



## WASHTENAW COUNTY BOARD OF COMMISSIONERS

### WAYS & MEANS COMMITTEE

May 21, 2014

Comm. Felicia Brabec 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. Brabec, LaBarre, Martinez-Kratz, Peterson, Rabhi, Sizemore, Conan Smith, Dan Smith

**MEMBERS ABSENT:** Comm. Ping

**OTHERS PRESENT:** County Administrator, Verna McDaniel; Curtis Hedger, Corporate Counsel; Greg Dill, Facilities; Mary Jo Callan, OCED; Bob Tetens, Parks & Recreation; Ben Toole, ITS; Lisa Moutinho, County Administration; Peter Simms, Clerk's Office; various citizens; and members of the press.

#### Roll Call

#### Citizen Participation

Barbara Bergman, Former Commissioner, expressed the hope that the Board would not pass a millage for county roads. She stated that such a millage would send the message to legislators in Lansing that Washtenaw County is rich enough to fulfill its own needs. She stated that there are unmet human needs in this county. She added that millages should be used for purposes other than roads such as mental health services.

Tom Partridge, recent candidate for the Michigan Legislature, urged the Board to address a twelve month agenda addressing homelessness, the needs of senior citizens and transportation. He stated that if road repair was left to Lansing then the residents of Washtenaw County would be left with pot holes in their roads.

Rick Olson, Former State Representative, said that in 2011 it had been determined that \$1.4 billion was needed to repair the roads in the State of Michigan. He said that when the report was redone earlier this year it had been calculated that roughly \$2.4 billion was needed.

Shannon Novara, Succes by Six, thanked the Board of Commissioners for their support. She stated that the "Touch a Truck" event had been very successful. She said that this event was important to the community because it provides organizations a chance to connect with a community of children that could benefit from their services.

A resident stated that he opposed the proposed levy to repair roads. He added that Washtenaw County has the highest property tax in the State of Michigan. He said that he was a private citizen who would organize, educate and vote to ensure that there was accountable government. He added that he felt that this was an issue of taxation without representation.

A resident asked if it was possible for the county to levy a gas tax to pay for the roads.

Gus Teschke, Citizens for Oil Free Backyards, thanked Comm. Rabhi and Comm. Martinez-Kratz for the resolution they had written opposing oil exploration and drilling.

Victor Dobrin said that he has attended several Ypsilanti Township Board of Trustees meetings. He said that they needed to take the engineering approach to the road problem. He stated that the root cause of the problem is not money but the way that the roads are built.

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

Comm. LaBarre thanked Barbara Levin Bergman for coming before the board to speak. He said that he appreciated her thoughts. He added that he believes this issue is not about taxation without representation.

Comm. Sizemore thanked WISD for their work at the "Touch a Truck" event. He said that he would not be supporting a road millage. He added that he did not feel that enough work had been done on the issue. He stated that even if the levy was approved, funds could not be collected until 2015.

Comm. Rabhi thanked Barbara Bergman for her words and Shannon for her presence. He thanked Gus for coming before the board and for his activism on the issue.

**New Business:**

**A. Community & Economic Development**

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

**a. 2014 TIGER Grant Submission on behalf of Ann Arbor SPARK:**

Comm. LaBarre seconded by Comm. Peterson moved that the Board of Commissioners ratify the signature of the County Administrator on a new application for a Transportation Investment Generating Economic Recovery (TIGER) Grant through the National Infrastructure Investments Program of the U.S. Department of Transportation, in the amount of \$940,000, for eighteen months commencing January 1, 2015 and ending June 30, 2016. Discussion on this item is provided below.

Roll call vote: YEAS: 8 NAYS: 0 ABSENT: 1 (Comm. Ping) Motion carried.

**B. Health**

**1. Public Health:**

**a. Washtenaw County Board of Health:**

Comm. LaBarre seconded by Comm. Peterson moved that the Board of Commissioners authorize the creation of a Washtenaw County Board of Health (BoH), and authorize the dissolution of the existing Public Health Advisory Board/Environmental Health Appeals Board and the existing Hearing Board for the Health Department Food Service Regulation, folding those functions into the newly created BoH. Discussion on this item is provided below.

Roll call vote: YEAS: 7 NAYS: 1 (Comm. Sizemore) ABSENT: 1 (Comm. Ping) Motion carried.

**C. Land Use**

**a. Renewing Parks & Recreation Millage:**

Comm. LaBarre seconded by Comm. Peterson moved that the Board of Commissioners authorize the Washtenaw County Clerk to place on the November 4, 2014 ballot the question to renew the Parks & Recreation Millage that expires after December 1, 2016 for an additional ten (10) years, beginning with the levy to be made on December 1, 2017, for the purpose of acquiring, developing and maintaining parklands and operating recreation facilities for the benefit of Washtenaw County citizens. Discussion on this item is provided below.

Comm. Dan Smith proposed that "Washtenaw County Clerk is hereby instructed" be changed to "Washtenaw County Clerk is hereby requested" this amendment was accepted as friendly.

Comm. Rabhi said that Parks does wonderful work and he is proud to support them.

Roll call vote: YEAS: 8 NAYS: 0 ABSENT: 1 (Comm. Ping) Motion carried.

**D. County Administration**

**a. Setting the Millage Rate:**

Comm. LaBarre seconded by Comm. Peterson moved that the Board of Commissioners set the 2014 Washtenaw County Operating Millage Rate. Discussion on this item is provided below.

Roll call vote: YEAS: 8 NAYS: 0 ABSENT: 1 (Comm. Ping) Motion carried.

## **E. Board of Commissioners**

### **a. Special Tax to Repair 2013-14 Winter Damage to Roads, Streets and Paths:**

Comm. LaBarre seconded by Comm. Peterson moved that the Board of Commissioners adopt the resolution assessing up to 1.0 mills to be levied against all real property in the County. Comm. Dan Smith separated this item from the consent agenda for a separate vote. Discussion on this item is provided below.

Comm. Dan Smith said that a version of this resolution had been presented two weeks ago. He said that he had made several updates to that resolution. He added that this new resolution included the map of proposed Road Commission projects.

Comm. Dan Smith seconded by Comm. Conan Smith withdrew the motion from two weeks ago. He moved the resolution that was distributed to the board. This motion was seconded by Comm. Conan Smith.

Comm. Rabhi thanked Comm. Dan Smith for his work on this resolution.

Comm. LaBarre thanked Comm. Dan Smith for his work and for making the case. He said that he felt it was best for the Board to wait and see what the state does in regard to road funding.

Comm. Martinez-Kratz said that he felt that this issue needed further study. He said that Scio Township had just passed a levy on its community. He said that a second levy would be a burden for his community.

Comm. Sizemore said that he would be more than happy to sit down with the Road Commission and talk about what needed to be done. He stated that the public has a right to decide what is done with the roads.

Comm. Peterson said that the levy request before the Board was not driven by the Board of Commissioners. He said that local communities have the ability to address local road issues. He stated that it needed to be seen what the state would do. He added that he appreciated Comm. Dan Smith and noted that many of the roads were in his district. He stated that the schools in his district are looking for ways to handle their debt. He added that they may pass a debt levy this summer which might be 2.8 mills on Willow Run. He stated that with that increase and the AAATA mill his constituents were looking at a 2-3 mill increase in their taxes this summer. He said that if his district could be exempted from this plan then he would vote for it. He stated that he wanted to see what the State of Michigan does with its transportation and road improvement funding.

Comm. Dan Smith said that the resolution in front of the board is for 0.4 mills. He added that the Board could wait for Lansing but the reality was that the roads are terrible. He stated that he was not confident that Lansing would act on the roads. He reported that an Act 283 levy is taken up annually so if the State solves the county's road problems then the Act 283 levy would not need to be continued. He said that there are many communities which do not have the ability to pay for the countywide roads. He stated that a perfect example of that was Austin Road in Bridgewater Township. He said that the care for local roads cannot be left to the communities. He stated that the Road Commission plan was great because it addressed major county wide plans. He conceded that by many measures using Act 283 was a bad plan but it was better than doing nothing and letting the roads crumble. He added that there will not be a perfect plan. He said that he would rather take this to the voters, but they would not be able to weigh in until November. He stated that there was also a consideration about what should be placed on the ballot.

Comm. Sizemore said that the Director of the Road Commission was in attendance as well as Road Commissioner Barbara Fuller.

Comm. Martinez-Kratz said that if it is a bad plan then it's not worth spending tax payer money on.

Comm. Peterson asked if communities could be opted out of this plan. Curt Hedger said that under Act 283 local communities could not opt out. Comm. Peterson asked if bike trails could be included in the millage since it was being levied under such an old law. Comm. Brabec noted that the bike trails had been excluded from this most recent version of the resolution. Comm. Peterson said that if the leadership of the local communities were in support of this resolution then they should be here in attendance that night. He added that the input he had received was encouraging him to vote against the resolution. He said that he has always supported the initiatives of local communities but he found it difficult to support this when the municipalities were not here to

express support for this. He stated that if the Board voted for this item this evening it was not in response to the will of the local communities.

Comm. Conan Smith asked how short the Road Commission was for winter maintenance. Roy Townsend said that the state had given the Road Commission a little money but it was mostly for salt expenditures and not for road repairs. He said that the infrastructure had been in poor condition before the winter and it was made worse by the severe weather. He said that construction season was limited and if something didn't happen soon it would be pushed off until 2015. Comm. Conan Smith said that it really wasn't envisioned that every decision would happen through direct democracy. He said that it was a representative process by design. He added that the phrase "taxation without representation" had emerged in a radically different time. He said that he hopes that some extra money is put into the roads.

Comm. Brabec thanked Comm. Conan Smith and Comm. Dan Smith for their work. She said that something needed to be done to address the roads. She added that if the levy was approved the money would not be collected until December. She said that the Board had the time to examine their options.

Comm. Conan Smith stated that the Road Commission would not put out bids for projects that weren't funded yet. Roy Townsend confirmed this.

Comm. Dan Smith stated that the townships have even less responsibility for roads than the Board of Commissioners. He said that this is one reason why township officials are not in attendance before the Board that night.

Comm. Rabhi seconded by Comm. Peterson called the question on the resolution put forward by Comm. Dan Smith.

Roll call vote on the call to question: YEAS: 8 NAYS: 0 ABSENT: 1 (Comm. Ping) Motion carried.

Roll call vote on Comm. Dan Smith's resolution: YEAS: 2 NAYS: 6 (Comm. Brabec, LaBarre, Martinez-Kratz, Peterson, Rabhi, Sizemore) ABSENT: 1 (Comm. Ping) Motion carried.

Comm. Rabhi seconded by Comm. Sizemore moved the following resolution:

"Resolved that the Board of Commissioners hereby forms the "Roads Funding Committee" consisting of 7 members to explore immediate and long term road funding options;

Resolved that the committee representation shall consist of 1 Road Commissioner or designee, the Road Commission managing director or designee, The Board of Commissioner's Road Commission liaison, 1 commissioner, 1 position representing townships, 1 position representing incorporated municipalities and 1 member of the public;

Resolved that the Administrator shall help to provide administrative support to the "Roads Funding Committee"; Resolved that the Board of Commissioners understands that the Road Commission may present a road funding plan at the Board's annual meeting as Act 283 of 1909 provides."

Comm. Conan Smith said that he appreciates the sentiment behind the subcommittee but he would not be supporting it. He added that he did not believe that road funding took priority over a number of items which are directly under the purview of the Board of Commissioners.

