he thinks most people will tell you that he knows the staff of Head Start personally. He said that he would not go into personal attacks. He reported that this discussion was about how children in poverty are treated. He said that he wants to know how these changes affect the child.

Comm. Turner stated that he was interested in Comm. Conan Smith's suggestion to look into ways to help children via education. He added that he wants to share an article from the Chelsea Standard. He said that because of Title 1 or State Grants some of the areas he is discussing receive more money than other districts. He said that 43.2% of kids in Ann Arbor are ready for college. He then listed several school districts and the percentage of college ready kids; Chelsea 37.6%, Dexter 36.9%, Milan 17.4%, Lincoln 9.8%, Ypsilanti 8% and Willow Run 0%. He said the average ACT is 14.8 in Willow Run but the level at which a student is considered college ready is 22. He said there are programs like Head Start and they are great programs but they help only a small percentage of these children. He said that there are programs that can help. He added that his niece teaches in Willow Run and she has to teach children very basic social skills. He said that the county could research what needs to be done in order to help. He called on Chairman Smith to follow through and examine what needs to be done to improve education in impoverished areas in the county.

Comm. Bergman noted that NPR was doing a program where they followed the lives of students from different socio-economic backgrounds. Comm. Bergman said that on the county's budget all that can be done is to work with experts. She noted that the board is fighting to maintain general fund dollars. She said that the suggestion that mental health services to children have declined is unfair.

Comm. Sizemore said that he will begin working with the County Administrator on the Head Start issue to get some answers.

Roll call vote: YEAS: 11\* NAYS: 0 ABSENT: 0 Motion carried.

\*Comm. Peterson voted no to the elimination of staff positions and to positions being put on hold vacant.

## **D. Public Safety & Justice**

### **1. Sheriff:**

#### **a. Annual Community Corrections Advisory Board Grant**

Comm. Rabhi seconded by Comm. Gunn moved that the Board of Commissioners ratify the electronic submission of the grant application to the Michigan Department of Corrections for the annual Community Corrections Comprehensive plan in the amount of \$1,037,788 for the period of October 1, 2012 through September 30, 2013.

Comm. Bergman said that Renee Wilson has run this low on staff for two years. She said that what happens with community corrections is that the more is done the more the funding gets decreased. She said demand for the service is up but the funding remains the same. She stated that if the state does not recognize the work that has been done she wonders if the program should be continued. She noted that a tremendous service is being done for the state but there has not been much reward. She urged the board to do a cost benefit analysis in 2012.

Roll call vote: YEAS: 11 NAYS: 0 ABSENT: 0 Motion carried.

## **E. County Administration**

### **a. Amendment to the Washtenaw County Accommodations Ordinance**

Comm. Rabhi seconded by Comm. Gunn moved that the Board of Commissioners approve a second amendment to the Washtenaw County Accommodations Ordinance, which would exempt bed and breakfasts of 14 or fewer rooms, cottages and individuals who periodically lease rooms in their homes from having to pay the accommodation tax and to make other minor changes to the ordinance.

Roll call vote: YEAS: 11 NAYS: 0 ABSENT: 0 Motion carried.

### **b. Contract with Sylvan Township**

Comm. Rabhi seconded by Comm. Gunn moved that the Board of Commissioners authorize the County Administrator to sign a contract with Sylvan Township, which will address the rights and responsibilities of the Township and County to repay the debt service on the refunded water and sewer bonds, contingent upon approval of a 4.40 20-year millage in August to assist paying off the existing refunded bond debt service.

Comm. Rabhi stated that a lot of money has been spent. He asked if this secured all the funding that has been put in and is owed to the county. Verna McDaniel said that the all of the money plus interest will be recouped. Comm. Turner said that unpaid taxes are included in the money coming back to the county. Comm. Rabhi thanked Comm. Turner for his work on this issue. Comm. Turner thanked Comm. Rabhi for his words, he noted that there are many in Sylvan Township who do not share his view. He added that this would be the least painful way for the citizens of Sylvan Township to make the payment. He noted that there are only 100 homes and businesses are able to use the water hookup. He stated that it is difficult to pay for a service that you will not receive. Comm. Brabec asked how likely he thought it would be that the millage would pass. She asked Verna McDaniel the impact it would have on the county. Verna McDaniel noted that the county would still be able to make their other bond payment.

