



## WASHTENAW COUNTY BOARD OF COMMISSIONERS

### WAYS & MEANS COMMITTEE

December 6, 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, Grewal, Gunn, Irwin, Kern, Ouimet, Peterson, Prater, Sizemore, Smith, Solowczuk.

**MEMBERS ABSENT:** None.

**OTHERS PRESENT:** Robert Guenzel, County Administrator Robert Guenzel, Deputy County Administrator Frank Cambria, Corporation Counsel Curt Hedger, Verna McDaniel Diane Heidt, Barb Finch, Human Resources; Peter Balliios, Finance; Brian Mackie, Alan Israel, Prosecuting Attorney; Gordon Burger, Budget; Mary Udoji, Library; David Behen, Dale Vanderford, James McFarlane, Uma Harithsa, Andy Brush, Mike Brogan, Information Technology; Anthony VanDerworp, Patricia Denig, Dan Myers, Planning and Environment; Pat Horne McGee, Head Start; Amy Klinke, Community Collaborative; Mary O'Hare, Organizational Development; Kerry Sheldon, Administration; Stephen Kirschner, Clerk's Office; various citizens; and members of the press.

#### **Roll Call**

Comm. Irwin moved the report of the administrator to the front of the agenda.

#### **Citizen Participation**

Comm. Irwin recognized Comm. Gunn to present resolutions of recognition to Michigan Theatre, Huron Valley Ambulance, Stephen Kirschner, Frank Cambria, Comms. Kern-Boprie, Solowczuk and Prater.

Dale Berry thanked the county for its support and stated that it has been a pleasure to work for the HVA for the last 25 years.

Stephen Kirschner thanked the Board and stated that it has been an honor and pleasure to work with them.

Frank Cambria thanked this board, the previous boards and Bob Guenzel for authorizing him to do the work that was needed.

Comm. Solowczuk thanked Bob Guenzel, Frank Cambria, the Board of Commissioners and the Washtenaw County staff for their assistance.

Comm. Kern thanked everyone and stated that she is leaving a better county than she started in.

Comm. Prater stated that Bob Guenzel and Frank Cambria have put together one of the best staff he has worked with. He thanked everyone and added that it really has been enjoyable.

Comm. Irwin stated that it has been an honor and privilege to work with Comms. Kern, Prater and Solowczuk. He added that he hopes he will see them around the community.

Thomas Partridge urged the commission to update its democratic policies and procedure and to take a position as a 21st century leader. He encouraged the board to pass a resolution to end homelessness in Washtenaw County. He asked that the county take action to stop all foreclosures and evictions in the county.

Roberta Andrews addressed the board concerning the severe negative impact that the elimination of boarding out inmates has had on Ypsilanti City. She urged the commission to do something immediately to reinstate the boarding out of inmates.

Ian Andrews urged the county to restore funding for boarding out of inmates.

Karen Bower asked the board to reinstate the boarding out of inmates.

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

Comm. Peterson asked if the administrator had any comments on the boarding out of inmates and the possibility of acting on this issue sometime this month. Bob Guenzel responded that he presented this problem to the city of Ypsilanti at last night's city council meeting. He outlined several options for dealing with the current over crowding situation, including jail diversion, the jail population manager position and the Sheriff's mandatory obligation to reduce sentencing time. He stated that once these have been accomplished, he would like to come back to the board and request a reauthorization for boarding out of inmates. Comm. Peterson asked if it is the sole responsibility of the Sheriff to act in a procedural manner to reduce overcrowding. Curt Hedger responded with an overview of the Public Act the governs this policy. Comm. Peterson asked if there has been any discussion with the Chief Judge regarding his options to reduce overcrowding. Bob Guenzel responded that there has been discussion with the judges, and they feel that the Sheriff should exercise his obligation to reduce sentencing. Comm. Peterson stated that there should be a discussion with the Sheriff about how to go about reducing the population of the jail. He encouraged the board to shorten their holiday break to address this problem.

