WAYNE COUNTY BUILDING AUTHORITY

SPECIAL MEETING

AUGUST 5, 2010

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Wayne County Building Authority
Special Meeting at 500 Griswold Street
21st Floor Conference Room
Detroit, Michigan
Commencing at 10:03 a.m.
Thursday, August 5, 2009
Before Anne H. Chilton, RMR, RPR, CSR-3669

BOARD MEMBERS IN ATTENDANCE:

NATE FORD, Chairman

MIKE ROWLEY, Vice Chairman

EILEEN DEHART-SCHOOF, Secretary Treasurer

BARBARA CERDA, Management and Budget, Director of Financial Services

VALERIE KHOURY, Management and Budget

JIM SAROS

JESSICA PELLEGRINO

ALSO PRESENT:

STEVEN COLLINS, ESQ., Assistant Corporation Counsel and Special Counsel to Wayne County Building Authority

TERENCE DONNELLY, ESQ., Dickinson Wright, PLLC

Detroit, Michigan

August 5, 2009

About 10:03 a.m.

MR. FORD: I'd like to call the Wayne County Building Authority meeting to order. It's August 5th, 2010 at 10 o'clock.

Roll call. Mr. Collins.

MR. COLLINS: For the record, Steven Collins, Assistant Corporation Counsel and Special Counsel to the Wayne County Building Authority.

MS. DEHART: Eileen Dehart, member of the Wayne County Building Authority.

MR. ROWLEY: Mike Rowley, member of the Wayne County Building Authority.

MR. SAROS: Jim Saros, member of the Wayne County Building Authority.

MR. FORD: Nate Ford, member of the Wayne County Building Authority and Chairman.

MS. CERDA: Barbara Cerda, Management and Budget, Director of Financial Services.

MS. KHOURY: Valerie Khoury, Management and Budget.

MR. DONNELLY: Terry Donnelly, an attorney with Dickinson Wright.

MR. COLLINS: To the Chair, if I may. I

would like the record to reflect that the officers that sit on the Board, Miss Dehart is the Secretary Treasurer of the Wayne County Building Authority, Mr. Rowley is the Vice Chair of the Wayne County Building Authority. Thank you.

MR. FORD: So noted. Thank you very much.

Move approval of agenda.

MS. DEHART: So moved.

MR. FORD: It's been properly moved. Is there support?

MR. ROWLEY: Support.

MR. SAROS: Support.

MR. FORD: It's been properly moved and supported. All those in favor signify by the sign of aye.

(All said aye)

MR. FORD: All those opposed.

(No response)

MR. FORD: Motion carries.

Old business. Mr. Collins.

MR. COLLINS: At this time there is no old business to bring before the Board. Thank you.

MR. FORD: New business.

MR. COLLINS: At this time I'd like to give Miss Khoury and Mr. Donnelly -- I recognize them.

They have some resolutions they would like for the Board to consider.

MS. KHOURY: The first one on the agenda is the motion to change corporate offices.

MR. COLLINS: Yes. I would like you to empower me to do all the necessary paperwork to change your corporate offices from 600 Randolph to 500 Griswold.

MS. DEHART: So moved.

MR. COLLINS: Thank you.

MR. FORD: Is there support?

MR. ROWLEY: Support.

MR. FORD: It's been properly moved and supported. All those in favor signify by the sign of aye.

MS. DEHART: Aye.

MR. FORD: All those opposed.

(No response)

MR. FORD: Motion carries.

New business.

MS. KHOURY: And this is the Resolution Approving Ground Lease and Supplement to Limited Tax Full Faith and Credit General Obligation Contract of Lease, and if I may, I'll just give you a history of this.

This pertains to the Wayne County Building Authority bonds that were issued in 1996. There was a list of projects that were to be accomplished. All of those projects were accomplished except one called the Nutrition Kitchen for which the decision was made that that would not be done. There are remaining proceeds.

(Miss Pellegrino entered meeting)

MS. KHOURY: There are excess proceeds and the interest earned on those proceeds of about 1.7 million, and there is a desire by the CFO and the CEO to spend that money, a portion of it so far on building improvements to Wayne County owned or Building Authority owned buildings.

So we've consulted with the firm Dickinson Wright. We have gone to the Wayne County Commission and received their approval to use the money, to expand the eligible use of purpose of this money for improvements to Wayne County buildings, and we have also gone to the Department of Treasury and you have before you a copy of the letter giving their approval.

So right now we're coming to the Building Authority with a request to modify the use of proceeds to include improvements to what's called the Downriver Annex, the former HQ building, which is a Wayne County owned building, for improvements and a new roof, and

also we're asking for chiller repair for the Lincoln Hall of Justice, and finally we are asking to spend the money on an x-ray machine which is badly needed by the medical examiner's office.

MR. FORD: All right. Are there any questions of the Board?

MS. DEHART: I do have one question.

When this money is spent, do you know how much will be left?

MS. KHOURY: After this money is spent there will be approximately 400,000 left, and it's my understanding based on the letter that Treasury gave us Treasury has given us the go-ahead, but we will need to come back to the Building Authority when the other projects are identified to spend that money on.

MS. DEHART: Okay.

MR. FORD: Any timeline on that?

MS. KHOURY: No. I... I don't know. We're looking at -- we're talking to our Buildings Division --

MR. FORD: Sure.

MS. KHOURY: -- to see what else is needed --

MR. FORD: Okay.

MS. KHOURY: -- to identify those projects. I think we would like to get those projects identified

as soon as we can.

MR. FORD: Okay.

MR. ROWLEY: I have a question. The elevator project, was that completed in the replacement for the Frank Murphy?

MS. KHOURY: Yes.

MR. ROWLEY: Okay.

MS. KHOURY: It's my understanding from Buildings Division that all of those projects were completed.

MR. ROWLEY: Okay.

MR. FORD: And if I could, I was a part of the Wayne County Building Authority when that was taking place and I can just confirm that that was done, yes.

MR. ROWLEY: Do you remember when it was done?

MR. FORD: Oh, God. It's been a while.

MS. DEHART: After '96.

MR. ROWLEY: Yeah.

MR. FORD: For sure after '96. You know, towards the early part of 2000, you know.

MR. ROWLEY: Okay. Yeah.

MR. FORD: Somewhere in that area.

MR. ROWLEY: Thank you.

MR. FORD: But it was done and completed.

MR. ROWLEY: Okay.

MR. FORD: Jim, you had a question?

MR. SAROS: I just have a question. Like on these projects -- this is for my own information since we're going to ask BS to vote, I guess. You appropriately priced these. I mean, I'm assuming all this you appropriately bid these?

MS. KHOURY: Yeah.

MR. SAROS: And who reviews those bids prior to it coming to this board?

MS. KHOURY: All purchases must be made pursuant to the County's procurement ordinance.

MR. SAROS: Um-hum.

MS. KHOURY: And so each of these projects would be required to the extent required to go through the procurement ordinance, and I think in general any purchase over 50,000 has to go through the checks and balances and be approved by the Wayne County Commission.

MR. SAROS: Um-hum.

MS. KHOURY: And that is the case for each of these projects.

MR. SAROS: Um-hum.

MS. KHOURY: I know, Barb, if you're better

on how the process works.

MS. CERDA: No, that's -- that's accurate what you just said.

MS. KHOURY: Okay.

MR. FORD: I think the Wayne County Buildings Division actually oversees the actual, you know, once the paperwork, administrative work is done actually, you know, send the bids out --

MR. SAROS: Um-hum.

MR. FORD: -- and RFQ it, RFP it or whatever.

MR. SAROS: Okay. So my -- I guess my question -- just because we have so many of these meetings like we have, you know, a little bit... what we're basically voting on is the right to do that, we agree that, like as an example the chiller, should be done. Now, it's not our responsibility in any way, shape, or form to look at documents or bills or anything like this. Am I correct in assuming that?

MS. KHOURY: I believe so.

MR. SAROS: Okay.

MR. COLLINS: That's correct.

MR. FORD: What we can do is basically just authorize the excess proceeds --

MR. SAROS: Okay.

MS. KHOURY: -- from the bond --

MR. SAROS: Um-hum.

MR. FORD: -- the bond, the 45 million dollar bond, we authorize to be designated for these three projects here.

MR. SAROS: Um-hum.

MR. DONNELLY: If I could take just a brief moment, I'll explain what this resolution does in the two documents and perhaps I think it will answer your question.

MR. SAROS: Um-hum.

MR. DONNELLY: In order for a building authority to finance anything, it has to have a leasehold or a fee interest in some real estate.

So the first document on the table is the ground lease, and that -- the County presently owns fee title to those -- the sites of those facilities, and so the ground lease leases the sites of those three facilities to the Building Authority. Then the Building Authority enters into this supplement to the contract of lease, and the contract of lease was the document by which the Building Authority in 1996 leased all of those projects that were financed back to the County, and then under the contract the County's responsible for paying the bonds and also for basically constructing all the facilities.

In the supplement you have in the package here authorizes the County to proceed, and all of the bills to be paid in connection with that would be pursuant to invoices approved by Valerie's boss, Carla Sledge, the Chief Financial Officer. That's the way this is set up.

MR. SAROS: Um-hum. Great. Okay.

MS. DEHART: It's all approved by the Commission.

MR. DONNELLY: Yes, ma'am. This is all -- they adopted a resolution. We did this kind of in steps. First the County Executive approved the use of this and then we had to go to the Commission, they approved in mid June, and then we had to go to Treasury. And this was the first time Treasury's ever been asked to do this, to approve the use of surplus bond proceeds for Building Authority projects. It's authorized by law. And then we have to -- under the documents you need to have an opinion of nationally recognized bond counsel, and I'll be handing that opinion to Steve right after we finish this morning.

MR. SAROS: So that -- so then it's... it is not -- quality control is not this board's --

MR. DONNELLY: No. No, sir. Not at all.

MR. SAROS: Great. Perfect. I mean perfect.

I just wanted to make sure that we're not -- yeah, sure, go buy that tiller. By the way, how much was that?

Okay. Great. Perfect. Thank you.

MS. DEHART: We don't want to pay for any $500,000 toilet seats, do we.

MR. SAROS: Collins will make sure that doesn't happen.

MR. ROWLEY: Kind of nice we have access actually.

MR. FORD: That's right.

Any additional questions? If not, a motion is in order.

MS. DEHART: I'd like to make a motion to approve the Resolution Approving the Ground Lease and Supplement to Limited -- I don't have my glasses on, sorry -- Limited Tax Full Faith and Credit General Obligation Contract of Lease.

MR. SAROS: I'll second that.

MR. FORD: Okay. It's been properly moved and supported. Is there discussion?

(No response)

MR. FORD: No discussion. There's no discussion. All those in favor signify by the sign of aye.

(All said aye)

MR. FORD: All those opposed.

(No response)

MR. FORD: Motion carries.

MS. DEHART: One question now. Do we need to make a motion to direct the Secretary to sign this on behalf of the --

MR. DONNELLY: No. That's what that -- that resolution authorizes the Chair and the Secretary to sign these papers, and I've got three copies for you to sign before you leave.

MS. DEHART: Okay.

MR. FORD: All right. Moving on to public comment. Public comment? Public comment.

MS. KHOURY: You know, I don't know what the appropriate time is, but I just wanted to mention to the Board that we are, just for your information, looking at the possibility of refunding the 1996 Building Authority bonds to the extent a sufficient PV savings could be realized. So you may hear from us again in the future.

MR. FORD: Excellent. Well, we're -- I think I speak for the Board. We're ready and willing and able to be a part of the process, so...

MR. COLLINS: To the Chair. I'd like to put

another item on the agenda for your concern.

MR. FORD: Sure. Yeah.

MR. COLLINS: Under your articles of incorporation you are supposed to schedule an annual meeting, and to the extent that you've not had an annual meeting now in two years, I'd like for you to set a date as an annual meeting. We will call special meetings such as this --

MR. FORD: Sure.

MR. COLLINS: -- as needed, but it is important as I do your corporate things that we are going to do an amendment so that we schedule your annual meeting.

I would like to suggest that you have your annual meetings in September prior to the budget being finalized for Wayne County, unless there is a decision by Management and Budget they'd like to see a different date, but the other component units in the County we've tried to schedule their annual meetings in September.

So if that is the -- I'll take comments in terms of if you want a certain date like the third Thursday of every -- you know, of September, and that would be listed as your annual meeting.

MR. FORD: Okay.

MS. DEHART: Thursdays are a great day for me.

MR. FORD: I'm fine on Thursdays. Mike?

MR. ROWLEY: Yeah.

MR. FORD: Jim?

MR. SAROS: That's good.

MR. COLLINS: So if someone could make a motion --

MR. FORD: Yeah.

MR. COLLINS: -- the third Thursday of every September will be your annual meeting.

MS. DEHART: I'd like to make a motion that the third Thursday of every year will be the annual meeting for the Wayne County Building Authority.

MR. ROWLEY: Support.

MR. FORD: It's been properly moved and supported. Is there a discussion?

MS. DEHART: Should we put a time on that or should we wait and see what happens?

MR. COLLINS: No. Actually I would like for you to schedule a time also.

MS. DEHART: At 10 a.m.

MR. FORD: 10 a.m.

MR. COLLINS: Thank you, Miss Dehart.

MR. FORD: All right. So a motion is on the

table for an annual meeting on September -- the third week in September at 10 a.m., date to be determined.

MR. COLLINS: The third Thursday. What we'll have at this meeting is that Miss Khoury and I will post your annual meeting downstairs.

MR. FORD: Okay.

MR. COLLINS: And it will stay down there for the next year until your next annual meeting.

MR. FORD: Beautiful.

MR. COLLINS: As a special meeting is called, we'll post those downstairs.

MR. FORD: And notices will be sent out in communication from the office.

MR. COLLINS: Absolutely. Absolutely.

MR. FORD: So moved. Is there support?

MR. ROWLEY: Support.

MR. FORD: Any opposition?

(No response)

MR. FORD: Motion carries.

Any additional business?

(No response)

MR. FORD: We've called for public comment three times. A motion is in order to adjourn.

MS. DEHART: I'd like to make a motion to adjourn.

MR. ROWLEY: Support.

MR. FORD: Support. It's been properly moved and supported. All those in favor signify by the sign of aye.

(All said aye)

MR. FORD: Motion carries. We are properly adjourned.

(The meeting was adjourned at 10:16 a.m.)

CERTIFICATE OF REPORTER

STATE OF MICHIGAN)
) SS
COUNTY OF WAYNE)

I, Anne H. Chilton, HEREBY CERTIFY that I reported stenographically the foregoing meeting at the time and place hereinbefore set forth; that thereafter the same was reduced to computer transcription under my supervision; and that this is a full, true, complete and correct transcription of said meeting.



Anne H. Chilton, RMR, RPR, CSR-3669
Notary Public
Wayne County, Michigan

My Commission expires: August 9, 2013

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WAYNE COUNTY BUILDING AUTHORITY

SPECIAL MEETING

OCTOBER 5, 2010

_____/

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Wayne County Building Authority
Special Meeting at 500 Griswold Street
21st Floor Conference Room
Detroit, Michigan
Commencing at 1:00 p.m.,
Tuesday, October 5, 2010,
Before Gail R. McLeod, RPR, CSR 2901

BOARD MEMBERS IN ATTENDANCE:

NATE FORD, Chairman
EILEEN DEHART-SCHOOF, Secretary Treasurer
JIM SAROS
JOHN N. HINDO

ALSO PRESENT:
VALERIE KHOURY, Management and Budget
MATTHEW SCHENK, Chief of Staff,
Assistant Deputy County Executive
STEVEN COLLINS, ESQ., Assistant Corporation Counsel and
Special Counsel to Wayne County Building Authority
MICHAEL P. McGEE, ESQ., Miller Canfield
DAVID MASSARON, ESQ., Miller Canfield

* * * * *

Detroit, Michigan

Tuesday, October 5, 2010

About 1:00 p.m.

CHAIRMAN: I'd like to call the special meeting of the Wayne County Building Authority, October 5th, 2010, 1:00 p.m., I'd like to call the meeting to order and at this time we'll do a roll call.

Board Member Saros.

MR. SAROS: Here. Present.

CHAIRMAN: Board Member Dehart.

MS. DEHART-SCHOOF: Present.

CHAIRMAN: Board Member Rowley. He did call the office this morning and indicated he will not be here. And we have a new board member, Board Member John Hindo.

MR. HINDO: Here.

CHAIRMAN: And myself, Board Member Ford present. We do have a quorum present.

Move for approval of the minutes?

MS. DEHART-SCHOOF: So moved. Do we need clarification as far as the staff members?

CHAIRMAN: Yes.

MS. DEHART-SCHOOF: There are three staff members listed as board members. They should be listed as also in attendance.

THE WITNESS: Corrections noted. Is there support?

MR. SAROS: I support.

CHAIRMAN: Properly supported. Is there discussion?

The question being called for, all those in favor signify by the sign of aye.

(All said aye.)

CHAIRMAN: All those opposed?

(No response.)

CHAIRMAN: Motion carries. Move for approval of the agenda.

MS. DEHART-SCHOOF: I'll make that motion. Do we need to add another item to the agenda?

CHAIRMAN: Yes, we do.

MS. DEHART-SCHOOF: Which will be --

CHAIRMAN: Amended and restated articles.

MS. DEHART-SCHOOF: Amended and restated articles of incorporation, Wayne County Building Authority.

CHAIRMAN: So noted. We have an addition to the agenda as has been properly moved. Is there support? It's been properly moved. Is there support?

MR. SAROS: Support.

CHAIRMAN: It's been properly moved and

supported. Is there discussion?

The question being called for, all those in favor signify by the sign of aye.

(All said aye.)

CHAIRMAN: All those opposed?

(No response.)

CHAIRMAN: Motion carries. Old business? Ms. Khoury?

MS. KHOURY: None.

CHAIRMAN: No old business. Moving on to new business, first item on the agenda is intent to issue bonds and reimbursement resolution. I'll turn it over to you now.

MS. KHOURY: We are bringing forth the intent to issue bonds and reimbursement resolution for the purpose of -- the main purpose at this point is to retain our allocation of recovery zone economic development bonds through the State of Michigan. A law was recently passed that requires municipalities that have received an allocation to submit certain paperwork to the State of Michigan if they want to retain it. With respect to the project, I don't know if anybody --

CHAIRMAN: Introductions, I guess we can go around the table.

MR. SCHENK: Matt Schenk, chief of staff,

attorney for Wayne County.

MR. COLLINS: Steven Collins, assistant corporation counsel.

MR. MASSARON: Dave Massaron, Miller Canfield.

MR. McGEE: Mike McGee, also Miller Canfield.

CHAIRMAN: So I guess we'll open it up with a generic tell us a little bit about this allocation or this bond and reimbursement resolution that you have before us.

MR. McGEE: We'd be able to do that, Mr. Chairman. The resolution itself is relatively technical and Valerie described the basis for it. Part of the Recovery Act that was adopted at the beginning of 2009 under the recovery program was to create what's called allocation for the issuance of recovery zone bonds and there was an allocation made for places all across the country and in general, counties and certain large cities, counties were the principle entities, were granted this allocation as a way to provide low cost capital both for government projects and private projects in an effort to provide some stimulus to the economy.

This allocation amount has been drawn down in part around the country, but what people have found is

in part because banks have been a little bit slow to lend that there's still a fair amount of this allocation that is available and that's certainly true in Michigan. By no means have all of the counties in Michigan, all 83 counties for example drawn down all of their allocation.

The allocation expires under the terms of the Recovery Act unless extended by congress on December 31st of this year. So this has created an impetus for states, Michigan included, to say we need to have a mechanism to in essence provide a way to reallocate this recovery zone allocation before December 31 in order to make use of it, to try to make use of it. So the state law that Valerie just mentioned, 153 which was just adopted by the Michigan legislature in essence says that the state treasurer will aggregate all of the unused allocation in Michigan for purposes of redistributing it unless the counties or certain large cities, the counties indicate to treasury their potential desire to use it. So the core thing we're doing here is this is a resolution that says state treasurer, we're very likely to use this recovery zone allocation and we're very likely to use it on the consolidated jail facility project.

There are a couple of other things in there

for your information. There are some standard tax, federal tax code declarations that are required at the beginning of the project, so-called reimbursement declarations. You'll see it where the county CFO is empowered to make those declarations that protects the county's ability to get paid back for any funds it advances for any bonds that are issued and the county can or the building authority can reimburse itself.

There's a paragraph in there in which we are engaged as bond counsel. Our job as bond attorneys is to advise you and advise the county as to things like the recovery zone allocation, the federal tax consequences of the bond issuance, the U.S. securities law compliance since you're potentially going into the market to sell securities. That's something we do a lot of and have for Wayne County.

That's sort of the sum, the cook's tour of what is in the resolution, Mr. Chairman. David and I are happy to answer any questions.

CHAIRMAN: Okay. Thank you very much. Any questions? Board Member Saros.

MR. SAROS: From the -- from your perspective, if you were to pick out for the county the down sides of this, what would they be?

MR. McGEE: There aren't any. It doesn't

cost anything to do this. It merely provides notice to the state treasurer that the county has an intention to preserve the allocation. It preserves the county's flexibility. If ultimately the project doesn't go forward or ultimately the allocation is not used, the county is in no way disadvantaged by that.

MR. SAROS: Okay.

MS. DEHART-SCHOOF: I have two questions.

CHAIRMAN: Board Member Dehart.

MS. DEHART-SCHOOF: Thank you.

CHAIRMAN: Absolutely.

MS. DEHART-SCHOOF: If the money isn't expended before December 31st, does it roll over?

MR. McGEE: That's presently -- right now, the answer is no. There is quite a bit of impetus and pressure on congress as a result of so much of this allocation around the country sitting there unused to extend the deadline beyond December 31st. So whether that will happen, that's the political prognostication of what's congress going to do.

I think our sense is there are a lot of reasons for congress to do that. There's very little down side to that action. So if cooler heads prevail, it's a good chance it will be extended, but we've all learned of course to never make any predictions about

what congress may or may not do.

MS. DEHART-SCHOOF: Especially in an election year.

CHAIRMAN: Especially in a mid-term election year.

MS. DEHART-SCHOOF: And your fee, you take it out of the bond proceeds?

MR. McGEE: That's right.

MS. DEHART-SCHOOF: If it doesn't run over and we have contracts or promissory letters to different contractors, would that hold the expenditure of the money or would we use that money if the work is actually not completed?

MR. McGEE: Well, if the work is not actually completed and there's not ultimately any bond issue, I don't know that the county has any contracts right now with respect to this project that are --

MR. SCHENK: All you need is for the bonds to be issued before the end of the year. You don't need the work to be completed.

MS. DEHART-SCHOOF: Thank you.

MR. SAROS: So the money is allocated. If the money is allocated before the end of the year, but the work didn't get done until June of next year, the money has still been set aside for that.

MR. McGEE: That's correct.

MR. SAROS: And also for our own edification, for these funds, hasn't Wayne County been pretty outstanding at using this more so than other I'll just say municipalities?

MR. McGEE: I think that's quite true. Wayne County has been much more present in that space in talking about this issue more so even probably than the state to some extent and certainly among the counties has been quite a bit more active than just about all of them.

MR. SCHENK: To that point, Mr. Saros, I think certainly one of our desires is to try and move forward with requesting an additional allocation so that this resolution before you is for 67 million which is the amount that we have outstanding within our allocation, but certainly as Mr. McGee just pointed out, we anticipate that the state will be collecting money from some communities that have not spent their allocation and we certainly want to be in a position to make a case for the need for additional dollars.

MR. McGEE: And the advantage of this from the global perspective is there are different means by which the county as a governmental entity can access low cost capital, tax exempt capital. There are three

principle ways and what we're talking about today in terms of this allocation is the absolute cheapest. We're trying to get the lowest price money possible so that even if for some reason the program isn't extended, we don't get the bonds issued, we can't get the allocation from the other counties, there are still alternatives which are low cost access to capital, but not the super low cost. So the county's being very aggressive in trying to get as much cheap money as is possible to get.

MR. SAROS: Today, do you know what the cost of that money is?

MR. McGEE: The subsidy is 45 percent of the interest on the debt. So you borrow a thousand dollars, you sell it today in the marketplace, you pay probably around seven percent interest and the federal treasury then writes the county a check back for 45 percent of that seven percent, so it brings it down to the high three's. Yeah.

MR. SAROS: Great.

CHAIRMAN: Okay.

MR. HINDO: I have one question, Mr. McGee. My understanding from what you said is the work doesn't have to be completed in order for these to be issued.

MR. McGEE: Correct.

MR. HINDO: What would be sufficient for these to be issued, what's the minimum requirement? Is it just a signed contract or what to we have to comply with?

MR. McGEE: That's a good question. The tax test is really one of expectations. The IRS says a governmental entity that wishes to issue municipal debt of this kind must have a reasonable expectation that all of the proceeds will be spent within three years. They'd really like it if all of the proceeds are spent within two years, but there is some wiggle room there, and there do have to be binding commitments for five percent of the proceeds being spent within the first six months. So the window is actually reasonably generous and primarily one based on reasonable expectations.

What they're trying to do is they're trying to draw a line between something that is truly not a real project, people, it's just more of a concept or an idea, and at the same time permit people to move ahead on projects much like this one where there's been a considerable amount of work that's already been done.

This is much more real than just a pure concept and yet do we have all of the construction bids out there? No. All the contracts signed yet? No, of

course not and there are a lot of projects that sort of fall in there.

CHAIRMAN: So basically, you just want to show some significant, and that's a gray area, progress for your intended project?

MR. McGEE: Yes.

MS. KHOURY: I would like to tell the board the next steps.

CHAIRMAN: Please.

MS. KHOURY: So if the board approves this resolution, which is the notice of intent to issue bonds, we will take this resolution and an order of the county executive and make that submission to the state by the October 8th deadline and then in the near future, it will be our expectation that we would come to the building authority board again with a bond authorizing resolution for their consideration which is what is required to actually move forward and issue the bonds.

CHAIRMAN: Okay.

MS. DEHART-SCHOOF: That's got to be done before December 31st?

MS. KHOURY: Yes, well before December 31st.

CHAIRMAN: This is the first step.

MR. SCHENK: Right. That resolution once

it's approved by the building authority then goes to the Wayne County commission, so we need to make sure we have it in sufficient time from the authorities so we have time to go through that process with the Wayne County commission.

CHAIRMAN: We're just moving adoption of this resolution today.

MR. SAROS: One more question for my own edification. Taking a municipality that doesn't take advantage of this program because I can't sitting here think of any reason why you wouldn't want to, is it mostly due to just incompetency of different administrations, I mean to be blunt, of not taking advantage of this type of financing more so than an actual lack of need?

MR. McGEE: You know, I would say it's a mixture. Sometimes it's a lack of capacity to be able to service the debt. I think that's especially true if you think of Michigan having 83 counties and ten of them are pretty good size with the other 70 are fairly -- they get small fairly fast, they don't always have the resources to support some additional debt.

So I think you're seeing a lot of those mid-size to smaller places are looking at it and saying, you know, we don't really have a lot of ready

cash flow to service anymore debt and this is all very complicated anyway, so why do we care.

MR. SCHENK: To spend the nickels and dimes that are left, if a county has one big project, there might still be 27 million left and they truly don't need another project.

MR. SAROS: Doesn't this also if I understand it correctly, doesn't it also apply to larger cities as well as counties?

MR. McGEE: Cities of over 100,000.

CHAIRMAN: Larger municipalities.

MR. SAROS: All right.

CHAIRMAN: Okay. Any additional questions? Comments? If not, I think a motion is in order.

MR. SAROS: Well, I certainly make the motion to approve as it was stated.

MS. KHOURY: I'm sorry. I just forgot the one thing that we -- the word "remaining."

CHAIRMAN: If we could amend the resolution as it's stated right now just to include the word "remaining" and this will be at paragraph or whereas paragraph number five, it would be the last sentence right after counties and before RZDBS, allocation, if we can include that, make an amendment, make an amendment to include "remaining."

MS. DEHART-SCHOOF: You have to have support before you make the motion. I'll support the main motion.

MS. KHOURY: That's my fault.

MS. DEHART-SCHOOF: I'll support the main motion.

CHAIRMAN: So it's been properly moved and supported. Is there discussion?

MS. DEHART-SCHOOF: Now I'd like to make an amendment to include whereas to number five after the word counties to include the word remaining. And I don't have a problem with the amendment if you make that motion.

MR. SAROS: I'll second.

CHAIRMAN: It's been properly moved and supported. Is there discussion? Question? The question being called for all those in favor signify by the sign of aye.

(All said aye.)

CHAIRMAN: All those opposed?

(No response.)

CHAIRMAN: Motion carries.

Moving on to item B under new business, amended and restated articles. Mr. Collins, you have the floor.

MR. COLLINS: We wanted to bring for your edification and review the fact that the articles of incorporation for the Building Authority have not been redone since 1996. There were some provisions in there we felt were somewhat stale based on the way we do business today. One of them as we discussed is the address of the building authority and so we asked Miller Canfield to assist us in creating new ones. 99 percent of those you will see are identical to what was there last time.

There are a couple corrections in terms of the board size. There were some inconsistent statements in the last one. How we do our appointments is clear and more concise and goes along with the building authority statute now and the manner in which we procure goods and services are consistent now with the building authority statute. So we'd like your support in submitting these to the Wayne County commission who obviously has the authority to approve amendments of incorporation for the building authority.

CHAIRMAN: Any questions?

MS. DEHART-SCHOOF: So we need to approve the proposed changes?

MR. COLLINS: We would like your support in submitting them to the commission.

MS. DEHART-SCHOOF: I'll make that motion to approve the proposed changes to our articles of incorporation for the Wayne County Building Authority.

MR. SAROS: I'll second.

THE WITNESS: It's been properly moved and supported. Is there a discussion? The question being called for, all those in favor signify by the sign of aye.

(All said aye.)

CHAIRMAN: All those opposed?

(No response.)

CHARIMAN: Motion carries.

Moving on to public comment. Public comment? Public comment? No public comment?

If I could just kind of circle back, if we could, to Mr. Collins and Ms. Khoury, if we could get a board member roster, I think we're starting to expand a little bit.

MR. COLLINS: We'd be glad to put a contact list together for you. That will not only give you each other's information, but also give Ms. Khoury's and my information, too.

MS. KHOURY: If I could collect business cards.

CHAIRMAN: Absolutely.

MR. COLLINS: We're hoping you'll share those with us. We're only going to share the information you submit to us.

CHAIRMAN: All right. If there's no new business, no public comment, then a motion to adjourn is in order. So --

MS. DEHART-SCHOOF: Moved.

CHAIRMAN: So moved? Is it supported.

MR. SAROS: Supported.

CHAIRMAN: It's been properly moved and supported. Is there discussion? The question being called for, all those in favor signify by the sign of aye.

(All said aye.)

CHAIRMAN: All those opposed?

(No response.)

CHAIRMAN: Motion carries. We are officially adjourned.

(Meeting concluded at 1:40 p.m.)

CERTIFICATE OF REPORTER

STATE OF MICHIGAN)
) SS
COUNTY OF MACOMB)

I HEREBY CERTIFY that I reported stenographically the foregoing proceedings at the time and place hereinbefore set forth; that thereafter the same was reduced to computer transcription under my supervision; and that this is a full, true, complete and correct transcription of said proceedings.



Gail R. McLeod,
RPR, CSR 2901

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WAYNE COUNTY BUILDING AUTHORITY

SPECIAL MEETING

NOVEMBER 10, 2010

_____/

PAGE 1 TO 21

Wayne County Building Authority
Special Meeting at 500 Griswold Street
21st Floor Conference Room
Detroit, Michigan
Commencing at 1:05 p.m.,
Wednesday, November 10, 2010,
Before Gail R. McLeod, RPR, CSR 2901

BOARD MEMBERS IN ATTENDANCE:

NATHAN FORD, Chairman
EILEEN DEHART-SCHOOF, Secretary Treasurer
JIM SAROS
JOHN N. HINDO

ALSO PRESENT:
VALERIE KHOURY, Management and Budget
STEVEN COLLINS, ESQ., Assistant Corporation Counsel and
Special Counsel to Wayne County Building Authority
MICHAEL P. McGEE, ESQ., Miller Canfield
DAVID MASSARON, ESQ., Miller Canfield

* * * * *

Detroit, Michigan

Wednesday, November 10, 2010

About 1:05 p.m.

CHAIRMAN: We're going to go ahead and call the special meeting of the Wayne County Building Authority to order. Roll call.

MS. KHOURY: You want me to do the roll call?

CHAIRMAN: Yes.

MS. KHOURY: Okay. Eileen DeHart?

MS. DeHART-SCHOOF: Present.

MS. KHOURY: Nathan Ford?

CHAIRMAN: Present.

MS. KHOURY: Michael Rowley?

(No response.)

James Saros?

MR. SAROS: Present.

MS. KHOURY: John Hindo?

MR. HINDO: Present.

CHAIRMAN: We have a quorum present.

Approval of the minutes?

MS. DeHART-SCHOOF: So moved.

MR. HINDO: Second.

CHAIRMAN: Properly moved and supported. Is there discussion?

The question being called for, all those in

favor, signify by the sign of aye.

(All said aye.)

CHAIRMAN: All those opposed?

(No response.)

Motion carries. Approval of the agenda?

MS. DeHART-SCHOOF: So moved.

MR. HINDO: Support.

CHAIRMAN: And supported. Is there discussion?

The question being called for, all those in favor, signify by the sign of aye.

(All said aye.)

CHAIRMAN: Old business, any old business? No old business? Any new in business? And I believe under new business we have the resolution authorizing the issuance of the Wayne County Building Authority bonds, series 2010.

MS. DeHART-SCHOOF: Yay.

CHAIRMAN: And we have counsel here to kind of explain to us kind of open it up for --

MR. COLLINS: Do you want to explain what we have in front of us?

MR. McGEE: We're happy to. This is what we sometimes refer to as a parameters resolution since the final bond details are yet to be conclusively

determined. Going through generally, the beginning portion, much of this by way of background is dictated by statute. The Building Authority Statute Act 31 has in it a number of things that are of the nature of requirements. So it's the custom of most bond attorneys to take the statutory requirements and use that as the cookbook for this resolution, so much of this stuff is found in the statute, for example, the declaration of necessity right there and that sort of thing.

But what we have done here is had the building authority authorize up to, not to exceed, it might be less, $300 million in bonds which might be issued in one series or might be issued in more than one series depending for the purpose of financing the jail project, authorizing the officers of the building authority, the chair, the secretary and the treasurer to execute certain documents that will be necessary to confirm the final bond terms once they are known in consultation and with the approval of the CFO and the county.

There are technical things in here about who signs the bonds, the chair, the secretary. Principle and interest payments in Michigan for just about all bond situations, interest and principle is paid --

interest is paid twice a year, principle is paid once a year.

The security for the bonds, that's an important section, on page four, section nine, is the promise of the county to make cash rental payments for the facility pursuant to the contract of lease between this body and the county for the use of the jail that's being financed. So what you are doing legally is you are pledging to the bondholders the county payments pursuant to that lease and those become a contractual obligation actually to the bondholders.

The remedies provision in here allows bondholders under some circumstances if there are 20 percent of them that are unhappy to come in and try to compel the obligations of the county under the contract of the lease. This comes right out of the statute, establishments of various funds that are used to pay the bonds as the money comes in.

The authority's promises, the authority's covenants at the bottom of page five, the authority is going to -- agrees to collect the money. The principal covenant is to collect the money from the county and then use it to pay the bondholders. If there is a need to finance beyond the 300 million, the option is maintained, although that would all have to come back

here. There's nothing authorized above the 300 million.

The form of the bonds for your information is page seven and page eight. There are a number of blanks in this which would be completed once we know the final bond terms. There may be prepayment provisions. Some portion of them are likely to be the tax credit bonds that we talked about in the last meeting. Other portions might be tax exempt bonds, so the bond form will vary a little bit, but not a great deal. This will give you an idea of what it looks like when it's actually delivered.

Section 21 provides the option to issue the bonds as the tax credit bonds which of course is the objective to get as much of that done before December 31st to take advantage of the Recovery Act provisions that are still in effect that we talked about at the last meeting. That's the way to get the lowest priced money.

The bonds will be actually sold to an underwriter pursuant to the sale order and a bond purchase agreement and the officers of the building authority are authorized to sign that in consultation and with approval of the county's CFO.

Page 11, pursuant to the federal securities

laws, the building authority agrees to make the necessary what's called continuing disclosure filings with various securities repositories. That's basically a county obligation which Steven and I think especially Valerie are familiar with. This is a routine obligation that all municipal bond issuers in the U.S. are subject to and the county because it has so much debt outstanding is in the habit of making these filings annually as required.

You promise that you won't do something to, if the bonds are issued on a tax exempt basis, you promise that you won't do something to somehow impair the tax exempt status of the bonds. Actually, there is probably nothing you can do to impair the tax status of the bonds, but the county could do something, so in the contract of the lease, the county makes the same promise to you since they're using the facility that they won't do something that would cause the bonds to become tax exempt.

MS. DeHART-SCHOOF: Would that be by mixing funds?

MR. McGEE: Not so much mixing funds. It's usually use of funds. The federal tax law generally says that the whole reason to provide low cost money is because we are going to enable the financing of public

projects. So where -- and the definition of a public project permits a little, but very little private participation in the project through management or other things.

So the way these things typically get triggered is particularly today when there is, at a different level, the IRS is maybe behind the rest of the world a little bit, there's a tremendous impetus these days for public entities to do more with less and frequently that means public-private cooperation and at one level, that's a great idea. But in the tax context, if the public-private partnership means that somebody comes in who is a private company and is going to run a significant part of the public project, now you have that private entity getting the benefit of the tax exempt money.

So frankly, not so much in jails, but it can happen in jails. Where you see this a lot are things like recreation facilities, ice rinks, golf courses where the whole idea is to have a project manager come in --

MS. DeHART-SCHOOF: Privatize it.

MR. McGEE: Exactly. So that's the principal covenant that we take this means and other means to consistently give this speech to county people and

Valerie and Steven have heard it probably enough times to recite it by heart, but we still say it.

MR. SAROS: But there is not a particular percentage? I mean it's a little bit of a gray area?

MR. McGEE: Well, actually there is a percentage, although the percentage changes depending on the nature of the private use. If it is private use that is deemed to be somewhat related to the public purpose of the project, you can have up to 10 percent private use.

How you measure the 10 percent, that is a gray area. Is it square footage? Is it the amount of money that's put into it? That's what they pay the tax lawyers to figure out.

If it's private use that is not related to the primary function of the facility, it's five percent. So again, an example would be if you're familiar with the library, the City of Southfield on Evergreen Road, which is a beautiful facility, very fine public library and they very much wanted to do some public-private including there's a little food operation in there which is -- takes up a little bit more than five percent of the square footage of the facility, but less than 10 percent. So the query is the provision of the coffee shop close enough to the

purpose of the library? Well, maybe not to provide books, but is the purpose of the library to provide a common area for people, that sort of thing? So that isn't always clear.

In this case, it would be a little bit more clear because for example, one area where it could get triggered would be let's say in food preparation or laundry or things of that sort. Those are almost certainly going to be very tightly tied to the operation of the jail as a jail because everything really is --

MS. DeHART-SCHOOF: Services needed.

MR. McGEE: Yes, services needed. You don't have too many coffee shops on the first floor of the jail.

CHAIRMAN: Nobody privately is coming into the jail for coffee.

MR. McGEE: Probably not.

MR. SAROS: What about the phone service in the jails?

MR. McGEE: That's a good question. I always qualify these answers by saying we always ask the tax people, but you can buy from private vendors services and functions that are necessary to operate the facility. That's not a question. It's sort of an

ongoing, is there is an ongoing payment in terms of management or actual operation of some aspect of the facility, but phone service probably outside of that.

So that's the quick overview. I'd be happy to answer any questions.

CHAIRMAN: Any additional questions?

MR. McGEE: Recognizing we haven't had weeks to look at this.

CHAIRMAN: Any additional questions?

MR. HINDO: I have one question. Obviously, one of the main purposes is we want to try to use as much of the recovery zone economic development bonds as possible and I remember in the last meeting you had mentioned one of the particular thresholds to look at since obviously construction is not going to be done until well in the future, we would need binding commitments for five percent of the proceeds to be spent within the first six months. Is there anything in place right now? Is there a time frame for certain things to happen at least in the near future so we can meet the threshold to qualify?

MR. McGEE: Remember that includes not just before Steven jumps in, that includes not just turning dirt, but that includes the paying of the preliminary expenses to design the facility.

MR. COLLINS: We have that under contract right now.

MR. SAROS: You could raise your legal fees to meet that.

MR. McGEE: That's been suggested. I appreciate the thought. If you'd like to make a motion, I won't object.

CHAIRMAN: Steve, you have that under contract and even the assembly is well?

MR. COLLINS: Right now, they're selecting the site where those facilities should stand, but ACOM is our program manager and they have subcontractors including design contractors and they were competitively bid and we will be utilizing them right up to probably getting a final design and general contractor which we hope will be less than six months.

MS. DeHART-SCHOOF: And just the obligation of that will meet the threshold.

MR. COLLINS: Correct, especially with what their costs are, yes.

MR. McGEE: And the purpose of that rule to go back to what we said last month is because the service does care about this. The service really tries to constrain to some extent the issuance of the tax exempt or tax credit debt to projects that are real

projects.

Sometimes it's hard to distinguish. It's almost one of those you know it when you see it situations, but of course you can't run a tax code on the basis of you know it when you see it. You have to write down regulations that make an effort to describe what it is you're trying to do.

So the purpose, keeping in mind the purpose of that reg which is to make sure the project is real enough that one indicia that it's real is we're going to have these commitments to pay money within six months of the bonds. Our view is if one looks at this project collectively even if we didn't hit that requirement, which is in the nature of a safe harbor, there would still be sufficient evidence that this is a real project that there would not be a significant exposure to the county.

MS. DeHART-SCHOOF: It's not a pie in the sky thing.

MR. McGEE: Yeah, right.

CHAIRMAN: All right.

MR. McGEE: Even though we think we're going to hit it, I'll feel much more comfortable if we do, but that's the purpose.

MS. DeHART-SCHOOF: I'll make a motion to

approve the resolution authorizing the issuance of the Wayne County Authority bonds, series 2010.

CHAIRMAN: The motion is on the table.

MR. SAROS: I'll second it.

CHAIRMAN: It's been properly moved and supported. Is there discussion?

The question being called for, all those in favor signify by the sign of aye.

(All said aye.)

CHAIRMAN: All those opposed?

(No response.)

Motion carries. Thank you for that great explanation and keep going.

MR. McGEE: Our pleasure. We want you to feel comfortable.

CHAIRMAN: Absolutely. I guess there was a little déjà vu because those were some of the same questions that were asked when we did the juvenile detention facility.

MS. DeHART-SCHOOF: Do you need signatures today?

MR. McGEE: We don't need them today. This is not the case with the last meeting where we had to file something right away. It's possible we'll be back here for something further, either with respect to

amending this or some other thing.

MR. COLLINS: Let me expand on that. We mentioned this to you last time. Probably before the end of the year, we're going to request of you to come back here a few times. There are a lot of things we need to accomplish by the end of this year. It sounds like Wednesday might be the easiest day to meet a quorum for each of you, so we'll keep that in mind when we make calls because there will probably be special meetings called.

CHAIRMAN: We're on standby for signatures, too.

MR. COLLINS: That's good to know.

MS. DeHART-SCHOOF: I'll even do a drive-by. Bring it out to the corner.

CHAIRMAN: Moving on, is there public comment? Public comment? Three times, public comment?

No public comment. Is there a motion?

MS. KHOURY: I just wanted to give an update on a few other items. You asked about recovery zone, and as you know, you have 70 million in recovery zone. I don't know if we told you last time. We made an application to the state treasurer's office. We had requested a hundred million in an additional allocation.

We don't have anything final from them, but they have indicated if we are able to show them that we're really going to be able to move forward, they should be able to give 130 million in allocation. So we are moving forward.

We've given them a tentative financing schedule and they just want to see selection of an underwriter I think. And the other thing that procedurally we'll need to move forward on is making the long form application to the Department of Treasury for the authorization for the building authority to issue bonds. So that's what will be happening in the next several days.

MR. McGEE: And those state forms will require signatures.

CHAIRMAN: We'll stand by. Any additional comments?

MR. SAROS: I'm curious. How do you select who would sell the bonds?

MR. McGEE: There are firms that obviously specialize in that. You've heard the names, JPMorgan Chase, Citibank, Bank of America. There are far fewer than there were before 2008, but what's happening, what the county typically does, and Valerie can speak to the process, is entertain proposals from them as to what

they will do and what time frame and at what price.

MS. KHOURY: So back in the spring, the CFO did a request for qualifications open to all underwriting firms and from that, we have a list of about 14 firms that qualified pursuant to that and currently, the CFO has chosen three or four and they have before them now a request for information so that they can give us bids and information on whether, you know, they could handle something of this size. And actually, we are also, just for your information, tying it to tax anticipation notes.

We're looking for a firm that can do both because of the timing and we need to close on this because of the recovery zone deadline of December 31st. And most likely, although we're looking at our cash flow, we'd want to close on our tax anticipation notes at the same time. We'd like one firm to underwrite this and we're expecting responses back by Friday morning and the selection soon after that.

MR. McGEE: One other thing if I may, that your question sort of implies, is that the county also has as a consultant what's called a financial advisor and an agency called the Government Finance Associates, but there are firms of that kind that basically are available to municipal issuers to look over the

shoulder of the underwriter.

It's not that we -- it's not that -- you know, there's an arm's-length relationship between the underwriter as lender and the municipal issuer or the bond issuer of course and so as part of that negotiation, the financial advisor is a firm that is in the marketplace every day, is well familiar with what prices should be at any particular time and they act as a backstop during the time when the bonds are actually priced to give the municipal issuer, in this case the building authority and the county, some assurance that you're getting a fair price.

They haven't come to the meetings. There's no reason for them to, but you should be aware that they're on duty and that is part of their function.

CHAIRMAN: Okay. Any additional comments? Questions? If not, a motion is in order.

MS. DeHART-SCHOOF: I move to adjourn.

CHAIRMAN: So moved.

MR. SAROS: Second.

CHAIRMAN: Properly moved and supported. Is there discussion?

The question being called for, all those in favor, say aye.

(All said aye.)

CHAIRMAN: All those opposed?

(No response.)

The motion carries and the meeting stands adjourned.

(Proceedings concluded at 1:30 p.m.)

CERTIFICATE OF REPORTER

STATE OF MICHIGAN)
) SS
COUNTY OF MACOMB)

I HEREBY CERTIFY that I reported stenographically the foregoing proceedings at the time and place hereinbefore set forth; that thereafter the same was reduced to computer transcription under my supervision; and that this is a full, true, complete and correct transcription of said proceedings.



Gail R. McLeod,
RPR, CSR 2901

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WAYNE COUNTY BUILDING AUTHORITY

SPECIAL MEETING

FEBRUARY 22, 2011

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Wayne County Building Authority
Special Meeting at 500 Griswold Street
21st Floor Conference Room
Detroit, Michigan
Commencing at 3:00 p.m.,
Tuesday, February 22, 2011,
Before Gail R. McLeod, RPR, CSR 2901

BOARD MEMBERS IN ATTENDANCE:

NATHAN FORD, Chairman
EILEEN DEHART-SCHOOF, Secretary Treasurer
JIM SAROS
JOHN N. HINDO

ALSO PRESENT:
VALERIE KHOURY, Management and Budget
STEVEN COLLINS, ESQ., Assistant Corporation Counsel and
Special Counsel to Wayne County Building Authority
PAULA ANDERSON
ZABBIA AL-HOLOU
RONALD M. MORAN, Ghafari
SCOTT HAHN, Ghafari
GREGORY J. OFFNER, AECOM
TONY PARLOVECCHIO, Parlovecchio Building Inc.
JESSICA MISTAH

* * * * *

Detroit, Michigan

Tuesday, February 22, 2011

About 3:10 p.m.

CHAIRMAN: Good afternoon. Welcome to the Wayne County Building Authority special meeting, February 22nd, 2011. The meeting has been called to order. Roll call, please.

MS. KHOURY: Eileen DeHart?

BOARD MEMBER DEHART-SCHOOF: Present.

MS. KHOURY: Nathan Ford?

CHAIRMAN: Present.

MS. KHOURY: John Hindo?

BOARD MEMBER HINDO: Present.

MS. KHOURY: Michael Rowley?

James Saros?

BOARD MEMBER SAROS: Present.

CHAIRMAN: And we do have a quorum present. The next item on the agenda is approval of the minutes. Everybody has received a copy of the minutes.

BOARD MEMBER DeHART-SCHOOF: So moved, Mr. President.

CHAIRMAN: It's been properly moved. Is there support?

BOARD MEMBER SAROS: Support.

CHAIRMAN: It's been properly moved and

supported. Is there discussion?

The question being called for, all those in favor signify by the sign of aye.

(Aye.)

CHAIRMAN: All those opposed?

(No response.)

CHAIRMAN: Motion carries. We have approval of the agenda with the addendum?

BOARD MEMBER DeHART-SCHOOF: I'd like to make a motion to approve the agenda by adding item 5-E, approval of an RFP for an auditing firm.

CHAIRMAN: It's been properly moved. Is there support?

BOARD MEMBER HINDO: Support.

CHAIRMAN: It's been properly moved and supported. Is there discussion?

The question being called for, all those in favor signify by the sign of aye.

(Aye.)

CHAIRMAN: All those opposed?

(No response.)

CHAIRMAN: Motion carries. Under old business?

MS. KHOURY: I'm going to provide an update of the issuance of the bonds. The series 2010 jail

bonds were issued at the end of December as recovery zone bonds in the amount of 200 million dollars for a term of 30 years. I've provided the board members with a printed copy of the official statement.

Just to give you a brief summary, the true interest cost of the bonds was 5.39 percent. We capitalize interest for a three-year period. It is the expectation that the jail facility should be in service in approximately three years after which we believe the county will start to achieve the savings necessary to make the full debt service payment.

We did ask -- oh, and as it says on the official statement, the senior manager was JPMorgan and co-managers were Siebert Brandford Shank and Wells Fargo Securities. JPMorgan did provide us with a comparison of issuing the recovery zone bonds compared to the traditional tax exempt which would have been the other route we would have chosen and they've indicated that by using the recovery zone bonds we have a savings of approximately 1.7 million dollars annually, estimated to be 45 million dollars gross net debt service. That's a present value savings of 20 million dollars, so we really were able to benefit from that program and this is the first of what we anticipate to be two series.

As you know, you authorized an amount not to exceed 300 million. The 200 million is what we're going to start with and as we move forward and determine the remaining need, we'll come back to you for a second series.

CHAIRMAN: Thank you. Thank you very much. Any questions? No questions? Thank you again and thank you for your diligence last year.

MS. KHOURY: Thank you.

CHAIRMAN: You were an absolute trooper. Moving onto new business, approval of the annual monthly schedule, meeting schedule. Board members, you have received that information.

BOARD MEMBER HINDO: Yes.

CHAIRMAN: Anybody have any questions, comments, concerns? If not, I think we -- a motion will be in order.

BOARD MEMBER DeHART-SCHOOF: I make a motion to approve the annual monthly meeting schedule for 2011.

THE WITNESS: It's been properly moved. Is there support?

BOARD MEMBER SAROS: Support.

BOARD MEMBER HINDO: Support.

CHAIRMAN: It's been properly moved and

supported. Is there discussion? The question being called for, all those in favor, signify by the sign of aye.

(Aye.)

CHAIRMAN: All those opposed?

(No response.)

CHAIRMAN: Motion carries. Moving onto item 5-B approval of the AECOM contract, Ms. Khoury?

MS. KHOURY: Actually, Mr. Collins will speak to that.

CHAIRMAN: Attorney Collins?

MR. COLLINS: Steven Collins for Wayne County Corporation Counsel. At this time, I'd like to introduce you to the team that is here. We'd like to give you a short presentation on the project and then after that, we'll give you some information on the contract and move forward for a vote on the contract.

So if you will, I'd like to introduce Mr. Ron Moran, Mr. Greg Offner and Scott Hahn and they will be giving you a short presentation on it. So gentlemen, if you'd like to go to the front, it's up to you if you have some pictures. Whatever works best for you, please.

MR. OFFNER: As you know, the program contract that's in front of you is part of the overall

justice facility improvement program for Wayne County. The jail represents the consolidation of five facilities that are currently throughout the county, throughout the City of Detroit and kind of puts the central intake and processing center into one common location whereas now they're at separate locations in different precinct and districts around the area.

What this does actually is it makes it a single point for the police department to drop off their arrestees and it puts them in the care and custody of the county much quicker and gets the patrol officer back out on the street. So as far as being a good and safe idea, I think this will be beneficial. Ron?

MR. MORAN: I'd just like to add I'm Ron Moran from Ghafari and we are the local architect engineering firm. We're located in Dearborn, so we are Wayne County based. We have teamed with AECOM who is the national expert in designing jails and prisons. So they've done a lot of these throughout different parts of the country and we think with having the local presence of Ghafari and the national experience of an AECOM, we think we've put together a good team that can build a facility that takes into account all the best practices that are being used throughout the country

right now and put them all in this facility and by way of doing that, we can do better with our utility costs because we'll be able to save money by just doing things different than what was done in the old jails.

Actually, we'll be able to do more things with cameras and things like that. So there will be some savings based on all the best practices that AECOM brings to the table with this project.

So we don't have a site yet. We -- Steve has been working on that. We hope to have that soon. Once that happens, we can start doing our due diligence. We can do our survey. We can do our geo-technical and we can really get into a design. We are -- one of the sites that we're looking at and sort of the one that is the favorite is a site that we refer to as the mud lot and it's a parking lot at Gratiot and the freeway and is it St. Antoine is there? So we've been doing some preliminary designs as it relates to using that location. But we need more exact information so we can really get into the drawings and we've been working on this since I'm going to say about late August doing some planning and programming as far as how the cells are going to lay out and how the volume of traffic moves through the building and things like that.

So we've done a lot of work, but we're

getting to the point as Steve knows that we need the site so we can start getting into the design of the project. And we do have another view.

MR. HAHN: This is from I-375. This is obviously what it may look like and then we've got a color version and again, these are just very preliminary, but we wanted to be able to show you something of how it might look. Again, we haven't really gotten into much of the way of the elevations and things like that, but it gives you an idea.

We obviously know that it's in the central business district, so we want it to fit in. So if you're driving along the road, you don't think it's a jail. It looks more like an office building or some other type of building, but not a jail.

MR. OFFNER: The cells, back here, the living area of course is all behind the Main Street, so there's a plaza that we've had an idea to create this public plaza with the sheriff's office up at the far end. So there's business as usual for the sheriff, but it keeps him away from the public coming in and out of the jail as well as the judges and for the release of prisoners as they're being released, they'll go out the front door and through a public thoroughfare and not out the back door. So we think there are some good

ideas here.

MR. HAHN: We really want to use this as a possible -- make it a civic presence. There's a really nice opportunity in that area with the other facilities around there with the couple of jail facilities, Lincoln Hall of Justice across the way, that this can be a really nice civic development downtown that can even spur further growth and possibly fill other office buildings and things like that, so I think this is really going to be a nice gem in the city so to speak once this thing is developed.

BOARD MEMBER DeHART-SCHOOF: Is that the existing parking lot where people currently park to go into --

MR. HAHN: Yeah, if you go to a Detroit Lions football game, it's loaded with people on Sunday morning, but if you drive out there right now, it's probably fairly empty.

CHAIRMAN: So this is right across the street from Frank Murphy?

MR. HAHN: It is, right across from the juvenile jail.

BOARD MEMBER SAROS: Where is the present sheriff's office?

MR. HAHN: Just to the left. It would be

right there, just off the screen.

CHAIRMAN: Okay.

MR. COLLINS: Does anyone have any questions for the team on design? Thank you.

With that, through the Chair, if I could clarify a couple of points that were made by the team and also review with you some of the terms of the contract, I think it would be helpful. Number one is we do have a site and that site is our current jail location and our current sheriff's administration building. Certainly the AECOM team has provided us with renderings showing our ability to be able to build a new facility on the currently-owned property. However, we have been in active negotiations with the Greektown Casino who currently owns the site that they've been showing you.

Those negotiations are going very well and we are very hopeful that we are going to conclude those negotiations in the very near future. When they are concluded, of course any acquisition of property would be brought back to this firm since you will be the ones owning the jail and owning that property.

With that though, I'd like to give you an overview of the AECOM contract. Number one is that I think that it's important to kind of review the history

and let the record reflect to show the history. Five or six years ago, the county hired a firm by the name of DMJM and DMJM was a subsidiary of AECOM and we hired that firm in order to go forward and do studies regarding a regional justice center. Over the last few years we made a determination that the county wasn't in a state or present position to go build a complete brand new regional justice center. However, AECOM who had made a decision to probably to say shed their children corporations, has gotten rid of DMJM, but what AECOM does have is all the information we ask them to provide us on the building of a new jail along with a new courthouse.

So as we ventured into this project, we took a very hard look at how we would present to you to go forward and one of the things we had to consider was should this type of contract for a program manager go out to bid and we could not make you that recommendation. It became apparent to us if we decided to bid a contract, we would be doing a redundancy of services, services that we've already bought through AECOM and that the cost would be another two to three million dollars to go forward with the second company.

So we began negotiations directly with AECOM not only to do the program management of the new

facility, but to take you all the way through complete design and we were able to look at what the industry standards were for complete design and how much they would charge per the construction and we were able to effectively negotiate with AECOM and Ghafari to bring those down.

It is our position that taking the direct contract with AECOM will save the authority and the county six to seven million dollars versus going out to bid. So that is why we come today to you with the recommendation to go directly with AECOM and go forward.

It is a five-year contract starting on August 1st when we first asked them to begin working at building this facility. The reason we use that date is because that is also the date that's allowable under the bonds, so we're now able to capture all of the work that they did from August 1st going forward and use the bond proceeds versus using the county's general fund to go forward.

BOARD MEMBER SAROS: You're talking about August 1st of 2010.

MR. COLLINS: Correct. Thank you for clarifying that. It is August 1st of 2010.

The second thing was as the county looked at

the structure of what was occurring, it is very typical that you would hire an owner's rep and an owner's rep would be the one entity corporation who would then be the county's face for AECOM and a general contractor. So the county began to look at how they would proceed with that.

At the same time, it came to our attention that Mr. Parlovecchio, who I'd like to introduce you to, Tony Parlovecchio --

MR. PARLOVECCHIO: Hello.

MR. COLLINS: -- had worked with the county for several years. He also indicated to us several weeks ago that it was his decision to terminate his employment with Wayne County. At the same time, we had a lot of confidence and so did the team of AECOM and Ghafari in utilizing him as an owner's rep on the project. So AECOM and Ghafari through negotiations and agreed to by the authority, on behalf of the authority I should say has agreed to hire Parlovecchio Building as an owner's rep on behalf of the authority and you will see as Exhibit D of the AECOM contract that there is a contract in there with Parlovecchio Building.

We think it's important to disclose that for you because Mr. Parlovecchio was an employee of the county years ago or weeks ago I should say, but for a

few years, so we want everything aboveboard. We want to make sure the record reflects that he's being hired by AECOM, that AECOM is going forward with the authority and that there's been complete disclosure on everything that is going on. So with that, I certainly will entertain any questions you have on the AECOM contract.

BOARD MEMBER DeHART-SCHOOF: I have a couple questions if I may. In light of recent activities with the City of Detroit, I want to make sure that our T's are crossed and our I's are dotted. Are there any charter stipulations as far as a dollar amount being put out for bid? In the City of Westland, anything over $5,000 has to go out to bid per the charter.

MR. COLLINS: There's an issue that's not before you that we would like to discuss as an agenda item. You are the entity that is procuring, not the county. You don't have a procurement policy. We will be coming back to you with a procurement policy asking you to adopt and in that procurement policy, we would indicate to you that anything over we're debating between fifty and a hundred thousand because that tends to be the standard now, anything over that would have some sort of competitive bid.

With that though is within the county's

rules, we have things called comparable source and sole source. There are certain situations you don't bid based on what's out there in the industry, so we'll have exceptions to certain things like that. So within the county's rules, we would have to go out to bid for anything I think in construction it's 200,000. We're not limiting the county's procurement workings.

BOARD MEMBER DeHART-SCHOOF: Even though we're an umbrella of the county?

MR. COLLINS: You're a component unit. You're a creation of the county. With the bonds as written and as the bonds were sold it is the authority who will be contracting directly for services.

Now, with that, we are indicating to you if you looked at your bond resolutions before that the purchase of property will be purchased by you, but we'll be bringing that back to the county because we believe that the county in that situation should know and at least accept what's going on because eventually under building authority statute, they would own that property at the end of the bonds and same thing with the general contractor.

Once the general contractor has been recommended for selection, we would again take that back to the county, but in this structure, those are

probably the only two, there might be a couple of other contracts that are going to be let out on this, the general contractor will have a responsibility to hire all the subs.

BOARD MEMBER DeHART-SCHOOF: So this contract will not go before the commission.

MR. COLLINS: No.

BOARD MEMBER DeHART-SCHOOF: And one last question. Is there any clause in, I don't know if it's MERS retirement or state employees' retirement, whereby a former employee has to wait so long before they are rehired?

CHAIRMAN: To do business?

BOARD MEMBER DeHART-SCHOOF: Is it because he's part of a different corporation?

MR. COLLINS: There's nothing in -- okay. I think you have two questions there if I can. In terms of state law having some prohibition in going into a vendor, no, not that I know of. But of course we have an ethics policy that is more stringent than the state law, so I tend to always look to that because it is more stringent and what the county's ordinance says is disclose. It's not that you're prohibited, but that you need to disclose. If you are a vendor, you need to disclose if you are hiring a former county employee.

The other thing that's very important is also based on this, was that former county employee involved in the negotiations. No. Mr. Parlovecchio was not involved in the negotiations for AECOM. That was done specifically by myself, Tyler Tennent who I believe you may have met from the law firm of Dawda Mann, and also with the approvals of the CEO's office, Ms. Mullin, Mr. Elder and Ms. Sledge from the CFO. So he was not involved. So with regard to looking at the county's procurement laws, which I think are more stringent than the state's, no, there is no prohibition.

BOARD MEMBER DeHART-SCHOOF: Thank you.

CHAIRMAN: Any additional questions? Jim?

BOARD MEMBER SAROS: AECOM, you're based in California?

MR. OFFNER: Our world headquarters is in LA, but a few of us here in Detroit worked on the schools program and actually still have a few employees within the city confines.

BOARD MEMBER SAROS: Office is within Wayne County?

MR. OFFNER: Yes.

BOARD MEMBER SAROS: You don't, Steve, then, from a standpoint of -- based on what I view, I always appreciate the fact of not having to bid out when

there's some obvious savings as you so eloquently put it. Are there, though, companies within Southeastern Michigan or Michigan itself that do the same -- create the same task or finish the same task that AECOM provides?

MR. COLLINS: Yes and no. Let me answer that in two ways. Program management positions, there are companies within Wayne County who do program management positions, but we, as the county, need to find a firm that not just does program management but does program management of jails and no, there has not been, not to say that those firms that are here couldn't acquire that kind of expertise and we certainly would hope they could, but at this point, no. When the county did a very broad based bid years ago, the reason AECOM was selected was because it was within a very small group and classifications of individuals or firms I should say that specialize in correctional facilities.

BOARD MEMBER SAROS: Actually, that should have been my question was that, was the correctional facility expertise.

MR. COLLINS: Yes.

BOARD MEMBER SAROS: Anyone within Southeastern Michigan in particular that has that expertise?

MR. COLLINS: I cannot say yes to that question. I don't want to say no because it's been a few years since I've looked to see, but I also know that during our negotiations as we argued standard of care in our negotiations, we were looking at what other firms should have applied or that AECOM should be compared against and those firms were not local because we were looking at standard of care for correctional facilities. But I don't want to completely say that no, there is no firm that could do that. I don't think that would be a fair representation on my part.

BOARD MEMBER SAROS: So in your opinion, in both instances here with Mr. Parlovecchio and AECOM, in both instances not being bid out, if I understand you correctly, neither of those positions require commission approval?

MR. COLLINS: There is nothing in the jail project that legally requires commission approval, but we'll be recommending to you to submit things to the commission regardless of that because right now, it is the building authority who's responsible for contracting for the construction for the new jail. But that does not mean that we would not encourage you and support you in taking certain items to the commission anyway and two of those that we believe are imminent

are number one, the acquisition of property and the second, a general contractor.

BOARD MEMBER SAROS: Just from a standpoint of obviously this is a major project, not having a bunch of commissioners jumping around saying we didn't know anything about this.

MR. COLLINS: That's another point we would bring to your attention, also. We believe it is important on a monthly basis a progress report be giving to the commission. AECOM and Ghafari have been very cooperative in that. We think it's important to show what contracts have been let out by either AECOM and Ghafari or the subcontractor and two, what percentage of those subcontracts are Wayne County businesses and show exactly how far we are in terms of one, spending the dollars and two, how close we are in construction. So we think it's very important to keep the commission informed so a recommendation to the authority is to allow a monthly progress report to go forward to the commission on that kind of activity.

BOARD MEMBER SAROS: Thank you.

CHAIRMAN: Any additional questions? No?

So Mr. Collins, one popped up in my head. We've actually begun the conceptual design of the new --

MR. COLLINS: We've started programming I think is the better way of expressing it to you. One thing that is very common when you build larger construction projects is that you just don't design a facility. You first program it. How many correctional officers do you need in that facility? What is the standard of care in that type of situation? What is the standard in terms of -- we've looked at facilities that now use PDA's as a way of monitoring movements. So we've started on that level.

Once -- in the contract itself it will show you a pre-design phase. Once those five reports have been submitted to us, once we have definitive site selection, then we will be asking them to go forward with final construction and design documents.

BOARD MEMBER SAROS: Just understanding a little bit more with Mr. Parlovecchio's role as the face of the county.

MR. COLLINS: The authority.

BOARD MEMBER SAROS: The authority. His role then, just so that we're all clear, AECOM and Ghafari being local, which I think is a great idea, teaming together to suggest to Mr. Parlovecchio what they're planning on doing, he is that face of saying, yeah, I think that's a good idea, no, I don't, and then when it

comes down to hiring a general contractor, whose role would that be?

MR. COLLINS: Well, let me kind of back up and give a better explanation if I can. The owner's rep is the authority's entity who will now be able to make those day-to-day decisions. As a design is discussed, determined or a problem has occurred, then the design team and the general contractor need to know who's that person I speak to that can make a decision on this and that's what an owner's rep does. He's able to make that decision and what can and cannot be done.

When it gets to the point of bidding out for a general contractor, it is within the scope of the AECOM team that they are to help us put together those bid documents. Once it's been selected or once that entity has been recommended, it will be brought back to the authority and to the county for final approval.

So, yes, the owner's rep will be sitting at the table with Ghafari and AECOM along with individuals from the county in selecting that or making a recommendation, I shouldn't say selecting, but making that recommendation on who should be the general contractor. Another thing that I think is important, I think I glossed over and I think this is very important, we looked at owner's reps from the onset of

this, since last August, how we would deal with making sure we identified that because it is an expectation of a general contractor and a design team of who's your owner's rep, who's the person they can speak to. One of the things that we observed was that under a -- it's normal under a construction project that an owner's rep is going to be paid anywhere from three to five percent of the overall. Mr. Parlovecchio and Parlovecchio Building has agreed to a percentage of .75.

So he's far below the industry standard of what we were going to pay if we went out to another entity and he does have the confidence of everyone here. So we're very happy that he agreed to go ahead and go forward and I frankly believe it's probably out of loyalty of working for the county versus a good business decision. No offense.

BOARD MEMBER SAROS: Does he -- so we're flowing in the right direction, I think for all of us, a lot of the responsibility for this is falling on this authority so I just want to make sure. I'm in the construction business.

MR. COLLINS: I know you are.

BOARD MEMBER SAROS: So that helps me a little bit in this instance. I just want to make sure from a flowing standpoint. So you've chosen -- let's

say a general contractor's recommended to this body and this body goes along with our owner's rep and says great. That general contractor then is going to subcontract out I'm assuming to a number of different subcontractors. Who that general contractor chooses as subcontractors, does that come before this body as well?

MR. COLLINS: No, no. We do not want co-employment. We will not be bringing forward any of the general contractor's subcontractors. However, as it lists in the AECOM contract, it shall list within the general contractor's contract that we have the right to reject a subcontractor.

If it comes to our attention that a certain subcontractor is being utilized by either AECOM or by the general contractor that we have selected and we believe that there's a significant problem with using that subcontractor, we would probably in that situation come back to this authority and ask you to pass a resolution indicating that you reject the use of such subcontractor and then enforcing the term of that contract, that AECOM contract or general contract.

BOARD MEMBER SAROS: And would Mr. Parlovecchio as the face of this authority be soliciting from us or basically stating to AECOM,

"These are people we've used locally," like Ghafari for example?

MR. COLLINS: Mr. Moran may be able to speak to this a little bit, but let me tell you what we understand is going on. One thing AECOM baked into their contract so you don't see it as a line item is an outreach director because they were very committed in their statements to us before we could even start the conversation they wanted to make sure they had local participation. So if they are going to work with going to our local vendors and doing outreach programs, to make sure they're aware of what's coming up in bidding and their ability then to be able to bid on those particulars because they'll be bidding with a general contractor in some situations, but there are some situations in which the AECOM team will be using some subcontractors and some consultants and that's baked into their contract.

So they have not selected an outreach director at this point, but they are in the process of trying to finalize that, but they are very committed in trying to make sure. So if I receive a phone call or you receive a phone call, our position to you would be to make sure that that entity contact the outreach director because we want to make sure everything is

aboveboard in regards to people getting work on this project.

BOARD MEMBER SAROS: And the county as a whole has been, you know, very good at diversifying in any way that they can I think across-the-board, but are there any restrictions or requirements as far as diversification is concerned?

MR. COLLINS: Well, remember, we had a change in Michigan law. We're no longer allowed to have those types of programs. That does not mean that we are aware of a desire for those types, so we are absolutely going to be looking at how we work with outreach programs with what we'll call disadvantaged businesses and that would include minority and women businesses and then we kind of look separately at Wayne County businesses.

You could be a disadvantaged business and also be a Wayne County business, but yes, that outreach program is definitely going to be tracking those disadvantaged businesses and the director, one of the roles that we would assume they would do would be looking to pair them up. If you're a disadvantaged business that would have a difficult time bidding on a county contract because of your previous experience or lack of being able to get insurance, then we're hoping

our outreach director would be able to show those names to another business who might be able to then pair up and create joint ventures in going forward.

Additionally, something that again is not right for today, but what we are looking at seriously is creating a OSIP program, the insurance program. Doing that would mean that those disadvantaged businesses and smaller businesses are going to already start with the ability because we will be controlling the insurance and they won't be having that same problem. So that's not something we have a recommendation for you on today in terms of the OSIP.

BOARD MEMBER SAROS: But from a flow chart standpoint that Mr. Parlovecchia --

MR. COLLINS: Parlovecchio just so you know. I slaughtered his name for years, so I want to give you --

BOARD MEMBER SAROS: -- if Tony happens to be that person.

MR. COLLINS: What do you mean by that person?

BOARD MEMBER SAROS: The person that you're recommending to be the face of this board. He, I'm assuming, will have continued communication with this outreach director.

MR. COLLINS: We would assume that the outreach director would be bringing information back to the owner's rep along with the AECOM team and whoever is selected as the general contractor, along with your last issue which is item E. There is an audit firm. We want that information brought back to them, too, but yes, we would expect the outreach director to have a good flow of communication back to everyone.

Mr. Parlovecchio or the owner's rep is not going to be in a position of selecting or rejecting a subcontractor. He will only if it is brought to this body's attention. If he has a problem with a subcontractor, we would expect him to come back to us and let us know. But it's not as an owner's rep he's not going to be in a position to reject a subcontractor, only to let us know there is a problem with the subcontractor.

BOARD MEMBER SAROS: Last question. Will there be RFPs or RFQs for this program?

MR. COLLINS: We would encourage both. It would depend on what the situation is. There are some situations we believe an RFQ is a better way of going forward. There are other situations such as the general contractor we're probably much more likely to do an RFP, not a bid because we want a very broad scope

and have a very clear understanding of what a general contractor can and cannot do.

There are some recommended ways of doing construction that we'll be going forward with. We want to be able to see that they have that capacity. We want to look at an incentive program in regards to if they can bring it in under costs and under time. It will save us money on finance as we talked about earlier. So it's very likely the recommendation will be for an RFP.

BOARD MEMBER SAROS: Has AECOM obviously with that expertise of having built this type of facility before, have you found are there Michigan-based companies that are qualified to do some of the jail type work? I mean I think in construction, it's easy in normal construction.

MR. OFFNER: There are several actually in proximity and I won't say Michigan-based specifically, but this job is of a magnitude where it will attract the world's or the country's best firms like Walsh from out of Chicago coming in to look at this. Turner of course is already here, but we'll see the P.J. Dick Corporation out of Pittsburgh, probably some others. It's a very big project which is kind of good because we'll get the best and we'll get the best numbers.

BOARD MEMBER SAROS: Thank you.

CHAIRMAN: I'll save my opinion for last. Go ahead.

BOARD MEMBER DeHART-SCHOOF: Does the county have a prevailing wage clause in any of the ordinances?

MR. COLLINS: The AARA does. The bond statute requires prevailing wage and Bacon-Davis, so it's already baked in and will have to be baked in in other contracts. One of the things you will see in the AECOM contract is we've approved their standard form of subcontract and that's already been baked in there, too.

BOARD MEMBER DeHART-SCHOOF: Thank you.

CHAIRMAN: Anything, John?

BOARD MEMBER HINDO: No.

CHAIRMAN: Mr. Parlovecchio, tell us a little bit about yourself because we're going to be spending a lot of time together.

MR. PARLOVECCHIO: Okay. Well, I've been in the construction business for 40 years. I've had three jobs. I worked for a small company that grew into a hundred million dollar company, DiMaria Building, for 16 years. When I was with them, we built Macomb County Jail 25 years ago and then I left there and started my own company and we were successful for 18 years.

We built everything from office buildings to country clubs to industrial parks and we did build Oakland County's -- Parlovecchio built Oakland County's juvenile detention center. And then for 18 years we were successful and we hit the perfect storm with the economy and I was blessed enough to come to Wayne County and been with Wayne County for four years and in that four years, I've done some successful projects. The Guardian Building was one of them. I was in charge of the Guardian Building for the county, the county's owner's rep. We came in 11 and a half million dollars under budget on the project which is kind of unheard of, but we did and I'm here today hoping to be your owner's rep on this project.

CHAIRMAN: Excellent. Thanks.

BOARD MEMBER SAROS: And you left the county when?

MR. PARLOVECCHIO: Actually, my last day was last Friday.

CHAIRMAN: Okay. Thank you. If there are no questions, I think we are ready to move on the approval of the AECOM contract. A motion is in order.

BOARD MEMBER DeHART-SCHOOF: So moved, Mr. President.

BOARD MEMBER SAROS: I second.

CHAIRMAN: It's been properly moved and supported. Is there discussion? The question being called for, all those in favor, signify by the sign of aye.

(Aye.)

CHAIRMAN: All those opposed?

(No response.)

CHAIRMAN: Motion carries. Moving onto item C, 5-C, approval of the legal clerk, Zabbia Al-Holou contract. I trust that the board members have had a chance to review the contract.

MR. COLLINS: If I could speak to this.

CHAIRMAN: Sure.

MR. COLLINS: What you don't see behind the scenes is internally at the county, we charge back. So any time I work on a building authority matter, I charge it to the building authority. I'm too expensive. We need to bring your costs down. So since Ms. Al-Holou has been very good and I can strongly recommend her, it makes a lot more sense to be able to give her the experience. I'll be overseeing everything that she does, but you certainly will be charged a far less rate by having her do what needs to be done than it would require me to charge you to do it. So this became a cost-cutting matter.

BOARD MEMBER DeHART-SCHOOF: $10 an hour is a bargain.

CHAIRMAN: When I read it, I was like wow.

MS. AL-HOLOU: It's under negotiation.

CHAIRMAN: A motion is in order.

BOARD MEMBER DeHART-SCHOOF: So moved, Mr. President.

CHAIRMAN: It's been properly moved. Is there support?

BOARD MEMBER HINDO: Support.

CHAIRMAN: It's been properly moved and supported. Is there discussion? The question being called for, all those in favor signify by the sign of aye.

(Aye.)

CHAIRMAN: All those opposed?

(No response.)

CHAIRMAN: Motion carries. Moving on to line item 5-D, approval to revise bylaws.

MR. COLLINS: If I may speak to this, also. You have not revised your bylaws in almost 15 to 20 years. You also have just now entered into a new phase. You are going to be a very active authority for the next three years based on this project and possibly others that may come through to you that we're looking

at right now. There are issues within your bylaws that need to be addressed, manners in which we need to be able to convene certain meetings without all of you having to come downtown if necessary. So we're asking approval to revise the bylaws based on today's standards and we can bring them back obviously for your approval. But we wanted to give you an informational item and certainly get your support for us to go forward and make those changes.

CHAIRMAN: What's the time line?

MR. COLLINS: I'm going to ask you to give us at least 60 days.

CHAIRMAN: Got you.

MR. COLLINS: We might be able to do it in less than that because one of the things we'll be addressing is that you don't have a procurement policy. We are going to be looking at trying to create a policy for you that will model the county's so we're not recreating the wheel, so that you're in sync with the way the county procures and you can utilize county systems in going forward. So that is one of the reasons we looked at the bylaws and said we need to put this all back in sync together.

CHAIRMAN: Okay.

BOARD MEMBER DeHART-SCHOOF: You want to make

that motion, John?

BOARD MEMBER HINDO: I'm sorry?

BOARD MEMBER DeHART-SCHOOF: Do you want to make the motion?

BOARD MEMBER HINDO: Sure. I make a motion to approve the bylaw revisions. Do we have any support?

CHAIRMAN: It's been properly moved and supported -- it's been properly moved. Is there support?

BOARD MEMBER DeHART-SCHOOF: There is support.

CHAIRMAN: It's been properly moved and supported. Is there discussion? Being no discussion, the question being called for, all those in favor signify by the sign of aye.

(Aye.)

CHAIRMAN: All those opposed?

(No response.)

CHAIRMAN: Motion carries. Moving onto line item 5-E, approval for is that audit services?

BOARD MEMBER DeHART-SCHOOF: Yes, RFP or audit services.

MR. COLLINS: If I could through the chair, Steven Collins again. It's more than just audit

services. As you understand, we went through a lot of challenges looking at the American Recovery and Reinvestment Act. As invoices now start coming in from AECOM and from others that will be working on this project, we want the audit firm to look at those invoices and make sure the documentation that's provided complies with the act. So rather than completely doing all of that internally, we're asking to send an RFP out now to take in bids for an audit firm we'll call them who that's going to be their function. It's not really to audit your books, but to make sure you stay in compliance and they are responsible for processing the invoices.

BOARD MEMBER SAROS: Would that typically be a CPA firm or direct specialty?

MS. AL-HOLOU: CPA.

MR. COLLINS: I'm going to refer to Valerie on that because that's above my -- in terms of exactly the qualifications you're looking for.

MS. KHOURY: The firm will need to have at least one CPA and may I make one other clarification? What we anticipate the rule would be would be accounting services as Steven Collins indicated, reviewing invoices, making sure that everything is an eligible use of the recovery zone bond proceeds and I

just want to clarify it's a project audit. The county will continue to do the annual financial report for the building authority that it does every year and continue to submit it to the state treasurer's office on behalf of the building authority. So this will only be specific to the jail project.

BOARD MEMBER DeHART-SCHOOF: If I may, this can be paid for out of the funds that we have secured?

MS. KHOURY: Yes, that would be an eligible use of the funds.

BOARD MEMBER SAROS: And there will be an RFP you said?

MR. COLLINS: Yes. We're asking for the ability to put out an RFP.

MS. KHOURY: And we'll still come back to the authority for a recommendation, but we'd like to move forward on the process.

BOARD MEMBER DeHART-SCHOOF: I'd like to make a motion to have our legal counsel issue RFPs for an auditing firm.

BOARD MEMBER HINDO: I'll second the motion.

CHAIRMAN: It's been properly moved and supported. Is there discussion? The question being called for, all those in favor signify by the sign of aye.

(Aye.)

CHAIRMAN: All those opposed?

(No response.)

CHAIRMAN: Motion carries. Just a comment, Steven. Your explanations were very detailed, very thorough. Thank you. I think for myself, there's just a level of comfort that you've provided this board and we appreciate that definitely.

MR. COLLINS: Thank you.

CHAIRMAN: I was involved with the new juvenile detention, so a lot of these questions are, you know -- so it's awakening old memories if you will.

As it relates to the Wayne County Building Authority, Ms. De-Hart, we're a quasi-governmental agency. You know, it's very common for entities like us to be formed for special projects or major projects like this to avoid some risk to the county and to accelerate funding sources, i.e., the bonds and things like that. So --

BOARD MEMBER DeHART-SCHOOF: It's obvious we operate in the sunshine and that's my only concern.

CHAIRMAN: Absolutely. I think, too, Mr. Collins, while we're doing that revision of bylaws, we just make sure we put obviously some -- I think the procurement piece is going to be very critical, some

ethics pieces in there just to make sure that everything is -- all the T's are crossed and I's dotted. Again, thank you. And I appreciate you, too, as well as you, also, Valerie.

MS. KHOURY: And I have one more informational update. The articles of incorporation for the authority that you had seen at the last meeting and were submitted to and adopted by the Wayne County Commission, they have been filed with the county clerk and they have subsequently been filed with the office of the great seal as required under the law just to let the board know.

CHAIRMAN: Okay.

BOARD MEMBER SAROS: One more question. I keep picking on Tony Parlovecchio. As far as his employ, is that something we're going to vote on?

MR. COLLINS: He is a subcontractor, a sub-consultant of AECOM. However, that does not mean that I will not come to you in the future and say I would like for him to terminate. If you look at his contract which is in substantial form, I think they're still negotiating, his duty of loyalty flows to you. They have agreed on his duty of loyalty, but that does not mean in the future I may not come back to this board and say they are releasing him and I'm requesting

you hire him directly.

BOARD MEMBER SAROS: That was my point. If he's the face of the county, the face of us, the face of the building authority and it seems to me to be a little bit --

BOARD MEMBER DeHART-SCHOOF: Redundant.

BOARD MEMBER SAROS: Yeah, that we're hiring AECOM and he basically is being hired by AECOM when shouldn't he actually be hired if you will by us?

MR. COLLINS: Yes, let me give you an explanation to that. When we started negotiating with AECOM in regards to this project, we made it very clear to them that even though they may come to us with recommendations of different entities to hire, we were not in a position to be able to use staff time and resources to go through and scrub every single sub-consultant, that we need them to take the position as a program manager to hire all of those sub-consultants.

We've asked them to go ahead now at the onset of this project to hire every sub-consultant, but as we go forward with a procurement policy and doing some other things, we may say to yourselves, "We're in a position where we want you to hire directly versus going through sub-consultants."

BOARD MEMBER SAROS: I don't want to make a big deal of this, but I kind of have a problem with Tony, my man, who's working for us as our face being hired by the very I'll say company that he's supposed to be monitoring.

MR. COLLINS: That is absolutely a valid concern. If you look at the scope of service in which AECOM is providing you and that's in Exhibit A of the AECOM contract and then look at the scope of service that the owner's rep will be providing you and the duties and I point you to a couple of sections, in the AECOM contract, you can look at section .23, it's the very beginning, which clearly defines the fact that the loyalty of the owner's rep as a sub-consultant will be to us.

All right. And if you look in there, if you have a Word version, you can do a find. It is in article one and article two. It again delineates out the responsibilities of the owner's rep and that duty back to the authority versus back to them as a sub-consultant. It acknowledges their need to hire sub-consultants and the rationales behind that. We're not opposed in the future to coming forward and saying to you, "We believe that you should hire the owner's rep directly," and that there may be others who we'll

say to you that were going to be hired by AECOM that we think you should hire directly. At this point for expediency's sake, we're telling everyone that all sub-consultants will have to go through the program manager.

BOARD MEMBER SAROS: And I understand the sense, the common sense behind that, but to throw this out, wouldn't it make sense if at this very time, AECOM who we've already approved as the project manager to recommend to us as the authority that they would like to hire -- that they recommend the hiring of Tony and then we vote on that approval?

MR. COLLINS: I think I lost you there. I'm sorry.

BOARD MEMBER SAROS: Since they're choosing their subcontractors, sub-consultants, if they have chosen Tony to be that face for us, doesn't it make sense for us to say especially given the history you've given, trying to avoid criticism, doesn't it make sense to say, you know, we heard that Tony has been a county employee for four years, we're impressed with his background, we think it's a good choice and have us approve of that as opposed to them just not just recommending, but actually hiring him? In other words, getting our permission to hire him, they still hire

him, but our permission to hire him.

MR. COLLINS: Well, that's what you've just done. That's the contract you've just approved. It's as a whole. It came as a package and you've just passed that.

I think the second piece of your question is valid and something that I was trying to say might be occurring in the future. AECOM team may come to us and say, "We think you should hire X," that is not a general contractor, some other service that as we unfold we decide is a necessary service and that is a decision you'll have to make. If we look at it as a staff and agree with that, we'll bring that back to you and along those lines, I could see very easily coming back to you in the future and saying AECOM has agreed to amend the contract to deal with this because if you look at the AECOM contract, it has all the consultants listed there with each of their prices.

They may come back to you and say it might be better for you to hire the haz-mat guy directly and if they say, "I want you to amend the contract to address that situation," I might also come back to you in 60 days and say, "I want you to amend the contract to release this Exhibit D and make that a direct contract with the authority." But today, it's a package deal.

It's all packaged together.

BOARD MEMBER SAROS: I understand we voted on that package to give AECOM that property. Then why the presence of Tony today and the explanation of his background and --

MR. COLLINS: Full disclosure. I want to make sure that on the record there is a complete full disclosure of exactly what is going on, that there is no intent or desire for any of this to be done in a different way but to make sure that there's full disclosure.

BOARD MEMBER SAROS: Appreciating that completely, doesn't it make sense that that full disclosure be given to this authority and the authority vote on it?

MR. COLLINS: Then I have missed something here and I strongly apologize. If there's an issue here that you're not comfortable with that you'd like to vote on because you just voted on an AECOM contract which acknowledged the owner's rep, but if there's an issue here that you're not comfortable with and you'd like to vote on it, you certainly need to take that up today.

BOARD MEMBER SAROS: I am very comfortable. What I would love to avoid is any kind of a

misconception, you know. Personally, I'm very comfortable with that hire. I'm just saying doesn't it make sense and maybe it doesn't, I'm asking you the question, that in this particular instance, that because that was disclosed in the light of full disclosure, that we say yeah, fine, we don't have a problem with that or if someone does, then voice that?

MR. COLLINS: Well, we'd like to do this then through the Chair. Would there be a motion that acknowledges Mr. Parlovecchio as the owner's rep through AECOM and based on the information that's been provided to you from legal counsel that you support and approve such a decision. And like I said, in the future I certainly have no problems based on what our business situation may be bringing that back to you possibly as an independent contract, but I have no problems if the chair doesn't mind.

CHAIRMAN: That's fine, but I think that full disclosure was done, you know, I think by the fact that by virtue of Mr. Parlovecchio and I think during the presentation, that was done. If we want to do a separate, I have no problem with that, separate just acknowledging that, we can do that.

BOARD MEMBER SAROS: I understand. I guess I'm sorry. I guess I'm not making myself clear. The

timing to me of Mr. Parlovecchio's resigning from the county and taking on this position I think begs for questions and not to this board. I think we're satisfied or I should say I'm satisfied, but since we're on public record, I just think it's a smart thing, that's my opinion, it's a smart thing to say we're totally aware of this and we have no problem with it.

MR. COLLINS: I appreciate the support and if there's a desire to have that resolution passed today, we'll certainly bring that resolution up. We didn't prepare that, but we certainly can write that up, but I appreciate the support and we certainly would --

CHAIRMAN: We're going to do that.

BOARD MEMBER DeHART-SCHOOF: Perhaps the court reporter could read back the proposed motion that Mr. Collins made and then Jim, you could move that motion.

MR. COLLINS: If I could, I'm not sure how the court reporter -- I could make a statement now. We would ask that this body pass a resolution in support of a sub-consultant agreement between Parlovecchio Building, Incorporated and AECOM who has been selected by the building authority as the program manager and that such resolution acknowledges the fact that Mr.

Tony Parlovecchio or Anthony Parlovecchio was a prior county employee. Does that satisfy you?

BOARD MEMBER SAROS: Yes.

BOARD MEMBER DeHART-SCHOOF: Why don't you make the motion.

BOARD MEMBER SAROS: I make that motion to approve.

BOARD MEMBER DeHART-SCHOOF: I'll support that.

CHAIRMAN: It's been properly moved and supported. Is there discussion?

BOARD MEMBER HINDO: One question, Steve.

CHAIRMAN: Call for the question. It's under discussion. Go ahead.

BOARD MEMBER HINDO: As you said before, you may at some point in the future come to us and say maybe we should hire people directly. Is the reverse true? Do we have the option to come to you and say we believe there's a conflict with not Tony per se, but any of these subcontractors?

MR. COLLINS: Absolutely.

BOARD MEMBER HINDO: And do we have the option to say we would like to hire that person directly or hire someone directly who is not that person, replace that person completely?

MR. COLLINS: If independently it comes to your attention that a subcontractor has been hired by one of our vendors that you have a problem with and that you believe there's something tainted about that process in which the current subcontractor has been hired, we'd ask you to bring it to our attention. We would look at the scope of our agreement with that vendor to make sure whatever that issue is that we're able to effectively address that issue. We may not be in a position of being able to tell them they have to reject the bids, but certainly we would want that information as quickly as possible and believe the best way of handling it right now and this may change as the landscape changes is through that outreach director, that they would be able to see maybe directly because they wouldn't be violating an open meetings act, directly talk to each of you about whatever your concerns may be.

BOARD MEMBER DeHART-SCHOOF: Offer the motion.

CHAIRMAN: Call for the question. The question being called for, all those in favor signify by the sign of aye.

(Aye.)

CHAIRMAN: All those opposed?

(No response.)

CHAIRMAN: Motion carries. I believe that concludes our business under the formal agenda. I'm going to call for public comment at this time. Is there public comment? Is there public comment? Is there a public comment? Seeing no public comment, I believe a motion now to adjourn --

BOARD MEMBER DeHART-SCHOOF: So move to adjourn.

CHAIRMAN: -- is in order. It's been properly moved --

BOARD MEMBER HINDO: Second.

CHAIRMAN: -- and supported. Is there discussion? The question being called for, all those in favor signify by the sign of aye.

(Aye.)

CHAIRMAN: All those opposed?

(No response.)

CHAIRMAN: Motion carries. This meeting is adjourned.

MR. COLLINS: There are doughnuts. I do want the record to reflect we do not use public money when we get doughnuts.

(Proceedings concluded at 4:20 p.m.)

CERTIFICATE OF REPORTER

STATE OF MICHIGAN)
) SS
COUNTY OF MACOMB)

I HEREBY CERTIFY that I reported stenographically the foregoing proceedings under oath at the time and place hereinbefore set forth; that thereafter the same was reduced to computer transcription under my supervision; and that this is a full, true, complete and correct transcription of said proceedings.



Gail R. McLeod,
RPR, CSR 2901

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WAYNE COUNTY

BUILDING AUTHORITY

MEETING

_____/

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Taken at 500 Griswold,

Detroit, Michigan,

Commencing at 2:20 p.m.,

Thursday, April 7, 2011

Before Laurel A. Frogner, RMR, CRR, CSR-2495

APPEARANCES:

Nathan Ford, Chairman

Eileen DeHart, Member and Secretary-Treasurer

Jim Saros, Member

John Hindo, Member

Steven Collins, Wayne County Corporation Counsel

Carla Sledge, Wayne County Chief Financial Officer

Jessica Pellegrino, Wayne County Executive Officer

Valerie Khoury, Office of Management and Budget

Zabbia Alholou, Building Authority Staff

ALSO PRESENT:

Ron Moran, Representative from Ghafari

Detroit, Michigan

Thursday, April 7, 2011

2:20 p.m.

CHAIRMAN FORD: Good afternoon. We're going to go ahead and get started. We're going to call the Wayne County Building Authority Meeting annual -- or, excuse me, the regular meeting April 7, 2011, 2 p.m., to order.

Could I have a roll call, please.

MS. KHOURY: Eileen DeHart.

MS. DeHART: Present.

MS. KHOURY: Nathan Ford?

CHAIRMAN FORD: Present.

MS. KHOURY: John Hindo?

MR. HINDO: Present.

MS. KHOURY: Michael Rowley?

James Saros?

MR. SAROS: Present.

CHAIRMAN FORD: I believe we do have a quorum present.

Moving on, if we can have an approval of the minutes. Has everybody received the minutes, had a chance to review? Are there any corrections, additions, subtractions?

MS. DeHART: So moved.

CHAIRMAN FORD: It's been properly moved. Is there support?

MR. HINDO: Support.

CHAIRMAN FORD: It's been properly moved and supported. Is there discussion?

Question being called for, all those in favor signify by the sound of aye.

(IN UNISON): Aye.

CHAIRMAN FORD: All those opposed? Motion carries.

Approval of the agenda with an add-on.

Ms. Khoury?

MS. KHOURY: We would like to add Filing of the Annual Financial Report and Qualified Status.

CHAIRMAN FORD: We can put that under New Business. We can make that Item Number 5(f).

MS. DeHART: So moved.

CHAIRMAN FORD: It's been properly moved. Is there support?

MR. SAROS: I support.

CHAIRMAN FORD: It's been properly moved and supported. Is there discussion?

The question being called for, all those in favor signify by the sound of aye.

(IN UNISON): Aye.

CHAIRMAN FORD: All those opposed? Motion carries.

Under Old Business, we have the Bylaws.

Ms. Khoury, you want to talk us through that?

MS. KHOURY: I was going to defer to Steve Collins.

CHAIRMAN FORD: Excuse me, I am so sorry, Steve.

MR. COLLINS: Steven Collins, Assistant Corporation Counsel for Wayne County, and Special Counsel to the Wayne County Building Authority. Yes, we had presented to you at your last regular meeting that we would submit to you an update of the Bylaws. I'm sorry to say that based on the amount of work we need to achieve on your building for the jail, that is not an agenda item that we have available for you today. The reason that we have some delay on the Bylaws is the same reason that we have some delay on your Procurement Policy. We need to make sure your Bylaws coincide with what you have in your Procurement Policy, and we need to make sure that both coincide with what we have in the Wayne County Charter and the Ordinance. Therefore, we have a delay on that, and we're going to ask you just to continue to operate with the Bylaws you have until we update them.

MS. DeHART: Would you like that item postponed to bring it up next meeting or tabled and not to bring it up next meeting?

CHAIRMAN FORD: Let's table that, and let's do a motion to that extent.

MS. DeHART: So moved.

CHAIRMAN FORD: And just to reiterate, we're going to table the Line Item 4(a) under Old Business, table the Bylaws as we are still in the process of drafting and resolving the new Bylaws, if you will.

MR. COLLINS: Thank you.

CHAIRMAN FORD: It's been properly moved. Is there support?

MR. HINDO: Support.

CHAIRMAN FORD: It's been properly moved and supported. Is there discussion?

Question being called for, all those in favor signify by the sound of aye.

(IN UNISON): Aye.

CHAIRMAN FORD: All those opposed? Motion carries.

Moving on, under New Business, 5(a), Resolution for Designated Authority to Chief Financial Officer.

Mr. Collins.

MR. COLLINS: Yes. Steven Collins again. Yes. To the Chair, I'd like to give you a little bit of background history on the Jail Project itself that goes to this resolution.

As you approved the documents last fall, you remember within the Contract of Lease it indicates that the construction manager and the purchase of real estate will go back to the Wayne County Commission for approval. However, procedurally and legally it is the Wayne County Building Authority who will be executing those documents since you are the owner of the bond issuance. We're asking for designated authority to the Chief Financial Officer, and if you'll look at the resolution, it indicates that she'll be doing and issuing the RFP, RFQs and such in regards to the Wayne County Procurement Ordinance. We feel that that is appropriate for these matters. Certainly you need a procurement policy to address other matters outside of the jail, but when we're talking about the jail matters, we're going to be seeking guidance through the Wayne County Procurement Policy and using the Wayne County process for those matters. So we're asking you to designate the authority to the CFO since under the issuance of the bond, it does become the responsibility of the CFO of Wayne County to ensure that those bonds

are spent in a certain manner.

CHAIRMAN FORD: Sure, absolutely. So she's making recommendations obviously to this body, to the Board, Wayne County Building Authority. She has oversight over the RFQ, RFP process.

MR. COLLINS: Yes, absolutely.

CHAIRMAN FORD: All right.

MS. DeHART: I'll make a motion for purpose of discussion. I have a couple questions.

CHAIRMAN FORD: Okay. So we have a motion to approve the Resolution for Designated Authority to and of the Chief Financial Officer. Motion is in order, and I got you under discussion.

MS. DeHART: So moved.

CHAIRMAN FORD: It's been properly moved. Is there support?

MR. SAROS: I'll support.

CHAIRMAN FORD: It's been properly moved and supported.

Under discussion, Ms. DeHart.

MS. DeHART: Thank you, Mr. Chairman.

If there are any issues that the Commission needs to be apprised of, will they be apprised of it? I don't want to act like we're doing something in the shadows. I want it out in the sunshine and the

Commission to know what's going on and everybody to know what's going on.

MR. COLLINS: Yeah. For sake of clarity, you're talking about the Wayne County Commission, because legally you're referred to as the Commission, so I just want to --

MS. DeHART: Yes, that's correct, Wayne County Commission; The Commission.

MR. COLLINS: The Wayne County Commission. Yes, on Tuesday you do have, as a point of information, a presentation that was given to the Wayne County Commission on Tuesday, and this issue was brought up again on Tuesday, the fact that we are going to go through the Wayne County Procurement Policy for the general manager, and so the resolution is consistent with the information that we've given to them.

Yes, we believe in full disclosure, and if there are issues in the RFP, we would look for guidance in the procurement ordinance as far as going to the Commission for those issues that may come up. And maybe I can, by way of example, address your issue, debarment is an issue under the procurement policy that we would give notice to the Wayne County Commission on. So, yes, we would be doing that, but we would also modify that slightly to make sure that this Board has

notice of that, also. We need to make sure both areas are covered.

MS. DeHART: Thank you.

CHAIRMAN FORD: Motion is on the table.

Question on the discussion?

MR. SAROS: Thank you. I just want to be clear on what goes before the Commission or, excuse me, the Chief Financial Officer. Will that be shared with us?

MR. COLLINS: When we have finished the RFP, and that's the Request For Proposals, and are ready to issue that under the County's notice requirements, we will send a copy to each of these board members, and that RFP, we issue -- at the County we issue RFPs attaching a contract to it, so we'll be sending you that entire pack when it's issued.

Under the Procurement Ordinance of Wayne County, we then create a Selection Committee to review those RFPs. The recommendations will come back to both this body and to the Wayne County Commission pursuant to the Contract of Lease that you agreed to last year for both bodies to approve the selected vendor.

MR. SAROS: And just for the sake of conversation, let's just say that the County Commission approved of something that we didn't or vice versa.

What controls?

MR. COLLINS: Well, if either one of these bodies reject that, then we will have to start and go back and look at the process again. If we submit a contractor to the Wayne County Commission and they reject such contractor, then we would have to go back and look at the rejection and the notices and make a decision on there. Same thing if the Wayne County Commission were to accept the contractor, but for some reason this body made a decision that they would not accept or execute a contract with that contractor, we would have to go back and look at the process again.

MR. SAROS: And would it typically go before the Wayne County Board of Commissioners before it came to us or after?

MR. COLLINS: It would typically not go to them at all. But we made a decision in this project that we are going to bring it to the Wayne County Commission for approval.

MR. SAROS: So in this particular project, would it go to them prior to us or after us?

MR. COLLINS: We have not made that decision yet, and the reason we've not made that decision yet is another issue that I'll bring up as aside now, is that we've always indicated to you that we're going to

probably be stepping up your meetings, and it's going to be a timing issue, you know. We're going to see who goes first. You know, once we've gotten finished, we may end up coming to you because it's more expedient or we may go to the Commission first. Right now I believe it will be the CFO's decision and CEO's decision, and it will probably go to the Commission first and then come back to this body.

MR. SAROS: I mean what I would hate is a body to make a decision that then goes out before the public and --

CHAIRMAN FORD: And that could change just based under discussion, that could change, I mean there could be --

MR. COLLINS: Yes, if I could give you a little more definitive, then. The Wayne County Commission has what's called a committee structure. So if it were to go to the committee and that committee were to have full approval, and we see that there is support within the Commission, and it just so happens we have a regular meeting scheduled for you, we would probably go ahead and bring it to you and ask you for approval rather than trying to call more special meetings for you to come in to have to make that. So we're going to take a look at it and we're going to try

to be judicious with your time and see where the process is.

CHAIRMAN FORD: And, again, under discussion, I think it's all based on the expediency and expediting this project as quick as possible. We don't want any more grass growing under our feet, so absolutely.

MS. DeHART: And if I may, we can also make our motions contingent on the County Commission's approval.

MR. COLLINS: That is correct.

MR. HINDO: I have one question, Steve, for my own clarification. Will we see all bids that are submitted as well or just the winning bid?

MR. COLLINS: If you would like to see the proposals that are brought in, we certainly will share that with all of you, but I would explain -- I would let you know that we've obviously done this many times before, and it tends to be a very arduous and a very big process.

CHAIRMAN FORD: Yes.

MR. COLLINS: There will be boxes and boxes of proposals. So we would certainly allow you to see them, we'd allow anyone to see them, after we have been through the proposals. They are subject to confidentiality until after the proposal. But it'll be

your choice, it will be your choice if you decide to look at the other proposals.

MR. HINDO: Okay.

CHAIRMAN FORD: Question being called for?

MS. DeHART: I'll call the question.

CHAIRMAN FORD: Question being called for. All those in favor signify by the sound of aye.

(IN UNISON): Aye.

CHAIRMAN FORD: All those opposed? Motion carries, and that will be the Resolution For Designated Authority to our distinguished Chief Financial Officer.

Moving on, Line Item 5(b), Ratification of Option-Exchange Agreement.

MR. COLLINS: If I may.

CHAIRMAN FORD: Attorney Collins?

MR. COLLINS: Yes. I believe at our last meeting we spoke to you about the possibility and the desire for the County and the Building Authority to acquire a 7.62 parcel of property across from Frank Murphy as the designated site.

We have finished negotiations with the casino, Greektown Casino, LLC, and we have executed an Option-Exchange Agreement. We did contact your Chair, Mr. Ford, and ask him to sign the Option-Exchange Agreement. We are not bound, we can always cancel this,

and we are going to be doing our due diligence, but we felt it important to keep things going to get it executed as quickly as possible.

The document you have before you has been signed by not only the casino but by the Building Authority and by Mr. Ficano, so we are giving you that as an informational item and asking for your ratification.

We'd also tell you that over the next 60 days we'll be doing due diligence. This is, again, as similar to the Contract of Lease that we just spoke about and the general contract, general manager, excuse me, for construction, it will also go to the Wayne County Commission and then also be approved here.

It's a little different in the fact that you will be acquiring, as the Building Authority, the casino's parcel. The County will be selling the Sheriff's Administration Building if we're able to do this transaction. But we very likely in this situation for the purchase of property will take it to the Commission first before we bring it back to you for approval.

MS. DeHART: If a motion is in order, I will make that order.

CHAIRMAN FORD: A motion is in order.

MS. DeHART: Resolution -- the agreement, I'm sorry.

CHAIRMAN FORD: Member DeHart.

MS. DeHART: I would like to make a motion to approve the Exchange and Option Agreement.

CHAIRMAN FORD: We are just ratifying?

MR. COLLINS: Yes.

MS. DeHART: Yes.

CHAIRMAN FORD: Ratification now. It's been properly moved. Is there support?

MR. HINDO: Support.

CHAIRMAN FORD: It's Been properly moved and supported. Is there discussion?

Question being called for, all those in favor signify by the sound of aye.

(IN UNISON): Aye.

CHAIRMAN FORD: Aye. All those opposed? Motion carries.

Moving on to Line Item 5(c), the Dawda -- is that Dawda Mann?

MR. COLLINS: I'll speak to that, also.

CHAIRMAN FORD: I was working with that, Steve, working with it, okay, Dawda Mann Contract for Legal Services.

MR. COLLINS: I might add that I have

slandered that name many times.

Since January of this year, the Charter County has been picking up these legal services, and it has been the goal of this firm, they wrote the agreement for the program manager, they are in the process of writing -- helping us with the RFP and writing the Construction Management Contract. It is upon my recommendation back to the County that we no longer have the County pick up these legal fees, that we ask that the Building Authority pick up these legal fees since it is directly related to the jail and certainly will help the County's budget.

Mr. Tyler Tennent, who is the attorney, had intended to be here, but he is very ill today, and I asked him not to come.

CHAIRMAN FORD: Thank you.

MR. COLLINS: But he has worked with us on development projects over the last several years. I give him my highest recommendation in regards to how thorough he is, and I would also point out to you that whether it be a Building Authority or any of the other component units of Wayne County, we run legal services through the Department of Corporation Counsel, so it will be the same legal services contract but for the benefit of the Building Authority through Corporation

Counsel.

Mr. Tennent's normal hourly rate is $435, but he has agreed to do this at $200 an hour, and I might add that we do scrub his bills, and he has been very good about accurately reflecting the amount of hours that he works on his projects. So I am asking that you hire him for one year for a contract not to exceed $100,000.

MR. SAROS: I'd like to make a motion.

CHAIRMAN FORD: Yes, sir. A motion is in order.

MR. SAROS: To accept that contract.

CHAIRMAN FORD: It's been properly moved. Is there support?

MR. HINDO: I'll support it.

CHAIRMAN FORD: It's been properly moved and supported.

Question being called for? All those in favor signify by the sound of aye.

(IN UNISON): Aye.

CHAIRMAN FORD: Discussion?

All those in favor signify by the sound of aye.

(IN UNISON): Aye.

CHAIRMAN FORD: All those opposed? Motion

carries. Thank you.

Moving on to Line Item 5(d), Filing of 8038-CP.

MS. KHOURY: I'm Valerie Khoury with Management and Budget.

CHAIRMAN FORD: Ms. Khoury; I knew it was going to be one of the two.

MS. KHOURY: I just wanted to provide an update that the first interest payment on the bonds that's due on June 1st, as required under the Recovery Zone Bond Legislation, we prepared, Management and Budget prepared the 8038-CP for Chairman Ford's signature, and we have submitted it to the IRS. That's going to -- the debt service payment is about 8 and a half million, and the subsidy that will be returned to us after they receive and process the application is about 3.8 million that we'll get back. So that's the savings that we achieve by participating in that program. So that's been filed, and that's something that we'll continue to file two times a year, each time an interest payment is made.

CHAIRMAN FORD: Okay. No motion is required.

MS. KHOURY: No, just an update.

CHAIRMAN FORD: Just an update. Thank you very much. Any questions on that update?

Moving on to Line Item 5(f), this was our amended -- or our addition to the agenda, the Qualified Short Form; Ms. Khoury?

MS. DeHART: You mean (e), Disclosure Forms?

CHAIRMAN FORD: Excuse me, I'm sorry, I need my glasses. Disclosure Forms, obviously the Board, we received -- you all have received the Disclosure Forms provided to us by the County. This is a standard operating procedure, I'm sure. We have the right forms. Like I indicated to you before, I remember doing this very same form six, seven -- when we did the new jail. Is there a time limit on when we need to get these? Can we just bring these to the next meeting or if everybody -- we need to get them in today?

MR. COLLINS: If I could, yes --

CHAIRMAN FORD: Absolutely, I'm done. I know, Jim, are you able to -- I know you've got about a thousand properties you've got to list.

MR. SAROS: Yeah, I mean I --

MR. COLLINS: If I could, I will certainly assist any one of you in filling out the form. I want the record to please reflect the fact that if anyone has business with Wayne County, that does not show a violation under the ordinance; this is just a disclosure. So because you are doing a very large

project and we want to be very transparent on what's going on, I would like to get these filed as quickly as possible. These are to be filed with the Wayne County Clerk. So if any of you have any issues, I certainly will sit down and help you fill out.

There was a question raised prior to this meeting as board members were reviewing it which department, if a department should be identified it's listed on the side of the front form. The Wayne County Building Authority, which is a component unit of Wayne County, is managed by the Department of Management and Budget. So to the extent you need to identify a department, it's the Department of Management and Budget that you identify.

CHAIRMAN FORD: Okay. We will get these --

MS. DeHART: Now, this is only for vendors. My husband is a retired County employee. That would not pertain to him as a retired County employee or would it? Should I list him?

MR. COLLINS: How long ago did your husband retire from Wayne County?

MS. DeHART: Just over a year.

MR. COLLINS: No, then you do not need to list him.

MS. DeHART: He is getting a pension.

MR. COLLINS: It doesn't matter, but we do have a disclosure that deals with the fact if you're an employee less than a year, then there needs to be. It really doesn't affect you in this situation, but I just wanted to clarify, so, no, there's no need to have to disclose that.

CHAIRMAN FORD: I'm going to hand mine in, and I think we'll get those in to -- you will probably have to work with Jim --

MR. COLLINS: That's perfectly fine. Certainly we'll review these before we file these with the Clerk to make sure that we feel like that they've been adequately completed since we haven't given you as much information as maybe we should have prior to this.

MR. SAROS: Is this, though -- in just reading it, it doesn't appear to me that this is the appropriate form. So I mean is this something that we should fill out and scratch off where -- I'm certainly not comfortable signing something that says I'm an employee of Wayne County.

MR. COLLINS: I understand your concern and I certainly share that concern, that a form for board members versus contract managers, which is how it is listed within the Wayne County Ethics Ordinance. However, at this point in the County, this is the form

that we have available, and since we like to have these filed with the County Clerk by March, we're going to ask you guys to go ahead and fill them out as they are. And certainly if a new form is developed that's more appropriate for board members, we'll replace them with these. But I am going to ask, and I certainly understand your concern, and I'll work with you directly on making sure we write the adequate information.

MR. SAROS: So if something on here doesn't apply --

CHAIRMAN FORD: Not applicable -- again, I think, you know, in the entire spirit of just -- this was, again, what I filled out six, seven years ago when we did the -- I don't know of any other form, but, you know, I think all the information is included in here so.

MR. COLLINS: It's been six or seven years since I've had to deal with this, so I'm a little rusty on --

CHAIRMAN FORD: We'll get these in to the appropriate --

MR. COLLINS: Turn them in to Zabbia, who is your employee.

CHAIRMAN FORD: Okay.

MR. COLLINS: She'll work with me but --

CHAIRMAN FORD: We'll get these in to Zabbia ASAP, and you will assist if we need --

MR. COLLINS: If you don't finish them today, then certainly get them to Zabbia, and I will look at them before we file them with the County Executive's Office, and Ms. Pellegrino's here today to make sure that we've seen that those forms are filled out adequately before they're filed.

CHAIRMAN FORD: All right. Thank you very much, Attorney Collins.

Moving on to Item Number 5(f), that would be the Qualified Short Form. Ms. Khoury?

MS. KHOURY: Valerie Khoury, Management and Budget. This is also an update. The Building Authority's Annual Financial Report was filed with the Michigan Department of Treasury on behalf of the Authority by Management and Budget. And, also, I would like to move forward on making the application on behalf of the Building Authority for qualified status under the Municipal Finance Act, an authority and municipalities for the way that they can get permission to issue debt throughout the year from the Department of Treasury is by making a filing for qualified status, and once approved, then you have the ability to issue debt without filling out a long form, which is what we had to

do for the jail bonds.

CHAIRMAN FORD: All right.

MS. DeHART: Do you need a motion?

CHAIRMAN FORD: Yes, we do.

MS. DeHART: So moved.

CHAIRMAN FORD: It's been properly moved. Is there support?

MR. HINDO: Support.

CHAIRMAN FORD: It's been properly moved and supported. Is there discussion?

Question being called for, all those in favor signify by the sound of aye.

(IN UNISON): Aye.

CHAIRMAN FORD: All those opposed? Motion carries.

That concludes our agenda.

Moving on to Public Comment, is there any Public -- Attorney Collins?

MR. COLLINS: I wanted to bring one thing to your attention and give you an update on the project. Each of you have before you a Project Status Report. This report was presented to the Wayne County Commissioner on Tuesday. It took almost three and a half hours to go through this report with the Commission with AECOM and Ghafari, and Mr. Ron Moran is here from

Ghafari. We made the decision not to have you go -- present that kind of a status report to you today. We're giving you this. These will be updated constantly throughout the project. Certainly at any point if you would like a presentation by AECOM, by Ghafari, or by Mr. Parlovecchio, who is your owner's rep on this project, we'll bring them in to give you updates, but we do plan on at every board meeting letting you know where we are in the process by resolution, where we are in getting ready to issue RFPs and RFQs. So if you have any questions on this, don't hesitate to let us know, but I wanted to let you know why you have it but we decided not to submit you to a three-and-a-half-hour presentation.

CHAIRMAN FORD: Thank you very much. And I'm sure we will at some point in the very near future ask for a more detailed updated presentation so.

MS. DeHART: Mr. Chairman, I had one point.

CHAIRMAN FORD: Absolutely.

MS. DeHART: It was going to be a question, but I just want to make it part of the record. My question before the meeting began was to make sure that we were going to have a design/bid/build, not just design/build, and there will be RFPs and bids put out. So that was answered at the beginning of the meeting. I

just want to verify that on the minutes that bids will be put out for different phases of this.

MR. COLLINS: Well, I am going to try to answer that as best I can, because I don't want the record to reflect something a little differently than what we're contemplating. There is -- and I certainly understand what you mean by design/bid/build or design/build, and what we are attempting to do is something we spoke about at the last meeting, which is called an integrated system where we will send out an RFP for construction managers, we will then select the team and the subcontractors and the prime subs along with our design team, and they will all enter into a room for about three weeks, and they will design the entire thing and come up with the gross maximum price. It's not a design, a bid, and a build, and it's not a design/build, it's called an integrated system. And at this point in our process it looks like that is going to be the most efficient and cost-efficient way for us to be able to do the project. A final decision has not been made on that, but it looks like that is the direction in which we are heading.

MS. DeHART: If I may, I did some research on it.

MR. COLLINS: Okay.

MS. DeHART: Because I had somebody call me and ask me some questions. In my research, the design integrated process is kind of piecemeal and it's more expensive, is that correct?

MR. COLLINS: No.

MS. DeHART: It's not?

MR. COLLINS: That is not our experience. We certainly -- it is just the opposite. What we've determined and what we've been able to see from the presentations that we've been given, that it is a cheaper way of doing so, and we base that not on our project, but the hospitals and the other projects we've seen that have been done in that manner. And the reason it becomes more efficient and cheaper is that you know immediately at that very time how much pipe you need and when that pipe needs to be delivered. One of the things that you experience in construction is storage, you order your supplies, you store them, and you may not use them for several months before you get to that. In a design integrated system, there's a schedule that is created along with the design that says that we are going to do this on this date and so we need the delivery by this date. So it is -- and right now where we stand as we're evaluating which way to go, it looks like the integrated system is going to be the most cost-

efficient way for us to do so.

MS. DeHART: Okay. So with a design integration process, that means Ghafari will have the bulk of the contract, so to speak.

MR. COLLINS: Right now, AECOM and Ghafari have a joint venture in the contract that you approved last. Ghafari, who is actually here, has been bidding out some of the design, because it's typical in most design that you're going to need other architectural firms to come in to do electrical, to do engineering, to do landscaping.

As point of clarification, which I don't know that we mentioned at the last meeting, is that AECOM -- and so I'd like to back up and give you another piece of information I think is important for what you're saying. One of the reasons that AECOM became such an attractive partner for us on this is their corporate culture about local participation. And so AECOM came to us and let us know that as the selected vendor, they were hiring what is called an outreach director, that they were insistent that they bring in a few people of their own that they typically hire locally when they do it. They feel it is much better for a project to involve the community. So they've hired a farm by the name of Dan Teak, LLC and Schooner Consulting, who are their outreach directors.

Both are local firms, and both are working on the DMC Vanguard project. They also work on the Henry Ford project. So they have some experience in doing this.

Their role in this process is to register and go out and find as many businesses within the community to work on this project. And what we enjoy about the fact that they've hired this firm is that if they're within their registry, and for whatever reason that's a firm that wasn't selected on the County's Jail Project, they have that firm now to refer on to their other construction projects and encourage them to go forward.

Additionally, they offer a second service that we've had some personal experience with. When we built the Wayne County Stadium, there came a point within that construction where we could not find an electrical contractor anywhere in the Midwest, it was just a big booming time, and we had to go all the way to Texas to find electrical contractors. With an outreach director like this, if you are an individual who does electrical and you register, now the larger contractors can have your name to say, "I don't need to go to Texas, I know this guy, he's very close, and he can be involved in the project."

So getting back to what you were saying, in the design, Ghafari has already reached out to Dan Teak

to ask them for local design firms and any design firms, we're not limiting ourselves to local obviously, all design firms that are registered, and they're in the process now of selecting design firms for different aspects of this project.

Does that answer your question?

MS. DeHART: It does, but to follow up, my concern that it's piecemeal and maybe more expensive, are there currently line items in the budget for certain aspects of the building, and if there are, will we be notified when that line item gets either close to the max or goes over?

MR. COLLINS: Well, in the design, we did it just the opposite, we put them at risk at the design, and we asked them to come in below the percentage for design. You typically look at a design contract, and you determine what you think your construction costs are, it's a percentage of the construction, and we came in a good 2 percent below. It's usually about 8 percent or about at 6.8, so we're below.

So as AECOM and Ghafari go out for their subcontractors, they are bringing them back to the County to show us which subcontractors they've selected, and we -- and right now they've done very few obviously because we're so early on in the process, but they have

showed us their process for selecting, which has basically been lowest price at this point, and we've had no objections to everyone they've selected. But they had a process in place for design, and it will be the same. They will show us what they've done in terms of outreach, which selected vendor they've taken, and how they've come to that decision. And it is something that we're documenting and keeping it in our files as they go forward.

It is also the same process that will be used in the construction, which is obviously about 95 percent of the actual cost of what's going on. The construction manager has been asked or it is our position now that we're going to be asking the construction manager to identify only his sub primes and identify three of each of those sub primes, and then as they go forward to do the sub sub subs, as they keep going down, we're going to be given a list, we're going to be seeing how they came up with those sub primes, and make sure that we agree to them. We cannot select them, but we can object to them, and that's the way that we're handling it.

MS. DeHART: Very good. Thank you.

MS. KHOURY: And on the mention of the outreach director, I meant to bring in, and before you leave I'll just go run copies of the contact information

so that if there is a vendor that approaches you, you have that information to provide to them on how to get put on this list that the outreach director is keeping.

MS. DeHART: Thank you.

MR. COLLINS: Yes. I'm glad you brought that up. If you would, Zabbia, send them out to each of the board members, and let's spend a moment on that, if we can.

Anyone and everyone should try to get on that list. Just because you're not doing construction or you're not considered a typical construction doesn't mean that there isn't a service or a product that someone has forgotten about that we'll need. Someone will have to supply the gas for the trucks, all right; someone is going to have to feed these workers. So we're asking that any and all vendors register. It costs them nothing to register. They register online or if they happen to be a vendor who's a little challenged with technology, Dan Teak will come out and see them with a laptop and they'll register them online. They set up e-mail accounts for them so that they can receive things. So we're asking everyone to send as many vendors as possible. It may not seem that normally it is a vendor that may be used, but you just don't know, so anyone and everyone should try to sign up.

CHAIRMAN FORD: Let me ask you this, Steve. Are you also using the County, the purchasing database now?

MR. COLLINS: Yes.

CHAIRMAN FORD: Currently? You're integrating both?

MR. COLLINS: Yes. Well, Human Relations has dumped that data into Dan Teak's system.

CHAIRMAN FORD: Got you.

MR. COLLINS: Dan Teak has a series of forms that they have them fill out, because one of the things that you'll be receiving here shortly from Dan Teak is a progress report that will show you how much money that you've spent today, who you spent it on, and we find it very important to capture the data of whether is that a County based business? Is that a minority based business? Is that a woman owned business? Is it a disabled vet? If you're an Oakland County business, how many of your citizens -- or how many of your employees are citizens of Wayne County?

We by law, of course, cannot tell someone not to bid, and there certainly will be a Wayne County preference, but we're not going to ignore the fact that if it is an Oakland County business but 98 percent of their work force are Wayne County citizens, we want to

understand that as we look at these proposals and these subcontractors. So that's why a firm such as Dan Teak is so valuable to us, to make sure that we're capturing that type of data.

CHAIRMAN FORD: Are they going to have an outreach meeting or, you know, open and advertise so that, you know -- or what is the outreach plan, I guess?

MR. COLLINS: The general contractor will have a lot of notice going on, it will be published in a lot of different places for the general contractor, though you're going to have to be such a large general contractor for this project, but we're still going to publish it a lot. But Dan Teak will be doing what's called outreach fairs. They will be setting them up in different areas of the County, so that what we're really concerned about or focused on are those smaller vendors. A smaller vendor on their own may not have the opportunity or the ability to bond because, remember, you are a public project, there will be bonding requirements even for the subcontractors. That smaller vendor may not be able to bond, but if they have the ability in a forum to meet with those larger vendors who want to work, there's an ability for the two of them to come together in a joint venture. So that that's the benefit to everyone. It's a benefit to the larger

vendor in terms of having that smaller vendor who has the capability but hasn't got the ability to bond, and it certainly improves that smaller vendor's ability to bond in the future, because they've been on a project where they were bonded. So they'll be doing these outreach fairs for the subcontractors on the general -- on the construction.

CHAIRMAN FORD: Okay. Any questions?

MR. SAROS: A couple -- I think it might not have been last meeting, might have been the meeting before, you were talking about hiring for this body a -- I'll say a CPA.

MR. COLLINS: An accounting firm.

MR. SAROS: An accounting firm that had at least one CPA, I believe, was the requirement.

MS. SLEDGE: Oh, they have to have, yes.

MR. SAROS: And not just a bookkeeper.

MS. SLEDGE: Right.

MS. SAROS: And not necessarily a huge firm.

MS. SLEDGE: Correct.

MS. SAROS: Is there an RFP process for that?

MS. SLEDGE: Yes.

MR. SAROS: And has that been done?

MS. SLEDGE: The scope of services, the draft of the RFP has been done but has not been let yet.

MR. SAROS: All right. So let's say that there is someone who one of us feel is a good candidate for that kind of -- you know, a firm that would be a good candidate. How do we receive -- let them know, you know --

MS. SLEDGE: Absolutely. We would like for you to get them on our list, and I think Zabbia has a list of some firms.

MR. COLLINS: This is how we get them on our list.

MS. SLEDGE: But you can get them on a list so that we make sure that we get the RFP out to them.

MR. SAROS: Great. So that would be, then, fairly -- I bring that up for the purpose of that would be typically, then, how we would operate with the smaller vendors, I mean through the job fairs, and is there other outreach? Like our current Wayne County vendor is going to be contacted in some way, shape, or form to say this project is -- there's going to be an RFP for this project, an RFQ?

MR. COLLINS: If I may, I mean all of the Wayne County vendors are dumped into the Dan Teak database, so once they're in the database, they're going to be receiving notice on all of the -- on everything that's going on. I think maybe there's a point of

distinction I should make that maybe is being lost a little bit here.

Dan Teak is hired by AECOM, but they work for the Building Authority, they're yours. They don't work for the County, because the County has a Human Relations Division, so Dan Teak is really here for the benefit of the Building Authority, because the Building Authority has a large project. They're not working on other things that the County is doing. You know, certainly if the County would like to use their database, they're going to share the database. But they're specifically going out there and using their database from DMC and Vanguard, from Henry Ford, and using that database to be able to share with Ghafari and others who are looking for vendors and identifying those as Wayne County vendors. So they're here for the Building Authority.

MR. SAROS: They're being paid by --

MR. COLLINS: AECOM.

MR. SAROS: -- AECOM.

MR. COLLINS: Which in the end really you're paying.

MR. SAROS: From a previous meeting, that's just one issue that -- I understand it basically has to be that way, but AECOM paying a particular vendor that is ours --

MR. COLLINS: I mean AECOM, we struggled internally -- we believed it was a great idea -- we struggled internally whether it was something that we were going to do or recommend to you as the Building Authority. AECOM kind of made it clear to us that they certainly would listen to what we had to say, but if in the end we didn't do it, they were still hiring this firm to go forward and do it because that is part of their corporate culture. They believe that when they come into a community, they need to have an outreach program. So their price didn't change during the midst of the negotiations based on that. They let us know that they were using them on the Vanguard project, because AECOM is actually doing the DMC project, also, and so that they were going to be doing this project, also, for us unless we objected to them, and we don't, we don't object to them, we found them very good. They have met with each of the Wayne County Commissioners explaining the process on a one-on-one meeting, Wayne County Commission seems to be very pleased with the process as it is right now, and we are very pleased on the CEO level, too.

So certainly if you would like, each of you have the opportunity to visit with Miss Pegues, or if you would like her at the next meeting, she'd be more

than willing to come in at the next meeting and go over the process and let you know what's going on, but she will be submitting progress reports.

And for Mr. Saros' sake, I might add that Dan Teak is a Grosse Pointe firm.

CHAIRMAN FORD: They have an office in Detroit?

MR. COLLINS: Schooner Consulting and Dan Teak have done a joint venture, and their office is in Harmonie Park, but Dan Teak on their own is in Grosse Pointe.

CHAIRMAN FORD: Grosse Pointe, okay. So, Board, I mean do you want to take it upon yourselves to initiate visits or, you know, contact Dan Teak and do your own due diligence, or would you like, as Attorney Collins has indicated, an invitation for Dan Teak to come to the Board and just kind of introduce themselves and we introduce ourselves to them?

MR. SAROS: I think it would be a more time efficient thing for him to meet for, you know --

MR. COLLINS: I will tell you that absolutely, we will plan on having him here at the next board meeting for presentation, but I would like to encourage you please do not hesitate to contact them before then, if necessary, especially if you have someone that you

want to get on the list, or to provide any -- we are really encouraging our commissioners, everyone that we know, to get as many businesses registered on the list as quickly as possible.

CHAIRMAN FORD: Excellent. Okay. We'll make that happen for the next meeting, but, again, as Attorney Collins has indicated, do not hesitate to forward names of firms that you know of that will be interested.

Any other questions? Comments?

Moving on to Public Comment, is there any Public Comment? No Public Comment. A motion is in order.

MS. DeHART: I'd like to make a motion to adjourn.

CHAIRMAN FORD: It's been properly moved. Is there support?

MR. HINDO: Support.

CHAIRMAN FORD: It's been properly moved and supported. Is there discussion?

Question being called for. All those in favor signify by the sound of aye.

(IN UNISON): Aye.

CHAIRMAN FORD: All those opposed?

Motion carries.

This meeting is adjourned.

(The proceeding was concluded at 3:03 p.m.)

CERTIFICATE OF NOTARY

STATE OF MICHIGAN)
) SS
COUNTY OF OAKLAND)

I, Laurel A. Frogner, Certified Shorthand Reporter, a Notary Public in and for the above county and state, do hereby certify that the above deposition was taken before me at the time and place hereinbefore set forth; that the foregoing meeting was duly recorded by me stenographically and reduced to computer transcription; that this is a true, full and correct transcript of my stenographic notes so taken; and that I am not related to, nor of counsel to any party nor interested in the event of this cause.

Laurel A. Frogner, CSR-2495, RMR, CRR
Notary Public,
Oakland County, Michigan
My Commission expires: 4-22-2015



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WAYNE COUNTY

BUILDING AUTHORITY

MEETING

_____/

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Taken at 500 Griswold,

Detroit, Michigan,

Commencing at 2:00 p.m.,

Thursday, May 5, 2011,

Before Laurel A. Frogner, RMR, CRR, CSR-2495

APPEARANCES:

Nathan Ford, Chairman

Eileen DeHart, Member and Secretary-Treasurer

Jim Saros, Member

John Hindo, Member

Steven Collins, Wayne County Corporation Counsel

Valerie Khoury, Office of Management and Budget

Zabbia Alholou, Building Authority Staff

ALSO PRESENT:

Tony Parlovecchio

Francine Pegues

Ron Moran, Representative from Ghafari

Kevin Clark, Kotz Sangster

Carl Stafford, Bodman Longley

Jessica Mistak

Detroit, Michigan

Thursday, May 5, 2011

2:00 p.m.

CHAIRMAN FORD: I'm going to go ahead and call the meeting to order and have roll call. Ms. Khoury.

MS. KHOURY: Eileen DeHart?

MS. DeHART: Present.

MS. KHOURY: Nathan Ford?

CHAIRMAN FORD: Present.

MS. KHOURY: John Hindo?

MR. HINDO: Present.

Ms. KHOURY: Michael Raleigh? James Saros?

MR. SAROS: Present.

CHAIRMAN FORD: We have a quorum present.

Motion to approve the minutes?

MR. HINDO: I'll make a motion.

CHAIRMAN FORD: Mr. Hindo.

MS. DeHART: Support.

CHAIRMAN FORD: It's been properly moved and supported. Is there discussion?

Question being called for, all those in favor signify by the sound of aye.

(IN UNISON): Aye.

CHAIRMAN FORD: All those opposed? Motion carries.

Approval of the agenda.

MS. DeHART: So moved.

CHAIRMAN FORD: It's been properly moved. Is there support?

MR. HINDO: I'll support.

CHAIRMAN FORD: It's been properly moved and supported. Is there discussion?

Question being called for, all those in favor signify by the sound of aye.

(IN UNISON): Aye.

CHAIRMAN FORD: All those opposed? The motion carries.

Do we have old business? Any old business to discuss? No old business.

Moving on. New business. We have Line Item 5(a), contract resolution for Kotz Sangster, contract for legal services.

Mr. Collins.

MR. COLLINS: Yes. To the Chair, please, Steven Collins, Corporation Counsel. I believe you received in your e-mail packages a few days ago a legal services contract for the law firm of Kotz Sangster. I would remind you that last month we approved a law firm by the name of Dawda Mann. Dawda Mann will be the law firm that is currently handling your acquisition of the

casino parcel. Kotz Sangster is the law firm that will be handling all of the construction contracts, the RFPs that are going out, all of the construction litigation that we know will not happen because we're using them during this, so we're asking you to please pass a resolution for them for 100,000 up to one year.

CHAIRMAN FORD: All right. Is a representative from Kotz Sangster here today?

MR. CLARK: Yes. Kevin Clark, here on behalf of Kotz Sangster. I'm part of the Construction Group at Kotz Sangster, that's all I do is construction, so I think that's why -- we worked with the County on prior projects, construction related projects.

CHAIRMAN FORD: Okay.

MR. CLARK: So if there's any questions.

MR. PARLOVECCHIO: Nate, let me just say this, if I can.

CHAIRMAN FORD: Sure.

MR. PARLOVECCHIO: I want to be on the same side of the table with these guys rather than against them.

CHAIRMAN FORD: I understand, I get the point.

Jim, any questions?

MR. SAROS: Is there a retainer type arrangement, Steve, or billable hours up to $100,000?

MR. COLLINS: It's billable hours at $200 an hour, which is the County's set fee now for all law firms is $200 an hour, which is about 50 percent below what Kotz Sangster typically bills.

MR. SAROS: And is the cap 100,000?

MR. COLLINS: The cap right now is $100,000, yes.

MR. HINDO: The only question I have is who are the attorneys that are going to be working on the file? In the exhibit under compensation, Exhibit B, it just says "? Esquire."

MR. COLLINS: Oh, then I apologize. It is Kevin Clark and Jeff Sangster. They do have a couple of others that they may bring in, but right now the billing partners for us are Kevin Clark and Jeff Sangster.

MR. HINDO: Okay.

CHAIRMAN FORD: All right. Any additional questions? If no additional questions, a motion is in order.

MS. DeHART: So moved.

CHAIRMAN FORD: It's been properly moved. Is there support?

MR. HINDO: Support.

CHAIRMAN FORD: It's been properly moved and supported. Is there discussion?

Question being called for, all those in favor signify by the sound of aye.

MS. DeHART: Aye.

MR. SAROS: Aye.

(IN UNISON): Aye.

CHAIRMAN FORD: All those opposed? Motion carries.

Moving on to Line Item 5(b), resolution for amendment to the project manager contract. Mr. Collins?

MR. COLLINS: Yes. And to the Chair, I'd like to address items both (b) and item (c) together.

CHAIRMAN FORD: Okay.

MR. COLLINS: Since they are related. If I could refresh this Board's memory, in February when we first brought you the Jail Project, we indicated to you that we were hiring Parlovecchio Building as the owner's rep through AECOM. We are now asking that we remove them from the program or the project manager's contract and that the Building Authority contract directly with Parlovecchio Building. The amendment to AECOM Ghafari reduces their amendment amount by the same amount that we reduced Parlovecchio Building for.

There is one change that I would like to bring to your attention. We've asked our owner's rep to hire an IT specialist to work on this project on behalf of

the County and the Authority. They have agreed. So the invoices that the owner's rep will be submitting to us will be from that IT specialist, there is not a markup or anything that's associated with it. This contract with Parlovecchio Building is a little more substantial than the AECOM contract, subcontract. Otherwise, the terms are basically the same and the compensation is the same.

CHAIRMAN FORD: Okay. Mr. Saros?

MR. SAROS: I noticed in the contract it said three years, and I wanted to go back and check the minutes from our previous meeting. Was it three years? For some reason --

MR. PARLOVECCHIO: It was 40 months. I think it says 38 months now.

MR. SAROS: Okay.

MR. HINDO: Steve, one question, because I know this was a topic of discussion in prior meetings. How come we're doing this now? What is the reason that we're doing it? Was there any specific reason that things just changed and we're hiring Mr. Parlovecchio directly? Because I remember Jim had several concerns about that in prior meetings, and I was wondering why we weren't and now we are, so did something change?

MR. COLLINS: If I could, yes and no. Number

one is at the previous meeting in which we discussed the owner's rep contract, we indicated to you that we did hope that in the future that we would bring to you a contract that would be direct with the Authority. That time is now ripe. It is fine. I'm comfortable with the situation that we bring them. There has not been a change.

MR. HINDO: Okay.

MR. COLLINS: The only difference was that since we had gone to our owner's rep and specifically asked them to include an IT specialist, it only made sense that now if we were going to add that additional scope, that we go ahead and create an additional contract or a separate contract to address it.

MR. HINDO: Okay.

CHAIRMAN FORD: Ms. DeHart?

MS. DeHART: It's my understanding in looking at the contracts that we're removing the two million -- two hundred -- or two thousand five hundred dollars from the initial contract.

MR. COLLINS: Correct.

MS. DeHART: So the only increase is the $40,000, I mean is it 40?

MR. COLLINS: 140.

MS. DeHART: 140 for the IT.

MR. COLLINS: Well, it's 140 per year, for clarity, I apologize, it's 140 per year, if you look at Mr. Parlovecchio's contract and his compensation, it's for a total not to exceed 420 over three years. We're going to on a yearly basis judge the IT services so that's the only change. And the fact that Mr. Parlovecchio has been paid for the last two months, so we decrease his amount by the fact that he's already been paid and decreased it from 40 months to 38 months, so those are the two changes.

MS. DeHART: Actually, the contract says three years, doesn't say 38 months.

MR. COLLINS: You're talking about the resolution or the contract?

MS. DeHART: Contract approved for three years.

MR. COLLINS: All right. Well, I apologize, and I would ask that there be a change to the resolution that we sent you for approval to indicate that it states 38 months instead of three years.

CHAIRMAN FORD: So noted.

MR. SAROS: Yeah, that was my question.

MR. COLLINS: And I would indicate to you on H it says 38 months.

MS. DeHART: Okay. The one we just

received --

MR. COLLINS: In the contract.

MR. SAROS: The contract is correct. What came out --

MR. COLLINS: The resolution is as is.

CHAIRMAN FORD: So we're dealing with what's in front of us today.

MR. COLLINS: Correct. You're approving the contract, and we would ask that we'll change the resolution before it's certified to indicate that it's 38 months and consistent with the contract we provided you.

CHAIRMAN FORD: All right. Any additions, Mr. Saros?

MR. SAROS: The IT company, will Tony be hiring that, the IT company?

MR. COLLINS: Yes.

MR. SAROS: So he'll be choosing the IT company.

MR. COLLINS: We have already spoken to him about that, and I believe the name of the company is Strategic Business Solutions is the name of the IT firm that is going to be utilized on the project.

CHAIRMAN FORD: Strategic Business Solutions?

MR. COLLINS: Am I right?

MS. KHOURY: Is it Strategic Business Partners?

MR. COLLINS: My memory is Strategic Business Solutions, but my memory is not always correct. It may be Strategic Business Partners.

CHAIRMAN FORD: Tell me about Strategic.

MR. COLLINS: Strategic Business Partners is a firm that the County has or -- whether it be Partners, Solutions -- the firm that the County has utilized in the past here at Wayne County. There is a specific individual that had been brought to our attention that we thought would work well with this program. His name is Doug Heath. There is only one individual that will be working on this, and they will be billing and invoicing on a monthly basis. Doug Heath's position for us or with the owner's rep is we will -- we are implementing right now a program that's called e-builder, which is an online program in which the principals, being the County, the program managers and such, will be able to watch a schedule of what's going on. Mr. Heath's job is to ensure that someone like me and others who are not that computer savvy understand exactly what we're looking at and exactly how to update that information, so he is going to be the support on the owner's side. Since it is for the owner's benefit,

it became logical it would be the owner's rep who would hire the company.

CHAIRMAN FORD: Okay. Any additional questions? Any question, comments?

MR. SAROS: Is that a maximum amount? Is that an hourly fee similar to my question for the --

MR. COLLINS: Yes, it will be an hourly fee. There is no contract right now between Mr. Parlovecchio and Strategic Business. Therefore, we have been given estimates, and we are basing his additional compensation or his additional ability to invoice for an IT specialist based on those estimates. It will not exceed that amount. We've tried to be as conservative as possible. It very likely will not be as much as we've asked for in his contract.

CHAIRMAN FORD: So, Tony, you've worked with this firm before and, in particular, Doug Heath before and you --

MR. PARLOVECCHIO: I have not worked with the firm before, but I have been working with Doug, and I know him, and he's very competent and very capable.

CHAIRMAN FORD: Are you familiar with this new program that --

MR. PARLOVECCHIO: E-builder.

CHAIRMAN FORD: The e-builder program.

MR. PARLOVECCHIO: Uh-huh.

CHAIRMAN FORD: And you're familiar with it, you worked with it before?

MR. PARLOVECCHIO: Yes, I am, I'm very happy with it. I think it's going to serve our purposes to monitor the project.

CHAIRMAN FORD: And the benefits that are derived from that program --

MR. PARLOVECCHIO: It's very user friendly.

CHAIRMAN FORD: Okay.

MR. PARLOVECCHIO: So the layman can get on there, and it goes -- it can go into real depth or it can just give at 10,000 feet, you know. And it sends up red flags if something's behind schedule, if we're not -- if somebody's not doing their job. And it names them by individual, so it's a good system and a good process for us to monitor.

CHAIRMAN FORD: Okay. Any questions?

MS. DeHART: I'll make a motion -- oh, I'm sorry.

CHAIRMAN FORD: If there aren't any additional questions, a motion is in order.

MS. DeHART: I'll make a motion to approve the contract resolution for the amendment to the project manager's contract.

MR. HINDO: Support.

CHAIRMAN FORD: It's been properly moved and supported. Is there discussion?

Question being called for, all those in favor signify by the sound of aye.

(IN UNISON): Aye.

CHAIRMAN FORD: All those opposed? Motion carries.

Moving on to the contract, we need a motion for the contract for Mr. Parlovecchio.

MS. DeHART: I'll make that motion and --

CHAIRMAN FORD: Absolutely.

MS. DeHART: -- to make sure the resolution reflects 38 months instead of three years.

CHAIRMAN FORD: So noted.

MR. HINDO: Support.

CHAIRMAN FORD: It's been properly moved and supported. Is there discussion?

Question being called for, all those in favor signify by the sound of aye.

(IN UNISON): Aye.

CHAIRMAN FORD: All those opposed? Motion carries.

Moving on to Line Item 5(d), Resolution for LAZ-AL contract.

MR. COLLINS: If I could, Steven Collins, to the Chair, as way of background, the Building Authority actually has ownership of several properties of Wayne County. One of those properties is the office building that we have at 640 Temple. What has occurred in the past at 640 Temple is -- and I guess I should give you again a little bit more history. 640 Temple is where the County houses its Child and Family Services, its Mental Health Agency, and a couple of smaller ancillary agencies like the Michigan State Coop Extension that we provide by law for. It has a very large parking lot associated with it, and 640 Temple is also by Masonic Temple. What we have discovered is that that parking lot is not one that we can secure because it has an alley running through it, and that the patrons of 640 Temple and others have been benefiting from a free parking lot that has been existing at that location. We, therefore, found this out a couple of weeks ago and determined that we don't believe that we will ever make any revenue off this parking lot. However, we are concerned about the liability.

So LAZ is a company that we currently have business with right now at Wayne County. They provide parking for our employees here at the Guardian Building. We've asked them to go forward and monitor the parking

lot on special events, and this is what they do nationally, they actually provide all of the parking services for the City of Chicago and Atlanta. They do this on a national basis. So they've agreed that they will take care of it, they will monitor it, and that they will basically give us a percentage of those fees that they may collect on those special events. And since they do this as a business, they'll judge those fees based on what event is going on. They do not believe the market will go above $5 a car, but there may be some events where the market may bear a little bit more. We don't believe we're going to make any money off this, and we've discussed it with the CFO, who has indicated that, you know, if we do make any money, we're going to throw it into probably a miscellaneous account for the Building Authority to pay for stenographers and some other things. It's more of making sure we have some kind of monitoring going on in the lot.

CHAIRMAN FORD: Okay. Thank you. Any questions?

MS. DeHART: One.

CHAIRMAN FORD: Ms. DeHart?

MS. DeHART: Should the fourth whereas have -- the LAZ-AL, should it be AL after it?

MR. COLLINS: You know, I'm not even sure what

the AL is, to be honest with you. I know it as LAZ, so I know it as LAZ, so it probably should have, I think, a dash on AL. I believe that my associate, Zabbia, knows it better than I do in terms of what their name is. So, yes, I would ask for that correction.

MR. HINDO: Steve, I only have one question. In this agreement there's no termination rights.

MR. COLLINS: It should -- I believe it also says in there if -- I don't have it in front of me, that it's a year long contract, and either party can terminate at will on what's going on.

MR. HINDO: Oh.

MS. DeHART: Should that be included in the resolution?

MR. COLLINS: I would prefer the contract say it than the resolution. And I might be able to tell you quicker since this is kind of a County standard form of contract.

MS. DeHART: Having 30 days notice?

MR. COLLINS: Yeah, well, they do have to give us an accounting every 30 days.

CHAIRMAN FORD: Have to give you an accounting every 30 days, but still we don't have a termination. We need to add a termination clause to that.

MR. SAROS: I thought I saw a termination.

MS. DeHART: I think in the contract there is one. I think it's at the discretion of --

CHAIRMAN FORD: Here it is, intentionally omitted.

MR. HINDO: Yeah, 7.1, it says intentionally omitted; that was my concern.

MR. COLLINS: Well, I apologize, because I will tell you this has not been executed by LAZ yet. They want to make sure that they can provide the insurance limits before they do so, and they've been very accommodating. We can say within 30 days notice. Actually, we can say within 7 days notice, because if there's an event, they're basically going out there per event and doing this for us. So I appreciate Commissioner Hindo finding, and we will make that change in the contract.

CHAIRMAN FORD: Okay. Any additional questions? Mr. Saros?

MR. SAROS: Well, my question was that I was a little confused, to be quite frank, as to why this particular contract was a part of this meeting.

MR. COLLINS: You own the lot.

MR. SAROS: We own the lot?

MR. COLLINS: 640 Temple is owned by the Building Authority.

MS. DeHART: Then why am I paying for parking?

MR. SAROS: So I guess that answers that, but does it -- so that my own naïvety here -- if there is a cost to this lot, it is not coming out of the bond money.

MR. COLLINS: If I may, there are other bond proceeds that were issued by this Building Authority in prior years. One was 1996, and in 1996 a larger bond issue was issued by the Building Authority to deal with 640 Temple and other buildings. Throughout the years we've gone back to the Department of Treasury and had them reallocated for those specific buildings. Recently I believe we had to do that on the curtain wall or the bricks for 640 Temple. So in terms of maintaining this lot, if there are Building Authority proceeds available to repave the lot, then we're certainly going to look there first. If not, then under the Contract of Lease that exists between the County and the Building Authority, then the County would have to make a decision on whether they wanted to go use general funds to repave for the lot. Does that make sense?

MR. SAROS: It does, and pardon me for this, I guess I was having trouble putting it in the context. I guess I'm focused in on the jail as to why this, you know, contract is part of this meeting, but I think I

understand.

MR. COLLINS: Yeah, we have another agenda item for you that has nothing to do with the jail, you know, as we go forward, you're going to be -- certainly that is your big project today and for several months, but the Building Authority of Wayne County also owns the Frank Murphy Building, I believe it owns the Juvenile Lincoln Hall of Justice still, we have several buildings that are owned still by the Wayne County Building Authority. So as issues arise on each of those buildings, we'll be bringing them back to the Building Authority for approval.

MR. SAROS: I appreciate that clarification, because that makes it easy going forward that we really in these meetings for the sake of not having to have a separate meeting, if I'm understanding you correctly, about something like that --

MR. COLLINS: Oh, no --

MR. SAROS: -- where this meeting is a general meeting that would sometimes have things put before us that are not to do with the jail. I guess I'm just so focused in on the jail that I --

MR. COLLINS: Absolutely, and we're glad you are.

CHAIRMAN FORD: And to that end, Steve, I

think it might be a good idea if we could just get an update on, you know, because I've been on the Authority for a long time, but I forget what we all, you know, what is under our bailiwick, if you will. If we can get an update, that would be great.

MR. COLLINS: Yes, we can put it on our agenda for the June meeting that we will try to bring back a property inventory list.

CHAIRMAN FORD: That will be great.

MS. KHOURY: Well, what I'd like to suggest is there is an annual financial report that our Accounting Division prepares on behalf of the Building Authority that's filed with the Michigan Department of Treasury every year, and I'll get a copy of that for the members at the next meeting. I'm not sure if it's posted online. I think it's on Treasury's website, but we can also get it here. I think that will be helpful.

CHAIRMAN FORD: I think it's good to kind of just, you know, just a reminder what we have and what our responsibilities are and where they lie and, you know, what the status is so. All right. Thank you.

Any additional questions on that? A motion is in order.

MR. HINDO: I'll make a motion, subject to the change that a termination provision is included with 7

days termination rights.

MS. DeHART: I'll support that, and if, also, we could add that in the fourth whereas the AL is added to the LAZ.

CHAIRMAN FORD: Sure. It's been properly moved and supported. Is there support?

It's supported. It's been properly moved and supported. Is there discussion?

Question being called for, all those in favor, signify by the sound of aye.

(IN UNISON): Aye.

CHAIRMAN FORD: All those opposed? Motion carries.

Moving on to Line Item 5(e), the Boji term sheet.

MR. COLLINS: Thank you. I don't believe you have in your original package a term sheet for and what we call the Boji term sheet.

MS. KHOURY: Steve, that's not even on the agenda that the members have, so we didn't -- I don't know if you need to formally add it to the agenda.

CHAIRMAN FORD: Let's make a motion.

MR. COLLINS: That was my point.

CHAIRMAN FORD: We'll approve that.

MS. DeHART: I'll make a motion to amend the

agenda to reflect Item 5(f), I'm sorry, 5(e) the Boji term sheet, and to make the current agenda 5(e) 5(f).

CHAIRMAN FORD: It's been properly moved. Is there support?

MR. HINDO: Support.

CHAIRMAN FORD: It's been properly moved and supported. Is there discussion?

Question being called for, all those in favor signify by the sound of aye.

(IN UNISON): Aye.

CHAIRMAN FORD: All those opposed? Motion carries.

If we could just take a minute or two just to review this because we have not seen it so.

Mr. Collins?

MR. COLLINS: So if I could, as way of background, Wayne County for the past year has been looking at a manner in which we could finance two new health centers that are being done by the State of Michigan. We have retained the law firm of Bodman Longley to look at this, and the financial structure that they've come back to that they're suggesting to us could possibly work is that the Wayne County Building Authority through its powers be able to issue the bonds.

What this term sheet is intended to do is that

there is a fair amount of due diligence that needs to be done before we get to the point of coming to this body and asking for the issuance of bonds. So we're asking to create a term sheet in which the developer, which in this instance is the Boji Group, would be taking on some expenses in order to get us to this point. And with that, I'd like to turn it over to Carl Stafford from the law firm of Bodman Longley, who can certainly answer your questions better than I can in regards to the term sheet.

CHAIRMAN FORD: Mr. Stafford.

MR. STAFFORD: I think it would be beneficial for this body to understand the whole purpose of this transaction. A few years ago Mr. Boji through his development companies submitted a proposal to the State of Michigan to acquire two dilapidated, out-of-service dealerships, one in Hamtramck and one in Inkster. His proposal would be to acquire those properties, renovate those properties or actually new construction, and lease them to the State Department of Human Services. Those contracts, he has built the facilities and they are currently under lease through the Department of Human Services.

One of the critical pieces in his proposal, his winning proposal to the State, was that the

properties would be exempt from real property taxes. And the only taxes being paid would be through a pilot agreement for the City of Hamtramck and the City of Inkster. The way he would accomplish exempting the properties from real property tax would be transfer the facilities to the land bank and utilize the TURBO program. As you may or may not know, the Attorney General took a close look at that program, the TURBO program, and concluded that it can only be used for very limited projects. Unfortunately, Mr. Boji's projects would not qualify. Therefore, the whole economics of this transaction is really turned upsidedown. So, therefore, if he cannot sell the properties to an exempt organization, his financials are totally off. So he submitted a proposal to Wayne County to see if the Building Authority would be willing to acquire the facilities and then basically be the lessor to the State of Michigan. We did our research, and there are similar transactions structured in Kent County and there's another I think in Grand Rapids, it's Kent County, there's another county which has a similar arrangement whereby their Building Authority acquired the facilities from a developer and leased them to the State. So we're comfortable with the structure.

So under this particular transaction, the

County would purchase the buildings at fair market value. The County has engaged an appraiser to do the appraisal. They would be acquired at fair market value, and then the lease with the State of Michigan would be assigned to the County, so it would be a straight Building Authority transaction.

One of the conditions that Ms. Carla Sledge insisted upon, that the County would do it only if the County's general fund would not be exposed. So under this circumstance -- under those directives, we are comfortable that there are sufficient revenues coming from the State lease to satisfy the debt service on the bonds, and, plus, there will be additional revenues thrown off from the lease to pay for operation and maintenance expenses. So that's basically the rationale behind the transaction. And so if you have any questions, I'd be happy to answer them for you.

CHAIRMAN FORD: Okay. Are there any questions?

Ms. DeHart?

MS. DeHART: Are we, in essence, kind of, and I don't like to use this word, "bailing out" this developer, because now he's in a bind because the Attorney General is not going to allow the TURBO tax?

MR. STAFFORD: Yes, I would say yes, we are,

but the other thing the County will be receiving is a facility fee of $250,000 per facility, which will be used by the County for other economic development projects, so the County definitely will receive a total of a half million dollars to accommodate this transaction.

MR. COLLINS: I'm sorry, I have to add to that a little bit, I'm sorry, you know, the County would not, or Corporation Counsel wouldn't take a position that we're bailing them out. I mean we've certainly looked at this transaction, and we think that he as a developer will have advantages by doing this, and he's certainly done this through the State of Michigan. And we believe that we as a County or an authority will have advantages because an origination fee can come back, and we do believe it serves the public. These are two health centers of two properties that were basically abandoned. So certainly there's an advantage to the developer in being able to come through the structure, but it is at a price, so I don't want to disagree. The term "bailout" almost sounds -- so I didn't want to --

CHAIRMAN FORD: We get the gist, absolutely.

MR. COLLINS: In my political arena it just wouldn't sound very good.

MR. STAFFORD: But, also, the County did work

with Mr. Boji from day one providing funds to help those blighted conditions. So they were working hand in hand to make sure that these properties were redeveloped to increase the property values in that area and job creation. So it's not like he was off doing something and then, oops, I made a mistake and help me out.

MR. COLLINS: Correct.

MS. DeHART: If I may, will this issue go before the Commission?

MR. STAFFORD: Oh, absolutely, yes.

MS. DeHART: So whatever, if we decide yes, it still has to go through the hurdle with the Commission?

MR. COLLINS: Yes.

MR. STAFFORD: Yes. This is really approval of the term sheet to make sure that -- because we spent a lot of time on this transaction -- to make sure that Mr. Boji is bound to pay fees and expenses, and then we have to take it before the Commission, get their approval of the Contract of Lease, then we'll be back before this body for other approvals.

MR. COLLINS: Which we are hoping it would be normal Building Authority resolution documents to issue bonds, so there would be a whole series of documents. We're hoping that we can accomplish that by June.

MS. DeHART: And this is for 30 years?

MR. STAFFORD: Yes.

CHAIRMAN FORD: For both.

MS. DeHART: For both.

MR. STAFFORD: For both transactions.

MS. DeHART: Now, what happens if the payment in lieu of taxes agreement with Hamtramck and Inkster is for 20 years? Do you know if it's for 20 years or 30 years?

MR. STAFFORD: I'm pretty sure that the transaction is for the duration of the projects, yes.

MS. DeHART: Okay. If I may, on Page 2 it talks about a maximum price, and are we just going to arbitrarily pay the maximum price or are we going to negotiate?

MR. COLLINS: For the purchase of the properties? It will have to be based on appraisal.

MR. STAFFORD: It also has to be based upon appraisals and based upon what we can bond for, because the only funds that are available are the revenues coming from the State. So if the market -- if the interest rate, you know, continued or if they go up to a certain point, we can't afford to pay the appraised price, so we have to go back to Mr. Boji and say, "Look, the most we can afford to pay is X, and, sorry, but that's -- if you want to do this deal, you have to only

take what the transaction can support."

MS. DeHART: Okay. And on Page 3, it talks about carpet and ceiling tile insurance. Will that go into like an R & R fund that has to get approval to be spent?

MR. STAFFORD: Yes.

MS. DeHART: So that no one can pull it out for other uses?

MR. STAFFORD: Yes. All the funds will be held in a trust account with -- obviously a trust bank, and so monies as they are paid on a monthly basis, a portion of it will be used for the ceiling tile replacement fund.

MS. DeHART: And why I ask, I'm on the -- president of a board of directors for a senior high rise in Westland, and we have an R & R fund set up that we can only get to with the bank's approval and with HUD's approval, and we have to have specific reasons why we want to get it. Will these be the same conditions?

MR. STAFFORD: This will be the same thing, it can only be used for the ceiling tile and replacement cost.

MS. DeHART: Thank you.

CHAIRMAN FORD: Mr. Stafford, I've got a question, or to Mr. Collins. In Page 3 it says the

management agreement will be for a 15-year period, but the lease is for 30. Would you explain, how is that?

MR. STAFFORD: Under the Internal Revenue Code regulations and rulings, we have to make sure that this is a Safe Harbor Management Contract for Federal income tax purposes, and the maximum term for those type of contracts can only be for 15 years.

Now, the structure that we've come up with is that -- is sort of like a rolling 15-year period, so each year the developer or Mr. Boji would have to come to this body to request an extension, a one-year extension of this management contract. So this will be back before this body every year just to get a one-year extension to the 15-year term; so basically a rolling 15-year contract.

CHAIRMAN FORD: Got you.

MR. HINDO: If I may, I'd like to disclose to this Board, to those who don't know already, but if there is any vote on this matter, I would have to recuse myself. I do represent the Boji Group, I represent Ron Boji. I represented him in acquisition and development of both of these properties as one of his attorneys on these projects and am his attorney in probably every related entity that he has. So I'd like to disclose that to this body, and if there is a vote, I would have

to recuse myself, and I believe, then, we will not have a quorum for a vote.

MR. COLLINS: Well, if I could, to the Chair, a quorum has to be a majority of members, and in this case that would be four, and then for a vote it has to be a majority of the quorum. So you can abstain, but I would still have a majority of the quorum, which is 4, so we can continue going forward.

MR. HINDO: Perfect. Thank you for that clarification.

CHAIRMAN FORD: All right. Are there any additional questions?

MS. DeHART: Just a comment.

CHAIRMAN FORD: Comment?

MS. DeHART: I would have felt more comfortable had I received this in a more timely fashion so I could have dissected it and looked at it and perhaps asked some questions from other people that I know. I feel very comfortable with voting for it, but it's just a comment I wanted to make.

MR. COLLINS: Well, and if I could, to the Chair, we want to apologize in the fact that this term sheet was not negotiated and finished and signed, I believe, until last night, so we did not know. And for us, what is important is the fact that -- the point of

the term sheet is to ensure that there is no exposure to the County, the Authority, in expenses. There are terms within this term sheet that may or very likely will change, but what won't change is the fact that the developer is going to have to be responsible for paying all expenses going forward, and that's why we felt it was necessary that we give something to the Board in order for the developer to continue. If we are going to bring something to this Board, he's going to have to pay the expenses first for us to be able to bring it forward.

MR. STAFFORD: And the operative documents will obviously come back before this Board for review and approval.

CHAIRMAN FORD: Mr. Saros?

MR. SAROS: Well, I would second what Elaine has said. I'm a little bit uncomfortable voting on something of this magnitude with just receiving it, although, with all due respect, I understand how hard it is to put a document like this together. So, again, I apologize in advance for my naivety to this subject. Do I understand it right that the Boji Group already owns this property and has already developed it?

MR. STAFFORD: Yes.

MR. COLLINS: That is correct.

MR. SAROS: The revenues that are coming from the State, is the State already the occupant of that?

MR. COLLINS: That is correct.

MR. STAFFORD: Yes.

MR. SAROS: They're already in the property.

MR. STAFFORD: Yes.

MR. SAROS: In the event that this Authority becomes the owner of this real estate, which I believe is what would be happening.

MR. COLLINS: But which you are not voting on today.

MR. SAROS: No, I know, we wouldn't be voting on it today, you're right. But going forward, if the Authority becomes the owner and the State is the tenant, if for any reason the State stops paying their rent, what is the exposure to this Authority?

MR. COLLINS: None, because the bonds are backed by the credit of the State.

MR. SAROS: Okay.

MR. COLLINS: If the State through its appropriation makes a decision not to appropriate dollars towards these facilities, the bond holder's only recourse is to go to the State. They cannot come back to this Authority or to the Charter County of Wayne. Otherwise, we're not interested in doing the deal.

MR. SAROS: Thank you.

MR. COLLINS: Respectfully to the developer.

MR. SAROS: If there is a repair item --

MR. COLLINS: Yes --

MR. SAROS: -- and we're the owner, and the State says, "We're not paying our rent until this new roof is put on," I'm assuming this is a pure triple net lease to the State?

MR. STAFFORD: Yes.

MR. SAROS: If that were to happen, is there any exposure to the Authority?

MR. COLLINS: Well, I'm not going to tell you there's never any risk, but do we have safeguards built in? Yes. Obviously, the rents paid by the State are in excess of what your bond payments are going to be, and it is the manager, who in this situation would be the Boji Group, who would be entitled to those bond payments, or, excuse me, those rent payments. So if we find out that the management company, for whatever reason, is not able to fulfill its duty, then we certainly can go to the trustee on our management agreement and try to take steps to retain the dollars to take care of whatever the issues are with the State.

MR. STAFFORD: The way that the trust document will be structured is that a certain amount of each

monthly rental payment will not only go into the ceiling tile replacement fund, but there is other -- it's another retained obligation reserve fund, because it's Mr. Boji's responsibility to put on that roof if it starts leaking. And if he doesn't, we have a pot of money set aside to do the repair. So we're trying to put in all the reasonable safeguards in place to make sure that if he doesn't do something that he's supposed to do, that there are funds held and set aside to make those payments.

MR. SAROS: So is the Boji Group -- and, again, I apologize again for my naivety -- is the Boji Group, as the manager of this project, is it a pass-through to the State? Is the State paying their rent to the Boji Group and the Boji Group is making the payment to us to make for the bond?

MR. STAFFORD: Actually, the way it will go is the State of Michigan will make the payment to the County. The County assigns those rental payments to the trustees, to be disbursed in accordance with the trust document; first, of course, to pay principal and interest, then to management fees, then to the retained obligation account, and so forth. And there is a separate provision in the lease where the State is responsible for operation and maintenance costs. That

will be a separate check that will come in. We'll make sure that it's paid out appropriately.

MR. SAROS: The appraisals that we're going to base this value on are really, I don't want to use the word meaningless, but close to meaningless, because they're going to be based on an internal rate of return on the rent received from the State.

MR. COLLINS: Yes.

MR. SAROS: Especially in this market. I mean in this market, you know, if these buildings were vacant, it's like any of our houses, they're not going to be -- it's not going to be worth a fraction of what it cost to build that, especially in these times. So the appraisal is going to be based on this internal rate of return of the income coming into the State, which is going to be a pretty high number. I mean it's a number that -- much more than what the buildings are truly worth if they were not occupied. The whole strength is going to be based on the lease in place.

MR. STAFFORD: Well, the way we address that is I mean that's -- Mr. Boji's first approach was exactly that, and you can get wide variations in number depending upon the cap rate. So we said no, we're not going to play that game with you. We're going to get the valuations on the three main sales, costs, and the

income capitalization, and then, fortunately, using the cost approach, what he actually paid for this building, and using what we think is the appropriate cap rate, came in within a couple hundred thousand dollars of each other. So we're very comfortable that the appraised value that we would arrive to is very comfortable and can be supported by the revenue stream of the State.

MR. SAROS: I think that's absolutely the way to do it. I mean there's no question that that's the only way to do it in this environment. Do we have a -- does this Authority have a cap on our bonding Authority or --

MR. COLLINS: Well, your bonding ability is always based on your revenue, and since in many, most situations, you will only bond for your incorporating unit, which is the County, so you're going to be based on the limitations by Treasury for the SEV here. And Wayne County never came close to that, to that cap.

MR. SAROS: Is there any advantage beyond, quite honestly, what I consider a very nominal amount of money, I mean for putting out this kind of money to have $500,000 to facilitate the deal I think is nominal. What other advantage to this Authority or the County is there to stepping into this?

MR. COLLINS: Let me address that if I can.

This is not a deal that we've taken lightly nor done lightly. This deal has been going on for 10 months, looking very hard at this, because we have a bigger desire than this. We hope that this can be used in other situations with other developers. If we can find a way to utilize the ability to bond for development within Wayne County and bring up our tax base, I'm not saying it's going to be exactly the same, it's going to be 30 years, it's going to be something along this, this is unique enough that it is a State lease, it is a State facility, if the State owned it outright it wouldn't have been on the tax rolls either way, it's unique in that situation. If we felt the County were at risk, I would understand the $500,000, but if the County has no risk and the County has no expenses, which is where we're at, then we are very comfortable that this is a good business deal for the County. In fact, 500,000 is probably a very good business deal for the County in this situation where it has no risk or no expenses.

MR. SAROS: Do we or do we need to know on the development agreement, the management agreement what the difference is, what the management fees are in relationship to income?

MR. COLLINS: Yes, you do need --

MR. STAFFORD: Yes.

MR. COLLINS: Absolutely.

MR. SAROS: So as an example, I mean is there a -- if originally he was going to be the owner --

MR. COLLINS: Uh-huh.

MR. SAROS: -- and there's nothing dirty about the word profit, all for it, but do we know what the -- I'll call it profit is on this building between what the lease payment is and what our payment is on bond?

MR. COLLINS: Well, correct me if I'm wrong, I mean it gets directly into what we're terming almost as the retained obligation. I mean we're looking at the retained obligation which we're going to be withholding to making sure that there isn't any risk, and when we have sufficient funds, that becomes the amount of dollars that, quote, "you could look at as profit."

Now, there are other issues that we look at in terms of the ways he's financed this. We are hoping that when we're done, that this developer makes a profit, that we're not just limiting his liability, but we will consider it a success if a developer comes to us and they're making a profit, also, and being able to put these types of facilities in. Can I give you a number today? No, because we're not done. We are purely on saying that we are now to a point of being very committed to trying to put documents together, that

going to the rating agencies, looking at the bond market, making sure the financial advisors get paid, and when we've been able to scrub through all of those with the developer paying those expenses, we'll be able to give you better numbers such as that.

MR. SAROS: This developer, having a lease in hand, could go to any lending institution to receive a mortgage, if you will. If that was available today, and I understand better than anybody the problems you can be -- you know, the gold coast and it's -- I understand those issues -- is that why the Authority is stepping in? Is this a -- I guess I'm having trouble, maybe you can clear me up, Steve, on the benefits to the County.

MR. COLLINS: Well, there's two benefits to the County. Like I said, we've been looking at this issue for the last 10 months at least, if not more than that. I know that we've engaged Bodman for at least the last 10 months. We've been looking at that prior to this.

There are two things that the County hoped to achieve. Number one was they were hoping to be able to create a public financing mechanism that would help private developers develop blighted buildings within Wayne County. These were two buildings that were absolutely blighted, one on Michigan Avenue, which was

an old car dealership, and one in Hamtramck, which was an old car dealership. Both had been vacant for many, many years. The one in -- I would again say to you the one in Inkster is even more dynamic in the fact that it's spurred a lot more development now that it's going on with the City of Inkster and with the YMCA and others that are out there. So we like the fact that we could use our public bonding in a manner which would not create risk for us and would stimulate development with private developers. So that was the first thing that we truly looked at.

The second thing was could we accomplish that and still provide an economic benefit back to the public, the County, the Authority, all right, which we have not determined where those dollars are exactly going to lie. If we can do both of those things, we find this a very successful project.

Number one, the developer is going to be able to borrow, so to speak, or the cost of dollars is going to be better, that they're going to be interested in doing more developments within Wayne County, and that, two, the County is in a position where its credit is not at risk and its general fund is not at risk, and, three, in the situation they make some money in going forward.

So we've not only hired a very, very good law

firm in Bodman, we even went to national tax counsel. We've had this thing scrubbed over by many, many people to make sure are we doing something that everyone would feel good about, and so far everything has come back yes.

MR. SAROS: So there's no taxes that are going to be -- no property taxes are going to be received by Wayne County during this period, correct?

MR. COLLINS: No, that is correct.

MR. SAROS: So what you're really counting on, which I appreciate your explanation, by the way, is are these projects going to create a synergy for the communities they're in? Do you know how long have they been built and up and running?

MR. COLLINS: Well, and someone might correct me if I'm wrong, the Inkster development is also new buildings, it is not just the renovation of existing buildings, it is a new development. Inkster, I believe, opened in November of 2010.

MR. STAFFORD: Or later than that, within the year.

MR. COLLINS: It's recently been opened. The agreement with the State has been in place for quite some time. The developer was not going forward without an agreement with the State. The Hamtramck development,

I believe, has been open for almost a year now. Both developments were taken to both of the public bodies, the City of Hamtramck and the City of Inkster, for approval. So both are in a position of agreeing that they understand that there is going to be no tax revenues on these properties, and both have been very supportive.

MR. STAFFORD: Other than their payment in lieu of taxes.

MR. COLLINS: Good for them, they negotiated a pilot on these so, and I would ask that, you know, one thing to remember, if the State did these themselves, because they're purely State facilities, and the State will own these facilities in the end, there would be no taxes. They would be State public buildings and there would be no taxes. It's the State's decision to pay for these over time rather than paying for them and bonding for them up front. They like their cash flow situation to work like that in the Real Estate Division.

CHAIRMAN FORD: Okay.

MR. SAROS: What I am comfortable with is that, yes, there is a -- beyond yourself a first-class law firm that has looked at this over a long period of time, but please understand my -- I've looked at it for 10 minutes.

MR. STAFFORD: Yes, I understand.

CHAIRMAN FORD: Absolutely.

MR. SAROS: So I've got that -- I'm comfortable because you guys are comfortable and you're representing this Authority.

MR. COLLINS: And, again, I want to make sure that we understand, the only thing we're asking you to approve is a term sheet which requires the developer to pay expenses right now. We are not asking you to approve the deal. We are only asking you to approve the expenses.

CHAIRMAN FORD: Let me ask you this. Carl, are you going to be the counsel from this point forward?

MR. STAFFORD: Yes.

CHAIRMAN FORD: All right. I think a motion is in order.

MS. DeHART: I'll make a motion to accept the Boji term sheet.

CHAIRMAN FORD: It's been properly moved. Is there support?

MR. SAROS: I'll second it.

CHAIRMAN FORD: It's been properly moved and supported. Is there discussion?

Question being called for, all those in favor signify by the sound of aye.

(IN UNISON): Aye.

CHAIRMAN FORD: All those opposed? I believe we have three ayes, no nays, and one abstention.

MS. DeHART: We actually need to name the abstention.

CHAIRMAN FORD: And that abstention is Commissioner John Hindo.

Thank you very much. Motion carries.

Okay, Carl.

MR. STAFFORD: Thank you.

CHAIRMAN FORD: Thank you very much.

All right. Moving on, Line Item I believe it's 5(f), yes. And we have a presentation from Dan Teak, LLC, who is our outreach coordinator. Your name?

MS. PEGUES: My name is Francine Pegues. And Mr. Chairman and Commissioners, thank you for the opportunity to present and share information with you about the Outreach Program. Let me take you back to it started with this -- in conversations with AECOM back in November about their desire to use local businesses in the construction of what's now called the Consolidated Jail. And as you are aware, AECOM is out of California. So to facilitate that, we started talking about other projects that my partner and I -- my partner is Schooner Consulting -- had been involved with, that's Lehman Saul

(sic), Mr. Chairman, if you know Lehman Saul, or others know Lehman Saul, other projects where we had worked to ensure diversity and the inclusion of local businesses, that being the Henry Ford Bloomfield Hospital and the Detroit Medical Center Vanguard project, where we did similar and in some instances identical work.

Subsequently, AECOM and I engaged in a contract through Ghafari, I worked very closely with Ron Moran and Tony Parlovecchio providing them information as to businesses that they are interested in sending bids to. So with that background, I'm going to pass to you a package of information which we can briefly go through. I think our -- it's just one document for you, though, Steve. I think you'll see that what we're attempting to do is be the face of the construction project. While everyone is diligently working, we're attempting to let local businesses, we have businesses from outside of the State coming in, know what's going on and how to get involved.

So the first thing you see is my business card, which obviously you'll want to put that someplace. The next document, I can send that to you electronically. That's the half sheet of paper that explains exactly what the project is and how a business that might want to get involved can get registered. So

if you would like it electronically, let me know. Otherwise, if you want more of those to distribute, I can provide that to you, also.

CHAIRMAN FORD: That would be great.

MS. PEGUES: Electronically or more of those?

CHAIRMAN FORD: Electronically.

MS. PEGUES: Absolutely.

CHAIRMAN FORD: Electronically, if we can get both that would be great.

MS. PEGUES: Yes, I'll see that she gets it so that you can disseminate it. The first document under the little notification is what the website looks like. This is the Dan Teak website. The cover page explains the project. And then any business that wishes to participate will go to a link that we call Supplier Forum. Before we leave this, though, let me let you know that you see where they have a pre qualification statement, they click that, that's where they're going to register information, which the forum is following, and then once they're registered, weekly we update the list of approved pre qualified contractors, suppliers, so any business that's on that register is public, so that anyone who goes to the website who wants to do business with any of those businesses, they can see who they are and their registration. So it's more than just

our looking at it. I had a business come in from Massachusetts that wondered if they wanted to bid, and when we showed them the list of vendors that we had registered, they -- I don't know if they're going to bid to be a general contractor or not, but they felt enthused that there was such a wealth of qualified businesses, local businesses that they could turn to. So that's also an advantage of going to the website.

Next, you'll see the questionnaire that we ask them to complete. We call it a pre qualification form. It is really just business information with drop-downs. Where it says main office, it also says a local office. It says architect/engineers, but there are now seven other business types that are listed, because as people have registered, we have caterers who said, "I just want to be on your list in case one of the companies needs a caterer, I'm there, IT people, so we have altered this as we have gone along. You'll see that we also recognize minority business enterprises, women business enterprises, veteran-owned businesses, and Wayne County enterprises. The rest of it is just perfunctory information. If people have difficulty completing it, they call the office, we have somebody walk them through it. It's really not that overwhelming, takes about 10 minutes.

The next document behind that is a listing that says Dan Teak, LLC, and this is what I -- how I respond to what Ron Moran and Tony request. This is how we submit to them the list of businesses that have asked to be included. In this case, as you can see, it's Wayne County minority business, women business, veteran businesses, and these are architects and engineers that have gone and registered on our website. This is as of April the 29th.

When companies register, they don't always give us all of the information that allows us to just extract it. We have to read every one of their -- there are spaces for them to write in, so we go through and read every one of them, so that if they should be registered in multiple places, engineers and something else, gravel haulers, we go ahead and put them on both lists, so we don't limit their opportunities to participate.

Once they register, it's usually the next day that they wind up on our list pre qualified, and once a week we send to Ron and to Tony a list updated of the type of vendor they're looking for. So this was as of the end of the week for the architects and engineers, and this is the end of the work I've labeled architect and engineers, isn't that correct, Ron? Yes. We

separated them, as you can see, by Wayne County, non-Wayne County, and then those that are not registered, I think we've included those -- no, these are only all those that are registered.

We have a list from the DMC, and we've gone to those folks that were on the DMC list and asked them if they wanted to participate in the Wayne County Jail. Some of them have gone ahead and registered on Dan Teak, and some of them have said no. So we've not included those who said they're not interested.

And then, lastly, I have a summary report that for purposes of monitoring for the County, for the owner's representative in terms of where money is being spent, this document, which on the front page says AECOM Ghafari project, and it's dated 4-14, that was the last date that a contract was executed for work. And the businesses listed here, that information comes to me from Ghafari and AECOM. As to who they gave business to, we send the list to them that says, "Here are people you might want to contact, or you should contact for your work," and you don't have to be on this list to get a bid. I know that Ron has other means of submitting or getting people on the list or other means of getting to prospects.

But once they decide who they're going to send

the bids to, they let us know who they sent the bids to, then they let us know who was the winning bid, and they provide us the detail that you see here, in which case every one of them was the lowest bidder or one lowest bidder, they said they didn't believe it was an accurate quote, just too low. So we provide that information on a as hopefully monthly basis or as contracts are let, and then we keep a running total so that we know, in this case on Page 1, $48,150 have actually been spent, 15,000 have been with a minority business enterprise, and 46,600 with a Wayne County enterprise.

And as we move along this will become obviously more colorful, and we're hoping to be able to put this on some type of a map or something so that people can see where the business and where the work is going.

Any questions? I would be happy to --

MS. DeHART: I need to leave. I appreciated your presentation. I'm glad I could stay for it, but I have a police chief waiting for me in Westland.

(An off the record discussion was held.)

CHAIRMAN FORD: Tony?

MR. PARLOVECCHIO: I just wanted to say that I'm very pleased with Dan Teak's performance, they add a lot of value to the project. She's been, I want to say

Johnny-on-the-spot, she's always there when we need her, and we are extremely behind budget, under budget on the due diligence already, so it's a good way to start the project out.

CHAIRMAN FORD: I have a couple questions, but I'll defer. Jim?

MR. SAROS: Ron, most of the work that you've actually hired out at this point has been the preliminary, the due diligence, environmental, things along those lines?

MR. MORAN: That is correct. We've completed the phase 1 environmental. Phase 2 will be done next Wednesday. The land survey is done. The geotech is done. And we are now just gathering all that information and packaging it up, and going to use that to make a decision or a recommendation to the County whether they're to go forward or not to buy the property.

MR. SAROS: Thank you.

MR. PARLOVECCHIO: Our date is May 13th they have that all accumulated.

CHAIRMAN FORD: So that to have it all accumulated, do you have a cut-off or a drop-dead date in terms of a decision?

MR. COLLINS: On May 13th, we're waiting for

our owner's rep and our program managers to make a recommendation, and at that point we're going to be making a recommendation to the Authority and the Commission.

CHAIRMAN FORD: So that's right around the corner, that's next week. We're moving.

MR. PARLOVECCHIO: Thus far we have not -- everything we've found, we have done layouts on one of the existing buildings there for the past hundred years, and we found -- what we found so far, we've uncovered are I don't think anything at this point that are going to --

CHAIRMAN FORD: Nothing jumps out at you?

MR. PARLOVECCHIO: No. We're hitting foundations, but they're the old Michigan type base foundations with brick and mortar, not reinforced concrete walls like we build now, you know. So it'll pop out. There is going to be some cost involved, but not anything like we thought it would be.

MR. SAROS: Wasn't this done -- wasn't there a lot of testing done back when Greektown originally purchased --

MR. COLLINS: You would think more. They were very good about -- not nearly as much. They were very good about giving us what they had, because that was

part of our agreement if you read your purchase agreement, you know, that was in there, but they gave us environmentals, but, no, it required our owner's rep to go out and do the due diligence. And he has, he's gone out and done the due diligence and been able to come back, they're not done yet, but they're going to be able to give us a very accurate understanding of what we will be considering purchasing next week.

MR. SAROS: I just think my point is if it was done once before, even if it wasn't to the lengths that we're doing it, which I'm pleased to hear, that's a good sign, I mean it's done, if it's been done once before and to any degree, it's better than not having been done at all so.

MR. PARLOVECCHIO: It was basically done before with soil borings, and we're doing actually exploratory -- we got backhoes out there digging on the site of the foundations and measuring them, and actually what we're doing is we're measuring them and surveying them and doing a document that tells us the volume, and then we put an RFP out so we're prepared and we know what our costs are going to be, and we'll be able to hit the ground running and start taking it out immediately.

MR. SAROS: That's great.

CHAIRMAN FORD: You've laid out the building,

I was looking at the stakes, I drive by, and you've laid out the stakes. Have you laid out different scenarios in terms of how you're going to position the building and you've looked at different -- is it going to be facing Gratiot? Are you all doing that due diligence now?

MR. MORAN: The layout of the building on the site is pretty much completed, there is not much room to turn it in any different direction. It basically goes from property line to property line.

CHAIRMAN FORD: Got you.

MR. PARLOVECCHIO: The staking you're seeing out there is the existing buildings that were there, we're staking the corners out of what we know, and then we're making cross sections across the property just to be sure, so we're doing --

CHAIRMAN FORD: Beautiful. How do you pronounce --

MS. PEGUES: Francine Pegues. Francine is fine.

CHAIRMAN FORD: Ms. Pegues, just out of respect, you indicate here that you're going to have three construction outreach forums during the week of June 27.

MS. PEGUES: That has been moved back to July

because the construction manager, once they engage the construction manager, which now looks to be the first part of July, I think.

MR. PARLOVECCHIO: July 13.

MS. PEGUES: That's why I have not changed the date. It is into July, and we will contact everyone who's registered on our website. We have e-mails, we have hard copy addresses, and we will invite them to one of the three locations to hear from the construction manager what's goes to happen, the time table, hopefully we'll have the three-dimension drawings that we can present so anyone who's interested will be invited to come here.

CHAIRMAN FORD: Are you doing any other outreach in terms of are you doing any print? I mean how are you getting the word out outside of the list that you have currently?

MS. PEGUES: We've gone to -- met with Human Relations here, and we've taken their entire listing of businesses, and we will shortly upload them into our database, and we are meeting with, next week or the following, all of the certifying organizations in the County, women's organizations, Hispanic organizations, Michigan Minority Business Development, all of them to let them know what's going on, what the time table is,

and so that they can let their constituents know, the Hispanic Chamber, et cetera.

We are not taking any -- we're not going to the media. I think that the bids are going to be publicized in the media, so ours will be to just communicate through the e-mail addresses of all those businesses that have registered with us.

CHAIRMAN FORD: When you say you have three -- you say you have three separate forums.

MS. PEGUES: It's the same information.

CHAIRMAN FORD: Same information, but three separate forums the week of or whatever week that might be, and this is -- you're inviting -- you mentioned you're inviting one group down for one session?

MS. PEGUES: No. I misspoke. We are just trying to make it easy for a business in terms of we've got one at Schoolcraft College, we're doing one at Wayne County Community College District, and we're doing one Downriver at a UAW Union Hall, and we're doing them at different times so that a business can choose whichever location. We just were attempting to make it easy --

CHAIRMAN FORD: Absolutely.

MS. PEGUES: -- for somebody to take two and a half hours out of their business day and show up -- a couple, two will be in the morning and one will be in an

afternoon.

CHAIRMAN FORD: Okay. And this list here, this is, what's highlighted in yellow, are the winning bids based on that --

MS. PEGUES: Yes.

CHAIRMAN FORD: -- is that correct?

MS. PEGUES: Yes. This information was given to us by --

CHAIRMAN FORD: The soils is out there --

MR. MORAN: That is correct.

CHAIRMAN FORD: Any other questions?

MR. SAROS: So if I understand correctly, just to be clear, really you're information gathering, you're going out to the community in an outreach capacity, you're gathering that information, and you're passing it on to our owner's rep and Mr. Moran, is that correct?

MS. PEGUES: That's correct.

MR. SAROS: Your company doesn't make any decisions on who is used and who is not.

MS. PEGUES: That is definitely correct.

MR. SAROS: Thank you.

MS. PEGUES: Ours is just to facilitate the community to make sure they know what's going on and have an opportunity. We have individual electricians that are registering that say, you know, if Motor City

winds up with the electrical contract and they don't have enough electricians, tell them we're available. So we have -- some of them are just individuals that have skills that want to be considered.

MR. SAROS: We don't have a cut-off date, Mr. Collins, do we, or, well, we're going to have some cut-off date, but a cut-off date for people registering?

MR. COLLINS: No.

MS. PEGUES: No.

MR. COLLINS: In fact, I would encourage them, you know, don't ever stop. Who's to say that there aren't other projects that we'll be engaging in after this. So, no, we're asking all businesses to register, you know, and keep current.

MR. SAROS: As we've seen today.

MR. COLLINS: Yes, at any point of the day I can bring you an issue --

CHAIRMAN FORD: Why no media? Why no print? Why no, you know, outside, if you will, of the normal channels, why not any print to just make sure that, number one, we're capturing as many people as we can possibly, number two, you know, there's always perception versus reality in terms of, hey, are we actively and aggressively going after and making sure that we have done all that we can do in terms of getting

the word out that, hey, this is a major development and, you know, we're looking for all qualified bidders and anybody who's -- I'm just curious about that decision.

MS. PEGUES: I hear you, Mr. Chairman, and if that is -- if you think that that will -- you'd like to see that, we certainly can make that happen and talk about it. There was not a budget set aside for media publication, but I'd be happy to talk with you if that's something you think should happen.

CHAIRMAN FORD: Let me ask you this. After, say, you know, we've gone through and we're ready to start taking bids and, you know, for the most part your work is done, are you --

MS. PEGUES: No, sir.

CHAIRMAN FORD: I guess that's what I want to hear.

MS. PEGUES: Well, these reports --

CHAIRMAN FORD: Will continue to be, I see, generated throughout the life of the project.

MS. PEGUES: Yes, because at some point we're hoping to work with the -- we will be working with the general contractor and the subcontractors to try to target where people live that are working on the projects. If, in fact, there is an overriding insurance plan, a Workers Comp plan, that entity would have the

addresses, the home addresses of those working, and we would want to try to plot that somehow, track that so that we can give that back to subcontractors, to the owner's representative, so we see this as an ongoing through the 40, 38 months, 40 months.

CHAIRMAN FORD: Excellent.

MR. PARLOVECCHIO: And while we're doing this project we're fast tracking it, so we'll start out with foundations, and it will be a bid process all the way through.

MR. SAROS: And refresh my memory, what we approved from a cost standpoint for Dan Teak was what?

MR. COLLINS: Well, AECOM is the company who -- AECOM made it very clear to us that when they come into a community, they expect an outreach program, and they decided that they would just go ahead and hire an outreach director. So they are picking up -- now, of course, we're paying AECOM, but they are picking up Dan Teak's bills. So, you know, actually, I can't tell you exactly how much Dan Teak is being paid. I probably do know somewhere, but I can't tell you exactly how much they're paying Dan Teak.

MR. SAROS: Just curious from a standpoint of where your value starts diminishing as -- you know, as the project goes on, from a cost standpoint, because, as

you said, we're paying AECOM, AECOM is paying yourselves.

MR. COLLINS: But it's not reimbursable.

I mean I can say this to you. Since they've made this representation to us, and we have agreed on a fee now, and it's not a line item, if for some reason they don't have an outreach director, I guess we will be talking about amendment to their contract, because that's a service they're no longer providing. So I mean as way of history and for this Board, I still remain the attorney for the Detroit Wayne County Stadium Authority, and, of course, this was a program that we had on the Stadium Authority, it's a program that, as you see, it's over at DMC. These types of programs are now expected on larger construction projects, and they expect it to go on till the end so.

MR. SAROS: I think that's great. I just also think that my guess is that the -- that it's top loaded from a standpoint of there's a lot more work being done at the beginning than it would be at a certain point, and so just from your question standpoint, where does it stop and start? You can say, well, I'm going to be there till the end of the project, but being there at the end of the project doing what? Once that's been selected, and I think what Nate was referring to, which

I want to just expound on a little bit, is I think it's really important that we get word out, and particularly in this economy and particularly in Wayne County, to places that are hardest hit with unemployment, and I would suggest respectfully that a good place to start or to be involved would be the churches in the City of Detroit, Wayne County, of course, as a whole, but I think that they would feel a lot more included, the Wayne County residents as a whole, is if it was announced at a church that, you know, they're going to set up a meeting to have a representative for your company come in on such and such a day. I think it would give a real nice spirit to the project.

CHAIRMAN FORD: There's no question, I was going to, you know -- absolutely, the churches obviously, you know, you have, you know, flagship media vehicles chronicle, you know, that, you know, have traditionally been a media launching pad, if you will, for large scale projects, you know, just making sure that we, the Wayne County Building Authority, Wayne County itself, that we do all that we can do to make sure that, you know, at the end of the day we feel comfortable that we went to the lengths to make sure that everybody had the opportunity to be a part of this so. Absolutely. And, you know, I would encourage you

obviously, and I think that that needs to be a conversation that you have with -- because I'd like to have you around from this point all the way through, you know, obviously the reporting is important, very important, what other possibilities lie with you in making sure and ensuring that, you know, it's done through the life of the project, if you will. So those are some things that, you know, obviously you need to have those conversations with.

MR. SAROS: I mean I would give criticism to myself that I have encouraged a number of people or companies to register, and when I've thought about -- but when I've thought about who I've encouraged, it's also, it's all very successful, well-known entities, and I think that there are a lot of people out there, you know, per those comments, that we don't know about, that might be qualified to take a little part of this, and I think it makes Wayne County look really good if we do this.

CHAIRMAN FORD: There's no question about it. So thank you, thank you very much. We look forward to working with you. I'm excited.

MS. PEGUES: My pleasure.

CHAIRMAN FORD: Very comfortable with this decision, Tony. Ron. I think we're done. All right.

Let me just again thank Mr. Collins for your very detailed, thorough insight in explaining where we are and all that you do --

MR. COLLINS: Thank you.

CHAIRMAN FORD: -- both behind the scenes and in front. Thank you very much, and I think if there is no other business on the table -- always, Valerie, thank you.

MR. SAROS: I have one piece, more of a question for Mr. Collins and Valerie. Do you think it's time to bring in a -- I'm going to say a CPA type firm? I mean are we getting close, Ron, to some of the pre hired people, such as yourself, but other people like Dan Teak and whatever, is there -- is it getting close to where we should bring in --

MR. COLLINS: We're finishing the RFP for the CPA. I think you passed a resolution last time empowering us to do so.

MR. SAROS: I want to be clear. There was some conversation about like a -- I'm going to almost say a bookkeeper type company with maybe one CPA, but aren't we -- I mean I'm sure for the whole project it's going to be a large -- I mean it's going to be a very difficult job to keep track of all the dollars, correct?

MR. COLLINS: Yes. The scope, the reason that

we felt it was important to hire a firm is because not only do we want to make sure that we're tracking the dollars, we have to make sure that we're tracking that they're eligible expenses and that they are looking at each of the invoices. In the end we will probably be receiving documentation of sub subcontractors or 3 or 400 of them a month. So we need a firm who's going to be able to keep track of that, ensure that they are eligible under the ARA. So, no, it's our intent to get a very qualified and experienced firm to be able to do that.

MR. SAROS: Could I suggest that perhaps we might want to send out an RFQ as opposed to an RFP for that job?

MR. COLLINS: Well, we will certainly off the record speak to you about the County's processes between RFQs and RFPs.

CHAIRMAN FORD: All right. Thank you very much. If there is no other business, this meeting is adjourned. Can I get a motion to do that?

MR. SAROS: Motion to adjourn.

CHAIRMAN FORD: Properly moved and supported. Is there discussion?

All those in favor?

(IN UNISON): Aye.

(The meeting was concluded at 3:32 p.m.)

CERTIFICATE OF NOTARY

STATE OF MICHIGAN)

) SS

COUNTY OF OAKLAND)

I, Laurel A. Frogner, Certified Shorthand Reporter, a Notary Public in and for the above county and state, do hereby certify that the above meeting was taken before me at the time and place hereinbefore set forth; that the witness was by me first duly sworn to testify to the truth, and nothing but the truth, that the foregoing questions asked and answers made by the witness were duly recorded by me stenographically and reduced to computer transcription; that this is a true, full and correct transcript of my stenographic notes so taken; and that I am not related to, nor of counsel to either party nor interested in the event of this cause.

Laurel Frogner



Laurel A. Frogner, CSR-2495, RMR, CRR

Notary Public,

Oakland County, Michigan

My Commission expires: 4-22-2015

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WAYNE COUNTY

BUILDING AUTHORITY

MEETING

_____/

PAGE 1 TO 24

Taken at 500 Griswold,

Detroit, Michigan,

Commencing at 1:30 p.m.,

Thursday, June 23, 2011,

Before Laurel A. Frogner, RMR, CRR, CSR-2495

APPEARANCES:

Nathan Ford, Chairman

Eileen DeHart, Member and Secretary-Treasurer

Jim Saros, Member

John Hindo, Member

Steven Collins, Wayne County Corporation Counsel

ALSO PRESENT:

Barry Jensen

Haaris Ahmad

Jeanne DeLorme Grace, Dawda Mann

Detroit, Michigan

Thursday, June 23, 2011

1:30 p.m.

CHAIRMAN FORD: Good afternoon, and welcome to the regular scheduled meeting of the Wayne County Building Authority, June 23rd, 2011, 1:30 p.m.

I'd like to call the meeting to order.

Board Member Saros?

MR. SAROS: Present.

CHAIRMAN FORD: Board Member DeHart?

MS. DeHART: Here.

CHAIRMAN FORD: Board Member Hindo?

MR. HINDO: Present.

CHAIRMAN FORD: Board Member Ford; present.

There is a quorum present.

Approval of the Minutes from -- is that May 5th?

MS. DeHART: So moved, Mr. President.

CHAIRMAN FORD: It's been properly moved and supported. Is there a discussion?

The question being called for, all those in favor signify by the sound of aye.

(In Unison): Aye.

CHAIRMAN FORD: All those opposed? Motion carries.

Approval of the Agenda with the addition of the ratification, Building Authority resolution ratification.

MR. HINDO: I'll move to approve.

CHAIRMAN FORD: Approved with the add-on, and we'll put that under 5(e), which will be the Authority to Execute Permits on Behalf of the Authority.

It's been properly moved. Is there support?

MS. DeHART: Support.

CHAIRMAN FORD: It's been properly moved and supported. Is there discussion?

The question being called for, all those in favor signify by the sound of aye.

(In Unison): Aye.

CHAIRMAN FORD: All those opposed? Motion carries.

Under Old Business, any old business?

Attorney Collins.

MR. COLLINS: Thank you. Steven Collins, Assistant Corporation Counsel. I just wanted to recognize one agenda item that this Board indicated you wanted to be able to get an inventory of all the properties that were owned. Ms. Khoury has put that together. Unfortunately she's not here today, so we are going to continue to plan on having -- I believe it's

June 7th is your next board meeting, so we will make that an agenda item for June 7th.

MS. DeHART: July 7th.

MR. COLLINS: Thank you, Ms. DeHart.

CHAIRMAN FORD: Okay. Thank you very much. Any other New Business -- excuse me, old business? No old business?

Moving on to New Business. Line Item 5(a), Resolution and Approval of the Amendment to Kotz Sangster Contract For Legal Services.

Attorney Collins.

MR. COLLINS: Yes, thank you. If you remember, in April of this year we asked you to approve a legal services contract for the law firm of Kotz Sangster. I have asked Mr. Jensen, who is a representative of Kotz Sangster, to be here today. That legal services contract was for 100,000. It is typically the number that we start out with in our legal services contracts. We've now gone farther into the project, we have an appreciation for what we want to accomplish this year. We've asked this law firm to take on the construction, the owner's insurance policy programs, the safety programs, and we would ask them to give us an outline of what it would cost only for an additional up to the end of this year, or the end of the

contract year, which in your minutes you'll see you indicated would be from April 1st, 2011 to April -- excuse me -- March 2012. Unfortunately, it doesn't seem as though it reads like that. So we're clarifying that in this resolution, and we're asking for an additional 250,000 now that we have a better appreciation for how much it's going to cost for the following year. We have put together a schedule for what we believe legal fees will cost us over the next 42 months. But it is going to be the recommendation of Corporation Counsel that we only appropriate those dollars on a yearly basis. We're not going to be recommending three-year contracts. We'd like to -- we think it makes more sense to go along those lines.

CHAIRMAN FORD: Okay. Thank you. Any questions for Attorney Collins?

MR. SAROS: Steve, I would think that, you know, we're counting on you in this area, so I guess my question to you is, in your opinion, that is a reasonable -- I know the $200 an hour is reasonable, but a reasonable amount of time and a reasonable money for that time to complete?

MR. COLLINS: Yes. We spent several hours, nonbillable hours, I might add, debating how much time should be devoted to each phase of this, the insurance,

the RFP, the construction management, there will be a preconstruction contract that will be coming to you first. We'll be doing some -- we've made some decisions to go on and do assets authority to go forward and contract directly for some preconstruction like some remediation. So we spent a lot of time looking at those and divvying up the hours.

I believe that it's fair to represent Kotz Sangster thinks it should be a little bit more, I'd rather come back and ask you for more than to put more into it, so we've left it at 250 at this point for an additional 250.

MR. SAROS: Thank you.

CHAIRMAN FORD: Rounding it out at 350.

MR. COLLINS: Yes, 350 will be their total contract amount since you already approved 100,000 at the last board meeting. So it's 350 until March 31st, 2012.

MR. HINDO: Steve, are we well under or how do we look in terms of what we're spending versus what we budgeted?

MR. COLLINS: We're actually looking very good. You know, I do not have those numbers for you, it's something that Valerie hoped to show you. I think actually we might even have said let's wait till July.

We've done our remediation, we've done our due diligence activities. Each of those have come in below budget so far. So we're looking good, you know, right now. Now, I mean we're very early on, but right now we are below budget. Our budget's not very big right now for what we're doing, but we are below budget. So right now we're looking good. We'll know a lot more.

The RFP, if I can move on to another subject, the RFP did go out on the street, it was written by Kotz Sangster and our program managers. We will be making a selection through a Selection Committee and a recommendation to this Board and to the County at the end of July, beginning of August, and that will really tell us where we are in our budget. That will give us a much better idea of where our budget will be.

MR. HINDO: And one other question. Who is -- and I don't know if it's you or not -- I guess scrubbing through the bills to make sure that everything is in accordance with whatever the budget you've provided to each firms in terms of hours being spent in each particular area?

MR. COLLINS: Right now I am. Right now I will always look at legal services bills as long as I'm assigned to the project. However, if you remember, this Board did agree and approve for the CFOs to send out an

RFP for an accounting firm. That firm should be on board in July. They will then take on the task of scrubbing, but I will always still end up scrubbing on the legal service fees, all right, and looking at those.

CHAIRMAN FORD: Any additional questions? Any further questions? All right. If not, a motion is in order.

MR. SAROS: I will make a motion to approve the contract.

MR. HINDO: I'll support.

CHAIRMAN FORD: It's been properly moved and supported to Approve the Resolution and Approval For the Amendment to the Kotz Sangster Contract for the additional 250,000.

It's been properly moved and supported. Is there discussion? The question being called for, all those in favor signify by the sound of aye.

(In Unison): Aye.

CHAIRMAN FORD: All those opposed? Motion carries.

Moving on to Line Item 5(b), Resolution and Approval For Amendment to the Dawda & Mann Contract For Legal Services.

Attorney Collins?

MR. COLLINS: Thank you. Steven Collins

again, Assistant Corporation Counsel. If you remember, one of the first board meetings you had was to approve a legal services contract for the law firm of Dawda Mann for 100,000. Their contract does run from January 1st, 2011.

MS. DeHART: Excuse me, that was for 75,000, right, initially?

MR. COLLINS: The initial contract was for 100,000. Their additional amount -- 100,000, and it runs from January 1st, 2011 to December 31st, 2011.

Dawda Mann has been the law firm that we've been utilizing to -- they did our Program Manager Agreement with AECOM, our Owner's Representative Agreement. They also have done the -- what is before you today, the casino purchase. They've spent an enormous amount of time on the real estate transactions that go with this.

We are going to be asking you for approval later on on that, but we also know that there are other real estate transactions that we're going to need to deal with in this as we go forward, so they are nearing their cap, and so we believe that an additional 75 is sufficient for the rest of this year. And, again, we have looked at both these firms. We do not believe we're going to be using a third firm, but I won't rule

that out now that I've said it, all right, and we've got a budget that we know that we'll want to use over the next 42 months and we're still well within in this year for that budget.

CHAIRMAN FORD: But you're pretty confident that, based on the scope or the anticipated scope of services, that these two firms can handle --

MR. COLLINS: I'm very lucky to be able to have these two firms in our arsenal as we do this. We have been extremely pleased with what Dawda Mann's been able to do with the Greektown Casino. I mean for your own edification, we can talk just a little more, I mean we've had to deal with the hedge funds out of New York in order to be able to make this transaction. And Jeanne, who is here to speak on behalf of Dawda Mann, and Tyler Tennent who unfortunately couldn't make it today, I have been extremely pleased in what they've been able to do in being able to accomplish this.

CHAIRMAN FORD: Okay. Any questions?

MS. DeHART: I'll make a motion to approve.

MR. SAROS: I'll second.

CHAIRMAN FORD: It's been properly moved and supported. Is there discussion?

The question being called for, all those in favor signify by the sound of aye.

(In Unison): Aye.

CHAIRMAN FORD: All those opposed? Motion carries, and that motion is to approve the resolution and approval for the amendment to the Dawda & Mann Contract For Legal Services.

All right. Moving on to Line Item 5(c), Resolution and Approval For Purchase Agreement on Casino Parcel.

Attorney Collins.

MR. COLLINS: We are very pleased to be here today, and it's been a very long process in going forward with this. The purchase agreement that you were given several weeks ago has really basically not changed, it is the same Purchase Agreement that you were given then. The casino and the County have come to terms. The County's committee of the whole looked at this transaction on the 21st, Tuesday, and approved it this morning, which is why we scheduled your meeting for this afternoon. So they have approved the sale of the Sheriff's Administration Building and the purchase of the casino parcel. We provided you with both documents. We will now be seeking obviously your support on the sale of the Sheriff's Administration Building. That is a parcel that is owned by Wayne County, but we wanted you to have the full transaction as you made a decision

on this.

A couple things that I'm not sure that you know of that I'd like to point out in the option -- excuse me, the sale, the Purchase Agreement, is, number one, the $14 million purchase price is well below, it's 58 percent below what the casino purchased the property for. So through the efforts of our broker and through the efforts of the law firm of Dawda Mann, we were able to negotiate an extremely good deal.

Additionally, after we completed our due diligence, even though we were still well below what they had purchased the price for, our broker and our law firm was also able to get an additional $150,000 from them for some cleanup activities on the site, though I would like to inform you that we've done our due diligence, and we did not find anything we did not expect. Now, we won't know until we completely pull up the site, but we found no surprises on the site. So I'm willing to entertain questions, but we're very happy that we finally got to this point. We are not scheduled a closing, so that's why the resolution indicates that when a closing is scheduled, that you've empowered the Chair to be present for the closing and signing. I won't have the exact numbers in terms of the settlement, the taxes, until the day before, so I need to give a

little leeway to the Chair to be able to sign that.

MS. DeHART: Mr. Chairman, I have a couple questions.

CHAIRMAN FORD: Absolutely.

MS. DeHART: With the mitigation for the MDNR, did they do core samples?

MR. COLLINS: We did trenches and core samples and soil samples. We dug trenches.

MS. DeHART: So you went directly to Phase 2?

MR. COLLINS: Yeah, we dug trenches and went all the way through, because we determined -- we did do core samples, but we determined that the best way we were going to be able to find on the age of that site is to dig a trench and go all the way down. So what we discovered was, and with the trenches we dug, and we tried to be educated, was we didn't find a concrete basement, we found brick basements, which is a lot easier to pull out than a concrete basement, so we're pleased on that.

CHAIRMAN FORD: And if you listen to him carefully, he said "basements," so there's more than one.

MR. COLLINS: There is more than one. I mean this is the location of the old St. Mary's Hospital, I had known it as the location of the old Wayne County

General Hospital, but as I was pointed out by our real estate attorney, no, St. Mary's was there and a few others.

So right now we have not found any concrete basement. We've dug in every location we thought or we know of a building being in the recent years so -- but the only way we'll know for sure is digging the entire site up, and we will be digging a big piece of it up.

CHAIRMAN FORD: Any additional questions?

MR. SAROS: Just a comment that I was again involved many years ago in the original purchase from an advisory standpoint from the casinos to the -- from the previous owners, and I'd like to commend you and anyone that worked on this because I think I'm very pleased with that number and very pleased with the due diligence that was done. So I think as a real estate broker, I pay you my compliments on that. I think it's a -- I'm very pleased about this deal.

MR. COLLINS: Thank you.

MS. DeLORME GARCIA: Thank you.

CHAIRMAN FORD: Okay. There being no other questions or comments, a motion is in order for the Resolution and Approval of the Purchase Agreement on the Casino.

MR. SAROS: I would like to make that motion

to approve the Purchase Agreement as presented on the casino site.

MS. DeHART: Support.

CHAIRMAN FORD: It's been properly moved and supported. Is there discussion?

The question being called for, all those in favor signify by the sound of aye.

(In Unison): Aye.

CHAIRMAN FORD: All those opposed? Motion carries.

Moving on to Line Item 5(d), that is the ratification of the Option & Exchange Agreement which Attorney Collins has just eloquently spoken to.

MR. COLLINS: Yes, we --

CHAIRMAN FORD: Or added to it.

MR. COLLINS: Yes, you had approved the Option-Exchange Agreement last April that was signed in March. When the end of June -- excuse me, May approached us, we realized we wanted 30 days more due diligence. So we went to your Chair and asked him to go ahead and sign an Option-Exchange that allowed us to go all the way to the end of June. It came at no cost to anyone, it came at no liability, and it came with no responsibility. It just became -- it's basically just an agreement of both parties to allow due diligence to

continue.

So since the County's approved the purchase and there is no harm, we're just asking you to ratify the fact that you did so. We probably will in the future when we are a little bit more up to speed come back to you and ask you to approve of a policy that does give your Chair some of these powers so we don't have to keep asking you to come back and ratify actions.

CHAIRMAN FORD: Motion is in order.

MR. SAROS: I would make a motion to approve the ratification as presented.

MR. HINDO: Support.

CHAIRMAN FORD: It's been properly moved and supported. Is there any discussion?

The question being called for, all those in favor signify by the sound of aye.

(In Unison): Aye.

CHAIRMAN FORD: All those opposed? Motion carries.

Moving on to Line Item 5(e), which was the add-on, Authority to Execute Permits on Behalf of the Authority, Attorney Collins, you want to speak to that quickly?

MR. COLLINS: Yes, I apologize for bringing this as a walk-on, but literally this was an issue

brought to us about 45 minutes ago. We are going forward, and the Purchase Agreement and the Option Agreement, if you notice, we had asked the casino that if for any reason prior to closing we wanted to perform some activities on the site they allow us, and they have. But we need permits.

Now, in your approval of the owner's representative's agreement, you have given him the right to do so. However, rather than bringing an entire agreement to a permitting board, we made a decision that it made more sense to pass a resolution acknowledging what you've done, certify it today so that our program managers and our architect can go back to the City of Detroit right now and get a couple of permits, all right, that we need to do this. So that is the point for bringing it now, because it would have been a little untimely even bringing it on the 7th. We believe there are some things we're going to be doing before then.

MS. DeHART: I'll make that motion, Mr. Chairman.

CHAIRMAN FORD: All right. So moved.

MR. SAROS: I'll second.

CHAIRMAN FORD: It's been properly moved and supported. Is there discussion? The question being called for, all those in favor signify by the sound of

aye.

(In Unison): Aye.

CHAIRMAN FORD: All those opposed. Motion carries.

Any additional business?

MR. COLLINS: There's one other thing that -- and, again, we're trying to get a little more up to speed, you understand that we will bring to your attention all the properties that you own, we've obviously been very focused on the jail because that's a responsibility we have right now. There is a lot of clerical or ministerial administrative issues that we think that need to be addressed that haven't been addressed by our Building Authority in several years. One of those is we're going to be pursuing and hopefully before the end of the year bring you a seal so that you have a letterhead and a seal, which would cut back on a few things that we're already doing. So we give you that as an informational item. Obviously we can't do anything with it until you look at it and approve it, but I just wanted to let you know that even though we bring you these things, there's a lot that's going on that we just haven't been able to get to your attention yet that we're trying to work on.

CHAIRMAN FORD: Excellent. Thank you. At

this point we'll move on to public comment. Is there any Public Comment? If there's no Public Comment, a motion is in order to adjourn.

MR. SAROS: Can I bring up -- I'm sorry, I should have brought this under New Business, but it's a small thing, but with the RFPs being out on the street and now you're starting to get comment back, and one of the things that's come back to me, and I'm wondering if my fellow members here and you, Steve, think that this is a good idea, I'm getting a lot of comment back from the people that actually run the jail, call it the Sheriff's Department. Should they have a separate owner's rep that specializes in that area of what's best to have what where? I know that all falls under architects and all that --

MS. DeHART: Schematics.

MR. SAROS: -- yeah, but there's been a lot of -- I shouldn't say a lot -- I've had comments back that, boy, we wish we had more input into this and that. And I want to make this clear that isn't from Sheriff Napoleon, just to be on record of that, but people who actually have run and worked there and wish we had more input. Does that make any sense?

MR. COLLINS: Well, let me comment to that. I'm glad you brought that up, and certainly what we hope

to show you on the 7th, it is ready now, is the schematic design, and let me just indicate that all of us in this room, maybe in this room may be a little more detailed than I am, that's all we care about, the schematic design. We really don't care where the electrical line is. We want to see what it looks like and how the flow goes. All of that was done based on a weekly meeting with a team that was created by the Sheriff. So as we designed that facility, every Wednesday at 1:00 the program managers and the architects would meet with a team of individuals with the Sheriff, and that would include not only the medical staff, which really falls under the County Executive, but each of his division chiefs and his attorneys and others.

And the design was based on what they saw they needed to have, such as, and I think this was great on their part, on the Sheriff's part, there will be a lot of video visiting versus actual visiting, and I think that gives a lot more access to the clients that will be using the facility. So there's been an enormous amount, a weekly meeting with them, and they have to literally sign off on the design and the way that it's done.

On top of that we couldn't offer them a program manager because -- or we couldn't offer them, I

should say, an owner's rep because it is titled in the Building Authority or titled in the County, because that's what the State law says. You know, they as an office can't own one of these facilities.

And then the other thing I think goes directly to what you said is that the program manager, AECOM has recommended, and the Sheriff agrees, that there's going to have to be probably about six individuals who work for the Sheriff directly that are going to have to be taken off their jobs, and for at least 18 to 24 months they'll be doing nothing but creating new policies and procedures directly for this facility. And we have built that into your $300 million budget, all right, which was -- so it is being built based on what they've indicated to us the type of facility they want. And how it will be run, the operations of it, will be based off the team they've created and the operation, with the help of, you know, the experts that we've now hired, you know, AECOM and Ghafari, in doing so. But I think it was a great question for you to bring up. I want to make sure there's a great record of how much, you know, that we've been trying to make sure they stay involved in what's going on. So there's one meeting with the County Executive and a second meeting with the Sheriff every week. So they're 50 percent there on everything

that's happening.

MR. SAROS: Thank you.

CHAIRMAN FORD: Thank you very much. Additional comments? If not, a motion is in order to adjourn.

MS. DeHART: So moved.

MR. HINDO: Support.

CHAIRMAN FORD: It's been properly moved and supported. Is there discussion?

The question being called for, all those in favor signify by the sound of aye.

(In Unison): Aye.

CHAIRMAN FORD: All those opposed? Motion carries. This meeting stands adjourned.

(The meeting was concluded at 1:57 p.m.)

CERTIFICATE OF NOTARY

STATE OF MICHIGAN)
) SS
COUNTY OF OAKLAND)

I, Laurel A. Frogner, Certified Shorthand Reporter, a Notary Public in and for the above county and state, do hereby certify that the above meeting was taken before me at the time and place hereinbefore set forth; that the foregoing was duly recorded by me stenographically and reduced to computer transcription; that this is a true, full and correct transcript of my stenographic notes so taken; and that I am not related to, nor of counsel to any party nor interested in the event of this cause.

Laurel A. Frogner, CSR-2495, RMR, CRR
Notary Public,
Oakland County, Michigan
My Commission expires: 4-22-2015



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WAYNE COUNTY

BUILDING AUTHORITY

MEETING

_____/

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Taken at 500 Griswold,

Detroit, Michigan,

Commencing at 2:10 p.m.,

Thursday, August 4, 2011,

Before Laurel A. Frogner, RMR, CRR, CSR-2495

APPEARANCES:

Nathan Ford, Chairman

Eileen, Member and Secretary-Treasurer

Jim Saros, Member

John Hindo, Member

Steven Collins, Wayne County Corporation Counsel

Valerie Khoury, Office of Management and Budget

ALSO PRESENT:

Ron Moran

Sandra Wilson

Tyler Tennett

Detroit, Michigan

Thursday, August 4, 2011

2:10 p.m.

CHAIRMAN FORD: We're going to go ahead and call the regular meeting of the Wayne County Building Authority to order August 4th, 2011, call to order. Could I have the roll call, please, Ms. Khoury?

MS. KHOURY: Eileen DeHart?

MS. DeHART: Present.

MS. KHOURY: Nathan Ford?

CHAIRMAN FORD: Present.

MS. KHOURY: John Hindo?

MR. HINDO: Present.

MS. KHOURY: James Saros?

MR. SAROS: Present.

CHAIRMAN FORD: I believe we do have a quorum present.

Moving on to Approval of the Minutes, has everyone had a chance, an opportunity to receive and review the minutes from our last meeting?

MS. DeHART: So moved, Mr. President.

CHAIRMAN FORD: Any additions, corrections?

It's been properly moved. Is there support?

MR. HINDO: Support.

CHAIRMAN FORD: It's been properly moved and

supported. Is there discussion?

CHAIRMAN FORD: The question being called for, all those in favor signify by the sound of aye.

(In Unison): Aye.

CHAIRMAN FORD: Motion carries.

Approval of the Agenda.

Before we move to approve the agenda, I'd like to add a line item under 4, make it 4(a), Updates from Steve Collins.

MS. DeHART: I'd like to move the agenda as amended.

CHAIRMAN FORD: Is there support?

MR. HINDO: Support.

CHAIRMAN FORD: It's been properly moved and supported.

Discussion? Being no discussion, the question being called for, all those in favor signify by the sound of aye.

(In Unison): Aye.

CHAIRMAN FORD: All those opposed?

Motion carries.

Old Business.

MS. DeHART: No, 4(a) comes before 4.

CHAIRMAN FORD: 4 and then 4(a)?

MS. DeHART: 4(a) comes before 4.

CHAIRMAN FORD: Okay. You got me on that one.

Updates, Mr. Collins?

MR. COLLINS: Yes. Thank you. Steven Collins, Assistant Corporation Counsel. I wanted to give you, first of all, some background as to why you received your agenda and your packet so late, because there's some other issues that go along with this.

Number one is I did want to announce the fact that this board had previously hired Zabbia Alholou to work for us. Zabbia last week received a phenomenal opportunity to leave the County and go back to the Country of Syria and help them write their constitution. So she very quickly had to exit. So she will no longer be with the County for a while, but it also put us in a position of being a little bit behind on trying to get ourselves up to speed on the work product that she was doing.

Additionally, one of the things that I wanted to point out to you was that last week the County through the resolution done by this Board conducted interviews for the construction manager on this project. And it was concluded last week that Walbridge would be someone that we would start negotiating on, Walbridge and DCK.

Now, at the same time we looked at our

schedule and made the determination that instead of trying to complete the negotiations, submit it to this Board by today, and submit it to the County Commission by today that we would instead have to delay this to the 17th.

That also meant that the contracts that you're going to see before you were contracts we never anticipated bringing before the board. Instead, those were contracts we anticipated that were going to be used by the construction manager, which again put us in the strange position of deciding if we wanted to continue with work, we were going to need to bring these contracts before you, or most of them, I should say, before you for doing so.

Additionally, it also means that since we are not going to bring the construction manager for your approval until probably around somewhere the 17th, we're going to be asking for some special meetings this month. There are some other contracts that we're going to need you to review and accept, along with we're going to ask you to have a special meeting when we submit the construction manager's agreement up to the Wayne County Commission.

So I wanted to give you that update before we went into looking at these other contracts and then

entertain any questions you may have on that.

MR. SAROS: In an earlier meeting, I'm not sure which one, I wanted to make sure that the construction manager contract went before the Commission before it comes before us. I still think that that's very important. Is that the plan?

MR. COLLINS: Yes. Right now the plan is. However, if we brought one to you, because of timing in regards to you could only come on a certain day and we wanted to make sure on that day, your approval would be based on their approval. It does not go forward without their approval. So, in other words, if for some reason this honorable body told me you could only meet on the 17th and not on the 18th, and that's when the Commission would meet, we'd ask for that special meeting, so that as soon as the Commission was done we could go forward.

MR. SAROS: I would think it would be very important whenever we're going to meet to just make sure that that meeting is after the County Commission meeting. I received -- and I don't know if any of my fellow board members received the same, but I received a number of phone calls from a few people that I don't even know who said, "How could you have hired Walbridge Aldinger for this task?" And I basically was able to

say, "I have no idea what you're talking about." And I kept those conversations short, sweet, and appropriate. I do -- but there seems to be some controversy out there, I don't know why, and I don't care, and there's always going to be controversy when whoever is chosen, we all understand that. But I do think, given the situation with the County Commission, that it would be important for this body to have the County Commission speak to that contract before we do. I would hate to approve anyone -- this doesn't apply to Walbridge, it applies to any contract -- that then would have to go to the County Commission and make this body look like we didn't do the due diligence that they did.

So that's why in earlier meetings I had said on this one particular contract I would like that contract to go before the Commission. There are more people, they are vested within the community and vested within their own districts, and I think we could, for lack of any other word, make some Commissioners unhappy if they didn't get a chance to say what they wanted to say prior to us saying, "We approve So and So." So I don't know how anyone else feels about that.

MS. DeHART: Mr. Chair, I got a couple of those same phone calls, and I, too, was brief and simply said there's been no resolution adopted by this

Commission to hire anybody for that position. And I, you know, simply said that we have a meeting this Thursday, and I'm sure something will come up then. But I feel the same way as Jim. I think that as an elected official, I think the County Commission -- the County Commissioners would certainly be able to delve into it more and as working every day on these issues would be able to delve into it more. I'd feel much more comfortable if the Commission did approve it prior to our approval.

CHAIRMAN FORD: John, any comments?

MR. HINDO: No comment.

CHAIRMAN FORD: All right, so noted.

MR. COLLINS: So noted.

CHAIRMAN FORD: So noted for the record. Anything else under Updates?

MR. COLLINS: No. Again, we're willing to entertain questions. I might add we're going to send it to the Commission twice, we're going to send it to the committee of the whole first, let them comment, and the full board would just be perfunctory. So we weren't going to sent it into -- between the two, and that's only if you can't meet. We don't want to be in a position where -- we'll probably then ask you to meet on the afternoon after the Commission and ask you to please

try to accommodate our schedule.

CHAIRMAN FORD: I think based on -- and, you know, I think you gave us a good indicator in terms of the timing of this, and I think everybody, I'm sure I speak for the rest of the Board, will probably look at the calendars and kind of just X that out, you know, in anticipation that there will be a --

MR. COLLINS: We would appreciate that.

CHAIRMAN FORD: Absolutely.

MS. DeHART: August 18th.

CHAIRMAN FORD: With that --

MR. COLLINS: Right now our tentative schedule is August 18th for that particular issue.

MR. SAROS: Just to piggyback on that, sometimes I have found that perception is more important than reality, and this body is appointed by the County Executive's Office, and certainly the Commission is the legislative branch of our government. This is the one issue that they're actually voting on, to the best of my knowledge, as it pertains to this project. And I think the perception would be, no matter who, I don't care who it is we chose, if we chose a construction manager and then sent it to them, it would give the perception that this was the Executive's choice, and this wasn't our choice, this was theirs. I think that it would play out

politically much better, and I would feel much more comfortable if the Commission had their chance to vet and get answered any questions that they want answered from their -- they may have someone from their respective district that they want to go to battle for, and I think that it would not be -- we would not be as effective, and we might be deemed impudent after that as just a rubber stamp, which we all know we are not, we all know we are not a rubber stamp for anyone. I don't want that perception to go to the Commission. That's why I feel strongly about it so.

MS. DeHART: And if I may, I agree. I think in doing this, we're protecting not only ourselves but our County Executive. We're keeping him safe so no one can say something appears to smell bad here.

MR. SAROS: I think the whole process. I think it protects the whole process. Do you feel --

MR. COLLINS: I feel the process has been above board, it is very much above board, we would never bring anything to you that you should have to question. It was all scored. Those scores are open to FOIA. They were all interviewed, all right, so every firm was given the chance to interview. And certainly we look forward to listening to all of the County Commission's concerns and the process, if they have any.

CHAIRMAN FORD: If they have any, and I think, too, we look forward to a more detailed, in depth understanding of the process once you bring that forward to the body, you know, to this body.

MR. COLLINS: In fact, I can review the process with you now if you would like. You know, the process was --

MS. DeHART: If I may say something first, I don't want you to think that we're questioning you or your --

MR. COLLINS: Or Executive, because Executive in no way did anything wrong in this.

MS. DeHART: Absolutely not, we just don't want John Q. Citizen questioning the process.

MR. COLLINS: Well, and if I might, I am fine with John Q. Citizen, I think they have the right to question the process, and we want to answer all of those questions.

CHAIRMAN FORD: Attorney Collins, we're going to leave that for when you do actually present it to this body formally, and we'll have those -- we'll look forward to that process and how it played out and all that good stuff so.

MR. SAROS: I would like to underscore, though, that I began this by saying the perception, not

the reality, I couldn't agree with you more, Attorney Collins, that we all know within this room that this process is 100 percent above board, 100 percent for all the right reasons, and that this executive is not called me one time, I'm sure no one else, one time saying I prefer this, I prefer that, we all know that. I'm underscoring the word perception, and I think that if it goes to the Commission first and let them have at it, then coming to us makes our approval or disapproval that much more clean. That's my point. Thank you.

CHAIRMAN FORD: All right. And with that, we're going to move from Updates to Old Business. Old business? Mr. Collins?

MR. COLLINS: I don't believe we have any Old Business today.

CHAIRMAN FORD: No Old Business?

Let's move on to Line Item Number 5, New Business, and I believe we have several agreements and contracts that need to be explained.

MR. COLLINS: Absolutely, if I could, I'll start with 5(a), please, which is the Resolution for Legal Services Contract with Mr. Wolfson. Mr. Wolfson was actually retained by the Office of Corporation Counsel last year to work on this issue for the jail. His work, though, was minimal and his costs were

permissible. However, as we've become more and more involved in what's going on, his work is a little bit more intense, and I'm no longer comfortable with the Office of Corporation Counsel asking for billings back to the Authority, so, instead, we asked him to enter into a contract directly with the Authority. What I will indicate to you is there are issues that Mr. Wolfson is going to be dealing with that do not -- that certainly address the jail that are not permissible under the ARRA funding, but he is very aware of that. So you're going to have to leave it up to Corporation Counsel and Valerie's discretion, Ms. Khoury's discretion, as to when he sends us those invoices working with him as to when we will or will not be paying all those services. So we try to be as broad as we can in what's going on, but he's been extremely helpful and extremely useful in this process.

CHAIRMAN FORD: Could you explain -- and with that, we received this and there were several exhibits that were not included in at least my package, fee schedule.

MR. COLLINS: Yes.

CHAIRMAN FORD: And if you could, Attorney Collins, if you could just kind of dive a little bit more into the scope of what Mr. Wolfson, who I've known

to be a very competent attorney, what he's doing as it relates to this process.

MR. COLLINS: Certainly. One of the things that we are considering is the City of Detroit has approached us about possibly being a partner in the construction of the new jail. That will require a fair amount of maneuvering through the City Council and through the Planning Commission in regards to their participation. There are state and local laws that have to be complied with, and Mr. Wolfson has a vast knowledge, especially on City of Detroit law. So he has been working with the City of Detroit in regards to these negotiations. Some of his discussions are absolutely permissible under the ARRA funding. Some of those are not, unfortunately. Those discussions which are not permissible, which deal specifically with the City of Detroit's issues in regards to their own Federal lawsuit, we're not going to be able to bill. Those discussions which go directly to incorporating the City of Detroit into this facility are permissible under ARRA, and so he will be billing accordingly. He bills at a rate of $200 an hour, which is basically all Corporation Counsel allows at this point. And to date his work on this has been less than $20,000, I believe, since last year, so his billings have been extremely

reasonable in what he's doing. But, again, I feel more comfortable that you have a contract with him directly going forward than billing it out of the Authority's budget.

CHAIRMAN FORD: All right.

MR. HINDO: Steve, can I ask you a question, actually a couple. If he's doing this, and maybe I'm misunderstanding you, if he's doing this on behalf of the City, why are we approving legal fees for him?

MR. COLLINS: He is not. He's doing this on behalf of the County. The County has a desire to bring the City of Detroit into this new facility. It will be a benefit to the County. It is -- and by way of background, under State Law, the City or any of our local municipalities have the ability to take a prearraigned individual to the Sheriff's Office. What we experience, unfortunately, is those -- upon arrest sometimes a citizen needs medical attention, and so that municipality will take them to DMC or to a local hospital. That charge ends up being incurred by the County rather than by the local municipality. Those are an example of charges that we'd like to get a better hold of in a new facility.

Additionally, the City of Detroit has a desire for us to take over housing these individuals. We can

do it at a cheaper rate and at a cost benefit to us versus them building a brand-new facility for themselves. So we've been negotiating with them over the last year. They also are one of our municipalities. So the fact that they're under a Federal consent decree and so forth on this issue is of importance to us. So rather than leaving them to deal with that issue on their own, we've been engaged in negotiations with them for a year now, and more so over the health care portion of this than anything else.

CHAIRMAN FORD: And this plays into the intergovernmental agreement that will come or that will be binding, if you will, between the County and the City for those services as well as --

MR. COLLINS: That is correct. We believe the best way we can accomplish this is through an intergovernmental agreement, so that is what Mr. Wolfson has been pursuing, too, is creating an intergovernmental agreement between the two of us. We're hoping that they will agree to that and execute an IGA.

MR. HINDO: The only other question I have about this is I think this Board has already approved so far up to $450,000 in legal fees between Dawda Mann and Kotz Sangster. What are we anticipating in terms of legal -- I mean are we -- because it seems like we're

approving a legal contract every meeting. I understand this is probably the initial phases here, but how much more legal fees do you believe are going to required?

MR. COLLINS: I believe triple what you're at now. I believe by the time you finish a $300 million project, you will probably spend a million dollars in legal fees.

MR. HINDO: And is that what we've budgeted for?

MR. COLLINS: We have got in our soft costs a line item for legal fees that I think we've put at 1.2, but it may be a little bit higher than I want to be.

MR. SAROS: It is 1.2.

MR. COLLINS: Thank you. I'm hoping it won't be that much, but I'd rather be higher than lower.

CHAIRMAN FORD: A $300 million project like this, I guess a million, million-two in legal fees is pretty in line with the standard, if you will.

MR. COLLINS: Yes, I believe that we're within acceptable cost. We still would like to bring them down. I don't want any of our attorneys to think -- you know, we still would like to bring them down a little bit, but we've been pretty judicious about trying to stay on top of it.

MR. SAROS: I would say that Mr. Wolfson's

experience with the City of Detroit and experience with Wayne County, $200 an hour is an absolute bargain basement special for what he would bring to the table on that issue.

CHAIRMAN FORD: Absolutely.

MS. DeHART: Just a couple questions, if I may.

CHAIRMAN FORD: Ms. DeHart?

MS. DeHART: Steven, when the City sends these prisoners over, will they be misdemeanors, so they can go up to 91 days?

MR. COLLINS: It's both.

MS. DeHART: Oh, okay. And is the City to pay rent to the County for those prisoners?

MR. COLLINS: It currently does now. I think it's under our ordinance and it's also under State statute, there's a per diem rate that the City will pay us, and that is our Division 3, that's at the Dickerson facility. So all of our municipalities pay, if they choose to utilize our facility, pay a per diem rate. It's the prearraignment that we're really focusing in on, it's not those that have been arraigned as misdemeanors, it's those individuals who come in and maybe within 24 hours they still need to be housed before they get to 36th District. So they average on a

daily basis almost 200 individual citizens that need to be housed on a prearraignment. They don't want to build a new facility for that, nor do they want to revamp their existing precincts to do that.

Additionally, I think, as I said, and I want to emphasize this again, that the County assumes an enormous amount of health care costs on these pre-arraignments, so we would like for them to come directly to our facility, make our own assessment through our own medical professionals whether they need critical care versus assuming those costs from DMC.

MS. DeHART: And the County could use this service as an asset to their dashboard, so to speak --

MR. COLLINS: For what? I'm sorry.

MS. DeHART: For the dashboard, the thing that Governor Snyder's asking everyone to create a dashboard.

MR. COLLINS: Oh, that's correct, I'm sorry. Yes. In fact, I will acknowledge that he is aware of this and is very happy that we are having those types of discussions.

CHAIRMAN FORD: Absolutely.

MR. COLLINS: Yes.

CHAIRMAN FORD: I just think that the whole concept of this detention facility and hopefully this proposed intergovernmental agreement with the City and

the County is going to be a win/win for everybody. I mean obviously the City is not going to be in a position to update their jails or their precincts, you know, to have those jails there, and obviously with the County's condensing of, you know, Divisions 1, 2, and 3 and Dickerson, I mean this is just going to be a win/win for everybody, cost savings to come so.

MS. DeHART: And to those ends, if no one has any other questions, I'd like to make a motion to approve.

MR. HINDO: Support.

CHAIRMAN FORD: It's been properly moved and supported. Is there discussion?

There being no discussion, the question being called for, all those in favor signify by the sound of aye.

(In Unison): Aye.

CHAIRMAN FORD: All those opposed? The motion carries.

Moving on to Line Item 5(b), Resolution #11-023.

MR. COLLINS: If I may, with the Chair's permission, I apologize, could we address 5(c) first? It would make more sense if we went to that issue first.

CHAIRMAN FORD: Sure.

MR. COLLINS: 5(c) is a contract with Blaze Contracting, and this is for the Purchase Order and Construction. What it specifically is talking about is the fence. On the date on which you purchased this property, which I believe was the end of July, not the end of July, excuse me, the end of June, we had a need to go out and make sure we secured the facility, secured it. And we had an opportunity to go forward with Blaze at that point, all right, and get them to secure. So if you go to the site, you will see that we have a concrete fence around that site.

Now, Mr. Moran is here from Ghafari, who can indicate to you that our building, what we did was in each of these contracts that we're bringing forward with you now with Blaze and also -- well, with Blaze today, we've done these by looking at comparative costs where they were already bid out in the original due diligence. So we have justification as to why each of these are going forward, and these two are going forward, along with the fact that I told you that we had hoped these were going to be in the construction management agreement, but since we have got to wait on that, we're bringing them to you today. So that is your contract under 5(c).

5(b), if I may, to give you a little bit more

background, is one of the activities we want to get started on right away is removing the contaminated soil. I believe we mentioned to you at one previous meeting that we went out and did several soil borings and determined we do not have hazardous waste, but we do know that the soil's polluted, and that due to the age of the site that we have fill out there, we have brick. We have not discovered any concrete walls right now or basement. All that needs to be removed so that we can begin preparation of the site.

Again, in this situation we looked at competitive bids, and Blaze had already done the initial work and, therefore, did have an advantage in being able to come back and say exactly how much because they were already out on the site, and so they gave us a good bid on this site.

Now, I will ask you to understand one thing, we hope and believe that we're going to continue -- this is a $3 million contract, we believe that they'll finish prior to the construction manager taking responsibility, but if for any reason we're able to get the construction manager on board, we may come back with an amendment releasing ourselves from this and allow the construction manager to go forward in taking it on, because this is one of their selected subcontractors, also.

CHAIRMAN FORD: Okay. Any questions? Comments?

Ron, did you want to add anything to that?

MR. MORAN: Just to add what Steve said, it was competitively bid, there were 10 different categories that were bid. Blaze was the low bidder on eight of those 10 categories. Your hard-working owner's representative and I met with Blaze and actually got them to lower their price on the ninth one to meet the low bid, so they're actually low bid on nine of the 10 categories, and then they reduced their price on the 10th category not quite meeting the low bid, so they've -- they have been the low bid on nine of the 10 categories and have reduced the price on the 10th one. So I've got who we bid to, our list was given to us by our outreach director, so we did get the list from her as to who had been certified by her company for this work, and we took that and went out for bids, and these are the results.

CHAIRMAN FORD: How far are they going down in terms of they're removing the contaminated soil, was that five feet?

MR. MORAN: On average, it's five feet in some places, it could be two feet, other places it could be seven or eight, but on average it's five feet, and we

want to bring back clean fill for the five feet to get it back to grade level, but then finished floor will actually be two feet above grade. So in the end there will be another two feet on top of the five feet of good fill that's brought back on the site.

CHAIRMAN FORD: And the basement, I understand that there are, what, four, five literal brick basements there.

MR. MORAN: There is a basement under a very small portion of the building, and don't forget there is also a tunnel that's going to be going over to the Frank Murphy Hall of Justice as well.

CHAIRMAN FORD: But is he excavating for that while he's -- he's not going to be excavating for that?

MR. MORAN: He's going to excavate down through until he reaches good soil and we're going to stop. So if there is eight feet of foundations or bad soil, they'll go down that far until they hit good soil, and then they will stop, and then the rest of it will be excavated at a later date by the CM and his contractors.

CHAIRMAN FORD: And when do we know -- we have testing engineers on site to know when we've got to that point where we've reached good soil all the way through?

MR. MORAN: Yes. The additional contracts that will be coming before you is for geotechnical

services and for environmental services, and then for surveying, because we are going to need a survey to tell us exactly where that basement is going to be located, so that's where -- the area that we will be digging. But, yes, we will have those three consultants on board as well.

CHAIRMAN FORD: Any additional questions? All right.

I believe a motion is in order to approve the resolution. We're going to go with the Resolution C and then B.

MR. HINDO: I'll make a motion to approve.

MS. DeHART: Support.

CHAIRMAN FORD: It's been properly -- are we approving both C and B together?

MS. DeHART: I think we should do one at a time.

CHAIRMAN FORD: One at a time, okay, just wanted to make sure. It's been properly -- we have a motion on the floor to approve Resolution 11-024, Line Item (c). Motion is on the floor. It's been --

MR. SAROS: Seconded.

CHAIRMAN FORD: It's been properly moved and supported. Is there discussion?

Being no discussion, the question being called

for, all those in favor signify by the sound of aye.

(In Unison): Aye.

CHAIRMAN FORD: All those opposed? The motion carries.

Now, we have a motion to approve Line Item 5 (b).

MS. DeHART: I make that motion, Mr. Chairman.

MR. HINDO: I'll support it.

CHAIRMAN FORD: It's been properly moved and supported. Is there discussion?

There being no discussion, question being called for, all those in favor, signify by the sound of aye.

(In Unison): Aye.

CHAIRMAN FORD: All those opposed? Motion carries.

Moving on to Line Item 5(d). Mr. Collins?

MR. COLLINS: Yes. I believe it was in May we presented you with an amendment to the AECOM contract. After we presented you that amendment, we realized there were flaws, and, therefore, we never executed that amendment because, one, the price was wrong, the price was in their favor wrong, all right, and number two was it didn't address two issues that after you'd passed, we realized due to facts and circumstances that were not

before us then we should address.

One of those issues is if you look at the original AECOM contract, it is done in phases, and five of those six phases are done by percentages. The first phase or -- and I call it phase but it's work that continues to go on throughout the term of the contract, is done as an hourly invoice rather than in phases. As we looked at what they were presenting us in hourly invoices, we were not satisfied that that was going to, number one, comply with the ARRA requirements, and, number two, it was going to be far too onerous on everyone to be able to do it like that.

Additionally, we also determined that there were contingencies that should be addressed in the contract that were not addressed in their contract. So AECOM agreed to delay payments for two months as we address these issues and now we have.

So we have a slight increase in budget, but it's a contingency budget, it is not -- it's not going to -- hopefully it'll end up being less than more in terms of what their original contract was, and, two, we've changed their contract to deal with the percentage in their program management side versus an hourly invoice. So those are the two -- those are the main issues that were done in this first amendment. So I

wanted to clarify that your first amendment was not executed, this is truly the first amendment, and it is far more comprehensive. And I might add, as we go along I believe that I probably will come back to you on a couple of times asking you to amend this contract based on circumstances that we see or foresee will happen.

MR. SAROS: May I ask what the total value of the contract -- what's the difference between what we approved and what --

MR. COLLINS: And I want to answer it this way. Remember, in the previous resolution you agreed to modify and remove the owner's rep and contract directly.

MR. SAROS: Yes.

MR. COLLINS: So we've gone ahead and executed that agreement. Removing that price out, there's now contingency that raises their contract by almost 900,000, but it is a contingency now, it is no longer a line hard item. So we are over 22 million, but I believe that if they are as successful as they have been in the due diligence that they've done so far, I believe we'll actually end up with a price lower than what you're executing. This is a not-to-exceed contract, so I believe that it will be below -- closer to 22 than above, because they've done very well so far.

MR. SAROS: So the difference is --

MR. COLLINS: Almost 900,000.

MR. SAROS: Almost $900,000 from the original contract or 900,000 after we deducted the owner's rep?

MR. COLLINS: After you deducted the owner's rep, you went from a 24 and some change to a 22. You're still at a 22, almost 23, but that's including the 900,000. Does that answer it?

MR. SAROS: Yes.

CHAIRMAN FORD: So you deduct and then add on.

MR. COLLINS: Yes. And I think it's more appropriate that you think of it like that, because it's more money. It's less than the original, but it's still more money because you've added 900,000.

MS. DeHART: Okay. I think it's the blonde in me coming out, so we took out $900,000, but it's still costing more?

MR. COLLINS: No. We took out $2 million, and then we added another 900,000. Originally you had a contract in which the program manager design team also agreed to pay for the owner's rep, and that owner's rep contract was over $2 million. We agreed in our May meeting that we would amend the AECOM contract and pull it out, and that gave them a contract of around 22 million. Since that meeting, we have determined that the contract amount that was listed in there was

inaccurate to their favor.

Number two, it didn't address some of the work that we asked them to do in terms of contingency, the due diligence on the site.

And, number three, we weren't satisfied with the documents they were submitting to us on the phases.

So by addressing all of that, we increased it as a contingency of more than 900,000, so you're up to, you know, over 22 million with an additional 900,000.

MS. DeHART: So the bottom line is they were given additional responsibilities.

MR. COLLINS: They were given additional responsibilities.

MS. DeHART: As long as I know why it went up.

MR. COLLINS: Yes. And, in fact, I believe if you look in your minutes you'll see the contingencies, the changes, and we asked additional things.

MR. SAROS: Plus you've eliminated some hourly billing that might increase other portions of this contract like the accounting side.

MR. COLLINS: Yes, yes. The hourly billing was not effective for us. It was going to require an enormous amount of time on everyone's part to ensure that hourly billing complied with the ARRA. We were more interested that the program managers designed in

two things; one, that it continued to put them at some risk for their owner services, and, number two, their percentage was below what we considered the percentage in the industry, and that percentage in the industry would have been somewhere around, you know, 8 to 10 and we're more at 6. So we're comfortable that they do it now as a percentage complete versus as an hourly billing.

MR. SAROS: So you're talking about perception.

MR. COLLINS: Which is reality.

MS. DeHART: In politics it is reality.

CHAIRMAN FORD: Okay.

MS. DeHART: I'll make a motion to approve Item 5(d).

MR. HINDO: I support that.

CHAIRMAN FORD: It's been properly moved and supported. Is there discussion?

Being no discussion, the question being called for, all those in favor signify by the sound of aye.

(In Unison): Aye.

CHAIRMAN FORD: All those opposed? Motion carries.

Not on the agenda, but a couple things, Attorney Collins, you had talked in a previous meeting

about the accounting audit RFP/RFQ contract.

MR. COLLINS: Yes. I apologize, I'm not in a position to release the name, because we have not made a selection, we've given that responsibility to CFO. I am fine with indicating to you that when I leave this meeting, I am going to see the CFO to interview, who we believe the recommendation will come back to you. So we have finished that process. There was -- the committee has a recommendation to the CFO. The CFO has some concerns now that we've gone a little farther along, did we actually have enough scope, did the propronent understand, so we're going to have those conversations, we're going to see, and we're hoping that when we come back to you next that we are going to have that contract available for you to look at. And, I'm sorry, and, Chair, you had another concern or another question?

CHAIRMAN FORD: Not a concern. I know we had begun the discussion at a previous meeting to -- you know, obviously this is going to be, you know, the County's jail, but obviously the Sheriff being charged with running the jail, the discussion was, you know, have they been in the room, if you will, in terms of the planning and the processing and all that good stuff and going forward. I think it was left a little ambiguous in terms of are they going to have -- is the Sheriff

going to appoint or is there going to be an apparatus, if you will, for the Sheriff to have a rep, if you will, working alongside?

MR. COLLINS: Well, I'll limit it to Mr. Moran commented on, but let me say what I do know from personal knowledge is that the design team and the programming team, because there are two aspects of it and both are very important, meet with the Sheriff on a weekly basis in regards to what the design should look like, and that design is going to -- or the program is going to design -- or move the design, it's going to definitely affect the design.

Additionally, based on my own role, I have contacts with the Sheriff's attorney, and we are, you know, parsing out things such as transition teams that they will need along with their move, which is scheduled in the next few weeks, where they've been moving out of the old facility. So, no, they've been very active. We could not proceed without their cooperation, and they've been more than cooperative. You know, Sheriff Napoleon has been phenomenal in his participation and understanding his desire to create a jail that has a lot of operational efficiencies. So, you know, I can say unequivocally that when you're done, you're all going to be very proud of what you've been able to accomplish for

Wayne County.

CHAIRMAN FORD: No doubt about that. Okay.

MR. COLLINS: I do have some other issues we'd like to bring to your attention, if you don't mind, that are not on this agenda. I brought it up a little earlier, the fact that we are going to have to ask for some special meeting. We made a decision not to send out to you an e-mail asking what dates are good. We decided we'd wait till we had each of you in the room and we would state now next week, what are some dates that we could -- possibly we could schedule a special meeting. We will go ahead and post it under the Open Meetings Act. We would like to look at trying to create a date for next week for a special meeting to bring some other contracts to you for a review.

CHAIRMAN FORD: Let me just start by saying that I'm right down the street and I'm locked in my office usually, so I'm available any day of the week, any time of the week.

MR. COLLINS: Well, I'm going to ask and defer to Mr. Moran who's here, is there a need to have this body meet before next Thursday?

MR. MORAN: No, I don't think so.

MR. COLLINS: Could I make a suggestion of next Thursday at 2 as a way -- as a starting point?

MR. SAROS: What's that date?

MR. HINDO: The 11th. That's fine with me.

MR. COLLINS: August 11th at 2:00?

MS. KHOURY: And the following Thursday?

MR. COLLINS: Well, I'm going to start with this one first and see if I have a consensus.

CHAIRMAN FORD: This is weekly.

MS. DeHART: I hope our name gets on a plaque someplace at the jail.

MR. COLLINS: I do think that those kinds of things are very important. We do have a sign that has to be placed on the site. I took the liberty of going ahead and putting your name on the sign. I hope you don't mind, but it is your building, so we do have that ready to go, but, no, I do believe it's important that things like that are --

MS. DeHART: I was being facetious.

MR. COLLINS: I know you were, but I do think that's important. So is next Tuesday, the 11th, at 2 p.m. --

MS. DeHART: Thursday.

CHAIRMAN FORD: A consensus that we have --

MR. SAROS: I think that that's fine, and I can, you know, move things other than if it's something that I just absolutely can't move. So if I can -- when

I get back to my office, and no later than tomorrow, if for some reason there is something I just absolutely cannot move, I'll e-mail everybody, but I'm pretty confident that'll be okay.

MS. DeHART: The only commitment that I truly have to be at is next Wednesday morning at 9.

MR. COLLINS: All right. Well, right now with the Board's consensus, then, we're going to go ahead and schedule a special meeting for the 11th. And as Ms. Khoury brought up, we'd like to go ahead and schedule tentatively a special meeting on the 18th, the following Thursday, at 2:00 p.m.

Now, based on the discussions that occurred earlier today, if you would like to have that occur earlier or, too, we'll spend some time going over the RFP with you, if you'd like, it's up to this Board's decision.

CHAIRMAN FORD: I think that, yes, we're going to -- absolutely we're going to spend some time, so we're going to dig in on that, but I think that, you know, this Board is speaking with one voice in terms of having this meeting after the Wayne County Commission has their meeting. I think we're pretty set with that so, and I think that we would make whatever adjustments we need to make to make that a reality.

MR. COLLINS: Well, we're going to tentatively schedule it for 2:00. The Board meets at 10:00 that morning, so we're going to tentatively schedule it for 2:00. By that time the contract will have been done and negotiated, and that certainly is a better jumping off point in showing you what they're bound to and what the process is.

MR. SAROS: Is it appropriate to say -- to ask how many, or ballpark how many different companies applied to be the GC?

MR. COLLINS: No, certainly we can speak about that. Two things I want to clear up. Number one is we are in negotiations, so we have not made a recommendation yet, all right, back to the County Commission. That has not gone forward. So I think it's very -- we certainly are making it clear to the Walbridge Corporation, we have sent out a letter to each of them that we are just in negotiations right now, that they have won based on a bid, but we are in negotiations.

Six entities submitted bids. Each of those entities came in with joint ventures. Some of them had four or five different entities with them as one. So there were several corporations involved, but all together only six ended up submitting bids.

CHAIRMAN FORD: Okay.

MR. COLLINS: Did that answer your question?

MR. SAROS: Uh-huh. Thank you.

CHAIRMAN FORD: Thank you. Okay. If there are no other comments, concerns, I'll move on to Line Item 6, which is Public Comment, and I will at this time call for Public Comment.

Being no Public Comment, I move for -- ask that this -- need a motion to adjourn.

MS. DeHART: So moved.

CHAIRMAN FORD: It's been properly moved. Is there support?

MR. HINDO: Support.

CHAIRMAN FORD: It's been properly moved and supported. Is there discussion?

The question being called for, all those in favor signify by the sound of aye.

(In Unison): Aye.

CHAIRMAN FORD: All those opposed?

Motion carries.

This meeting is now adjourned. Thank you very much.

(The proceeding was concluded at 2:52 p.m.)

CERTIFICATE OF NOTARY

STATE OF MICHIGAN)
) SS
COUNTY OF OAKLAND)

I, Laurel A. Frogner, Certified Shorthand Reporter, a Notary Public in and for the above county and state, do hereby certify that the above proceeding was taken before me at the time and place hereinbefore set forth; that the foregoing proceeding was duly recorded by me stenographically and reduced to computer transcription; that this is a true, full and correct transcript of my stenographic notes so taken; and that I am not related to, nor of counsel to either party nor interested in the event of this cause.

Laurel A. Frogner, CSR-2495, RMR, CRR
Notary Public,
Oakland County, Michigan
My Commission expires: 4-22-2015



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WAYNE COUNTY

BUILDING AUTHORITY

MEETING

_____/

Taken at 500 Griswold Street,
Detroit, Michigan,
Commencing at 2:02 p.m.,
Thursday, August 11, 2011,
Before Viola Newman, CSR-4320, RPR.

APPEARANCES:

Nathan Ford, Chairman
Eileen DeHart, Member and Secretary-Treasurer
Jim Saros, Member
John Hindo, member
Steven Collins, Wayne County Corporation Counsel

ALSO PRESENT:

Richard Alaziz
Sandra Wilson
Jessica Mistak
Valerie Khoury
Ron Moran

Detroit, Michigan

Thursday, August 11, 2011

2:02 p.m.

CHAIRMAN FORD: Good afternoon, everybody. Go ahead and call the Wayne County Building Authority meeting to order, this special meeting, August 11th, 2011, at 2:00 p.m.

Could I have the roll call, please, Ms. Khoury?

MS. KHOURY: Eileen DeHart?

MS. DEHART: Present.

MS. KHOURY: Nathan Ford?

CHAIRMAN FORD: Present.

MS. KHOURY: John Hindo?

MR. HINDO: Present.

MS. KHOURY: James Saro?

MR. SARO: Present.

MS. KHOURY: Mr. Chairman, there's a quorum present.

CHAIRMAN FORD: All right. There being a quorum present, we'll move on.

Approval of the agenda?

MS. DEHART: So moved.

CHAIRMAN FORD: Are there any add-ons, any corrects -- no add-ons? So moved -- it's been

properly moved and there's support. Is there a discussion?

The question being called for, all those in favor signify with the sound of aye.

(In unison): Aye.

CHAIRMAN FORD: All those opposed? Motion carries.

Moving on to old business. Mr. Collins, old business?

MR. COLLINS: None at this time.

CHAIRMAN FORD: All right. Moving on to Item Number 4, New Business: 4(a) ATC Proposal Excavated Soil Monitoring and Caisson Boring Soil Characterization and Removal of Monitoring. Mr. Collins.

MR. COLLINS: Well, Mr. Chair, Steven Collins, Assistant Corporation Counsel.

With your permission, I'm going to ask that a, b, c, and d of the agenda on item 4 be addressed by Mr. Moran, who's going to be able to --

CHAIRMAN FORD: Absolutely.

MR. COLLINS: -- tell you better on what -- all of the specific work that's going to be conducted on this site.

CHAIRMAN FORD: All right. I'd be happy

to.

Mr. Moran, you have the floor. Please talk to us about 4(a).

MR. MORAN: Starting on Monday, we hope to start the state remediation, which means we are going to start removing about five feet of soil from the site. And then after that is completed, we will be bringing back about five feet of engineered fill. And as part of that process, we need three of these consultants, ATC, SME, and Giffels-Webster.

ATC is our environmental consultant that will be out on site and they will be advising our team as the removal of material is happening, and they will be advising us whether -- and be doing testing, whether this is contaminated or not contaminated. And depending on the results of that, it'll go into either one landfill or a different landfill.

SME is our geotechnical consultant and they are there to help us determine how much of the fill to take off the site. In general, we are taking off about five feet, but that's over the entire site. Some areas we may take only two feet. Other areas we may take six or seven feet. But in general, it'll be five feet over the entire site.

And our geotechnical consultant, SME, will

be there on site advising us whether we should keep going or we've gone far enough and we are at good soil.

The third consultant is Giffels-Webster, and they are the surveying company that we will need to be out on site to help us stake the locations of the basements, because in the location of the basements, we're going to have to be digging deeper to get more soil out of the site because, obviously, it's going to be a deeper excavation. So they need to actually stake where the basement is going to be on the site so our excavators know how far and where to dig at that site. So those are the three consultants.

The fourth contract here is for DTE Energy and there is an existing 12-inch gas line that cuts the property in half that is a live line. It's running across or underneath the old Mullet Street. And in order for us to continue -- right now the plan is to excavate north of Mullet, jump over Mullet, and then excavate south of Mullet. And then when the gas line -- and there's also a water line -- get relocated, they will come back and excavate where that street, Mullet Street is.

So we have to relocate a gas line and water line before we can do that work, and this is one of

the items that needs to be relocated is the gas line.

CHAIRMAN FORD: And this is the -- the fee we're paying -- we're actually paying DTE MichCon to relocate.

MR. MORAN: Yes.

CHAIRMAN FORD: They're the contractor. They're serving as the contractor.

MR. MORAN: Yes. They have their own people that they have under contract and they have more than one company. And I actually talked to them today and that the fee breaks down, in that 140,000 is to relocate the line. The other 40,000 is for the new meter for the new facility. So it's sort of a combination of the meter for the new facility and relocating the line.

CHAIRMAN FORD: So that line is live right now?

MR. MORAN: Correct.

CHAIRMAN FORD: Okay. So they cut and cap and then when it's time to, you know, reattach, if you will, or to make live the line again, that's all covered in this 140,000?

MR. MORAN: Yes. We'll just excavate out --

CHAIRMAN FORD: So this is to cap, the

relocation, and everything.

MR. MORAN: Correct.

CHAIRMAN FORD: Any questions?

MS. DEHART: And there's no break in service to those people currently using that live gas line? I'm assuming, for all practicalities, they will do the new line before they turn off any service so they can turn off and turn on immediately.

MR. MORAN: You're exactly right. And it'll be the same with the water line when that gets relocated, because that's a major trunk line, which is a 30-inch line. So we will install the new line, have that tapped and be in service before we shut off the one --

CHAIRMAN FORD: Does that feed Frank Murphy, that line?

MR. MORAN: I don't know that for sure. I don't think so because it goes up St. Antoine and, I think, all the way to Gratiot. And then --

MS. DEHART: It travels north and south.

MR. MORAN: Yeah, it goes north and south along Gratiot.

CHAIRMAN FORD: Any additional questions?

MR. MORAN: One more comment, Mr. Chairman?

CHAIRMAN FORD: Sure.

MR. MORAN: These three contracts have all been bid and these were the low bidder on the original contract that we had with them when we did the site investigation as part of our due diligence.

So this all has been competitively bid and these were all low bidders.

MS. DEHART: Even though they were low bidders, they still have the same qualifications and the same specs? Sometimes lowest bids are not obviously the best.

MR. MORAN: No, they were all bidding to the same RFP.

MS. DEHART: Thank you.

CHAIRMAN FORD: Any additional questions? We're going to vote on these separately as well. Any additional questions, comments? If not, we can go back to 4(a), and a motion will be in order.

MR. HINDO: I'll make a motion to approve line item 4(a).

MS. DEHART: Support.

CHAIRMAN FORD: It's been properly moved and supported. Is there a discussion?

There being no discussion, the question being called for, all those in favor signify by the sound of aye.

(In Unison): Aye.

CHAIRMAN FORD: All those opposed? Motion carries.

Line item 4(b).

MS. DEHART: I'll make that motion to approve line item 4(b), Resolution Number 28.

CHAIRMAN FORD: It's been properly moved. Is there support?

MR. SAROS: I'll support.

CHAIRMAN FORD: It's been properly moved and supported. Any discussion? There being no discussion, the question being called for, all those in favor signify by the sound of aye.

(In Unison): Aye.

CHAIRMAN FORD: All those opposed? Motion carries.

And line item 4(c).

MR. HINDU: I'll make a motion to approve line item 4(c).

MS. DEHART: Support.

CHAIRMAN FORD: Properly moved and supported. Is there a discussion? The question being called for, all those in favor signify by the sound of aye.

(In Unison): Aye.

CHAIRMAN FORD: All those opposed? Motion carries.

And finally line item 4(d).

MS. DEHART: I make that motion, Mr. Chairman.

CHAIRMAN FORD: And it's been --

MR. HINDU: And I'll support it.

CHAIRMAN FORD: -- properly moved and supported.

Is there a discussion? The question being called for, all those in favor signify by the sound of aye.

(In Unison): Aye.

CHAIRMAN FORD: All those opposed? Motion carries.

I'll actually close new business. Moving on to public comment. Public comment, Mr. Collins.

MR. COLLINS: Well, I'd like to be recognized under new agenda item --

CHAIRMAN FORD: Sure.

MR. COLLINS: -- for new business.

This is more of an informational item, if you --

CHAIRMAN FORD: Okay.

MR. COLLINS: -- don't mind.

I wanted to bring to the attention of the Authority the fact that, you know, you are the owner of a property and you are, of course, doing some major construction. So statutorily, you have the obligation to purchase insurance. So we've already gone forward and looked at each of your coverages and started procuring those insurances. So we wanted to let you know --

CHAIRMAN FORD: Thank you.

MR. COLLINS: -- you know, that it is going forward.

CHAIRMAN FORD: Appreciate that.

MS. DEHART: Personal liability insurance individually?

MR. COLLINS: Well, you already have that. We had bought that before because you were covered by the County's policy in terms of as officers. But -- and specifically what we just purchased was pollution liability insurance on the site. So these are going to be coming up regularly --

CHAIRMAN FORD: Okay.

MR. COLLINS: -- over the next -- the course of the next few weeks.

They are for the duration of the project, most of them. Some of them may be specific to a

particular activity. And of course when the construction manager has been secured and we have finalized what we believe is going to be your OSIP (phonetic) program, then we will probably be running it through the OSIP program rather than directly purchasing it for you on each of these.

CHAIRMAN FORD: Sounds good.

MR. COLLINS: And we are, of course, using the County's procurement --

CHAIRMAN FORD: Absolutely.

MR. COLLINS: -- their broker.

Well, it's their broker that we already selected to procure the insurances for you. But we wanted to give you that informational item and let you know that's going on.

CHAIRMAN FORD: All right. We're in good hands.

MR. SAROS: Which is a good follow-up to Ms. DeHart's question about the gas line, which was my question before you asked it.

CHAIRMAN FORD: Any additional comments?

MR. COLLINS: I have one other item I'd like to bring up.

CHAIRMAN FORD: Absolutely.

MR. COLLINS: All right. Last week in the

meeting, the Board indicated a possible desire to have some information prior to your meeting in regards to the selection of construction manager. That may take some time. So since you are scheduled for the 18th next week, we're hoping that that's still going to be an agenda item. I -- you can continue to have your meeting at 2:00, with the understanding that we'll be giving you some information prior to requesting a vote.

Or if you feel like there's some additional time needed, now would be the time for us to pose that, and we're going to be doing that meeting, if you believe, at 2 or something earlier than 2:00.

CHAIRMAN FORD: You know, just to follow up, I guess, you know, just to reiterate, you know, the Commission -- I really think I speak for the Authority that we steadfastly still would love and our position is that we hear the CM contract after the Commission. And I believe that's what you're saying.

MR. COLLINS: Yeah. We're still hoping that the -- it'll be at 10:00 a.m. Thursday morning, the 18th, for the Commission. If we find out on Monday or Tuesday that's not going to happen, then I'm going to take the liberty of canceling your Thursday meeting, if that's all right.

MS. KHOURY: Wait. The 18th? I have -- but there was another item that we have.

MR. COLLINS: You can continue to have the -- hold the meeting. We just won't be putting down an agenda.

MS. KHOURY: Okay.

MR. COLLINS: Or you could, if you don't believe it's an emergency item, we'll be asking for a special meeting for the CM contract and you could hold it until the next meeting.

MS. KHOURY: The item that we were going to send out the documents on today or early tomorrow is the follow ^ -up on the purchase, the issuance of bonds and purchase of the two DHS buildings located in Inkster and Hamtramck.

CHAIRMAN FORD: Right, right, right.

MS. KHOURY: And that is an item that has been approved by the Economic Development Committee and sent to full board. So we were hopeful, that full board would take it up Thursday, the 18th, at 10:00 a.m., and then it could subsequently be brought to this Board. So if that still goes as planned, we'd still like to bring it to this Board.

MR. COLLINS: Certainly, I'll leave that -- that --

MS. KHOURY: Okay. Because I just don't want --

MR. COLLINS: Because that may be the only agenda item.

CHAIRMAN FORD: So if that's the case, we just definitely would love to get the material well in advance of that meeting.

MS. KHOURY: Like I said, expect the material to come up either the close of business today or tomorrow. No later than tomorrow. That gives you a week to look at it.

CHAIRMAN FORD: Beautiful. That works.

MS. DEHART: If I may, Mr. Chairman, if you anticipate that it's going to take longer next meeting, if the rest of the commission wouldn't mind having the meeting at 1:30? It's kind of important for me to get out of Dodge by 3:00 because of the traffic situation.

CHAIRMAN FORD: Okay.

MR. SAROS: Just a clarification on bringing in the construction manager. The -- that meeting, are we going to be expected to vote on the recommended construction manager?

MR. COLLINS: Yes.

MR. SAROS: So we're going to ask all the

questions that we may have?

MR. COLLINS: Yes.

MR. SAROS: And then immediately vote?

MR. COLLINS: We'll vote that day.

MR. SAROS: Yeah. Okay.

MR. COLLINS: If you'd like a break, you could have a break. But yes, vote at that meeting. Yes.

CHAIRMAN FORD: Yes. That's the plan is to get the information ahead of that meeting.

MR. COLLINS: It's our intent -- your package is going to be fairly thick for the construction manager, so when we transmit it to the commission, we're going to be transmitting it to this Board at the same time. You may end up getting another agenda or a revised agenda later because of Ms. Khoury's item or something else. But as soon as we transmit to the commission, we'll transmit to the board members at the same time.

MR. SAROS: The committee that is recommending the construction manager --

MR. COLLINS: The Selection Committee?

MR. SAROS: The Selection Committee?

MR. COLLINS: Yes.

MR. SAROS: Is it appropriate to know what

representation that was there that we had there?

MR. COLLINS: Is it appropriate to understand --

MR. SAROS: To ask the question. I mean, you know, in other words, was Mr. Moran part of the Selection Committee? Was --

MR. COLLINS: No. The Selection Committee was composed of nothing but county employees because even though the Authority is the one who sold the bonds, it is the County who will pay back the bonds. So -- and so since you passed a resolution as the Authority to have the Chief Financial Officer of the County utilize the County's procurement policies, that policy speaks directly to the fact that it must be county employees who sit on the Selection Committee.

So it was composed of six people from Wayne County, who we are not releasing their names right now to the public for obvious reasons because until the commission and this Board votes on it, we don't want the proponents who weren't successful inundating those committee members, and then they've now made a recommendation.

I'm sorry. I think there was a follow-up question I just missed you asked.

MR. SAROS: Well, as, for example -- and I

agree with everything you just said.

But was someone from A Con then --

MR. COLLINS: Oh, yes. I apologize. We did have our consultant and myself at the meeting. The director of purchasing was there, who's not a voting member. I'm there, who's not a voting member. And we had our consultants from AE Con at the meeting, who, again, did not vote and they did not give a recommendation because that's not appropriate.

What they did do was assist them in asking questions and also assist them in interpreting the information that was given in the question. But part of the reason the purchasing director and the legal corporation counsel is there is to make sure that there wasn't a recommendation by a consultant, just straight factual information given to the selection of the committee members.

MR. SAROS: And were there -- and, again, if any of these questions are not appropriate, in advance, I apologize.

MR. COLLINS: No, I think that any question is appropriate.

MR. SAROS: Okay. Were there six companies --

MR. COLLINS: Yes.

MR. SAROS: -- that were vetted?

MR. COLLINS: I want to say there were six joint ventures. There was no company that came in on their own. And that certainly is appropriate, and those documents are subject to FOIA now and could be reviewed, if desired. But six joint ventures came in. Every entity had two -- at least two or three other entities with it; some had six or seven, in which they were coming together with their proposal making a bid.

MR. SAROS: And this question I'll have for -- and I'm sure the rest of us will, too, that day, but to get some advance notice, when -- let's say that, you know, ABC Construction Manager made their bid. Did they come in in a team type effect, not just with a joint ventures of CMs? Did they come in, like, as these would be our primes, you know, where we have these people in mind, as an example, to do HVAC? We have these people in mind --

MR. COLLINS: Well, there's a couple of things. That's -- that's slightly a legal question, so I'm going to answer that for you.

We specifically indicated within our RFP that we didn't want them to identify the primes, the sub primes, I'm going to call them, because we wanted to have some ability as an authority, as a county, to

reject. So we didn't want it to always brought in to say I'm bringing in X subprime, so if you accept me, you must accept X sub prime.

MR. SAROS: So they did not?

MR. COLLINS: No.

MR. SAROS: Great. That's pleasing.

MS. DEHART: I have one follow-up question. I'm assuming there are spreadsheets or rating sheets that were done by the panel --

MR. COLLINS: Yes.

MS. DEHART: -- voting panel?

MR. COLLINS: Yes.

MS. DEHART: Can we have access to those?

MR. COLLINS: No. That's not our intent to send those out, all right. But if you'd like, I'll make a request to the purchasing director that you would like to see them. It is subject to FOIA, so I mean, I will admit on the record, but it's not our intent to submit those or to make those a public record that we're going to pass out. But if you would like them, I will let the purchasing director know that you would like to see the -- the rating.

MS. DEHART: I don't necessarily need a copy of them. I would just like to see them that day, if I may.

MR. COLLINS: Well, if we do it, we'll give them a call -- we'll give you a copy. We're not going to -- we'll end up giving a copy. What I will do is I'll go back to the purchasing director and let him know that on the date of.

I will indicate to you we had six firms and they interviewed all six firms. Anyone who submitted a proposal was interviewed. We didn't -- we did not look at them, grade them, and then interview. We looked at them all, all right? It was an entire day.

MS. DEHART: And just so the body knows, I will be out of town the week of August 29th. So hopefully there won't be any meetings that week.

MR. HINDO: We have a September 1 meeting scheduled already --

MS. DEHART: Okay.

MR. HINDO: -- as a part of our regular --

MS. DEHART: -- as a part of the regular rotation.

I'm assuming we have two special meetings. We don't necessarily have to have that September 1st meeting. If you do, I won't be here.

MR. COLLINS: Well, let me say this, if I may. I'm sorry.

CHAIRMAN FORD: Sure.

MR. COLLINS: We're very hopeful that the commission will vote on September 18th. If they don't, they would be voting on September -- August 18th. If they don't, they will be voting on September 1st. So we will --

MS. DEHART: It's a long flight back from Orlando.

MR. COLLINS: And I think we're all jealous.

MS. DEHART: It's for school. It's not for pleasure.

MR. COLLINS: I'm glad you provided us with that information, and as we speak to the commission about scheduling this, we're going to keep that in mind.

MR. SAROS: Just so that I've got total clarity, I think what you said I'm pleased about.

