

**Jackson County Board of Commissioners Meetings Minutes**  
**June 19, 2007 - Regular Meeting**  
**Jackson County Commissioners Chambers: 7:00 p.m.**

**CALL TO ORDER:**

Chairman Shotwell called the June 19, 2007, meeting of the Jackson County Board of Commissioners to order at 7:00 p.m.

**INVOCATION:**

Commissioner Mike Brown

**PLEDGE OF ALLEGIANCE:** Led by Chairman Shotwell

**ROLL CALL:** Chief Deputy County Clerk, Amanda L. Riska

(10) Present. Cmr. Herl, Lutchka, Brittain, Duckham, Poleski, Videto, Brown, Smith, Elwell and Shotwell.

(2) Absent. Cmr. Mahoney and Way.

**APPROVAL OF AGENDA:**

*Moved by Videto, supported by Duckham for Approval of the Agenda.* Cmr. Poleski moved to add the following items to June 19, 2007, agenda: under Item 18 - Closed session to consider a contract; under Item 15 – Proposed contract settlement with Attorney, Referee, Magistrate Association of Jackson County; and also under Item 15 – To consider the JTA proposed contract. No other additions to the agenda. Motion carried.

**AWARDS & RECOGNITIONS:**

Chairman Shotwell skipped ahead to Item B first.

*B. Moved by Shotwell, supported by Brittain to Adopt Resolution (06-07.23) Honoring Marcia Smith-Murphy Upon Her Retirement.* Roll Call: (10) Yeas. Motion carried unanimously. Chairman Shotwell read the resolution aloud and presented it to Marcia Smith-Murphy.

*A. Moved by Shotwell, supported by Herl to Adopt Resolution (06-07.19) Honoring the Honorable Charles Falahee, Jr. Upon his Retirement.* Roll Call: (10) Yeas. Motion carried unanimously.

*C. Jackson District Library Expansion Plan Update. Moved by Poleski, supported by Videto to Receive Handout.* Motion carried. Ishwar Laxminarayan gave a short presentation about the update and the increased use of libraries.

At 7:15 p.m., Chairman Shotwell opened Public Comment until 7:20 p.m. due to the Public Hearing.

**PUBLIC COMMENT:**

Marilyn Lackshaw, Spring Arbor Township resident, spoke about her deep concern regarding the transportation issue for the disabled. She wasn't aware of another contract they are reviewing, but she can foresee a lot of pain that this is going to cause disabled in our community. She hopes that the Commissioners will stay at the table and work out a contract that will not damage disabled people who are also taxpayers and voters in Jackson County.

Doug Parise from Affordable Towing asked for the commissioner's help with the towing issues in Jackson County. He stated that there about nine small towing companies in Jackson and about 65-70% of impounds and accidents are only going to one towing company. Gary Manthei, from Jimmie's Inc., stated that the Sheriff's Department has a set of towing policies that they are not following. He asked if it could be placed on a meeting agenda so it can be addressed.

**SPECIAL ORDERS/PUBLIC HEARINGS [7:20 p.m.]:**

**A. Use of Justice Assistance Grant Funds through the Edward Byrne Memorial Justice Assistance Grant (JAG) through the United States Department of Justice.** JPD Deputy Chief Heins was present to answer questions. There were no questions.

#### **COMMUNICATIONS/PETITIONS:**

None.

#### **PUBLIC COMMENT CON'T [7:22 p.m.]:**

Phil Lancaster thanked Marcia Smith-Murphy for her work as the County Guardian. He said he watched her perform her duties with the utmost of excellence and professionalism. He also expressed his support of the library's effort for expansion.

Phil Berkemeier also extended accolades to Marcia Smith-Murphy for the excellent job she did over many years. He also wanted to show gratitude to Judge Falahee and Sandy Crowley for their dedication to the county. He said that he speaking primarily to discuss the felony contract. He thinks this is the first time that the contract for felony work has been competitively bid. He's concerned that there is another proposal that he hasn't seen. He encouraged the commissioners not to go that way because it was not the bid that was solicited.

Jerry Engle expressed his concerns about the way that the bids came in on the second contract. He thinks that if attorneys are receiving different fees, that cases will end up in Federal Court and cases will be reversed.

Bruce Barton voiced his concerns regarding the contract that was submitted outside of the bidding process. He urged the commissioners to open up the representation of indigents in Jackson County to those that are not currently on the contract if they are qualified.

Susan Dehncke, one of the attorneys that submitted the proposal outside of the bidding process, explained how the proposal would work.

Estelle Graves spoke regarding JTA concerns. She asked the commissioners to come up with a way to increase the hours for the people who need the services to be able to get to and from work.

Dewey Graves, Jr. spoke regarding JTA. He still believes there is time for the commissioners to come up with a plan for JTA to keep the services that citizens need.

Anthony Raduazo urged the commissioners to consider the proposal he and the other attorneys submitted. He said it is a legitimate attempt to meet their need for cost certainty and a cap for a two-year period. He spoke with Judge Sheridan of Lenawee County where they use this same process, and he reported that it works very successfully there.

Public comment closed at 7:43 p.m.

#### **SPECIAL MEETINGS OF STANDING COMMITTEES:**

A. County Affairs

1. Grant with MDOT for Runway 14-32 Phase One
2. Mead and Hunt Construction Administration Contract
3. Resolution (06-07.21) Authorizing the County Board of Commissioners Chair, JamesE. Shotwell, Jr., to Sign MDOT Contract #2007-0615 (Federal Project #B-26-0051-1707), for extension of Runway 14-32 (Phase I) Part 405 Survey; FAA Reimbursable Agreement as Further Defined in (Contract No. 38-01-C69) at the Jackson County Airport

#### **MINUTES:**

A. Minutes of the 5/15/07 Regular Meeting of the Jackson County Board of Commissioners.

*Moved by Videto, supported by Duckham to Approve the Minutes of the 5/15/07 Regular Meeting of the JacksonCounty Board of Commissioners.* Motion carried unanimously.

#### **CONSENT AGENDA:**

*Moved by Herl, supported by Brown to Accept the Consent Agenda Items A through E.* Cmr. Brittain asked to have Items 12B3 & 12D10 pulled. Chairman Shotwell moved Item 12B3 to Item 13B, Standing Committees - County Agencies, and Item 12D10 was moved to Item 13D, Standing Committees – Personnel and Finance. Roll Call: (10) Yeas. Motion carried unanimously.

#### **A. County Affairs**

1. Jackson County 2007 Millage Rates

#### **B. County Agencies**

2. Use of Justice Assistance Grant Funds through the Edward Byrne Memorial Justice Assistance Grant (JAG) through the United States Department of Justice
3. Felony Court Appointed Attorneys

#### **C. Human Services**

4. Approval of Accreditation Plan of Organization
5. Fiscal Year 2008 Annual Implementation Plan for Older American Act Funded Services
6. Deletion of Two Full-Time Sanitarian Positions in the Health Department

#### **D. Personnel & Finance**

7. Resolution (06-07.22) to Allow the Jackson County Land Band Authority to Purchase Two Foreclosed Properties from the County of Jackson
8. Friend of the Court Request for Reorganization Under FOC Strategic Plan to Create and Abolish Positions
9. Resolution (06-07.20) Authorizing Intergovernmental Transfer for Indigent Care Agreement for Jackson County
10. Recommendation for Bid Award for Vehicle Maintenance Building at Chanter Road
11. Part-Time 4-H Program Assistance Position
12. Budget Adjustments
  - a. Treasurer's Office
  - b. Health Department
  - c. Friend of the Court

#### **E. Claims**

13. Claims dated 5/1/07-5/31/07 as presented to and approved by the Standing Committees

#### **STANDING COMMITTEES:**

##### **A. County Affairs – Commissioner Dave Lutchka**

1. Appointment to the County Building Authority, one public member, term to 6/2010. The committee recommends Ric Scheele. No other nominations from the floor. Motion carried unanimously.
2. Appointment to the Jackson Transportation Authority, one public member, term to 3/1/2008 . The committee recommends Philip Moilanen. No other nominations from the floor. Motion carried unanimously.
3. Appointment to the Brownfield Redevelopment Authority, three public members, terms to 3/2010. The committee recommends Dale Moretz, Jeanne Laimon and James Glen. No other nominations from the floor. Motion carried unanimously.
4. Grant with MDOT for Runway 14-32 Phase One.  
*Moved by Lutchka, supported by Brittain to Approve the Grant with MDOT for Runway 14-32 Phase One.*  
Motion carried unanimously.
5. Mead and Hunt Construction Administration Contract.  
*Moved by Lutchka, supported by Brittain to Approve the Mead and Hunt Construction Administration Contract.* Motion carried unanimously.