Comm. Bergman stated that boarding out, at this point, is not a possibility. She stated that it was a circus when the sheriff boarded out inmates earlier this year, including the sheriff sending inmates to jails with which the county had no contract. She stated that until there is a sheriff who will follow the law, she will not endorse the boarding out of inmates.

Comm. Smith asked about the day rate for boarding out. Bob Guenzel responded that it comes out to about \$55 a day. He explained that the budget overrun at the jail is about \$1.5 Million, with \$500,000 being saved by ending boarding out. Comm. Smith asked who can initiate legal action against the Sheriff regarding the lockdown. Curt Hedger responded that anyone with legal standing may participate. Comm. Smith asked if the county is participating. Curt Hedger replied that the county is paying for his defense. Comm. Smith asked if there is a count on the number of people being turned away from the jail. Bob Guenzel responded that there is not a number count, though there is anecdotal information from the police chiefs. He stated that there needs to be commitment from the Sheriff and the courts. He added that if the courts and sheriff were committed to population control, he would be willing to support boarding out again. Comm. Smith asked if there is indication as to why the obligation to reduce population has not been followed. Bob Guenzel responded the Sheriff is waiting for direction from the courts, though this is not his obligation under the law. Comm. Smith commented that he want to make sure that the county does everything it can to ensure people's security over the holiday season. Bob stated that the CJCC would be taking this matter up at their meeting on Dec. 15.

Comm. Sizemore pointed out that the sheriff did not participate at the Ypsilanti City meeting last night. He suggested that there be a meeting with the sheriff, judges, prosecutor and commissioners to deal with this issue this month.

Comm. Prater stated that it is unfortunate that the sheriff is not participating in the CJCC. He commented that as long as the sheriff refuses to cooperate, there is little the commission or judges can do to address this issue.

Comm. Ouimet suggested that a commissioner sit down with the sheriff one on one to make one more attempt to bring him to the table. He agreed with the administrator that the sheriff's buy in is necessary to make a solution work and it is worth one more try to get this issue resolved. He stated that this is a critical issue and the commissioners need to do all they can to resolve it.

Comm. Gunn stated that this is a nice idea but she does not think it would work. She cited examples of time that the sheriff has refused to meet with commissioners. She stated that the forum for all of these entities to meet and work together is the CJCC, which the sheriff refuses to attend. She agreed with Comm. Prater that the Sheriff is breaking the law by not using with section 7.

Comm. Solowczuk expressed his agreement with the commissioner's who pointed out that the sheriff refuses to participate in this process. He stated that if the sheriff would do his job by reducing sentencing, he believes that the commissioners would be happy to look into boarding out inmates.

Comm. Grewal thanked the residents who came and spoke, putting a human face on the jail overcrowding issue. She agreed with the administrator that boarding out should be discussed, but in a fiscally responsible manner. She added that everyone is affected by this issue and the ball is in the Sheriff's court.

Comm. Bergman stated that they seem to hear more from jurisdictions with their own police departments about not getting prisoners in jail. She stated that she feels absolutely terrible about this situation, but she does not think boarding out will help resolve the issue.

Comm. Peterson asked how the CJCC's response on this issue on the 15th would be presented to the board, and how they could act on this. Bob Guenzel responded that the body has no authority except to influence the participants. Comm.

Peterson asked what role the CJCC will have in resolving this issue. He stated that he will ask the Sheriff to attend a meeting. He stated that it is important for the board to address this issue immediately after the next meeting of CJCC.

Comm. Prater thanked Comm. Peterson for bringing the Sheriff to the CJCC. He stated that the sheriff will be treated with civility and respect. He reminded the board that it is the sheriff that has the keys to the jail.

Comm. Smith asked if the CJCC has any authority to take action. Bob Guenzel replied that it does not. Comm. Smith asked if Mr. Geunzel can take action on the CJCC recommendations. Comm. Smith listed two options, either giving the administrator authority tonight to act on the CJCC's recommendations, or convene after the CJCC. He stated that his preference is to give authority to the CJCC to act.