Comm. Peterson asked for the public's sake for a brief explanation of what just transpired. Comm. Brabec stated that the Board had just voted down a resolution which would levy a tax for the purpose of road repair. She added that Comm. Rabhi had proposed creating a subcommittee which would focus on funding for county roads.

Comm. LaBarre said that he felt that a lot of good work had been done on the resolution which was just voted down. He said that he felt that the legislature had the potential to pass some road funding. He added that the Board could always reexamine the option of levying a millage under Act 283. He stated that he supports Comm. Rabhi's resolution.

Comm. Sizemore said that he would be supporting Comm. Rabhi's resolution because each municipality might need their own approach to road funding.

Comm. Rabhi said that he had written his resolution in response to the sentiment that something must be done about roads but Act 283 may not be the right response for today.

Comm. Dan Smith said that there are no other Board of Commissioner mechanisms for road funding. He stated that barring extraordinary action from Lansing the options would not be different than they were that night. He said that after all the studying the board would be left with the same bad options they had now.

Comm. Conan Smith noted that they could issue general obligation bonds.

Comm. Peterson said that he was an advocate for people's dollars. He stated that the people had not asked for this action. He stated that the options are there for any local community to approach county government with a plan. He added that it is done for sewer improvements and site improvements and the county often pledges its full faith and credit.

Roll call vote on Comm. Rabhi's resolution: YEAS: 6 NAYS: 2 (Comm. Conan Smith, Dan Smith) ABSENT: 1 (Comm. Ping) Motion carried.

**Report of the Administrator:**

None

**Report of the Chair of Ways & Means**

- A. A discussion on the proposed Spring Budget Process; to identify, prioritize and appropriate any unbudgeted funds available for FY 2014

Comm. LaBarre seconded by Comm. Peterson moved that the Board approve a resolution adopting a 2014 Budget Calendar. Discussion on this item is provided below.

Roll call vote: YEAS: 8 NAYS: 0 ABSENT: 1 (Comm. Ping) Motion carried.

Comm. Brabec stated that the resolution before the Board brings forward a calendar outlining the budget process for the next several months. She added that the first quarter update had been received and they were reviewing the RFP responses looking for someone who could help the board properly allocate excess funds. She reported that Finance would be meeting with the individual departments to discuss budgets.

Comm. Conan Smith said that he felt that there was a problem with Administration making a recommendation before the issue had been discussed with the Board of Commissioners. He added that he did not feel that any sort of process had been created that was open or transparent. He said that the process outlined in the calendar did not give the board direction as to how surplus revenue should be approached. He stated that he feels frustrated because he was a part of the budgets that led to the current surplus. He said that it was an insufficient process for him. He added that it sounded to him like the decision had already been made. He recommended that the Administrator's recommendation be accepted in June and voted on in July.

Comm. Brabec said that she believed that the process does try to take his concerns into account. She added that the RFP out right now was hire someone to do this work. She noted that he was part of the process in determining who would engage the community stakeholders, department heads, the Board of Commissioners. She added that she would love if the process was faster.

Comm. Rabhi said that he agreed that the Administrator's recommendation should not be included in the timeline.

Comm. Conan Smith asked if there was an expectation that the \$3.9 million would go anywhere but fund balance. Comm. Brabec said that she had not discussed this everyone so she wasn't sure.

**Report of the Chair of the Board**

Comm. Rabhi reported that there would be a ten minute break after the adjournment of the Ways and Means meeting.

**Items for Current/Future Discussion**

None

**Pending**

None

**Adjournment**

Comm. Conan Smith seconded by Comm. Peterson moved that the meeting be adjourned until June 4<sup>th</sup>, 2014 at 6:30 p.m. Motion carried.

The meeting adjourned at 8:27 p.m.

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Felicia Brabec, Chair

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Lawrence Kestenbaum, Clerk/Register  
By: Peter Simms, Deputy Clerk

APPROVED: June 4, 2014