6. Resolution (06-07.21) Authorizing the County Board of Commissioners Chair, James E. Shotwell, Jr., to Sign MDOT Contract #2007-0615 (Federal Project #B-26-0051-1707), for Extension of Runway 14-32 (Phase I) Part 405 Survey; FAA Reimbursable Agreement as Further Defined in (Contract No. 38-01-C69) at the Jackson County Airport.

7. *Moved by Lutchka, supported by Brown to Approve Resolution (06-07.21) Authorizing the County Board of Commissioners Chair, James E. Shotwell, Jr., to Sign MDOT Contract #2007-0615 (Federal Project #B-26-0051-1707), for Extension of Runway 14-32 (Phase I) Part 405 Survey; FAA Reimbursable Agreement as Further Defined in (Contract No. 38-01-C69) at the Jackson County Airport.* Roll Call: (10) Yeas. Motion carried unanimously.

**B. County Agencies – Vice Chairman Commissioner Earl Poleski**

1. Felony Court Appointed Attorneys – *Item 12B3 moved from the Consent Agenda.*

*Moved by Poleski, supported by Lutchka to Approve the Four Category Bid Proposal, for One Year, for Felony Court Appointed Attorneys and to Cancel the Old Contracts.*

Cmr. Brittain would like to see it taken back for another bid so everyone can have an equal chance. He feels that they should go with the flat bid or the 25% reduction from what the cases were last year. He asked that it be tabled to allow for more discussion before they have their final vote.

Cmr. Poleski stated that he thinks everyone agrees that if the existing contract is not changed that it will go over-budget as it has for the past two years. The question is what we should change to. He said the longer we delay making the change, the more likely we are to be over budget. In his view, the vote should be tonight. He also mentioned the two suggestions submitted by the existing contract attorneys outside of the bid process. He thinks both proposals are admirable and that they should be considered, but not right now. The bid request didn't ask for those types of bids, so there was no other firm or group that bid that same way. His point is that if we don't follow our own bid process, anyone who bid in good faith that we would accept the low bids of qualified attorneys would be justifiably angry. If we ask for bids in the future, they may choose not to bid and who could blame them. A new contract will bring in some new attorneys and everyone knows there is going to be some glitches. There are with all new things, but he trusts the judges and local attorneys to work together professionally to overcome the inevitable difficulties. It will only be a one year contract and he knows it won't be perfect. During this year the process will be observed and consider whether this process or some other is best for providing felony defense services. We have heard a number of excellent suggestions here tonight. He urged the commissioner to vote to adopt the recommendation of County Agencies.

Cmr. Elwell supports the motion that came out of Agencies and he will be voting for it tonight. He thinks that there are a couple of alternate informal proposals that were outside the bid process that may make sense and that is something that we should be looking at eight to ten months from now as the contract is coming up for expiration.

Cmr. Lutchka echoed Cmr. Elwell's statements other than he thinks it should be looked at within two or three months instead of waiting to do it eight to ten months down the road. The quicker we make the change, the quicker the county will start saving some money and we can look at other alternatives later.

Cmr. Brown stated that change is hard to take. He said we are in the 2000's not the 1960's or 1970's and we need to do something. We need to sit down at the round table to get some good ideas to make this county grow.

Cmr. Duckham would like to void out the existing contract and see a 20% reduction in the fees, but he would also like to add other qualified attorneys to the process and try it for a year. He also believes sitting down at the round table is good to come up with some of the best ideas to see what would work best for the county.

Cmr. Brittain will be opposing this contract unless it's tabled for a third bid, or at least another option.

Cmr. Herl is going to support what came out of committee because he thinks that the work has been done. He said a lot of good points have come out during the process, but he would still like to see how this contract works for one year. He also agrees with Cmr. Lutchka that we should start looking at it within the next three months and track it as we go.

Cmr. Duckham respects the thought process of protecting the integrity of the bid process, however, when he thinks about going back to the people that have elected him to tell them that they left \$150,000 on the table just to protect the integrity of a bid process, he thinks it's his job to do what's right for the people that have elected them.

Roll Call: (8) Yeas. Cmr. Herl, Lutchka, Poleski, Videto, Shotwell, Brown, Smith and Elwell. (2) Nays. Cmr. Brittain and Duckham.  
Motion carried.

**C. Human Services – Commissioner Mike Way**

None.

**D. Personnel and Finance – Commissioner James Videto**

1. Recommendation for Bid Award for Vehicle Maintenance Building at Chanter Road.

*Moved by Videto, supported by Lutchka to Approve the Bid Award for Vehicle Maintenance Building at Chanter Road to the Low Bidder, R.W. Mercer Construction Company.*

Cmr. Brittain stated that he did vote in favor of this in committee but has done some more thinking on this issue. He still feels that the old maintenance building next to the animal shelter will be the perfect building for this type of maintenance. That is why he is going to oppose this vote.

Roll Call: (9) Yeas. Cmr. Herl, Lutchka, Duckham, Poleski, Videto, Shotwell, Brown, Smith and Elwell. (1) Nay. Cmr. Brittain.  
Motion carried.

**UNFINISHED BUSINESS:**

None.

**NEW BUSINESS:**

1. Proposed Contract Settlement with the Attorney, Referee, and Magistrate Association of Jackson County.  
*Moved by Herl, supported by Lutchka to Approve the Proposed Contract Settlement with the Attorney, Referee, and Magistrate Association of Jackson .* Roll call: (10) Yeas. Motion carried unanimously.

2. Consider the Jackson Transportation Authority Contract.  
*Moved by Poleski, supported by Elwell to Approve the Jackson Transportation Authority Contract.* Roll Call: (10) Yeas. Motion carried unanimously.

**PUBLIC COMMENT:**

None.

**COMMISSIONER COMMENTS:**

Cmr. Poleski asked Randy Treacher whether or not he was able to get the conflict of interest representations as to the Rives Township sewer project. Mr. Treacher stated that the board approved an amendment to the full faith credit policy. There is a form that is to be filled out by any of the subcontractors on those projects, which would include – as an example - attorneys, financial advisors, engineers, etc. He did provide that form to the Drain Commissioner who is the county agent for those projects. He has followed up with the Drain Commissioner and reminded him that the form had to be filled out. The board approved the Rives project a month ago and the resolution has been prepared and certified by the Clerk. The Chair has not yet signed that until we get the form that is required by the board. He stated that they have had a number of conversations face to face as well as e-mail, etc. and he is very aware of that. The resolution is waiting for that item to be completed.

Cmr. Brittain still feels that the JTA millage should be put on the ballot for August. He understands with the way things are that it probably won't happen, but he still thinks it should be addressed. He also would like to make sure that he gets information about what the towing contractors brought up during public comment.

**CLOSED SESSION:**

*Moved by Videto, supported by Duchkam to Go Into Closed Session.* Motion carried unanimously.  
(The Commissioners adjourned to Room 101 at approximately 8:05 p.m. )

**OPEN SESSION:**

*Moved by Brittain, supported by Poleski to Return to Open Session.* Motion carried unanimously.  
(Open session resumed at approximately 9: 05 p.m. )

*Moved by Elwell, supported by Duckham to Authorize the Administrator, in Conjunction with the Fair Manager, to Negotiate a One Year Sponsorship Contract for Naming a Fair Building for a Fee. Board Chair Shall be Authorized to Sign, and Legal Counsel Shall be Consulted. No Other Such Contracts Shall be Considered Until a Policy is Established by the Board of Commissioners.* Roll Call: (8) Yeas. Cmrs. Herl, Lutchka, Brittain, Duckham, Videto, Brown, Smith and Elwell. (2) Nays. Cmrs. Poleski and Shotwell. Motion carried.

**ADJOURNMENT:**

Chairman Shotwell adjourned the June 19, 2007 , meeting of the Jackson County Board of Commissioners at 9:10 p.m.

James E. Shotwell, Jr. - Chairman, Jackson County Board of Commissioners  
Sandra L. Crowley - Jackson County Clerk  
Respectfully submitted by Amanda L. Riska – Chief Deputy County Clerk