**New Business:**

**Public Safety and Justice Community of Interest:**

**Trial Court – Community Corrections – 2007 Community Corrections Plan Agreement:**

Comm. Gunn seconded by Comm. Bergman moved to recommend that the Board of Commissioners approve the Resolution ratifying the County Administrator's signature on the Agreement between the State of Michigan, Michigan Department of Corrections/Office of Community Corrections and Washtenaw County/City of Ann Arbor Community Corrections Board for the FY07 Washtenaw County/City of Ann Arbor Community Corrections Comprehensive Plan in the amount of \$1,333,506 for the period of October 1, 2006 through September 30, 2007; adopting the budget; and authorizing the Administrator to sign delegate contracts.

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

**Prosecuting Attorney – Michigan High Intensity Drug Trafficking Authority (HIDTA):**

Comm. Gunn seconded by Comm. Bergman moved to recommend that the Board of Commissioners approve the resolution authorizing Washtenaw County to act as the Fiduciary Agent and Sponsoring Agency for the Southeastern Michigan High Intensity Drug Trafficking Area (HIDTA); authorizing the Administrator to sign annual funding award in conformity with the agreement; amending the budget; authorizing the Administrator to sign delegate contracts; and approving the creation of five (5) grant status 1.0 FTE positions.

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

Comm. Kern asked if this grant has separate financial reporting requirements or if it will run through the county's auditing cycle. Peter Ballios responded that it will go through both.

**Planning and Environment Community of Interest:**

**Planning and Environment:**

**2007 Survey and Remonumentation Grant:**

Comm. Gunn seconded by Comm. Bergman moved to recommend that the Board of Commissioners approve the Resolution authorizing the Application to the Michigan Department of Labor and Economic Growth for the 2007 Remonumentation Program in the amount of \$194,072; appointing a County Grant Administrator and County Representative; authorizing the Grant Administrator to sign the Notice of Grant Award; amending the budget and authorizing the Administrator to sign the delegate contracts.

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

**Whitmore Lake Improvement Project:**

Comm. Gunn seconded by Comm. Bergman moved to recommend that the Board of Commissioners approve the resolution Resolution directing the Board of Public Works to undertake a Lake Improvement Project for the Townships of Northfield and Green Oak.

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

**Employment Training and Community Services:**

**Annual Federal Foster Grandparent Program:**

Comm. Gunn seconded by Comm. Bergman moved to recommend that the Board of Commissioners approve the Resolution ratifying the signature of the County Administrator on the Application to the Corporation for National and Community Service for the Fiscal Year 2007 Federal Foster Grandparent Program (FGP) in the amount of \$447,675 for the period of January 1, 2007 through December 31, 2007 for Employment Training and Community Services Group; authorizing the Administrator to sign the Notice of Grant Award, approving the budget, and authorizing the Administrator to sign delegate contracts.

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

Comm. Kern asked if the number of children who qualify is increasing. Jenny Bivens responded that it is the grandparents who qualify for this program. Comm. Kern asked about eligibility requirements. Ms. Bivens responded.

Comm. Grewal thanked Ms. Bivens and Trenda Rusher for their thoroughness in providing detailed numbers for this program.

**Annual Work First Plan:**

Comm. Gunn seconded by Comm. Bergman moved to recommend that the Board of Commissioners approve the Resolution ratifying the Chair of the Board's signature on the application to the Michigan Department of Labor and Economic Growth for the Fiscal Year 2007 Work First Plan in the amount of \$1,762,450, for the period of October 1, 2006 to September 30, 2007 for Employment Training and Community Services Group; authorizing the Administrator to sign the Notice of Grant Award; approving the budget; and authorizing the Administrator to sign the delegate contracts.

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

**Annual Food Assistance Employment and Training Program:**

Comm. Gunn seconded by Comm. Bergman moved to recommend that the Board of Commissioners approve the Resolution ratifying the Chair of the Board's signature on the Fiscal Year (FY) 2007 Food Assistance Employment and Training Plan Application to the Michigan Department of Labor and Economic Growth in the amount of \$66,546 for the period of October 1, 2006 through September 30, 2007 for Employment Training and Community Services; authorizing the Administrator to sign the notice of grant award; approving the budget and authorizing the Administrator to sign delegate contracts.

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

**Michigan Enrolls Program Contract:**

Comm. Gunn seconded by Comm. Bergman moved to recommend that the Board of Commissioners approve the Resolution ratifying the signature of the County Administrator on the subcontractor agreement with the Michigan Community Action Agency Association for the Michigan Enrolls Program in the amount of \$38,220.08 for the period June 1, 2006 through March 31, 2009 for Employment Training and Community Services Group; and approving the budget, and authorizing the Administrator to sign delegate contracts.

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

**Office of Community Development:**

**Position Modifications for Community Development:**

Comm. Gunn seconded by Comm. Bergman moved to recommend that the Board of Commissioners approve the Resolution creating positions in the Office of Community Development to create a Comprehensive Rehabilitation Service Delivery Unit and authorizing the Administrator to sign the Partnership Agreement with the City of Ann Arbor.

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

**Jail Overcrowding and Boarding out of Inmates:**

Comm. Smith seconded by Comm. Peterson moved to authorize the County Administrator to approve the boarding out of up to 20 beds for a period of up to 90 days pending the Criminal Justice Collaborative Council's recommendation, and contingent on the implementation of Section 7 of the Jail Overcrowding Act by the Sheriff.

Comm. Bergman asked Comm. Smith if this resolution was for 20 individuals or 20 beds. Comm. Smith responded that he meant 20 beds. Comm. Bergman asked if there is restriction as to where the inmates can be boarded out. Comm. Irwin stated that right now it is left to the administrator. Bob Guenzel stated that he and Curt Hedger can control that so that these are only with nearby counties.

Comm. Kern stated that she will vote for this motion.

Comm. Grewal asked if there will be agreement on the timeframe for the sheriff to implement Section 7. She suggested adding a time frame contingent on implementation.

Comm. Smith seconded by Comm. Peterson made friendly amendment.

Comm. Solowczuk seconded by Comm. Prater moved an amendment to added to the above motion contingent on the sheriff recognizing the recommendations of the Commissioners and CJCC to hire Jail Population Manager, Prater.

Comm. Kern stated that she does not think it is wise to add this contingency.

Comm. Gunn stated that she agrees with Comm. Kern and that the sheriff agreement on the CJCC recommendation will be the best they can get.

Comm. Bergman agreed with Comm. Kern on this amendment and stated that she will not support it.

Comm. Prater commented that this resolution reduces the over crowding only minimally, and with out the Jail Population Manager, the freed beds will have minimal impact. He stated that this amendment should be approved.

Comm. Sizemore stated that he does not support this amendment.

Comm. Irwin stated that the amendment is well intentioned, but added that the Jail Population Manager contingency adds a murky element into the deal. He explained that it is difficult to make a contingent from this long term relationship that will only be positive if the general relationship between the county and the sheriff is positive. He added that without a working relationship between the board and the sheriff, a commitment to use the Jail Population Manager is not very useful. He concluded that he would not be supporting the amendment, as the board needs to take a couple more steps down the road of confidence building with the sheriff before this sort of long term relationship can be banked on.

Roll Call Vote on the amendment: YEAS: 2. NAYS: 9 [Comms. Bergman, Grewal, Gunn, Irwin, Kern, Ouimet, Peterson, Smith, Solowczuk. ABSENT: 0. Motion failed.

Comm. Kern moved to separate this item from the agenda.

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

Commissioner Smith seconded by Comm. Peterson moved that this item go before the regular board meeting on Dec. 6, 2006.

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.

**Citizen Participation**

Thomas Partridge addressed the board on the need for thinking outside the parameters on the board's policies. He suggested changing the word sheriff to law enforcement executive and jail to legal rehabilitation facility.

**Commissioners Follow-up to Citizen Participation**

None.

**Adjournment**

Comm. Solowczuk seconded by Comm. Bergman moved that the meeting be adjourned until January 17, 2006.

The meeting adjourned at 9:10 p.m.

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Jeff Irwin, Chair

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

APPROVED: