



WASHTENAW COUNTY BOARD OF COMMISSIONERS

WAYS & MEANS COMMITTEE

June 7, 2006

Chair Irwin 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, Irwin, Kern, Ouimet, Peterson, Prater, Sizemore, Smith, Solowczuk.

MEMBERS ABSENT: Comm. Grewal, Gunn.

OTHERS PRESENT: Robert Guenzel, County Administrator; Curtis Hedger, Corporation Counsel; Daniel Minzey, Washtenaw County Sheriff; Peter Ballios, Scott Patton, Finance; Gordon Burger, Jennifer Watson, Budget; David Behen, Dale Vanderford, Andy Smith, Ken Schrader, ITS; Verna McDaniel, Diane Heidt, Human Resources; Alan Israel, Prosecuting Attorney; Tim Morales, Rick Visel, Sheriff; Tony VanDerworp, Patricia Denig, Planning and Environment; Ellen Clement, Public Health; Mary O'Hare, Organizational Development; Dave Shirley, Facilities Management; Kerry Sheldon, Administration; Derrick Jackson, Stephen Kirschner, Clerk's Office; various citizens; and members of the press.

Roll Call

Citizen Participation

Doug Winters addressed the board concerning the police services agenda item. He stated that nothing the Board of Commissioners does this evening will end the litigation between the county and the several local units of governments. He read a statement by Judge Costello. He stated that the court of appeals will examine the townships request for appeal by June 16th. He told the board that they are proceeding in a reckless manner.

William McFarlane expressed appreciation to Paul Bunton for his work on the 800 MHz millage. He stated that it would not have passed without his assistance. He said that he is glad to have the completed police service contract, though he was disappointed that it took six months to complete.

Brenda Stumbo offered sympathy to the Lee family. She stated that the boarding out of inmates is a serious public safety concern. She asked that this issue be explained thoroughly tonight.

Commissioner Follow-Up to Citizens' Participation

Comm. Smith offered an apology to his colleagues on the board if any of his comments in the paper offended them. He stated that his comments in the previous meeting were meant to say the BOC has been deliberately driven into the election season in making decisions about police services.

New Business:

Planning & Environment Community of Interest:

Employment Training and Community Service – 2006 MPSC/MCAAA Energy Assistance Program:

Comm. Gunn seconded by Comm. Solowczuk moved to recommend that the Board of Commissioners approve the resolution ratifying the county administrator's signature on the ETCS fiscal year 2006 Michigan Public Service Commission (MPSC/Michigan Community Action Agency Association (MCAAA) application to the Michigan Community Action Agency Association for the Energy Assistance Program, in the amount of \$37,952 for the period of March 22, 2006 through July 31, 2006; authorized the administrator to sign the notice of grant award; approving the budget; authorizing the administrator to sign the delegate contracts.

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

Planning and Environment – Purchase of Development Rights Ordinance:

Comm. Gunn seconded by Comm. Solowczuk moved to recommend that the Board of Commissioners approve the resolution to adopt the revised Washtenaw County Purchase of Development Rights (PDR) Ordinance, to direct the county clerk to publish a notice of its adoption in a newspaper of general circulation in the county, to direct the county administrator to solicit candidates for appointment of the Agricultural Lands Preservation Advisory Committee to direct the County Administrator to solicit resolutions from townships which do not have adopted PDR ordinances authorizing the county's PDR ordinance to apply in the township and to direct the county administrator to begin the process of negotiation an Urban Cooperating agreement with townships within the county which have adopted PDR ordinance.

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

Curt hedger distributed a revision to the PDR ordinance and explained the changes.

Comm. Kern asked about the urban cooperation agreement. Patricia Denig explained what the urban cooperation agreement would accomplish. Comm. Kern asked how this will impact townships that do not have a Purchase of Development Rights ordinance. Patricia Denig responded that these jurisdictions would simply have to adopt the county's ordinance. Comm. Kern stated that it would be reasonable to implement a cost sharing mechanism, such as a 50/50 sharing.

Comm. Ouimet asked how differences in PDR's are resolved. Patricia Denig responded. Comm. Ouimet stated that he agreed with Comm. Kern about cost sharing.

Comm. Solowczuk stated that all this accomplishes is to align with the stated PDR and changes from a non-funded to a funded position. He stated that the county needs to be careful on how they proceed with this because they could create an incentive for the townships to abandon their own PDR's and simply adopt the county's. Comm. Solowczuk asked if local units of government score higher if the township has a plan rather than just the county. Patricia Denig stated that they would be allowed a few points.

Commissioner Gunn accepted a friendly amendment by Comm. Solowczuk to the resolution to add the corrections as distributed by Corporation Counsel.

Comm. Bergman stated that she agreed with Comm. Kern. She said that the county should look at the local units of government's contribution to the PDR.

Comm. Smith stated that this is a complex issue that the county may have an interest in which to maintain a strong hand. He stated that this strikes him as being an appropriate provision.

Comm. Kern asked if the funds from the special tax for open space can be used to cover these fees. Patricia Denig stated that agricultural lands do not fall under this use.

Comm. Prater stated that this policy is limited to 20 applications on an annual basis, so it should not become a major liability to the county. He urged the commissioners to approve the proposal.

Health Community of Interest:

Public Health – Reality Check Campaign:

Comm. Gunn seconded by Comm. Solowczuk moved to recommend that the Board of Commissioners approve the resolution ratifying the county administrator's signature on the two year grant application to the Washtenaw Community Health Organization for the Reality Check Project in eh amount of \$102,246 for the first year award and renewable in the second year for the grant period of October 1, 2006 to September 30, 2008.

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

Comm. Kern stated that she was hoping this would be a more proactive in its approach and asked Ellen Clement to comment on this. Ellen Clement stated that they are working with schools and other populations to use this resource. Comm. Kern asked about measurements of success. Ellen Clement responded.

Comm. Grewal stated that this is a wonderful program. She asked if this program will be partnered with other agencies. Ellen Clement responded that it works with both schools and substance abuse programs. Comm. Grewal

stated it would be nice if they will partner with non substance abuse programs. Ellen Clement stated that they will do this.

Comm. Bergman pointed out that there are rewards designate on this site.

Public Safety & Justice Community of Interest:

Prosecuting Attorney – Annual 2007 Cooperative Reimbursement Program:

Comm. Gunn seconded by Comm. Solowczuk moved to recommend that the Board of Commissioners approve the resolution ratifying the signature of the county administrator on an application with the Michigan Department of Human Services for Cooperative Reimbursement funds for the office of the Prosecuting Attorney for the period October 1, 2006 through September 30, 2007 in the amount of \$779,486; \$259,029 in local match and \$520,457 in state and federal funds.

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

Trial Court – Friend of the Court – Annual 2007 Cooperative Reimbursement Program:

Comm. Gunn seconded by Comm. Solowczuk moved to recommend that the Board of Commissioners approve the resolution ratifying the signature of the county administrator on the application for FY 2007 Title IV-D Cooperative Reimbursement Agreement with the Michigan Department of Human Services, Office of Child Support, for the Friend of the Court in an amount not to exceed \$3,814,528 for the period of October 1, 2006 through September 30, 2007.

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

Office of the Administrator Community of Interest:

Administration – Police Services:

Comm. Gunn seconded by Comm. Solowczuk moved to recommend that the Board of Commissioners approve the resolution extending two options to Ypsilanti Township, Augusta Township and Salem Township for contractual police services with Washtenaw County; providing a time for the townships to accept or reject either option; and providing a course of action for the board of commissioners to follow if both options are rejected.

Roll call vote: YEAS: 7. NAYS: 4 [Comms. Ouimet, Peterson, Prater and Sizemore] ABSENT: 0. Motion carried.

Comm. Peterson asked if this is moved tonight, when this item would be picked up again, and what is the urgency when this item may be influence by pending litigation. Bob Guenzel responded that the court has ruled that there is not a contract, and there is no established rate. He stated that administration feels that the board should move on this to resolve that issue. He stated that the deadline was extended to August to allow for negotiation time but also the resolve the issue. Comm. Peterson asked what the rate difference would be if this is approved. Bob Guenzel responded that the rate would be the same as the original contract provided. He stated that if the townships sign a month to month, the rate would be higher. Comm. Peterson stated that Ypsilanti Township is paying for the police service rendered to them. He stated that this item is moving quickly thought the court and it should be handled with patience. Comm. Peterson expressed that he hoped this could be delayed till the court has issued its ruling. He said that it should be noted that these townships are paying for their services.

Comm. Gunn stated that her constituents are subsidizing the townships police services. She stated that the county has spent around \$200,000 on legal services. She encouraged the citizens of Ypsilanti Township to ask how much they are paying for their case to be summarily dismissed. She said that this resolution secures the jobs of the deputies and she wants to see these contracts signed to preserve deputy jobs.

Comm. Smith commented that he deeply appreciated the position that Comm. Peterson is in. He said that he by refusing the sign the agreement, the townships have said that they are not interested in equity to all of the taxed entities. He stated that with that position, they should have to pay the full cost of that service. He said communities unwilling to participate should have to pay their entire freight. He stated it is time to end the legislative process and let the judicial system decide on their part. He added that he feels this board has been tremendously patient.

Comm. Ouimet stated that the community has come a long way through this process. He stated his concern is a reduction in police protection in the county. He added that he would have great concern pulling away support from the townships. He stated that the deputies have reacted to this situation with the highest degree of professionalism. He stated that this has come a long way since that first 10 to 1 vote and he thinks that for the overall good of the county it is best to let this play out, with full police protection.

Comm. Bergman stated that if there is a vacuum of police services in Ypsilanti Township, it would be their choice, not the county's. She stated that she will vote for this tonight, and she hopes the courts will rule on this quickly.

Comm. Grewal stated that coming from a township that pays its own police services, she does not support subsidizing other townships police services. She stated that it is tied to the jail overcrowding issue.

Comm. Sizemore stated that he will not support this tonight because of the loss of the sheriff deputies, and the need for the sheriff to back up other entities.

Comm. Irwin stated we have a situation where business relations between these townships and the county have broken down. He stated that the strategy of townships is to sue. He commented that Doug Winters stated that nothing the county can do will end the litigation. He said that this tipped the hand of township. He stated that he is prepared to act today, but does not want to rush this through, in order to allow the townships to react. He stated resolution will only come when the townships are willing to engage in negotiations.

Comm. Solowczuk stated that he thought the county has acted very fairly. He stated that his townships were subsidizing the litigating townships, but this resolves this issue. He stated that he will vote yes on this item.

Comm. Peterson asked what the response will be if the townships do not sign a contract. Bob Guenzel replied they would provide constitutionally mandated service, but he does not foresee any immediate reaction. He stated that he would discuss this with the commissioners, townships and sheriff to determine this level. He added that two townships are chartered and required to provide police services. He said that he does not want to reduce police services and that he wants the sheriff to be premiere police service in county. He stated that he would begin working with sheriff to determine what level of services to proceed with. Comm. Peterson asked what would happen to the core services. Bob Guenzel responded. Comm. Peterson stated that the commissioners are responsible for public safety county wide and this is not a subsidy. He stated that the townships pay county taxes are not subsidized. He said that the commissioners should be able to tell citizens what their future level of police services will be.

Comm. Prater read the following statement concerning the vote;

I voted "no" on the resolution because (whether or not intended) the resolution appears to be punitive in response to the refusal of the Plaintiffs who have not yet signed the "Police Services Contracts" as of this date. The court has cautioned this board of Commissioners during the hearing relative to these contracts, that the Board should not take punitive action against the plaintiff's. The Court hearing of Tuesday, April 25, 2006, according to the transcripts of that hearing, conveyed the following message to the Defendants (The County Board of Commissioners) and the Plaintiffs on pages 23 and 24 as stated by Judge Costello.

[I would find that in fact the status quo order should be lifted at this time. I'd indicate at least one if not more occasions that at any time the defendants wanted to have relief from that they needed to bring a motion, which they have. I also believe that it continues to be Sheriff Minzeys' responsibility that he has to respond to call from the citizens in those three townships. I also expect the County, I'm not ordering it, but I expect the County will in fact make those services available to the townships provided they are willing to pay for them. I would also expect that if, in fact, those amounts are more than what the other townships are currently paying that's going to look suspect on its face. I would expect the plaintiffs then to perhaps seek another preliminary injunction stating that if anything we should be paying the same amount as the other townships.

Now, I did not listen to the CD that was included in the plaintiffs' pleadings. I got the gist of it from what you said in the written part of your pleadings. And, as officers of the Court I will give weight to what you made claims that the county is going to try to be punitive. Again I think that if they are, I would expect that if you choose to do so again, you would seek such an injunction to say that we shouldn't be charged any more than anyone else.

As far as the county thinking that you should somehow be punished or sanctioned for challenging this process that can be addressed in the proceeding not before the court. That's the way I see it. I'm not saying that there are grounds for that but that's one way to address that.]

Therefore by attempting to force the Plaintiffs to sign four year contracts before the appeals have been ruled upon may also force the Judge to issue yet another injunction to stay the status quo until the appeals have run their course.

Administration – Facilities Management Policies:

Comm. Gunn seconded by Comm. Solowczuk moved to recommend that the Board of Commissioners approve the resolution authorizing the creation and elimination of Operation Policies for support services – facilities management as amended.

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

Comm. Irwin stated that the fleet element has been removed from the agenda.

Comm. Kern moved to make changes to the facilities management policies: to replace all use of the word handicapped with the work disabled on the Building Accessibility for Disabled Persons policy, on the same policy, to replace the words handicapped related with the word access from Section III part C, to add the words , clients and visitors to Section I of the Building – Preventative Maintenance Section, and to add a a subsection F to section III of the Buildings – Signage policy, stated “Wherever possible, exterior signage should conform to local government ordinances.”.

Comm. Gunn and Comm. Solowczuk accepted this as friendly amendments.

Comm. Prater moved to make changes to the Environmentally Sound Operations section: in section II subsection G, to replace the phrase measures taken with measures proposed and the phrase upon completion of the project with before the project commences; and in Section III, subsection A, the addition of the word harmful between the words reduced and effect..

Comm. Gunn and Comm. Solowczuk accepted this as friendly amendments.

Comm. Kern asked how one would locate the policy that would affect them. David Behen responded that all information will be available online, as well as through the help desk. Comm. Kern asked how a group would know what to do when the policies are not clear. She asked if there will be indexing of these policies. David Behen reasoned that indexing is something that they will look into.

Comm. Ouimet asked who approves outside use of county buildings. David responded that Dave Shirley or himself manage these situations.

Comm. Irwin thanked the staff that put this together.

Administration – Eastern Government Center Lease:

Comm. Gunn seconded by Comm. Solowczuk moved to recommend that the Board of Commissioners approve the resolution authorizing the chair of the board of commissioners to sign a month-to-month lease with the Michigan Suburbs Alliance for space at Washtenaw County’s Eastern Government Center.

Roll call vote: YEAS: 10. NAYS: 0 ABSTAIN: 1. [Comms. Smith] Motion carried.

Comm. Gunn seconded by Comm. Solowczuk moved to advance this item to the Board meeting of June 7th. Voice Vote. Motion passed. Comm. Smith abstained.

Administration – Jail Overcrowding:

Comm. Gunn seconded by Comm. Solowczuk moved to recommend that the Board of Commissioners approve the resolution approving the joint recommendation of the county administrator and county sheriff concerning jail overcrowding and the boarding out of Washtenaw County inmates to other county jail facilities.

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

Comm. Gunn seconded by Comm. Solowczuk moved to advance this item to the Board meeting of June 7th. Voice Vote. Motion passed.

Comm. Smith asked if this resolution should state “in this scenario” as opposed to scenario 7. Bob Guenzel stated that this change is in effect.

Comm. Irwin thanked the sheriff and administration for their work on this.

Report of the Administrator:

Report of the Sheriff:

Comm. Gunn seconded by Comm. Prater moved the report of Sheriff to front of agenda.

Sheriff Daniel Minzey reported to the board.

Comm. Irwin thanked the Sheriff for coming tonight and all the behind the scenes work he has done.

Comm. Smith thanked the sheriff for coming. He verified that the sheriff is in line with the administrator's recommendation to phase out boarding out of inmates. He asked the sheriff if he has a long range strategy to deal with the criminal justice needs. Sheriff Minzey stated that fiscal responsibility tied with three months of review would illuminate more options for making this work. Comm. Smith asked what role the judicial branch is playing in the overcrowding issue. The Sheriff replied that they are very involved in this process. Comm. Smith asked about the external factors resulting in overcrowding, and whether there is a rise in the crime rate. Sheriff Minzey stated that it is a combination of more violent crimes and better investigations.

Comm. Gunn thanked the sheriff coming. She asked the sheriff to describe a jail lockdown. Sheriff Minzey described it as locking inmates in their cell to free staff to accomplish necessary tasks, as well as it being easier to manage inmates in an overcrowding scenario. Comm. Gunn asked about reduced sentencing. The sheriff described the reduced sentencing technique.

Comm. Kern asked about alternative correction opportunities. Rick Visel described these opportunities and the alternative correction process. Comm. Kern asked if 60 days is a long sentence. Rick Visel responded that 30+ days are targeted for these programs.

Comm. Ouimet stated that he appreciates the sheriff presenting this evening. He asked if the maximum number of inmates is 400. The sheriff replied that while they can physically fit more, but it is difficult to manage. Comm. Ouimet asked what would happen if boarding went up to 450 after a no boarding out resolution has been passed. The sheriff stated that they would manage as best as they can. He stated that the lock down scenario would probably take effect. Comm. Ouimet asked how long the most extended lock down could be. Sheriff Minzey replied that the most they have seen is 3 days.

Comm. Bergman asked if the jail would be taking proactive position on alternative correction opportunities. Rick Visel responded. Comm. Bergman suggested looking at the 30% reduction available to the sheriff. The Sheriff responded. Comm. Bergman asked if federal guidelines for recreation are met during a lockdown situation. Sheriff Minzey replied that they are met. Comm. Bergman requested that there needs to be more analysis of how to reduce the level of inmates.

Comm. Grewal asked if an increase in serious crimes would affect prison populations more than jail populations. Sheriff Minzey responded that while this is true, the pre-trial prisoners would still be at the jail. Comm. Grewal asked if the percentage of pre trial inmates is high. Sheriff responded affirmatively. She stated that she would like to know what will happen after the 3 month evaluation period.

Comm. Solowczuk asked how jail staffing levels are being maintained. The Sheriff stated that while the new positions have been filled, attrition has left a staff need. Comm. Solowczuk stated that there are safety concerns with understaffing.

Comm. Gunn asked for the sheriffs opinion about the infrastructure improvements and added beds. The sheriff stated that he agrees there need to be more beds, but he does not know if moving would be required.

Comm. Prater asked whether the sheriff would endorse the use of a residential center. The sheriff responded that he thinks this a great option, but does not think it will resolve the overcrowding.

Comm. Sizemore stated that he agrees that something does need to be done with the jail, and also the court house.

Comm. Peterson asked what the reporting process for this overcrowding issue will be. He asked what reporting process of inmate population and population based on crimes committed would be put in place. Bob Guenzel responded.

Comm. Bergman stated that the state has lock out for certain crimes at certain times. She stated that this has resulted in greater use of local jails. She stated that keeping some capacity is necessary.

Report on Jail Overcrowding and Boarding Out:

Bob Guenzel reported to the board on his recommendation concerning jail overcrowding and boarding out of inmates to other county jail facilities. He asked the board to pass this resolution at both the Ways and Means and Board meeting.

Report of the Chair of the Board

None.

Items for Current/Future Discussion

None.

Citizen Participation

Brenda Stumbo commented on police services.

Audrey Jackson stated that this situation is analogous to the Nazi's trying to force the Jews out of Germany. She stated that the county has the money to build the jail and they should use it.

Harry Valentine stated that his department is understaffed according to federal standards.

Doug Winters clarified what he stated in the previous public comment. He reminded the board that there is an open meetings act violation still in litigation.

Tom Partridge declared his candidacy for commissioner district 3. He stated that he does not see Washtenaw county leaders putting forward their best.

Bill Manty stated that they are really close to making a big mistake. He asked not to beat up the sheriff department over this.

Pat Vaillencourt stated that with 18 months of data, 3 more months of data will not make a difference. She stated the county should use funds to put beds in the jail.

Commissioners Follow-up to Citizen Participation

None.

Adjournment

Comm. Prater seconded by Comm. Solowczuk moved that the meeting be adjourned until July 5, 2006.

The meeting adjourned at 9:35 p.m.

Jeff Irwin, Chair

Lawrence Kestenbaum, Clerk/Register
By: Stephen D. Kirschner, Deputy Clerk

APPROVED: