



BOARD OF COMMISSIONERS

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Mount Clemens, Michigan 48043
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macombcountymi.gov/boardofcommissioners

COURTS AND LEGAL AFFAIRS COMMITTEE

TUESDAY, FEBRUARY 9, 2010

AGENDA

1. Call to Order
2. Pledge of Allegiance
3. Adoption of Agenda
4. Approval of Minutes Dated 1-12-10 (previously distributed)
5. Public Participation
6. Adopt Resolution In Support of Public Act 288 of 2009 (Temporary Reduction in Number of Circuit Court Judgeships in Macomb County) (offered by Crouchman) (mailed)
7. Monthly Reports from Corporation Counsel (mailed)
8. New Business
9. Public Participation
10. Adjournment

MEMBERS: Crouchman-Chair, Sprys-Vice Chair, DiMaria, Sauger, Rocca, Doherty, Tocco, Carabelli, Lampar and Gielegem (ex-officio)

MACOMB COUNTY BOARD OF COMMISSIONERS

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

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

Kathy Tocco
District 20
Vice Chair

Joan Flynn
District 6
Sergeant-At-Arms

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

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

RESOLUTION OF THE MACOMB COUNTY BOARD OF COMMISSIONERS
IN SUPPORT OF PUBLIC ACT 288 OF 2009

WHEREAS, Public Act 288 of 2009 amended existing state law by providing that the Sixteenth Judicial Circuit shall have 12 circuit judges during the period beginning 12 noon, January 1, 2011 and ending 12 noon, January 1, 2017 which is a temporary reduction in the number of circuit court judgeships from 13 to 12, and

WHEREAS, the Macomb County Board of Commissioners has supported legislation to reduce on a temporary basis the number of circuit court judgeships in the County of Macomb.

NOW THEREFORE BE IT RESOLVED that the Macomb County Board of Commissioners hereby supports the temporary reduction in the number of judgeships in the County of Macomb from 13 to 12 during the period beginning 12 noon, January 1, 2011 and ending 12 noon, January 1, 2017.

FURTHER, the Macomb County Board of Commissioners hereby directs the Clerk of Macomb County to file a copy of this Resolution with the State Court Administrator as soon as possible in order to fulfill the requirements of effectuating the reduction of circuit judgeships in Macomb County on a temporary basis.

FURTHER, the Macomb County Board of Commissioners hereby request that the State Court Administrator, upon receipt of this Resolution, immediately notify the Elections Division of the Department of State of the temporary reduction in the number of judgeships in the Sixteenth Judicial Circuit Court.

RECYCLABLE PAPER

RESOLUTION NO.

FULL BOARD MEETING DATE: 2/25/10

AGENDA ITEM: _____

MACOMB COUNTY, MICHIGAN

RESOLUTION TO: RECEIVE AND FILE MONTHLY REPORTS FROM CORPORATION COUNSEL

INTRODUCED BY: WILLIAM CROUCHMAN, CHAIRPERSON, COURTS & LEGAL AFFAIRS COMMITTEE

COMMITTEE/MEETING DATE

Courts & Legal Affairs – 2/9/10

**FREEDOM OF
INFORMATION ACT REQUESTS**

<u>Date</u>	<u>Department</u>	<u>Requesting Party</u>	<u>Material Requested</u>	<u>Attorney</u>
1/4/10	Sheriff/Civil	Charles Demes	List of unclaimed funds in excess Of \$12,000 by in Sheriff's Office	J. Meyerand
1/4/10	Sheriff/Civil	Melissa Babinski	Executed adjournment for the Week of 1/23/09-1/30/09	J. Meyerand
1/7/10	Finance	Chasity Small	Information concerning cash Deposits	G. Brumbaugh
1/7/10	Sheriff	Frank DeFrank	Reports from polygraph exam	G. Brumbaugh
1/8/10	Retirement	Chad Selweski	David Diegel's employment/retirement	G. Brumbaugh
1/12/10	Clerk	Claude Carter	Unclaimed inheritance or heirs	G. Brumbaugh
1/12/10	Finance	John Tramontana	Expenses reimbursed to Carl Marlinga from 1984-2004	G. Brumbaugh
1/13/10	Purchasing	Joe Yestrepesky	Contract provided to First Energy and DTE Electric invoice	G. Brumbaugh
1/14/10	Purchasing	Carl Merkle	RFP for Food Service Contractors For Senior Nutrition Program	G. Brumbaugh
1/14/10	Treasurer	Melissa Babinski	Documents regarding nuisance abatement action in St. Heights	G. Brumbaugh
1/21/10	Sheriff	Chad Selweski	Drug Forfeiture and Drunken Driving Forfeiture funds	G. Brumbaugh
1/22/10	Finance	John Tramontana	Expenses reimbursed to Carey Torrice from 1/07 to present	G. Brumbaugh
1/22/10	Finance	John Tramontana	Expenses reimbursed to Paul Gielegem from 1/05 to present	G. Brumbaugh
1/26/10	Sheriff/Civil	Mark Lamonte	Bid sheet re:32155 23 Mile Rd Chesterfield, MI	J. Meyerand

2010 REIMBURSEMENT FILES

<u>Name</u>	<u>Year</u>	<u>Reason for Debt</u>	<u>Amount</u>	<u>Status</u>
Allen, Robert	2010	Prisoner Reimb. (63 Defendants)	\$169,770.00	Case filed
Breeden, Natasha	2010	Prisoner Reimb. (49 Defendants)	\$88,140.00	Case filed

FILES TO BE REVIEWED FOR BILLING FOR FEBRUARY FINANCE AGENDA*

<u>Law Firm</u>	<u>File</u>
Plunkett Cooney	Bishop Cleary Uhrynowski Van Heck Walker Wilson
TOTAL	\$22,735.81
Kitch Drutchas	KRS Project Control
TOTAL	\$2,164.93
Cummings McClorey	Bellmore Johnson, Ronnie
TOTAL	\$2,335.20
Garan, Lucow	Ogbonna
TOTAL	\$1,588.58
Martin Bacon	Woo
TOTAL	\$3,144.60
TOTAL ATTORNEY FEES:	\$31,969.12

* Additional bills may be received and reviewed for submission to the Finance Department for the February Agenda.

OPEN FILES IN LITIGATION

CASE NAME	COURT	DATE FILED	LAW FIRM
Barnes, Sandra v County	USDC	08/18/08	Hardy
Bellmore, John v County, et al	USDC	05/20/09	Cummings McClorey
Bishop, Russell v Sheriff's Dept, et al	USDC	10/05/07	Plunkett
Bruder, Maryann v Smith & County	USDC	11/29/05	Kitch
Burko, Jennifer v Eric Smith, et al	USDC	12/22/09	Krycia
Cleary, Mark v County of Macomb, et al	6th Ct of Appeals	04/09/09	Plunkett
Cristini, Michael v Cty of Macomb (Moldowan)	USDC	03/15/07	Plunkett
El, Marion Denilo	USDC	12/03/08	Plunkett
EllisDon MI v Macomb County, etal	Macomb Circuit	08/23/06	Kitch
Fisher, Marc v County	USDC	09/08/08	Plunkett
Hatchett, Nathaniel v County of Macomb	USDC	05/01/08	Plunkett/Johnson
Heitmanis (Jackson) v Deckert, et al	Probate Court	01/07/10	Krycia
Hillside v County / Parks	USDC	03/31/06	Kitch
Jakaj, Gjergj v Concealed Weapons Board	Macomb Circuit	11/20/09	Krycia
Johnson, Ronnie v Various Sheriff Deputies & CO	USDC	09/09/09	Cummings McClorey
Kenmoore Contracting, Inc. v Commissioners	Macomb Circuit	12/17/08	Krycia
Kincaid, Jammie v Election Commission	Macomb Circuit	09/04/09	Krycia
Koehs, Michael & Krzeminski, Roger v Elections	Macomb Circuit	08/17/09	Krycia
KRS-A.E. Equities v Commissioners	Macomb Circuit	02/12/07	Kitch
LeBeau, James	USDC	06/08/07	Plunkett
Lowry, Thomas v Crane, R., et al	Macomb Circuit	08/28/09	Meyerand
Luster v Nagel, Sheriff, et al	6th Ct of Appeals	05/30/08	Meyerand
Michaels, Ronald v Mark Hackel, Sheriff	USDC	11/07/08	Brumbaugh
Moldowan, Jeffrey v Prosecutor, et al (Cristini)	USDC	01/28/05	Plunkett
Ogbonna, Cyril v Macomb County, et al	USDC	10/08/09	Garan Lucow
Petition for Foreclosure-2009	Macomb Circuit	03/30/09	Krycia
Pfister, Richard Donald, Estate of v Sheriff	USDC	03/02/09	Garan Lucow
Raymond, Theodora v Sheriff Dept	42-1 Dist Court	01/04/10	Brumbaugh
Recall petition for Romeo School Board members - Jacobson, Stobak, and White (2009)	Macomb Circuit	11/12/09	Krycia
Shkreli, Rrok v Macomb County	Macomb Circuit	01/04/10	Brumbaugh
Sona Construction v KRS, Macomb County, et	Macomb Circuit	11/02/07	Kitch
Thatcher, Gary et al v County of Macomb et al	USDC-West Dist	12/21/09	Smith
Uhrnowski v County of Macomb, et al	USDC	12/22/09	Plunkett
USA v Buffalo & Palazzolo	USDC	10/21/08	Krycia
USA v 43653 Gratiot, Clinton Twp	USDC	04/01/09	Krycia
Van Heck, Roger v County of Macomb, et al	USDC	09/10/08	Plunkett
Walker, Christopher & Michelle v County, et al	USDC	11/17/08	Plunkett
Whitehead, Robert v County of Macomb, et al	USDC	04/17/08	Hardy
Willneff, Mark v Macomb Sheriff Dept, et al	USDC	06/06/08	Plunkett
Wilson, Danny A. v County of Macomb, et al	USDC	03/19/08	Plunkett
Woo, Walter v Macomb Sheriff Dept	Macomb Circuit	02/20/09	Martin Bacon

**CONTRACTS REVIEWED BY CORPORATION COUNSEL
1/1/10 to 1/31/09**

COMMUNITY SERVICES

<u>Date</u>	<u>Contract</u>	<u>Reviewed By</u>	<u>Approved By</u>
1/26/10	Walmart Impact Grant Program – Meals on Wheels Association of AM	J. Smith	

FINANCE

<u>Date</u>	<u>Contract</u>	<u>Reviewed By</u>	<u>Approved By</u>
1/6/10	Workforce Development Board Lease Clemens Center	F. Krycia	

HEALTH

<u>Date</u>	<u>Contract</u>	<u>Reviewed By</u>	<u>Approved By</u>
1/20/10	Cleveland Clinic Foundation Dietetic Internship Rotation Agreement	J. Smith	
1/20/10	Agreement between Fitchburg State College & Macomb County Medical Examiner (Intern)	J. Smith	

INFORMATION TECHNOLOGY

<u>Date</u>	<u>Contract</u>	<u>Reviewed By</u>	<u>Approved By</u>
1/22/10	Meridian Knowledge Solutions, LLC Software Maintenance Agreement	J. Smith	
1/27/10	Waveform Technology Agreement	J. Smith	

**MARTHA T BERRY - CONTRACT APPROVAL IS THE RESPONSIBILITY OF THE
SOCIAL SERVICES BOARD**

<u>Date</u>	<u>Contract</u>	<u>Reviewed By</u>	<u>Approved By</u>
1/28/10	Independent Long Term Care Contractor	J. Smith	

PLANNING

<u>Date</u>	<u>Contract</u>	<u>Reviewed By</u>	<u>Approved By</u>
1/15/10	Neighborhood Stabilization Program	G. Brumbaugh	

**WORKFORCE DEVELOPMENT BOARD - CONTRACT APPROVAL IS THE
RESPONSIBILITY OF THE PRIVATE INDUSTRY COUNCIL.**

<u>Date</u>	<u>Contract</u>	<u>Reviewed By</u>	<u>Approved By</u>
1/15/10	Macomb Community College Administrative Assistant Academy Contact No. 05153	G. Brumbaugh	

1/15/10	Macomb Community College Welding Construction Application Contract No. 05152	G. Brumbaugh
1/15/10	Macomb Community College Welding Defense Application Contract No. 05152	G. Brumbaugh
1/15/10	Macomb Community College Pharmacy Tech Contract No. 05150	G. Brumbaugh
1/15/10	Macomb Community College Clinical Dental Assistant Contract No. 05149	G. Brumbaugh
1/15/10	Macomb Community College Patient Care Technician including Certified Nurse Assistant Contract No. 05148	G. Brumbaugh
1/15/10	Macomb Community College Alternative Fuel for Automotive Tech Contract No. 05154	G. Brumbaugh
1/25/10	St. Clair Community College Road Construction Apprenticeship Readiness/Pre-Apprenticeship Training Contract No. 09-20-111	G. Brumbaugh
1/25/10	WIA In-School Youth Employment & Train Saving Our Neighborhoods & Streets Contract No. 19802	G. Brumbaugh
1/25/10	WIA In-School Youth Employment & Train Armada Area Schools Contract No. 09-5716	G. Brumbaugh

REGISTER OF DEEDS

<u>Date</u>	<u>Contract</u>	<u>Reviewed By</u>	<u>Approved By</u>
1/25/10	2010 Agreement for Services of County Representative for Monumentation/ Remonumentation Program	G. Brumbaugh	

RISK MANAGEMENT & SAFETY

<u>Date</u>	<u>Contract</u>	<u>Reviewed By</u>	<u>Approved By</u>
1/6/10	Am WINS Retiree Medical & Prescription Drug Program	J. Smith	

SHERIFF

Date

Contract

Reviewed By

Approved By

1/6/10

Renewal of the COMET Bryne Grant
For Three Sheriff Personnel Positions

G. Brumbaugh

LAWSUITS - 2010

<u>DATE REC'D</u>	<u>CASE #</u>	<u>CASE NAME</u>	<u>SUBJECT</u>	<u>STATUS</u>	<u>DEPT.</u>	<u>ASSIGNED TO</u>
1/7/2010	5:09-cv-1496	Burko, Jennifer v Eric Smith, et al	Violation of constitutional rights to free expression	Open	Prosecutor	Frank Krycia
1/22/2010	10-31-PD	Shkreli, Rrok v Macomb County	Return of personal property seized	Open	Sheriff	George Brumbaugh
1/15/2010	10-198932-CZ	Heitmanis (for Jackson) v Deckert, et al	Determine title of foreclosed property	Open	Treasurer	Frank Krycia
1/27/2010	SC 10 10001	Raymond, Theodora v Sheriff Dept	Small Claims - Claiming storage fees for vehicle	Open	Sheriff	George Brumbaugh