Roll call vote: YEAS: 11 NAYS: 0 ABSENT: 0 Motion carried.

### **c. Four-Party Agreement/Articles of Incorporation**

Comm. Rabhi seconded by Comm. Gunn moved that the Board of Commissioners authorize the Chair of the Board to sign a Public Transportation Agreement with the Ann Arbor Transportation Authority, the City of Ann Arbor, and the City of Ypsilanti and to further authorize the County Administrator to submit Articles of Incorporation creating a new Public Transportation Authority for Washtenaw County. Comm. Gunn separated this item out of the agenda vote for further discussion.

Comm. Dan Smith moved that section 4.07 be amended such that directors must be Washtenaw County residents.

The amended change is as follows: All Authority directors shall be residents of Washtenaw County **and** at least eighteen years old, ~~shall be representative of public transportation interests as they exist in the County and other qualifications as detailed in the Bylaws of the Authority. Notwithstanding the above, any of these requirements may be waived by a governing body authorized to appoint directors under section 4.01 by resolution concurred in by not less than 2/3rds of that governing body's directors.~~ Directors may not hold office in violation of Michigan's Incompatible Offices Act, MCLA 15.181 - .185, or other similar law.

The discussion around the amendment:

Comm. Prater seconded that motion. Comm. Prater stated that the proposed change makes the qualifications needed clear and simple. Comm. Brabec asked Comm. Dan Smith why he felt it was a substantive change. Comm. Dan Smith stated that because it was an authority with the ability to levy taxes he believed you should be a resident to sit on the board. He added that if other expertise is required there are numerous ways to get that expertise. He noted that he removed the 2/3 vote so that residents of other counties could not be placed on the board. Comm. Gunn asked how this amendment affected the process. Michael Ford noted that it would have to go back to the other three parties with the amendments. Comm. Rabhi asked about the line "representative of public transportation interests..." Sarah Gryniewicz responded that ultimately the power should rest with appointing bodies. Comm. Rabhi stated that he felt it was a pretty important criteria, he said he was concerned it was being removed. Comm. Bergman stated that she was also concerned that this amendment would significantly delay the process. Jesse Bernstein stated that it seems that the deadline to be on the November deadline will not be met. He added that he is interested in getting the approval of this board so that a consensus can be reached by the other parties. Comm. Bergman said she would work on squashing these amendments one by one.

Comm. Prater said that it was troubling to see this article as it really is. He said he was concerned that a person could be appointed even though they were not a county resident.

Comm. Conan Smith stated that a 2/3 vote is a pretty high bar for a municipality to clear. He said that if a municipality wants to choose an out of county resident to represent their voice then they should be allowed to because it is their voice. Comm. Dan Smith stated that he would agree if this authority did not have the ability to levy a tax. He said it should be the appointing entity who decides who is on the board not the bylaws.

Comm. Peterson said that the document before the board was not going to cost the county any money. He asked if it had been submitted to each member of the four-party agreement. Curtis Hedger confirmed the analysis. He added that it has not been reviewed by every municipality that could participate. Comm. Peterson asked if the four-party agreement was available to the public. Curtis Hedger said that because it was part of the public agenda of public meetings it had been available to the public. He noted that Washtenaw County was the last to see it so the document in front of them had been approved by the other three parties. Comm. Peterson asked about the mechanism for other municipalities to join. Curtis Hedger stated that it was an opt-out action. Comm. Peterson asked about the commitment and responsibility of Washtenaw County. He asked if there were any responsibilities after this night. Curtis Hedger said that the main obligation is to approve it and create the new authority. He added that once all conditions have been met the clerk files the articles of incorporation thereby creating the authority. He said that as far as the operation of the authority there was very little responsibility. He said that a millage would affect only the areas of the county that had chosen to be a part of the new authority. Comm. Peterson asked about the Board of Commissioners responsibility over the authority. Curtis Hedger stated that the only role the board might have would be as a non-voting liaison. He said that the only action the board might have would be a potential dissolution. Curtis Hedger said that if it was passed with no amendments then the authority could make changes after incorporation. He said that if changes were made then the AATA would have to go back to the other parties for approval of the amendments. Comm. Peterson said that the county had no money or responsibility in this matter. He said that they are paying for this out of the funds raised by participating municipalities. He added that he has advocated for a county-wide transportation system for 20 years. He stated that they were only creating the authority that night. He said that he believes that because it is the authority of the municipalities it should be up to them to make the changes. He said any millages would be the decision of the authority. He noted that it would not go on the ballot by board of commissioner request. He asked if there was any liability for Washtenaw County. Curtis Hedger said that the county actually had indemnity. Comm. Peterson said this new governing body should have a right to function and to change their own by-laws. He added that municipalities have the right to choose who they want on their board.

Comm. Ping said that she supports Comm. Dan Smith's amendment because none of her municipalities were party to the four-party agreement.

Comm. Sizemore thanked Sarah Gryniewicz for her work. He added that he would support the amendment.

Comm. Prater said that he was unhappy with the level of transparency. Sarah Gryniewicz said that it was sent out to all of the communities. She said that every municipality had viewed it. Comm. Prater said that it should have been more open to the public.

Comm. Dan Smith said that the problem with the way this entity is coming into existence is that after this new authority has been created every single municipality in the county is a member. He said that a township board can vote to get out but it requires positive action on their part. He noted that even the members of the four-party agreement had needed to amend these articles of incorporation several times before they were satisfied.

This item was called to question by Comm. Bergman seconded by Comm. Gunn.

Call to question roll call vote: YEAS 10 NAYS 1 (Comm. Prater) ABSENT 0

Roll Call Vote: YEAS 5 NAYS 6 (Comms. Bergman, Brabec, Gunn, Peterson, Rabhi, Conan Smith) ABSENT 0

The motion failed to pass.

Comm. Dan Smith offered an amendment to section 4.04 so that the board could not remove its own directors. This motion was seconded by Comm. Prater.

The amendment read as follows: A director may resign at any time and such resignation shall become effective upon the Authority's receipt of a written resignation notice, unless the notice specifies a later date. ~~The Authority Board may, upon a 2/3rds vote of its other directors, remove a director prior to the expiration of that director's term of office for persistent failure to perform the duties of that director's office, other reasons as specified in the bylaws, gross misconduct in office, conviction of a felony involving extortion, or financial misconduct.~~ A director may be removed from office with or without cause at any time by the same local body or process that appointed the director.

The discussion around the amendment:

Comm. Sizemore stated that he aggress with Comm. Peterson about the county's role in this. He added that he also agrees with some of the suggestions given by Comm. Dan Smith.

Comm. Prater asked how the county would get out if they were a member. He stated that the change proposed by Comm. Dan Smith makes sense to him.

Comm. Conan Smith said that it is challenging that a body can remove its own members but he noted that virtually every body has an impeachment method. He said that it is particularly challenging to remove someone who has stopped showing up. He added that if the new TA removed the Pittsfield Township representative then Pittsfield Township can send the exact same person back as their representative. He noted that it is extraordinarily rare that a body removes one of its own members. He added that it was most likely it would never be used.

Comm. Turner said that his main concern with the articles is that they could be amended into something that the municipalities did not believe they were joining. He stated that this was a very important authority.

Comm. Sizemore asked if there was a public hearing for this. Comm. Conan Smith stated that it was not scheduled yet.

Call to question roll call vote: YEAS 10 NAYS 1 (Comm. Dan Smith) ABSENT 0

Roll Call Vote: YEAS 3 NAYS 8 (Comms. Bergman, Brabec, Gunn, Peterson, Rabhi, Sizemore, Conan Smith, Turner) ABSENT 0

The motion failed to pass.

Comm. Dan Smith offered an amendment to 12 (b) Termination of Agreement seconded by Comm. Prater. Comm. Dan Smith said that the possibility to review this item should be given to any municipality as that would be fair treatment.

The amendment read as follows: The Washtenaw County Board will also be allowed to dissolve the New TA if there is no Authority-wide voter approved funding passed before December 31, 2014, or voter approval passes Authority-wide but the same is defeated in ~~the City of Ann Arbor~~ **any member political subdivision**. The City of Ann Arbor may also withdraw from the new TA Agreement using any of the methods authorized by MCL 124.458. In the event the City of Ann Arbor exercises any of the foregoing rights, the City of Ann Arbor may immediately terminate this agreement upon written notice to the other parties.

The discussion around the amendment:

Comm. Bergman characterized the amendment as being a "killer". She said that it would be paralyzing. She stated that she was emphatically against it.

Comm. Peterson said that the opt-out clause existed for the municipalities. Curtis Hedger said that if it goes forward and articles are filed then everyone is in but they have the ability to opt-out. Comm. Peterson stated that he believed the local municipalities have the sophistication to opt-out if they do not want to participate in this authority. He said that his view would be different if the local municipalities had contacted the board. He stated that he had not heard any dissent from the representatives of the county municipalities. He said it was not the role of the board to micromanage the four-party agreement. He added that he had never seen a consortium move more aggressively to bring together a county-wide authority.

Comm. Prater read from the original agreement "City of Ann Arbor may immediately terminate this agreement upon written notice to the other parties". He asked why the city of Ann Arbor had those rights. Jesse Bernstein said that it popped up because of the law of charter 196. He said that Ann Arbor and Ypsilanti have the rights they do because they committed to millages to support transit while other communities had not. He added that Ann Arbor has funded and supported AATA for forty years. He noted that the new authority would be funded using the assets of the AATA. Comm. Prater said that tonight was the first night that he had seen this. He asked how the county might opt-out. It was decided that the question was not germane.

Comm. Conan Smith asked if the four-party agreement restricts the right of any future board of commissioners to take any action they might be entitled to make. Curtis Hedger responded that generally no.

Comm. Dan Smith said that the problem with this process is that the voters did not get a direct voice on this issue. He said many municipalities have indicated their displeasure by not participating in this informal process of discussion.

Comm. Bergman seconded by Comm. Gunn called the amendment to question.

Call to question roll call vote: YEAS 8 NAYS 2 (Comms. Prater, Dan Smith) ABSENT 1 (Comm. Peterson)

Roll Call Vote: YEAS 4 NAYS 7 (Comms. Bergman, Brabec, Gunn, Peterson, Rabhi, Conan Smith, Turner)  
ABSENT 0

This motion failed to pass.

Comm. Dan Smith offered an amendment to the procedure to be taken after the articles of incorporation have been filed. It was seconded by Comm. Prater.

This amendment read as follows:

BE IT FURTHER RESOLVED that the Board of Commissioners hereby adopts and authorizes the County Administrator to file the Articles of Incorporation **within sixty (60) days** creating a new transportation authority for Washtenaw County upon notification from AATA that the contingencies in the 4-party Public Transportation Agreement have been met.

1. AATA will publish details of the service and funding plan in newspaper(s) of general circulation in the Washtenaw County, including but not limited to AnnArbor.com, the Ann Arbor Chronicle, the Washtenaw Legal News, and the Heritage Newspapers serving portions of Washtenaw County, **and the paper of record, if any, for each jurisdiction;**
2. Letters of notice will be sent to each city, village and township elected official in the county at their address of record alerting them to the County's intention to file the Articles on a date certain. Those letters shall indicate
  - a. ~~Whether or not the jurisdiction represented by that official is included in the boundary of the New TA;~~
  - b. The process by which that jurisdiction may either withdraw from or join the New TA; and
  - c. The date on which the Articles of Incorporation will be filed and, if relevant, the date by which the new TA must receive official notice from the jurisdiction if that jurisdiction votes to opt-out of the new TA.

The discussion around the amendment:

Comm. Sizemore asked if what Comm. Dan Smith was alluding to is that there is only one way to withdraw. Comm. Dan Smith noted that there is no way to join, only withdraw from the new authority.

