



BOARD OF COMMISSIONERS

1 S. Main St., 9th Floor
Mount Clemens, Michigan 48043
586-469-5125 FAX 586-469-5993
macombcountymi.gov/boardofcommissioners

BUILDINGS, ROADS AND PUBLIC WORKS COMMITTEE

MONDAY, MARCH 15, 2010

AGENDA

1. Call to Order
2. Pledge of Allegiance
3. Adoption of Agenda, **AS AMENDED, TO INCLUDE #13 AND 14**
4. Approval of Minutes dated February 8, 2010 (previously distributed)
5. Public Participation

6. Confirmation of Agreement for Plante & Moran to Provide Audit Services for Road Commission (mailed)
7. Payment of Invoice: Bernco, Inc./Juvenile Justice Center-Phase II Renovations (mailed)
8. Request from Turning Point for Use of County's Parking Structure for a "Trunk or Treat" Event (mailed)
9. Request from Friends of Mt. Clemens for Use of County Lot for Bud Light Car Show and Cruise Night Event (mailed)
10. Update on Kitchen Renovation at Jail
11. Review of Proposal Re: Terms of Lease Extension Between County of Macomb and Macomb County Bar Association (to be provided)
12. Adopt Resolution Commending Matthew Lewis – Eagle Scout (offered by Sprys)
13. Adopt Full Faith and Credit Resolution for the Recovery Zone Bond Allocation - North Gratiot Interceptor Drain (mailed)
14. Cooling Tower Replacement Project for County Building (mailed)
15. New Business
16. Public Participation
17. Adjournment

MEMBERS: Duzyj-Chair, Carabelli-Vice-Chair, DiMaria, Szczepanski, Doherty, Brdak, Boyle, Kepler, Sprys and Gielegem (ex-officio)

MACOMB COUNTY BOARD OF COMMISSIONERS

Andrey Duzyj - District 1
Marvin E. Sauger - District 2
Phillip A. DiMaria - District 3
Toni Meceri - District 4
Susan L. Doherty - District 5

Sue Rocca - District 7
David Flynn - District 8
Robert Mijac - District 9
Ken Lampar - District 10
Ed Szczepanski - District 11

James L. Carabelli - District 12
Don Brown - District 13
Brian Brdak - District 14
Keith Rengert - District 15
Carey Torrice - District 16

Paul Gielegem
District 19
Chairman

Ed Bruley - District 17
Dana Camphous-Peterson - District 18
Irene M. Kepler - District 21
Frank Accavitti Jr. - District 22

Kathy Tocco
District 20
Vice Chair

Joan Flynn
District 6
Sergeant-At-Arms

William A. Crouchman - District 23
Michael A. Boyle - District 24
Kathy D. Vosburg - District 25
Jeffery S. Sprys - District 26

RESOLUTION NO. _____ FULL BOARD MEETING DATE: _____

AGENDA ITEM: _____

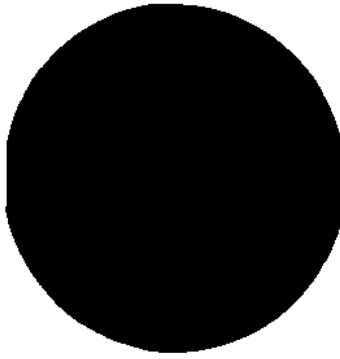
MACOMB COUNTY, MICHIGAN

RESOLUTION TO approve the confirmation of agreement for Plante & Moran to provide audit services for the Road Commission of Macomb County for Fiscal Year ending September 30, 2010

INTRODUCED BY: Andrey Duzyj, Chair, Buildings, Roads & Public Works Committee

COMMITTEE/MEETING DATE
BR&PW 3-15-10

Lawrence J. Moloney, P.E.,
CHAIR
Dan G. Dirks,
VICE-CHAIR
Fran Gillett,
COMMISSIONER



**BOARD OF COUNTY ROAD COMMISSIONERS
OF MACOMB COUNTY**

Administration Building
117 S. Groesbeck Highway
Mount Clemens, Michigan 48043
www.rcmcweb.org
(586) 463-8671

March 5, 2010

Commissioner Andrey Duzyj, Chair
Buildings, Roads, and Public Works Committee
Macomb County Board of Commissioners
Administration Building – 9th Floor
Mt. Clemens, MI 48043

Dear Commissioner Duzyj:

Subject: CONFIRMATION OF AGREEMENT FOR PLANTE & MORAN TO PROVIDE
AUDIT SERVICES FOR THE ROAD COMMISSION OF MACOMB COUNTY
FOR FISCAL YEAR ENDING SEPTEMBER 30, 2010

We respectfully request confirmation of our selection of Plante & Moran, PLLC as the Road Commission's independent auditing firm for the fiscal year ending September 30, 2010. Included in the agreement are both the financial statement audit and the audit of federal programs. As the Road Commission will become a department of the County on January 1, 2011, only a one year confirmation is requested.

The Road Commission of Macomb County has received an unqualified opinion on prior audits, which is the highest opinion that can be given. We have considered the following factors, which we believe are critical in the selection of auditors for the Road Commission.

Experience and qualifications

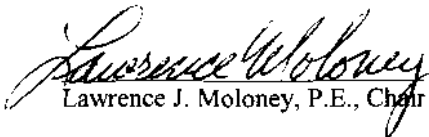
- Plante & Moran is the leading firm in the state in auditing governments and road commissions. Plante & Moran specializes in road commission accounting, providing auditing and consulting services to the State's largest road commissions.
- Plante & Moran has a large staff of trained governmental auditors, and their staff turnover has been very low. The staffing of our audit has been very consistent, thereby significantly reducing the additional time and cost on our behalf 'training' new auditors and/or changing auditing firms. This has resulted in a 6.45% reduction in fees for the Fiscal Year 2009/2010 audit.
- Plante & Moran provides information regarding current events and changes in laws and regulations as part of their basic audit service at no additional charge. We have found this very helpful in ensuring we are in compliance with the latest applicable laws, regulations and accounting rules.

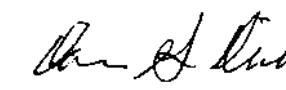
- In our experience, the audit report has always been delivered on a timely basis, which is critical since our Michigan Transportation monies are in jeopardy if our audit report is not filed timely.
- Our experience has been that Plante & Moran understands the close attention and responsiveness we require from our professional advisors, and delivers the kind of service we expect. We have the benefit of their size and expertise while also having the benefits of a responsive business relationship.
- We regularly attend and hear speakers from Plante & Moran at training sessions conducted by the County Road Association of Michigan (CRAM), Michigan Municipal Finance Officers Association (MMFOA), the Michigan Municipal League, the Michigan Township Association, and others.

Based on Plante & Moran's status as experts in governmental auditing and our own favorable experience with them, we are very satisfied with the quality of their work and the capability and integrity of their personnel. After review of the facts above and due deliberation, the Board of County Road Commissioners of Macomb County approved the agreement at their meeting held on Thursday, March 4, 2010 and respectfully requests the Buildings, Roads and Public Works Committee to confirm the selection of Plante & Moran, PLLC as our auditors for the Fiscal Year ending September 30, 2010. Please place this item on the agenda of the Buildings, Roads and Public Works Committee to be held on Monday, March 15, 2010.

Respectfully,

Board of County Road Commissioners of Macomb County


Lawrence J. Moloney, P.E., Chair


Dan G. Dirks, Vice-Chair


Fran Gillett, Commissioner

cc: Paul Gielegem, Chair, Board of County Commissioners
Corine Bedard, Committee Reporter

(MiscAuditService

RECYCLABLE PAPER

RESOLUTION NO. _____

FULL BOARD MEETING DATE: _____

AGENDA ITEM: _____

MACOMB COUNTY, MICHIGAN

RESOLUTION TO: Authoize payment to Bernco, Inc., in the amount of \$45,470.82, for construction servives
performed for the Juvenile Justice Center - Phase II Renovations.

Application No. 25. Funds for this Project are available in the Capital Budget.

INTRODUCED BY: Commissioner Andrey Duzyj, Chair
Buildings, Roads & Public Works

COMMITTEE/MEETING DATE

Buildings, Roads & Public Works:3/15/10

APPLICATION AND CERTIFICATE FOR PAYMENT

AIA DOCUMENT G702

PAGE 1 OF 1

TO OWNER:
 County of Macomb
 13th Floor
 10 North Main Street
 Mt. Clemens, MI 48043

PROJECT:
 Macomb County
 Juvenile Justice Center
 Phase II Renovations

FROM CONTRACTOR: BERNCO, INC.
 20516 Eleven Mile Road, St. Clair Shores, MI 48081

VIA ARCHITECT: Wehaly Associates, Inc.
 30500 Van Dyke Ave., Suite M
 Warren, MI 48093

APPLICATION NO: 26
APPLICATION DATE: 2/22/2010
PERIOD TO: 2/22/2010
BERNCO JOB #: 3007.005
INVOICE NO: 1827
CONTRACT DATE:

DISTRIBUTION TO:

<input checked="" type="checkbox"/>	OWNER
<input checked="" type="checkbox"/>	CONTRACTOR
<input checked="" type="checkbox"/>	ARCHITECT
<input type="checkbox"/>	
<input type="checkbox"/>	

CONTRACTOR'S APPLICATION FOR PAYMENT

Application is made for payment, as shown below, in connection with the Contract Continuation Sheet, AIA Document G703, is attached.


- 1. ORIGINAL CONTRACT SUM..... \$5,248,000.00
- 2. Net change by Change Orders..... \$478,120.00
- 3. CONTRACT SUM TO DATE (LINE 1+2)..... \$5,726,120.00
- 4. TOTAL COMPLETED & STORED TO DATE..... \$5,726,120.00
 (Column G on G703)
- 5. RETAINAGE:
 - a. 2.5% of Completed Work \$4,345.58
 (Column D + E on G703)
 - b. of Stored Material
 (Column F on G703)
 Total Retainage (Line 5a + 5b or Total in Column I of G703) \$4,345.58
- 6. TOTAL EARNED LESS RETAINAGE..... \$5,721,774.42
 (Line 4 less Line 5 Total)
- 7. LESS PREVIOUS CERTIFICATES FOR PAYMENTS
 (Line 6 from prior Certificate)..... \$5,674,883.80
- 8. CURRENT PAYMENT DUE..... \$45,970.82
- 9. BALANCE TO FINISH, INCLUDING RETAINAGE..... \$4,345.58
 (Line 3 less Line 8)

CHANGE ORDER SUMMARY	ADDITIONS	DEDUCTIONS
Total changes approved in previous months by Owner	\$478,120.00	
Total approved this month		
TOTALS	\$478,120.00	
NET CHANGES by Change Order	\$478,120.00	

The undersigned Contractor certifies that to the best of the Contractor's knowledge, information and belief the work covered by this Application for Payment has been completed in accordance with the Contract Documents, that all amounts have been paid by the Contractor for Work for which previous Certificates for Payment were issued and payments received from the Owner, and that current payment shown herein is now due.

CONTRACTOR: BERNCO, INC.

By:  Date: 2/26/10
 (Bernard Cativera)

State of Michigan
 County of: Macomb
 Subscribed and sworn to before me this 26 day of 
 Notary Public:
 (James Cativera)
 My Commission expires: 12-9-2011

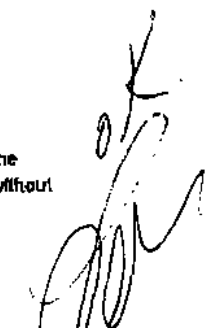
ARCHITECT'S CERTIFICATE FOR PAYMENT

In accordance with the Contract Documents, based on the on-site observations and the data comprising this application, the Architect certifies to the Owner that to the best of the Architect's knowledge, information and belief the Work has progressed as indicated, the quality of the Work is in accordance with the Contract Documents, and the Contractor is entitled to payment of the AMOUNT CERTIFIED.

AMOUNT CERTIFIED..... \$45,970.82
 (Attach explanation if amount certified differs from the amount applied for. Initial all figures on this Application and on the Continuation Sheet that are changed to conform to the amount certified.)

ARCHITECT:
 By:  Date: 2/1/10

This Certificate is not negotiable. The AMOUNT CERTIFIED is payable only to the Contractor named herein, issuance, payment and acceptance of payment are without prejudice to any rights of the Owner or Contractor under this Contract.



From: "Ron Syme Jr" <rsyme@wakelyaia.com>
To: Lynn.Amolt-Bryks@macombcountymi.gov; Jennifer.Dudzinski@macombcountymi.gov
Date: 3/1/2010 9:34:55 AM
Subject: MCJJC PH2

The percentage complete with pay app #25 is as follows:

Architectural: 99.9% - some floor painting remains of Bulletin #14 (new doors on second tier of resident rooms)

Mechanical - 100%

Electrical - 100%

The work associated with Bulletin #14 is basically complete (with exception of some floor painting around the new opening which is scheduled for Mid March) and a punch-list has been issued. State inspection is being scheduled.

Thanks

Ron

RECYCLABLE PAPER

8.

RESOLUTION NO. _____

FULL BOARD MEETING DATE: _____

AGENDA ITEM: _____

MACOMB COUNTY, MICHIGAN

RESOLUTION TO: Approve request from Turning Point, Inc., for the use of the County's Parking Structure

for a "Trunk or Treat" event on Saturday, October 23, 2010 from 9 am - 4 pm.

INTRODUCED BY: Commissioner Andrey Duzyj, Chair

Buildings, Roads & Public Works

COMMITTEE/MEETING DATE

Buildings, Roads & Public Works:3/15/10



P.O. Box 1123
Mt. Clemens, MI 48046

Main: (586) 463-4430
Crisis Line: (586) 463-6990
Fax: (586) 463-1771

Andrey Duzyj

CC: Lynn

10 N. Main

Mt. Clemens, MI 48043

March 4, 2010

Dear Mr. Duzyj and Board of Commissioners,

Last October, Turning Point utilized the parking structure in downtown Mt. Clemens to host a Trunk or Treat event for National Domestic Violence Awareness Month. The event was a huge success with over 40 vendors giving out candy and 1000 people participating. Feedback was wonderful, community members genuinely thanked us for putting on this fun family and community based event.

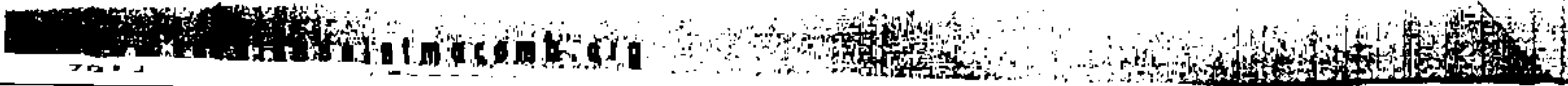
Trunk-or-Treating has gained popularity with families over the last 5 years, because it enables children to experience the fun of trick-or-treating in a controlled atmosphere. Children dress in Halloween costumes and go from car to car to get candy. In order to involve the community, local business owners are invited to sponsor a car where they can hand out treats to the children.

We would like to once again have Trunk or Treat this year on October 23, 2010. We would need the whole structure from 9am-4pm. We greatly appreciated having a parking structure staff there for the event last year. Larry was helpful with opening and closing the gates and escorting people out of the structure when it was closing time. We are hoping he will be able to lend a hand again this year.

Turning Point will once again secure insurance for the event and be responsible for set up and clean up. If you have any questions please don't hesitate to contact me, Adrienne Gasperoni at (586) 463-4430.

Thank you for your time
Adrienne Gasperoni
Adrienne Gasperoni

Youth and Family Program Director



RECYCLABLE PAPER

RESOLUTION NO. _____ FULL BOARD MEETING DATE: _____

AGENDA ITEM: _____

MACOMB COUNTY, MICHIGAN

RESOLUTION TO approve the request from the Friends of Mt. Clemens for use of the County lot behind the Buffalo Wild Wings building for a Bud Light Car Show and Cruise Night event

INTRODUCED BY: Andrey Duzyj, Chair, Buildings, Roads & Public Works Committee

COMMITTEE/MEETING DATE
BR&PW 3-15-10

Andrew,

My name is Steve Charlie, I represent a group of local volunteers called the Friends of Mt. Clemens. We organize the Bud Light Car Show and Cruise Nights done in the city of Mt. Clemens held June 5, 2010 and August 7, 2010. We would like to bring in a portable drive-in screen to show a movie on June 4th, 2010 for the pre registration event for the June 5th Car Show and Cruise Night. Buffalo Wild Wings is one of our sponsors. We are asking permission to use part of the county lot behind Buffalo Wild Wings building to set up the movie screen and be able to have local residents and car owners sit to watch the film. We would set the screen up and at dusk start the movie which runs approx. 2 to 2 ½ hours. We would clean up afterwards; we also carry a 2 million dollar insurance policy through Steve Saph to cover everyone involved. Any help would be greatly appreciated.

Thank you,

The Friends of Mt. Clemens

RECEIVED

FEB 08 2010

FACILITIES & OPERATIONS DEPT.

Steve Charlie

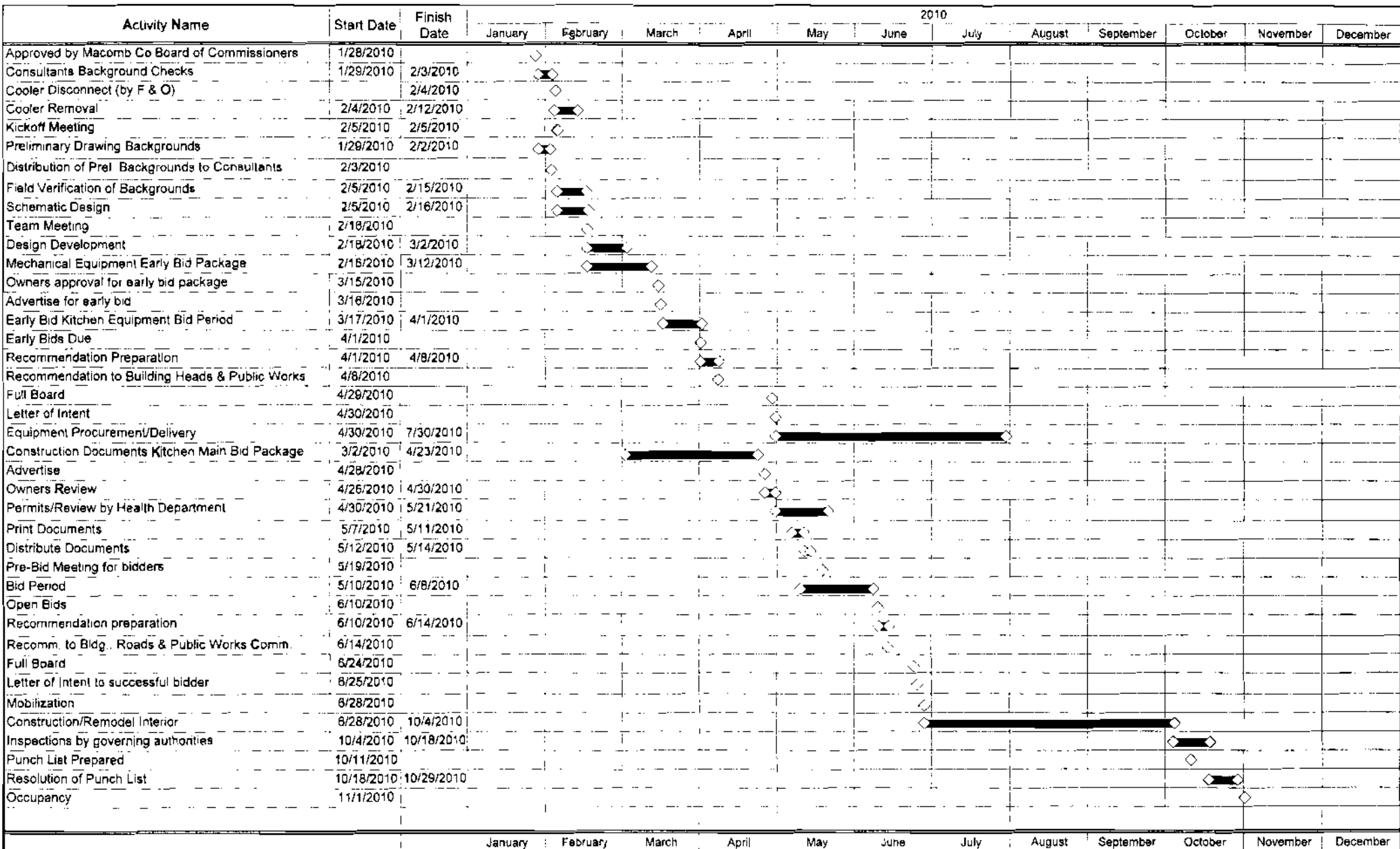
36575 Fierz

Clinton Township, MI 48035

(586)791-7292

RECYCLABLE PAPER

MACOMB COUNTY JAIL KITCHEN RENOVATIONS



Revised 3-15-10

RECYCLABLE PAPER



CORPORATION COUNSEL

1 S. Main St., 8th Floor
Mount Clemens, Michigan 48043
586-469-6346 Fax 586-307-8286

Corporation Counsel
George E. Brumbaugh, Jr.

Assistant Corporation Counsel
Frank Krycia
James S. Meyerand
Jill K. Smith

MEMORANDUM

TO: Andrey Duzyj, Chairman
Buildings, Roads & Public Works Committee

FROM: George E. Brumbaugh, Jr. *GEB*
Corporation Counsel

DATE: March 12, 2010

RE: Macomb County Bar Lease

Attached please find a proposal that has been tendered to the Board of Commissioners for consideration by the Macomb County Bar Association.

As you can see, the Macomb County Bar Association has proposed a continuation of the lease for a five year period at their current square footage rate of \$14.49. The square footage is 1,065 square feet and thus their yearly rental payment is \$15,431.85.

They have asked for an additional five year term at a rental rate based upon then current office rates. In addition, the Bar Association will continue to pay \$100 month additional for rental that was not billed to them under their old lease, which they had agreed to pay back. There is still \$8,400 remaining on that amount owed to the county.

A new lease document would have to be drafted, but it would basically be the same terms and conditions as the current lease.

GEB/mla
Attachment

*Distributed
3-15-10*

MACOMB COUNTY BOARD OF COMMISSIONERS

Andrey Duzyj - District 1
Marvin E. Sauger - District 2
Phillip A. DiMaria - District 3
Toni Mocerri - District 4

Sue Rocca - District 7
David Flynn - District 8
Robert Mijac - District 9
Ken Lampar - District 10
Ed Szemczak - District 11

James L. Carabelli - District 12
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Cory Tomlin - District 16

Paul Gielegham
District 19
Chairman

Kathy Tocco
District 20
Vice Chair

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Frank Accavitti Jr. - District 22

William A. Crounhan - District 23
Michael A. Boyle - District 24
Kathy D. Vosburg - District 25
Jeffery S. Sarvs - District 26

**PROPOSAL FOR TERMS OF LEASE EXTENSION
BETWEEN COUNTY OF MACOMB AND
MACOMB COUNTY BAR ASSOCIATION ("MCBA")**

BACKGROUND:

- MCBA has occupied space in the Macomb County Circuit Court building since the building was opened in 1968. In 1980, MCBA moved to its current location of 1,065 square feet on the Fourth Floor.
- The existing lease was entered into in 2005 providing for a 5-year term with rent commencing at \$12.87 per square foot and increasing by 3% annually over the term with the result that the current rent is \$14.49 per square foot (in addition, MCBA is paying \$100 per month to amortize additional rent which was unbilled by the County under the terms of the previous lease which monthly payments will be fully amortized over the next 84 months).
- The existing lease has an option to renew for an additional 5-year term (through 2015) with 3% annual increases over the additional 5-year term.
- The rental rate under the existing lease and option is above market rates which have decreased substantially during the economic events of the past two years. Office space in Mount Clemens is currently widely available in the \$10 range on a gross basis and will not likely recover for several years.
- The Macomb County Circuit Court, practicing lawyers and the public in general, benefit from the continued presence of the MCBA in the Macomb County Circuit Court building as services are provided to the Court and staff and public inquiries are directed on a daily basis to MCBA personnel. In addition, the MCBA and Bar Foundation have provided funding for continuing projects such as the Courthouse gardens.
- In addition, the Macomb County Bar Foundation is housed within the MCBA offices and administered by the staff of the MCBA. The Bar Foundation is a tax-exempt charitable organization which focuses on law-related education and related programs including the annual Law Day ceremony, lawyer-teacher partnerships in the schools, award-winning Legally Speaking television programs and other worthwhile causes related to the legal profession.
- Throughout the State of Michigan, many county bar associations (including Detroit Metropolitan Bar Association, Oakland County Bar Association, Genesee County Bar Association and Washtenaw County Bar Association) are afforded space without being charged for occupancy.

PROPOSAL:

The MCBA recognizes the financial challenges faced by Macomb County but requests the County to take into account the current economic environment and the benefits realized by the

County and public by having the MCBA and Bar Foundation continue to be housed in the Macomb County Circuit Court building. Taking these considerations into effect, the MCBA would like to propose the following extended lease terms to the County:

1. Extension of the lease for the existing option term commencing April 1, 2010, through March 31, 2015, at the current rate of \$14.49 with no adjustment during the term.
2. One additional 5-year option term commencing April 1, 2015, at a rental per square foot rate based upon then-current office rates in Mount Clemens.
3. The \$100 additional amount will continue to be paid in addition to the above rent for the remaining 84 months of the amortizing term, as noted above.
4. The terms of the existing lease would otherwise remain in effect and the MCBA and Bar Foundation would continue to provide ancillary services in support to the Macomb County Circuit Court and the public as they historically have done.

RECYCLABLE PAPER

RESOLUTION NO. _____

FULL BOARD MEETING DATE: _____

AGENDA ITEM: _____

MACOMB COUNTY, MICHIGAN

RESOLUTION TO adopt a full faith and credit resolution for the Recovery Zone Bond Allocation – North Gratiot Interceptor Drain

INTRODUCED BY: Andrey Duzyj, Chair, Buildings, Roads and Public Works Committee

COMMITTEE/MEETING DATE
BR&PW 3-15-10



Anthony V. Marrocco
Public Works Commissioner
Macomb County

March 3, 2010

Andrey Duzyj, Chairman
Buildings, Roads and Public Works Committee
Macomb County Board of Commissioners
Mt. Clemens MI 48043

Re: Full Faith and Credit Bond Resolution and
Recovery Zone Bond Allocation
North Gratiot Interceptor Drain

Dear Chairman Duzyj:

Enclosed for approval by the Buildings, Roads and Public Works Committee is a Resolution pledging the county's full faith and credit and authorizing the allocation of a volume cap for Recovery Zone bonds for a bond issue for the North Gratiot Interceptor Drain in the principal amount of not to exceed \$18 million.

The North Gratiot Interceptor Drain is a sanitary sewer project that will provide increased capacity requested by Chesterfield Township, Lenox Township and Village of New Haven. The bond issue will finance the final phases of a five stage project that was initiated in 2003. Prior bond issues were sold by the Public Works Office in 2006 and 2008 with the county's backing to pay for construction on earlier contracts.

The primary purpose of the \$18 million bond issue is to raise funds for Phase 2, a double 22 inch diameter force main extending from 21 Mile Road to 25½ Mile Road and Phase 3-4, which will run from 25½ Mile Road to 26 Mile Road. The bond issue will also provide funding to complete Phase One, now under construction from Joy Boulevard north to 21 Mile Road and to grout and bulkhead a parallel sewer.

Upon approval by your committee, please forward the Resolution to the Finance Committee and Board of Commissioners for their consideration and approval.

Sincerely,

A handwritten signature in black ink that reads "Anthony V. Marrocco".

Anthony V. Marrocco
Macomb County
Public Works Commissioner

cc: Paul Gielegem, Chair, MCBC
Irene Kepler, Chair, Finance Committee

OFFICE LOCATION: 21777 Dunham Road, Clinton Township, MI 48036 • Phone: 586-469-5325 • Fax: 586-469-5933

MAILING ADDRESS: P.O. Box 808, Mount Clemens, MI 48046-0806

ENGINEERING: • Phone: 586-469-5910 • Fax: 586-469-7893 • **SOIL EROSION:** • Phone: 586-469-5327 • Fax: 586-307-8264

COUNTY OF MACOMB

At a regular meeting of the Board of Commissioners of the County of Macomb, Michigan, held in the Board of Commissioners conference room, 9th Floor, Macomb County Administration Building, One South Main, Mt. Clemens, Michigan on March 25, 2010 at 7:00 pm., Eastern Time, there were:

PRESENT:

ABSENT:

The following preamble and resolution were offered by Commissioner _____ and supported by Commissioner _____:

**RESOLUTION AUTHORIZING
FULL FAITH AND CREDIT PLEDGE
AND
AUTHORIZING ALLOCATION OF VOLUME CAP
FOR RECOVERY ZONE ECONOMIC DEVELOPMENT BONDS**

NORTH GRATIOT INTERCEPTOR

WHEREAS, the Charter Township of Chesterfield, Township of Lenox, Village of New Haven and Macomb County Public Works Commissioner (“Commissioner”), as the county agency under Act 342, Public Acts of Michigan 1939, as amended (“Act 342”), entered into that certain North Gratiot Interceptor Agreement which was executed by the parties on October 27, 2003, October 20, 2003, October 3, 2003 and October 7, 2003, respectively (the “Agreement”); and

WHEREAS, pursuant to the terms of the Agreement, it was agreed that the Commissioner shall construct a sewer interceptor system to be known as the North Gratiot Interceptor ("NGI") in five phases; and

WHEREAS, the North Gratiot Interceptor Drain Drainage District (the "Drainage District") was established under the provisions of Chapter 4 of the Drain Code to assist with the implementation of the plan under the Agreement to construct the NGI; and

WHEREAS, the Commissioner previously determined to finance such improvements by the issuance of one or more series of bonds by the Drainage District pursuant to Section 275 of the Drain Code in anticipation of the collection of assessments to be made pursuant to the Drain Code, and to pledge the credit of the Drainage District for the prompt payment of the principal thereof and the interest thereon; and

WHEREAS, Resolution No. 06-51 of this Board of Commissioners (the "Board") was adopted on June 15, 2006 (the "Prior Resolution") and pursuant to Section 276 of Act 40, Public Acts of Michigan, 1956, as amended (the "Drain Code"), the full faith and credit of the County of Macomb (the "County") was irrevocably pledged for the prompt payment of the principal of and interest on the aforesaid bonds when due in an aggregate principal amount not to exceed \$34,750,000; and

WHEREAS, subsequent to the adoption of the Prior Resolution, the engineers for the Drainage District have updated the description of the five phases of the NGI improvements set forth on Schedule I to the Prior Resolution, and set forth on Schedule I attached hereto are the descriptions for the five phases as originally set forth in the Prior Resolution and as so updated; and

WHEREAS, on December 19, 2006 the Drainage District issued its North Gratiot Interceptor Drain Drainage District, County of Macomb, State of Michigan, Drainage District Drain Bonds, Series 2006-A (Limited Tax General Obligation) in the principal amount of \$3,380,000 to finance the improvements described as Phase Five and payment of design engineering costs for Phase One; and

WHEREAS, on June 27, 2008 the Drainage District issued its North Gratiot Interceptor Drain Drainage District, County of Macomb, State of Michigan, Drainage District Drain Bonds, Phase I, Series 2008 (Limited Tax General Obligation) in the principal amount of \$22,340,000 to finance Phase One improvements; and

WHEREAS, the Drainage District desires to issue one or more series of its bonds to finance the acquisition and construction of the improvements described as Phases One, Two, Three and Four on Schedule I, as updated hereby (the "Project"), in an aggregate principal amount not to exceed \$18,000,000, and such bonds (the "2010A Bonds") will be payable from the collection of special assessments against the Charter Township of Chesterfield, Township of Lenox, and Village of New Haven, and any other parties assessed pursuant to the applicable provisions of the Drain Code, with such bonds expected to be issued before the end of the second quarter of 2010, bearing interest at the rates and maturing in such amounts and at such times as to be set forth in the Order of the Commissioner; and

WHEREAS, said drainage projects are immediately necessary to protect and preserve the public health, and it is in the best interest of the Charter Township of Chesterfield, Township of Lenox, and Village of New Haven that the 2010A Bonds be secured by a pledge of the full faith and credit of the County; and

WHEREAS, the cost of the improvements described as Phases One, Two, Three and Four on Schedule I, as updated hereby, has increased since the adoption of the Prior Resolution, and the balance of \$9,030,000 of the full faith and credit pledge of the County of Macomb remaining under the Prior Resolution is less than the anticipated aggregate principal amount of the 2010A Bonds; and

WHEREAS, The American Recovery and Reinvestment Act of 2009 (the "Stimulus Act") authorizes counties and large municipalities to issue recovery zone economic development bonds ("Recovery Zone Bonds") for the purposes of promoting development or other economic activity in a recovery zone, including expenditures for public infrastructure and construction of public facilities; and

WHEREAS, pursuant to Resolution No. 09-83 (the "County Resolution") adopted by the Board of the County on August 26, 2009, the entire County has been designated as an economic recovery zone for the purposes specified in the Stimulus Act; and

WHEREAS, on June 16, 2009, the Internal Revenue Service issued Notice 2009-50 (the "Notice") pursuant to the Stimulus Act and allocated \$46,293,000 of the \$10 billion national volume cap for Recovery Zone Bonds to the County; and

WHEREAS, pursuant to the Notice, a county may allocate such volume cap received to ultimate beneficiaries which are eligible issuers in any reasonable manner as it shall determine in good faith in its discretion, provided that the proceeds of bonds which are issued will be used to finance costs for qualified economic development purposes, including expenditures for public infrastructure and construction of public facilities, located within both the jurisdiction of the issuer of the bonds and the jurisdiction of the county; and

WHEREAS, the Drainage District is an eligible issuer within the meaning of the Notice; and

WHEREAS, the Commissioner has or will issue an order (the "Order") to approve the issuance of the 2010A Bonds for the purpose of financing certain costs of the acquisition and construction of the Project; and

WHEREAS, the costs of the Project will be expenditures for public infrastructure; and

WHEREAS, pursuant to the Order, the Drainage District has elected or will elect to irrevocably designate the 2010A Bonds as "recovery zone economic development bonds" under Section 1400U-2 of the Internal Revenue Code of 1986, as amended, subject to receipt from the County of an allocation of the recovery zone volume cap for the County in the amount of not to exceed \$18,000,000; and

WHEREAS, after taking into account the allocation of \$18,000,000 of the County's volume cap for Recovery Zone Bonds to the 2010A Bonds, \$21,593,000 of the County's volume

cap for Recovery Zone Bonds will be available for allocation to bonds for the financing of other projects: and

WHEREAS, the Project is wholly within both the jurisdiction of the Drainage District and the County; and

WHEREAS, the County Resolution provides that allocation of all or a portion of the County's volume cap for Recovery Zone Bonds shall be by adoption of a resolution by the Board.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE COUNTY OF MACOMB, MICHIGAN THAT:

1. Pursuant to the authorization provided in the Drain Code, the Board of Commissioners of the County of Macomb does hereby irrevocably pledge the full faith and credit of the County of Macomb for the prompt payment of the principal of and interest on the 2010A Bonds when due, in an aggregate principal amount not to exceed \$18,000,000, inclusive of the balance of \$9,030,000 of the full faith and credit pledge of the County of Macomb which remains under the Prior Resolution, and pursuant to said pledge, in the event that the aforesaid Drainage District shall fail or neglect to pay the aforesaid bonds or interest thereon when due, the amount unpaid shall be promptly advanced from county funds as a first budget obligation, and the County Treasurer is directed to immediately make such advancement to the extent necessary.

2. In the event that pursuant to said pledge of its full faith and credit the County of Macomb advances out of County funds all or any part of said installments and interest, it shall be the duty of the County Treasurer, for and on behalf of the County of Macomb, to take all actions and proceedings and pursue all remedies permitted or authorized by law for the reimbursement of such sums so paid. If the collections from the Special Assessments shall not be sufficient to reimburse the County for such advances, the Commissioner shall, within a 2-year period from the date of advancement, reassess the Drainage District in order to provide for the repayment to the County of the sums so advanced.

3. The Chairman of the Board of Commissioners, the Commissioner, the County Treasurer of the County of Macomb, and any other official of the County of Macomb, and their respective designees, or any of them, are authorized and directed to take all necessary legal procedures and steps necessary or desirable, for and on behalf of the County of Macomb, in connection with the authorization, sale and delivery of the 2010A Bonds, such legal procedures and steps to include, without limitation, (a) filing a qualifying statement, request for reconsideration, or Application for State Treasurer's Approval to Issue Long-Term Securities, as applicable, with the Michigan Department of Treasury pursuant to Act 34, Public Acts of Michigan, 2001, as amended ("Act 34"), and paying any related fees in connection with any of the foregoing, and taking any other actions necessary or desirable under Act 34 in connection with the 2010A Bonds; (b) including financial and operating information concerning the County of Macomb in any preliminary or final official statement relating to such bonds and approving the circulation of a preliminary or final official statement relating to such bonds; and (c) executing and delivering a continuing disclosure agreement in accordance with the requirements of Securities and Exchange Commission Rule 15c2-12 and executing and delivering such other

certificates, documents and instruments as may be required by the purchaser(s) of the 2010A Bonds.

4. The County hereby allocates to the 2010A Bonds an amount of the County's volume cap for Recovery Zone Bonds equal to the principal amount of the 2010A Bonds, but not to exceed \$18,000,000.

5. If the 2010A Bonds are not issued on or before September 1, 2010, the authority granted by Paragraph 4 of this Resolution with respect to the allocation of the volume cap for Recovery Zone Bonds with respect to the 2010A Bonds shall lapse.

6. If for any reason any portion of this Resolution or the application thereof to any person or circumstance is declared to be unconstitutional or invalid or unenforceable, such decision shall not affect the validity of the remaining portions of this Resolution.

7. This Resolution shall take immediate effect.

8. The Prior Resolution and all actions taken pursuant thereto are ratified and confirmed, all other resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same hereby are rescinded.

SCHEDULE I

A. Project descriptions as set forth in the Prior Resolution

Phase One: 13,100 lineal feet of 54-inch diameter gravity sewer from Joy Boulevard in the City of Mt. Clemens to 21 Mile Road in Chesterfield Township, along a route parallel to I-94.

Phase Two: a pump station and 30,000 lineal feet of 30-inch diameter force main from 21 Mile Road north to 25 ½ Mile in Chesterfield Township, along a route parallel to I-94.

Phase Three: 1,900 lineal feet of 36-inch diameter gravity sewer from 25 ½ Mile north to 25 ¾ Mile Road in Chesterfield Township, along a route parallel to Gratiot Avenue.

Phase Four: 2,200 lineal feet of 30-inch diameter gravity sewer from 25 ¾ Mile in Chesterfield Township north to 26 Mile Road in the Village of New Haven along a route parallel to Gratiot Avenue.

Phase Five: 1,750 lineal feet of 30-inch diameter gravity sewer from 26 Mile Road north to New Haven Road along a route parallel to Gratiot Avenue in the Village of New Haven; also flow meters for Lenox Township and Village of New Haven.

B. Project descriptions as updated

Phase One: 13,100 lineal feet of 66-inch diameter gravity sewer from Joy Boulevard in Harrison Township to 21 Mile Road in Chesterfield Township, along a route parallel to I-94 and grouting and bulkheading of a parallel sewer.

Phase Two: a pump station and 30,000 lineal feet of twin 22-inch diameter force main from 21 Mile Road north to 25 ½ Mile in Chesterfield Township, along a route parallel to I-94.

Phase Three and Phase Four: 2,684 lineal feet of 36-inch diameter gravity sanitary sewer and appurtenances along a route approximately 1,709 feet along west line of section 3, Chesterfield Township, from Concordia Boulevard (located approximately 2,700 feet south of 26 Mile Road) north to Gratiot Avenue, thence approximately 975 feet along east side of Gratiot Avenue to 26 Mile Road.

Phase Five: 2,173 lineal feet of 36-inch diameter gravity sanitary sewer, meter stations and appurtenances along a route from 26 Mile Road, Village of New Haven, northeast along east side of Gratiot Avenue to New Haven Road; also flow meters for Lenox Township and Village of New Haven.

The results of a roll-call vote on the foregoing Resolution were as follows:

YES:

NO:

ABSTAIN:

THE RESOLUTION WAS THEREUPON DECLARED ADOPTED.

COUNTY CLERK'S CERTIFICATE

The undersigned, being the duly qualified and acting Clerk of the County of Macomb, Michigan, hereby certifies that (1) the foregoing is a true and complete copy of a resolution adopted by the Board of Commissioners at a _____ (regular or special) meeting held _____, 2010, at which meeting a quorum was present and remained throughout; (2) the original thereof is on file in the records of proceedings of the Board of Commissioners of the County in my office; (3) the meeting was conducted, and public notice thereof was given. pursuant to and in full compliance with the Open Meetings Act (Act No. 267, Public Acts of Michigan, 1976, as amended); and (4) minutes of such meeting were kept and will be or have been made available as required.

Carmella Sabaugh, County Clerk
Macomb County, Michigan

Dated: _____, 2010

RECYCLABLE PAPER

RESOLUTION NO. _____

FULL BOARD MEETING DATE: _____

AGENDA ITEM: _____

MACOMB COUNTY, MICHIGAN

RESOLUTION TO: Award the County Building Cooling Tower Replacement Project to the low bidder,

Temperature Services, Inc., in the amount of \$58,630.00.

Funds for this Project are available in the Capital Budget.

INTRODUCED BY: Commissioner Andrey Duzyj, Chair

Buildings, Roads & Public Works

COMMITTEE/MEETING DATE

Buildings, Roads & Public Works:3/15/10



FACILITIES & OPERATIONS DEPARTMENT

10 N. Main St., 13th Floor
Mount Clemens, Michigan 48043
586-469-3244 FAX 586-469-7770

Lynn M. Arnott-Bryks
Director

Diane G. Connell
Operations Supervisor

Larry K. Oakes
Mechanical Systems Supervisor

Estella Shelton
Maintenance Supervisor

TO: Andrey Duzyj, Chairman
Buildings, Roads & Public Works

SUBJECT: County Building Cooling Tower Replacement
Bid Results

DATE: March 11, 2010

On March 9, 2010, the Purchasing Department received sealed bids for the replacement of the County Building cooling tower located on the roof of the 3rd floor.

Attached herewith is a summary of the bids received.


This cooling tower was originally installed in 1973/1974 and is beyond its useful life.

The cooling tower is a component of the refrigeration system for the air conditioning in the County Building.

We are recommending award to the low bidder, Temperature Services, Inc., in the amount of \$58,630.00.

Funds for this project are available in the Capital Budget.

Respectfully,



Lynn M. Arnott-Bryks, Director
Facilities & Operations Department

Attachment

LMAB:jsd

MACOMB COUNTY BOARD OF COMMISSIONERS

Andrey Duzyj - District 1
Marvin E. Sauger - District 2
Phillip A. DiMaria - District 3
Tom Moceri - District 4
Susan L. Doherty - District 5

Sue Rocca - District 7
David Flynn - District 8
Robert Mijac - District 9
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Ed Szezepanski - District 11

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Brian Brdak - District 14
Keith Rengert - District 15
Carey Torrice - District 16

Paul Gielegheim
District 19
Chairman

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Dana Camphous-Peterson - District 18
Irene M. Kepler - District 21
Frank Accavitti Jr. - District 22

Kathy Tocco
District 20
Vice Chair

Joan Flynn
District 6
Sergeant-At-Arms

William A. Crouchman - District 23
Michael A. Boyle - District 24
Kathy D. Vosburg - District 25
Jeffery S. Sprys - District 26

COUNTY BUILDING – COOLING TOWER REPLACEMENT
BID SUMMARY

<u>Company Name</u>	<u>Bid Amount</u>
Temperature Services, Inc.	\$58,630.00
Johnson Controls	\$67,735.00
Miller-Boldt, Inc.	\$74,600.00
Tech Mechanical, Inc.	\$75,897.00
Delta Temp, Inc.	\$76,150.00
De-Cal, Inc.	\$76,900.00
R.W. Mead & Sons, Inc.	\$82,500.00
Macomb Mechanical, Inc.	\$83,000.00
Artic Air, Inc.	\$87,000.00