Comm. Conan Smith stated that he supports the amendment.

Comm. Gunn said that this is very administrative. She said that the problem with supporting any amendment then it must go back to each member of the four-party agreement.

Comm. Dan Smith said that the articles of incorporation need to be filed within sixty days. Comm. Rabhi asked how many days it would be amended in if the language wasn't in there. Michael Ford said they need the ability to educate people. He added that he does not want to put a cap or timeline on that effort. Comm. Rabhi noted that this was an amendment to the board's resolution and so would not affect the process.

Comm. Peterson stated that he was agreeing with Comm. Gunn on this issue. He asked Michael Ford what this resolution would mean for the AATA's process. Michael Ford stated that he would prefer that this amendment not go through. Comm. Peterson said that the AATA should have the ability to function freely when they leave that night. Michael Ford said he would rather that the 60 day portion be removed.

Comm. Gunn said that it was not that she did not support Comm. Rabhi's amendment to the amendment she just doesn't believe the amendment itself is relevant.

Comm. Ping asked if this addressed the opt-in process after you've opted out. Sarah Gryniwicz said she was very happy to put that in the letter of explanation sent out to the municipalities. Comm. Rabhi said that in the amendment it was removing the possibility to inform people how to join the new authority after they have opted out.

Comm. Dan Smith said that once articles are filed each municipality is in and must opt out. He said that the procedure for opting in was laid out in state law.

Comm. Bergman seconded by Comm. Turner called this amendment to question.

Call to question roll call vote: YEAS 10 NAYS 1 (Comm. Prater) ABSENT 0

Roll Call Vote: YEAS 4 NAYS 7 (Comms. Bergman, Brabec, Gunn, Peterson, Ping, Rabhi, Sizemore) ABSENT 0

Comm. Dan Smith offered an amendment to section 10.01 this motion was seconded by Comm. Prater.

The amendment reads as follows: **Unless otherwise specifically allowed by law, t**These Articles of Incorporation may be amended only upon a two-thirds (2/3) vote of the directors appointed and serving on the Authority. All amendments must comply with applicable state and federal laws. All amendments to the Articles of Incorporation become effective only after they are executed jointly by the Chairperson and by the Secretary of the Board of the Authority, **ratified by each member political subdivision and the Washtenaw County Board of Commissioners**, filed with the recording officer of the Washtenaw County Clerk, and filed and published in the same manner as the original Articles of Incorporation.

The discussion around the amendment:

Comm. Turner said he was concerned that three districts can change the articles of incorporation. He added that the revision to the articles would change the nature of the authority municipalities thought they were joining.

Comm. Gunn stated that she would not support this amendment.

Comm. Rabhi said that he did not agree that each member of a political subdivision should be able to change the by-laws. He believes that the BOC should retain that authority. He added that there are specific provisions for municipalities to opt out after the initial thirty day time period. He said that such an action would be by the vote of the people. He stated that he would not be able to support the language.

Comm. Sizemore asked if there were three different times a community had to opt out. Sarah Gryniwicz responded that though there are several ways to opt a municipality is only required to opt out once.

Comm. Bergman reported that she would not be supporting this amendment.

Comm. Prater stated that the only easy way to opt out was during the first thirty day period. He said that the only other easy way was to opt out in January before the tax levy but the tax levy will continue as long as it is authorized. He reported that he believed it was a good resolution.

Comm. Brabec asked why it could not just be the political subdivision. Comm. Dan Smith said that was because the board had been unable to reach consensus at the working session dedicated to this issue. He said that he did not want it to be solely the body changing the by-laws. Sarah Gryniwicz said the other

communities thoroughly discussed this issue. She added that they would like their representatives to make that decision.

Comm. Conan Smith stated that he understand Comm. Turner's qualms but that it does not make sense for the BOC to be the amending body because there is the very real possibility that you will have future board members who do not have a municipality that is a part of the board. He said that there was no good clean answer to this problem. He stated that the people forming this authority were not creating this system to put up barriers to local units of governments. He added that the incentive would be very high especially in the beginning years to work with people to get them to join and form a more powerful authority.

Comm. Turner said that maybe a better amendment would have been for each district. He added that he did not want to do an amendment to an amendment. He said that this is a major authority. He added that it was his preference that once the articles were filed then the Board of Commissioners was really done.

Comm. Brabec said that if the articles of incorporation are changed then everyone should be on board. She added that she would support changes that the districts were supportive of.

Comm. Dan Smith asked for clarification of the amendment. He said that the reason the board acted on this was so that the authority could be county wide.

Comm. Brabec offered the following amendment to Comm. Dan Smith's amendment to Section 10.01:

**Unless otherwise specifically allowed by law,** ~~These~~ These Articles of Incorporation may be amended only upon a two-thirds (2/3) vote of the directors appointed and serving on the Authority. All amendments must comply with applicable state and federal laws. All amendments to the Articles of Incorporation become effective only after they are executed jointly by the Chairperson and by the Secretary of the Board of the Authority, **ratified by each member political subdivision and the Washtenaw County Board of Commissioners appointing entity,** filed with the recording officer of the Washtenaw County Clerk, and filed and published in the same manner as the original Articles of Incorporation.

The discussion around the amendment to the amendment:

Comm. Peterson asked the representatives of AATA to explain the impact of the proposed amendment. He stated that he did not believe that their efforts should be impeded. Jesse Bernstein asked if the appointing entity was the district. He added that was what the AATA had intended all along. Sarah Gryniewicz responded that the way it was currently written the board from each district could make changes to the articles of incorporation. She noted that this change would go back

Comm. Conan Smith clarified that the appointing entity is the district under an interlocal agreement, so the district itself is the appointing entity not the elected body.

Comm. Rabhi seconded by Comm. Bergman called this amendment to the amendment to question.

Call to question roll call vote: YEAS 10 NAYS 1 (Comm. Prater) ABSENT 0

Roll Call Vote: YEAS 5 NAYS 6 (Comms. Bergman, Gunn, Peterson, Ping, Rabhi, Conan Smith) ABSENT 0

Roll Call Vote on Comm. Dan Smith's amendment: YEAS 3 NAYS 8 (Comms. Bergman, Brabec, Gunn, Peterson, Rabhi, Sizemore, Conan Smith, Turner) ABSENT 0

Comm. Sizemore stated that he did not like the way this was handled.

Comm. Bergman praised the handling of this item.

Comm. Rabhi said that the composition of the board is well weighted. Comm. Gunn stated that the City of Ann Arbor would be transferring approximately 200 million dollars.

Comm. Prater said all those millions have been spent have been spent in the City of Ann Arbor. He said the revenue in the plan is going to be less than 50 million but expenditures will be greater than 105 million.

Comm. Ping said she would be voting no because of some of the amendments that did not pass. She said it was good that communities will have the option to join later

Roll call vote on the Four Party Agreement/Articles of Incorporation: YEAS: 7 NAYS: 4 (Comms. Ping, Prater, Dan Smith and Turner) ABSENT: 0 Motion carried.

**d. Area Agency on Aging 1-B 2013 Implementation Plan**

Comm. Rabhi seconded by Comm. Gunn moved that the Board of Commissioners approve the 2013 area implementation plan of the Area Agency on Aging 1-B for the purpose of conveying such support to the Area Agency on Aging 1-B and the Michigan Office of Services to the Aging.

Roll call vote: YEAS: 11 NAYS: 0 ABSENT: 0 Motion carried.

**Report of the Administrator:**

None

**Report of the Chair of the Board**

None

**Items for Current/Future Discussion**

None

**Pending**

None

**Adjournment**

Comm. Prater seconded by Comm. Rabhi moved that the meeting be adjourned until August 1<sup>st</sup>, 2012 at 6:30 p.m. Motion carried.

The meeting adjourned at 10:50 p.m.

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Rolland Sizemore, Vice-Chair

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Lawrence Kestenbaum, Clerk/Register

By: Peter Simms, Deputy Clerk

APPROVED: August 1, 2012