MR. COLLINS: Okay.

MR. SAROS: And that is if ABC Contractor is being recommended to this Board, or this Authority, that the people that -- the companies that have submitted their information for the different tasks that are going to need to be taken care of will then be selected by the general contractor, the GC?

MR. COLLINS: Correct.

CHAIRMAN FORD: But approved.

MR. COLLINS: We have -- I think that's an important point that the Chair just brought up. The contract is written that we have the right to reject. We will not be bringing each of the subcontracts that is selected by the general contractor to this Board or to the commission for approval. However, we will be reviewing, as a -- staff members and with our consultant every subcontract. And if we have a problem, we have the right to reject that subcontract.

MR. SAROS: Meaning this Authority has the right.

MR. COLLINS: Yes. This Authority or the owner's rep can certainly state to the general contractor I have a problem with the billing amount that you have here on this subcontractor. So that is part of an owner's rep responsibility.

If company A has indicated that they are from Washington, D.C., and they are charging us $200 million and we know of a subcontractor who gave the same bid at $80 million, we're not going to wait to have an Authority meeting. We're going to let the general know right then and there we have a problem.

If it requires us bringing it to the commission or the Authority to make our intentions a

little bit more pointed, we will. We'll do that. Yeah.

MR. SAROS: So once the GC is voted on by the commission and this or the -- and they are, in effect, now working for us, is it appropriate for us to have conversations with them, anyone on this Authority, after the -- after they have become the general contractor?

MR. COLLINS: Yes, it is appropriate for you to have conversation. It's the content of the conversation that we just always want to be careful about.

You know, we are still all bound by the County's ethics rules, so we have to be careful that the content of that conversation doesn't in any way -- is not interpreted as though doing it. So if you have a question as an Authority member, your conversation, certainly feel free to call myself or corporation counsel, Horace, who's not here today, and we will work with you on that. Because we don't -- I don't ever think there's a benefit in stopping communication.

CHAIRMAN FORD: Absolutely.

MR. COLLINS: So if you can have communication, I always think that's great.

MR. SAROS: I just -- my point of that, and I mean in an official capacity and mainly through our owner's rep and Ron as a -- an official capacity to say why would you -- why were you doing this versus that. I mean, if there are legitimate questions to ask, is it appropriate for us to ask those questions through our own representatives?

MR. COLLINS: You know, I'm going to suggest at this point that if we have concerns of the nature that you suggested and -- that we attempt to do those on the record to make sure that we get, you know, an official statement back to them. And if it's something that can't wait because you have a legitimate concern that we just make sure that we are well documented in bringing those because there may be a situation where you have a concern that we can't wait for the next three weeks to have a meeting to address that concern.

So yeah, we'll work with you through the owner's rep and so forth to make sure that those concerns are brought to the attention.

MR. SAROS: I'm also talking about in reverse. Here we are as the authority who's actually got the checkbook.

MR. COLLINS: Correct.

MR. SAROS: And we get a call, any one of us gets a call from someone from the GC's office.

MR. COLLINS: It can't.

MR. SAROS: Can't happen.

MR. COLLINS: It can't. It states specifically within their contract that their contact person is Mr. Parlavecio (phonetic), your representative.

MR. SAROS: Okay.

MR. COLLINS: He can, at some point, listen to their concern and make a decision that he would like the authority, as a board, to weigh into it, and it would be appropriate for him at that point to then contact and request for an appointment with the Board. If there's something very unique about the request that may go to specially a concern with the chair, we'll deal with that; you know, or the secretary or so forth. We'll deal with it on that level.

But in the contract of the GC, it specifically indicates that they are to communicate with the owner's rep. That is how they are to handle it.

MR. SAROS: So it would be appropriate if someone representing the GC called any one of us for us to basically say this isn't really a conversation I

should go into.

MR. COLLINS: If they're speaking about the scope of the contract, yes, you're correct. It would not be appropriate for them to give you a call to speak about the scope of their contract. It would be a dispute with the owner's rep first. And we will certainly -- if they have a desire to meet with this Board to talk about that, we'll schedule a meeting. We'd ask you to please listen to their concerns.

MR. SAROS: And as further point of clarification, I have no concern about that. I just want to know what the rules of the game are so that one of us doesn't have that kind of conversation, only to find out that, boy, we weren't supposed to do that.

MR. COLLINS: No. It's understandable. And. You know, certainly in all our careers we've seen missteps. It doesn't mean we violated the law, if just means we misstepped. So I mean, we -- we always caution. I think these are great questions. So if we misstep, I don't think there's probably anything for us to worry about but it certainly today gives us a better understanding of how things are operating.

MR. SAROS: Thank you.

CHAIRMAN FORD: All right. Any additional

questions? If not, a motion's in order for adjournment.

MS. DEHART: So moved.

CHAIRMAN FORD: It's been properly moved and supported. Is there discussion? The question being called for, all those in favor signify by the sound of aye.

(In Unison): Aye.

CHAIRMAN FORD: All those opposed? Motion carries. This meeting stands adjourned. Thank you very much.

(Meeting concluded at 2:27 p.m.)

CERTIFICATE OF NOTARY

STATE OF MICHIGAN)

) SS

COUNTY OF OAKLAND)

I, VIOLA NEWMAN, certify that this deposition was taken before me on the date hereinbefore set forth; that the foregoing questions and answers were recorded by me stenographically and reduced to computer transcription; that this is a true, full and correct transcript of my stenographic notes so taken; and that I am not related to, nor of counsel to, either party nor interested in the event of this cause.



VIOLA NEWMAN, CSR 4320, RPR

Notary Public,

Oakland County, Michigan.

My Commission expires: December 4, 2013

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WAYNE COUNTY

BUILDING AUTHORITY

SPECIAL MEETING

_____/

PAGE 1 TO 29

Taken at 500 Griswold,

Detroit, Michigan,

Commencing at 1:50 p.m.,

Thursday, August 18, 2011,

Before Laurel A. Frogner, RMR, CRR, CSR-2495

APPEARANCES:

Nathan Ford, Chairman

Eileen DeHart, Member and Secretary-Treasurer

Jim Saros, Member

John Hindo, Member

Steven Collins, Wayne County Corporation Counsel

Valerie Khoury, Office of Management and Budget

ALSO PRESENT:

Carl Stafford

Ron Boji

Jessica Mistak

Jessica Pellegrino

Richard Alaziz

Sandra Wilson

* * * * * * *

Detroit, Michigan

Thursday, August 18, 2011

About 1:50 p.m.

CHAIRMAN FORD: Good afternoon, and welcome to the Wayne County Building Authority meeting, Special Meeting, August 18, 2011, 1:30 p.m.

If we could have the roll call, please.

MS. KHOURY: Eileen DeHart?

MS. DeHART: Apologetically here.

MS. KHOURY: Nathan Ford?

CHAIRMAN FORD: Present.

MS. KHOURY: John Hindo?

MR. HINDO: Present.

MS. KHOURY: James Saros?

MR. SAROS: Present.

MS. KHOURY: We have a quorum.

CHAIRMAN FORD: We have a quorum present.

If we can get approval of the August 11, 2000 minutes. Has everybody had a chance to review the minutes?

Any corrections, additions, subtractions?

MS. DeHART: I'll move to approve the minutes.

MR. SAROS: Second.

CHAIRMAN FORD: It's been properly moved and supported.

Is there discussion.

Question being called for, all those in favor signify by the sound of aye.

(In Unison): Aye.

CHAIRMAN FORD: All those opposed? Motion carries.

Moving on to Approval of the Agenda.

MS. DeHART: So moved.

MR. HINDO: Support.

CHAIRMAN FORD: It's been properly moved and supported, and I will take this opportunity under discussion, if there are no corrections, agenda changes, any add-ons, Mr. Collins?

MR. COLLINS: No.

CHAIRMAN FORD: It's been properly moved and supported.

Question being called for, all those in favor signify by the sound of aye.

(In unison): Aye.

CHAIRMAN FORD: All those opposed? Motion carries.

Under Old Business, Mr. Collins?

MR. COLLINS: Nothing under Old Business. Thank you.

CHAIRMAN FORD: All right.

Under New Business 5(a), Acquisition of the Hamtramck Health Center.

Before we do that, I believe that Board Member Hindo has a note for the Board.

MR. HINDO: As we've previously discussed this matter in prior meetings, I will abstain from comment or voting on this matter. I've had significant involvement as an attorney on both of these projects.

CHAIRMAN FORD: So noted for the record.

Moving on to Line Item 5(a) under New Business, Mr. Collins, can you give us a recap?

MR. COLLINS: I am going to defer, if I may, to both Ms. Khoury and Mr. Stafford, who is here representing us from Bodman Longley. They're going to be able to review the financial deal for you.

CHAIRMAN FORD: Start with Ms. Khoury.

MS. KHOURY: This is a transaction that the Board briefly considered just for purposes of reviewing a term sheet that was nonbinding at the time, but these are the documents that come from that term sheet. I am going to ask that Carl Stafford, the attorney with Bodman, go through the documents for us, but I did want to let you know that the Economic Development Committee of the Wayne County Commission and subsequently this morning the Wayne County Commission approved the

transaction, they had before them a Contract of Lease for their consideration and approval, and they had all of the other documents as well.

CHAIRMAN FORD: All right. Thank you very much.

Attorney Stafford. Welcome. Good to see you.

MR. STAFFORD: Nice seeing you, too.

MR. SAROS: Excuse me, pardon me, Mr. Stafford.

CHAIRMAN FORD: Board Member Saros.

MR. SAROS: Could I make a recommendation that since I've reviewed these documents as I'm sure everyone has, that they are truly, in my opinion, one and the same. I mean all the questions are the same.

CHAIRMAN FORD: Absolutely.

MR. SAROS: So can we -- I see there's (a) and (b). Can we just look at it as one?

CHAIRMAN FORD: Well, we're going to look at it as one for purposes of discussions and questions, but we're going to vote on it separate.

MR. SAROS: Absolutely.

CHAIRMAN FORD: Beautiful, okay, thank you.

MR. STAFFORD: Just an overview of the project. Mr. Boji, who's in the group, his company's entered into a transaction in probably 2007 and '8 to

construct a facility for lease to the State of Michigan for the Department of Human Services. And in that transaction, and went back through the records, it was clearly documented that the developer contemplated tax exemption. In fact, the agreement with the State of Michigan provided -- well, just a little bit more background. The State of Michigan does not reimburse a developer for property taxes on facilities that they lease, but in this particular case they recognize that the developer would seek tax exemption for those facilities, and since the Cities of Hamtramck and Inkster are involved and they needed more cash flow, the State actually agreed to make payments in lieu of taxes for those two cities. So the records clearly reflect that as a basis for negotiating with the State, that the property would be exempt from taxes.

Now, there is no binding agreement with the County how that was going to be ultimately done through the duration. The concept was it would be held in a landbank so -- no, at the -- was it the landbank, I'm sorry?

MR. COLLINS: The County was willing to contemplate any of its component units as a method for being able to accomplish this deal, landbank being one of those.

MR. STAFFORD: Right. So with that, the developer negotiated a favorable rate, and the State accepted it, and now we have two facilities which were abandoned for several years, are redeveloped, and in Inkster it spurred other economic development in that. So the developers approached the County and proposed that it acquire the facilities from him for subsequent lease to the State of Michigan. The County asked us to review the existing leases to find out what exposure the County would have if they were to enter into the transaction. We did a thorough review, we outlined all the potential obligations of the County as an owner. All those obligations are retained by the developer, Boji, and as security for performance of those obligations the developer is putting up $120,000 per project in an escrow as security for its obligation to do whatever things it has to do under those leases.

We believe that a lot of them are remote, but still, you know, if the County takes over these facilities, we have the developer on the hook for the duration to perform those obligations. So that's some background for the Board.

Before you you have, one, a resolution which will authorize the issuance of bonds for the acquisition and funding of various reserves for the project. The

bonds are payable solely from the State lease revenue, period. And when we do the transaction, the bond holders will be fully informed that the only security here is the State lease payments. So basically the bond, the potential bond holders would look at the State's credit strength when they make their evaluation as to whether or not they buy the bonds.

The trust indenture governs how the bond proceeds will be governed. One addition that we added since we last spoke is that an amount equal to one-tenth of one percent of the principal amount of the bonds will be deposited into a fund for the Building Authority for various expenses that may come up from time to time so that there is some money there just in case a question comes up or there's a legal issue, there is some money to cover those expenses over and above the amount that's being used to pay the management fee and the trustees fees. So the trust indenture captures the lease revenues from the State and is being used to pay the principal and interest on the bonds and the various escrows that we have established under the trust indenture.

The Real Estate Purchase Agreement, that is obviously the agreement pursuant to which the Building Authority would acquire the facilities from the

developer. As we stated before, the developer will pay to the County or its designee $250,000 per building for other economic development projects.

The Contract of Lease is the document between the Building Authority and the County pursuant to which the County will lease the facility from the Building Authority. And then the existing lease will become -- the existing lease with the State will become the sublease between the County and the State pursuant to which the State will use the facilities.

The limit assignment is basically the document pursuant to which the developer assigns the State lease to the County but retains most of the obligations as a landlord under that particular document.

So the other documents that are listed here are documents under which -- pursuant to which the County itself will engage a property manager. It will be one of Mr. Boji's groups of management companies that will manage the facility.

And the retained obligations and the management contract are not tied together, so if the County decides to replace Mr. Boji's organization as manager, they still retain those obligations on this limit assignment. So that's an overview of the transaction, and I'll entertain questions at this point.

CHAIRMAN FORD: Thank you very much. Board Member Saros?

MR. SAROS: I didn't even ask.

CHAIRMAN FORD: I just -- you know, call it intuition.

MR. SAROS: Could you give us an example of one of the retained obligations --

MR. STAFFORD: All right. One of the retained obligations; for instance, if there were a revision to the State Building Code requiring that additional bathrooms be placed in facilities, that would be an obligation retained by the developer to do that, because I mean there's no money in the transaction for those type of expenses, so that's something that's being retained by the developer.

MR. SAROS: Okay.

MS. DeHART: That's all, Jim?

MR. SAROS: No, but I just figured --

CHAIRMAN FORD: Board Member DeHart?

MS. DeHART: I'm assuming that each legislative body, both Hamtramck and Inkster, have voted on the pilot.

MR. STAFFORD: I mean these facilities are in operation so they're receiving their monies.

MS. DeHART: The existing pilot.

MR. STAFFORD: Yes, it's an existing pilot.

MS. DeHART: Is it a 20-year pilot?

MR. STAFFORD: I'm pretty sure it's duration of -- a 30-year one, 30 years, for the duration of this particular lease.

MS. DeHART: Okay. This is going to be used for D.H.S. What kind of services will be entailed?

MR. STAFFORD: Mr. Boji, you can introduce yourself and answer that question.

MR. BOJI: Hello. I'm Ron Boji. I'm developer of Boji Group, the president. There are 10 essential services that the Department of Human Services handles for Western Wayne County, being in Inkster and in Hamtramck, services such as foster care, the Medicare, Medicaid, the welfare system, the bridge cards, which is one of the most used right now. Probably one of the most staggering statistics that are out there, which is very disheartening but it's true in Michigan, that in the year 2000 the Department of Human Services only impacted 4 percent of the total residents of the State of Michigan, so only about 400,000 people of the 10 million. In the newest census it's 27 percent. So these Department of Human Services buildings are way overflowed with people getting those 10 essential services. So the sustainability of these

buildings for the long-term is there because of the need of the State of Michigan.

MS. DeHART: I know Inkster -- if I may, Mr. Chairman.

CHAIRMAN FORD: Sure.

MS. DeHART: I know Inkster is crying for senior services. Will there be any kind of facility within this building for senior services?

MR. BOJI: Inkster was probably the pioneer of all of our projects because it spurred three other buildings; it spurred the new YWCA, it spurred the brand-new retail facility, and it spurred a justice center of police and court. The Y facilities would be able to take care of some of the senior requirements that are needed over and above some of the Head Start programs, so yes.

MS. DeHART: That's all for right now. Thank you.

CHAIRMAN FORD: Okay. Mr. Saros?

MR. SAROS: Just some general questions. I want to thank you for attending.

MR. BOJI: Thank you for having me.

MR. SAROS: It makes it easier. How many square feet are the two respective facilities?

MR. BOJI: Inkster is 32,100 square feet and

Hamtramck is 30.

MR. SAROS: How about the plot of the land?

MR. BOJI: Inkster is 1.6 acres and Hamtramck is .80, so Hamtramck needed to be a two-story building, off of Joseph Campau.

MR. SAROS: And I know the question came up at the last meeting, but from a standpoint of appraisal, both buildings were appraised?

MR. BOJI: Yes.

MR. STAFFORD: Yes. The County engaged an independent appraiser to do new appraisals for both buildings.

MR. SAROS: Great. And that was the County's appointed appraiser?

MR. STAFFORD: Absolutely, yes.

MR. SAROS: And they appraised it.

MR. STAFFORD: Yes, oh, yes, uh-huh.

MR. SAROS: I think you've already answered this, Mr. Stafford, but just for the record, so in your legal opinion, there is no risk whatsoever, would that be true, to the County? I mean if I said there is zero risk --

MR. STAFFORD: I would never say zero risk. But we think the risk to the Building Authority and the County is remote, especially in view of the fact that

the State is the lessor, I mean the lessee, and they have the obligation to pay virtually all operation and maintenance expenses on the building. There is more than adequate insurance on the building. And, you know, quite frankly, if the State -- it'll be very remote that the State would fail to appropriate lease payments for essential governmental services. If that were to happen, then the risk falls upon the bond holders and not the County. So I cannot say zero risk, but we believe that any exposure is very remote in this particular transaction.

MR. SAROS: In a typical mortgage transaction, we stay away from the bond, and there's a balance owing on any structure, let's say, $7 million --

MR. STAFFORD: Uh-huh.

MR. SAROS: -- in my readings in the last few days, I'm assuming that there would not be a $7 million policy of insurance in the event of a, let's say just a total, God forbid, but fire where the building, you know, burnt to the ground, yet we have a $7 million obligation. Now, I did see in the documents that there was loss of rents clauses in the agreement, which is very important so that --

MR. STAFFORD: Let me interrupt you. I don't know if that's necessarily true. What's the casualty

coverage on the building?

MR. BOJI: Correct, the State of Michigan pays all of the operating expense, it's a true triple net lease, and in the lease it states that you have to have coverage for 1.20 percentage of the entire building, so not only the 7 million, you have to go 20 percent over for it, and the State pays that because it's a triple net lease. Those items were also mirrored in the Purchase Agreement that we have as a transaction. You're completely covered from the insurance side of it even down to earthquake insurance, flood insurance, hazard, and fire.

MR. SAROS: Oh. So I mean that would be wonderful, and I'm assuming that is accurate, so they're going to carry $7 million, let's just say, worth of insurance on the Hamtramck building, even though the replacement costs certainly wouldn't be $7 million.

MR. STAFFORD: Oh, yes, it would be, because you have to pay back the entire amounts of the bonds on it, yes, so it would be.

MR. SAROS: Well, I know the obligation would be that, but the replacement cost of -- I asked the square footage of the building as an example. It wouldn't cost $7 million to rebuild that --

MR. BOJI: Correct, it would cost less.

MR. SAROS: So I understand --

MR. BOJI: You're absolutely right.

MR. SAROS: Was this a turnkey operation with the State from a standpoint of the interior, not just the build-outs but things like furniture, did you supply that as well?

MR. BOJI: That's the State's possession.

MR. SAROS: That's the State's possession.

MR. BOJI: All the infrastructure work of the technology and the furniture is a requirement of the State of Michigan. Our turnkey is to give them on a substantial completion -- is the total building less any of the infrastructure of technology, the cabling itself for their computers, and all their furniture and fixtures.

MR. SAROS: Okay. So that's a good thing because --

MR. BOJI: Yes, we don't have to cover, yes --

MR. SAROS: On a 30-year lease one of my concerns was, you know, 10 years from now you've got desks and chairs are broken, and it won't have to be fixed --

MR. BOJI: It states it in the lease that way specifically, too, that is not the responsibility of the landlord, it states it specifically.

MR. SAROS: Right. So then the answer to my question is their insurance coverage will be for the amount of the obligation, not just the replacement cost.

MR. STAFFORD: I think it will be the replacement cost.

MR. BOJI: It would be the replacement cost.

MR. SAROS: Of the structure.

MR. BOJI: Of the structure.

MR. SAROS: And because you have a loss of rents provision that is part of that, that's something we should all be comfortable with, too, because in the case it did burn to the ground, it would be replaced.

MR. BOJI: Yes.

CHAIRMAN FORD: That's included in the replacement cost.

MR. SAROS: Right. If that happened, the building would be rebuilt during the interim period where people had to move?

CHAIRMAN FORD: Uh-huh.

MR. SAROS: The monthly rent will be paid by the insurance company, which will then continue to pay the obligation. So that's a very important part of that clause. I was happy to see it in there last night. I think I only have -- and, Mr. Boji, you have a wonderful company. We don't know each other, but I certainly know

of your reputation, so don't take this personally. If the Boji Group should happen to go down in the next 30 years, are there provisions, Counselor, as to their guarantees and warranties of their tasks?

MR. STAFFORD: Yes. What we did in this transaction was to require that the developer deposit $120,000 per transaction just to cover some of these so-called retained obligations. So we felt that that would be adequate coverage, and especially in view of the fact that they're new buildings, and the State of Michigan is covering all of your typical maintenance expenses. So there is a pot of money just in case the developer is not there or fail to perform their obligations.

MR. SAROS: And if I read this correctly, doesn't some of the monthly payments, lease payments, go into an escrow fund for future renovations?

MR. BOJI: Carpet and replace every 10 years, but Tom Lewand has said on more than one occasion in our meetings the same comment you've said, and I'm fine with it, I respect that, there is a healthy amount -- the revenue stream that comes in on a yearly basis of $1,050,000 exceeds the principal and interest payments of the bonds to purchase the building. There is more than enough, as Carl has said, from a management

perspective and, also, from a retained obligation. So my input of making sure to stay good for 30 years is a financial aspect, because I do reap, as shown in all the documents, I do reap a benefit over 30 years as a residual because of the tax exempt market of today. So Mr. Stafford was absolutely right. If I, as my management company. Did not come to the standards of the County ,there is a market percentage available for any company to come and manage it, and over and above that, there's also an amount from a retained obligation that is our organization's, that if I didn't do anything to your satisfaction, you also have that. There are many safeguards.

MR. SAROS: And I did read that, and you're right. But in the event of in this day and age where the greatest of companies fail, there is language, Counselor, as a successor developer to come in and take Mr. Boji's spot, could be chosen by --

MR. STAFFORD: There are provisions where currently there's a 15-year management contract. Now, if the management company fails to perform, of course, they can be replaced by a new management company, and we believe that the amount that we have allocated for management expenses would be sufficient to engage a new management company.

MR. SAROS: Yes. And the management company or the management fee is approximately what?

MR. BOJI: 3.5 percent of the gross revenue.

MR. SAROS: And what would your tasks in general, not too specifically, but as the manager, what would your tasks be?

MR. BOJI: Two sides. From an administrative standpoint, there is the ongoing day-to-day operations of the tenant, a water closet is down, there's a light bulb out, there is all these day-to-day factors that happen. So we handle that from an administrative side, not only the accounting facet of it.

From a day-to-day mechanical side, there's the upkeep of the building itself to sustain 30 years, the repair and replacement of items. Both of those items are reimbursed by the State of Michigan because any item that we go by the State it's a true triple net lease.

MR. SAROS: Would that include janitorial services?

MR. BOJI: It does, janitorial services are included as a triple net aspect of it.

CHAIRMAN FORD: Snow removal, all of that.

MR. BOJI: All of that, and every year, and you have it in your documentation, that by June the 30th I have to show all the documentation to the State and

the County, your Building Authority, what was spent the year before versus the number that we got, if we didn't spend as much we owed a check back, if we spent more, they give us one check for the amount that was spent. We just went through the first cycle of it in Hamtramck.

MR. SAROS: And my last question, the $120,000 that Mr. Boji per building is putting into escrow, if things go the way they're supposed to, at the end of the contract are they entitled to that back?

MR. STAFFORD: Yes, sir.

MR. BOJI: My daughters will have it, and I have three of them.

MR. SAROS: That's good for me.

CHAIRMAN FORD: Okay, thank you.

MR. STAFFORD: On that $120,000, just a point of clarification, let's say that we have to dip into that to pay for something, well, the way we have it set up, the cash flows will replenish that account.

MR. SAROS: Oh.

MR. STAFFORD: Okay, over time, so there is an incentive for the developer to do what he's supposed to do, so they can get that plus a little extra of retained obligation fee.

CHAIRMAN FORD: Thank you. Ms. DeHart?

MS. DeHART: With the R & R money, I know with

HUD there's like a cap as to how much you need to have in an R & R account. This would be put in monthly, and when you reach that cap, will you quit putting money in?

MR. BOJI: That is true, and in the trust indenture it states specifically how much we have to put every time, then the bucket is emptied out, for example, the carpet and the replacement, and then it's refilled again, because in the 11th and 21st year we have to replace the carpet and the ceiling tile.

MS. DeHART: Will there be like a lump sum put in the R & R account initially?

MR. BOJI: There is 120,000 in each.

MS. DeHART: Okay.

MR. BOJI: And then on top of it there is another $120,000 that's put over time.

MS. DeHART: Okay. Thank you.

CHAIRMAN FORD: Thank you. If there are no more questions, I believe, any comments, Mr. Collins?

MR. COLLINS: I have none. I believe everyone's done a very thorough job.

CHAIRMAN FORD: I think so, too. All right. Jim, you got something?

MR. STAFFORD: Go ahead.

MR. SAROS: Just one more question for Mr. Stafford, as our attorney here --

MR. STAFFORD: Uh-huh.

MR. SAROS: -- which I'm very comfortable with, the payment of the bonds, limiting the exposure to the State lease, okay, do you foresee that as any issue? I understand the strength, because it's the State of Michigan, if State of Michigan goes down, we probably don't have to worry about anything, anyway, but do you see any problem with the sale of the bonds just with that guarantee versus the guarantee of --

MR. STAFFORD: No, no. As a matter of fact, these bonds, we're going for a rating, and, of course, the rating will be based upon the State of Michigan's credit strength, okay, and the reason why we will be able to obtain a favorable rating is because this building is for essential services. It's not like something they can just decide not to provide. So that's the reason why we believe we will have -- will be able to obtain a favorable rating on these bonds and be able to sell them.

MR. SAROS: And, lastly, I'd like to say two things. I did drive by the buildings. The Inkster building is incredible.

MR. BOJI: Thank you.

MR. SAROS: The other building looks nice. I did not go in.

MR. BOJI: Thank you.

MR. SAROS: I did do some due diligence with Edge, and they were very impressed with the whole transaction, and I think in this banking environment that every developer has to go through that the County is doing a --

CHAIRMAN FORD: Good alternative.

MR. SAROS: -- heck of a service of filling a niche that right now doesn't, you know, exist. It will in the future hopefully, but it doesn't today so.

MR. BOJI: Public partnership --

MR. STAFFORD: One other thing I need to mention, I think it's very important, the bond structure. The bonds that will be sold to the public are actually bonds sold by the Michigan Finance Authority, okay. We will be issuing our single bond to the Michigan Finance Authority. So it's not like -- I mean you may be disappointed, it may not be Building Authority bonds that are actually being sold to the public, it will be the Michigan Finance Authority bonds are being sold.

MR. COLLINS: I think they'll be fine.

CHAIRMAN FORD: All right.

MR. SAROS: I'm good.

CHAIRMAN FORD: Thank you very much. If

there's no further discussion, a motion is in order to approve the Acquisition of the Hamtramck Health Center.

MR. SAROS: I will make that motion.

MS. DeHART: I will support that motion.

CHAIRMAN FORD: It's been properly moved and supported.

Excuse me, is there discussion?

Question being called for, all those in favor, signify by the sound of aye.

(In Unison) Aye.

CHAIRMAN FORD: All those opposed? Motion carries.

MS. DeHART: And the record should show --

CHAIRMAN FORD: I was about to -- and the record should reflect that Board Member Hindo has abstained.

Moving on to Line Item 5(b), Acquisition of the Inkster Health Center.

MS. DeHART: I'd be happy to make that motion.

CHAIRMAN FORD: It's been properly moved. Is there support?

MR. SAROS: I will second that.

CHAIRMAN FORD: It's been properly moved and supported.

Is there discussion?

Question being called for, all those in favor signify by the sound of aye.

(In Unison): Aye.

CHAIRMAN FORD: All those opposed?

And one abstention. Mr. Hindo is again abstaining from the Inkster Health Center vote.

The motion carries.

Congratulations, Mr. Boji, I know you'll do a fine job, and we'll look forward to working with you in the future.

MR. BOJI: Very proud to be your partner.

CHAIRMAN FORD: If there's no other business on the table, a motion to adjourn is in order.

MS. DeHART: So moved.

CHAIRMAN FORD: Oh, Public Comment. Public Comment?

Being no Public Comment, a motion is in order to adjourn.

MS. DeHART: So moved.

MR. HINDO: Support.

CHAIRMAN FORD: It's been properly moved and supported. Is there discussion?

Question being called for, all those in favor signify by the sound of aye.

(In Unison): Aye.

CHAIRMAN FORD: All those opposed?

Motion carries. Thank you very much.

(The proceeding was concluded at 2:21 p.m.)

CERTIFICATE OF NOTARY

STATE OF MICHIGAN)
) SS
COUNTY OF OAKLAND)

I, Laurel A. Frogner, Certified Shorthand Reporter, a Notary Public in and for the above county and state, do hereby certify that the above proceeding was taken before me at the time and place hereinbefore set forth; that the foregoing was duly recorded by me stenographically and reduced to computer transcription; that this is a true, full and correct transcript of my stenographic notes so taken; and that I am not related to, nor of counsel to either party nor interested in the event of this cause.

Laurel A. Frogner, CSR-2495, RMR, CRR
Notary Public,
Oakland County, Michigan
My Commission expires: 4-22-2015



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WAYNE COUNTY BUILDING AUTHORITY

Regular Meeting

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BUILDING AUTHORITY MEETING,
Taken at 500 Griswold, 21st Floor,
Detroit, Michigan,
Commencing at 2:02 p.m.,
Thursday, September 1, 2011,
Before Marlana Willick, CSR 3426.

APPEARANCES:

Nathan Ford

Steven Collins

Francine Pegues

Donald Greenwell

Ron Moran

Mark Gerardot

Sandra Wilson Edge

Valerie Khoury

John Hindo

Jim Saros

Detroit, Michigan

Thursday, September 1, 2011

About 2:02 p.m.

MR. FORD: Good afternoon and welcome to the Wayne County Building Authority regular meeting, September 1, 2011. If we can have the roll call, please.

MS. KHOURY: Eileen Dehart? Nathan Ford?

MR. FORD: Present.

MS. KHOURY: John Hindo?

MR. HINDO: Present.

MS. KHOURY: James Saros?

MR. SAROS: Present.

MR. FORD: We have a quorum present. And we can move on to approve the August 4, 2011 meeting minutes with any subtractions, additions, alterations?

MR. HINDO: I'll move to approve.

MR. FORD: It's been properly moved. Is there support?

MR. COLLINS: I'll support.

MR. FORD: It's properly moved and supported. Any discussion? Motion carried. Moving on to approval of the agenda.

MR. COLLINS: I have no additions or deletions

to the agenda.

MR. FORD: Approval of the agenda, motion is in order.

MR. HINDO: I'll make a motion to approve.

MR. FORD: So properly approved. Is there support? Motion carries. On to old business. Any old business?

MR. COLLINS: I don't believe so.

MR. FORD: Moving on. New business? I believe we have three items in front of us today. We will begin with line item 5(a), the contract approval for Walbridge-dck joint venture as construction manager at risk. Attorney Collins?

MR. COLLINS: Thank you. Steven Collins, assistant corporation counsel for Wayne County. We've spoken about this before. I know that each of our board here has been aware that this has been being prepared to come before you. I am pleased to announce that this contract was taken to the Wayne County committee of the whole on Tuesday and then brought to the full board this morning and passed on both occasions.

There was a point of clarification that the commission asked for that I'd like to give you today, which would also go to your second item. One of the things that the commission wanted to make sure was that

as we go forward with this project was there some checks and balances, some that they didn't obviously see within the contract. And we provided them a memo indicating that, yes, there's actually three normal checks and balances that are going to occur in this project.

The first is the fact that the building authority will be hiring an accounting firm. That accounting firm will be looking at every single change order, invoice, and request for payment that comes through the building authority to each vendor. They will be able to point out to us if a change order goes outside the scope, they'll be able to tell us if the change order is going to throw us off the budget, they're going to be able to tell us whether the invoice applies, which order was originally in the budget. So that was one balance we knew we had written into the contract.

The second is the county's own building division will be involved in this project. So as we go forward if there is a concern in the scope, if there's a concern in the material, the type of carpeting that may be utilized or the type of tile, our building division is going to be able to raise that and let us know that they have some sort of a concern.

And the third is that somewhere in the very

near future we are going to be bringing to this honorable board the request that they hire an inspecting architect. That inspecting architect will come on on a periodic basis based on the scope of their contract and report to us, again, are we in budget, does it look like we're going to meet their schedule, is there anything within the scope that we should be concerned about outside of what we already will know through the permits. When the commission heard that these checks and balances were in place, they were very fine with the nature of the contract.

With that I will give you a brief overview with what the contract says. It does say that we will enter into a pre-construction services contract with Walbridge-dck, which is a joint venture, and we do have representatives here today to answer any questions on that joint venture and their commitments to this project. It does indicate that they will during that pre-construction period work with our team to come up with a gross maximum price, but that they are signing the contract today based on the fact that they know and on the schematics we've given them that we're not going to go over $220,000,000, and that they believe that when we're done with this we will have a GMP that's below $220,000,000.

It also indicates that they have certain risks. That we will use a sub guard product for our subcontractors that qualify on this project and that they are committed to bringing this in during the summer of 2014. This contract was negotiated over several weeks. I'm very comfortable recommending it to you, and at this point I'll open up questions to either myself or representatives from the team.

MR. FORD: Thank you very much, attorney Collins. Board members, any questions?

MR. SAROS: Steve, the votes from the committee of the whole this morning, what was the vote?

MR. COLLINS: It was unanimous on both occasions, both the committee of the whole and the commission.

MR. SAROS: Great. Thank you.

MR. HINDO: I only have one question. If the project has been budgeted to come in at under $220,000,000, my only concern is this, have we over-budgeted, because obviously the concerns in the contract are that there are some incentives for certain individuals, that if they come in under that and within the timeframes that they would receive certain incentives. And the question I have where I don't want arising in the future is was this over-budgeted from the

start and it's kind of, you know, they're just being given a gift because everybody knows it's going to come in under that.

MR. COLLINS: That's a great question, I'm glad you brought that clarity to the table, John. Number one, the $220,000,000 addresses the construction costs itself, but you've already incurred some costs and already have some contracts. You spent $14,000,000 on the acquisition of the property. You have a $22,000,000 contract right now with Aecom. You have legal services contracts out there, and I believe we're going to bring you some other contracts. You also have the financing costs that goes in excess of $33,000,000. So when you add each of those line items up it doesn't get you to the $80,000,000, but you're knocking on the door. So the $220,000,000 is a realistic number for us in regards to the construction itself.

In regards to the incentive program, we were very aggressive on that, and the incentive program, let me give you an outline on that, indicates that the team, which is the Walbridge, the Aecom, and the owner's rep are able to take only 20 percent of the savings after the first $12,000,000. So once we've settled on a GMP -- or I should say this. Assuming the GMP came in at 220 to 208, that first $12,000,000, 80 percent of

that is going to be saved to you, the Authority. So it's a very aggressive incentive program.

We also believe and we've understood that if you look at the private sector, if you really want individuals to perform you have to incentivize them. So we're very comfortable with the checks and balances I outlined in the beginning, along with the incentive program that will encourage them to bring this under budget and bring this under schedule, along with the savings that you'll receive. We're going to be very much transparent and above board and in budget, which is very important to us.

MR. FORD: Ron, design. I think one of the questions that has come up just kind of talking informally is the design and making sure and insuring that this is going to be what we all intend it to be or kind of anticipated early on that this was going to be, is a state of the art detention facility, one that we can all be proud of. What are we doing in terms of the design? Just kind of speak to that a little bit, making sure in talking about the materials. I've kind of been privy to some of the things going on behind the scenes, but if you can share with us.

MR. COLLINS: Could I just add to that, because I think something you'd like to know that I'd

like him to address at the same time is the program. There's been some very innovative things that Aecom has done in design with the programming that certainly would address your question in regards to what we can do with the facility.

MR. MORAN: I think you all know that through the expertise of Aecom who designs these prisons all over the world that they have gathered best practices that they've used throughout their designs in a lot of other locations. They've taken the best practices and brought them here for review by the sheriff's department and with the Wayne County people. So this design that we have put together has been reviewed at numerous meetings by all the players that are involved that will be housed here and/or operating the facility.

So I think from that standpoint we've been on board since August really doing the planning and programming of the facility. I think it's been discussed here that we are using a technology that is called the building information modeling and integrative project delivery where we actually will have the contractor and his major subcontractors at the table with us finishing the design, because right now schematic design is finished and we're about two-thirds of the way to design development. So now that they're

on board we will have their team at the table with us finishing the design, again, using best practices. And as you know, just because we draw a line on a paper doesn't actually mean they can build it. So we're going to have that with us making sure that whatever we're designing we can build at the same time.

MR. FORD: Thank you, sir. Any additional questions?

MR. SAROS: I fell asleep with this a couple nights. I actually have the same concern that John did on the incentives. I agree with you, Mr. Collins, that incentives in the private sector are very typical. In fact, I'm an owner of a building right now that I have the exact same thing going on and hope they come in early and hope they come in under budget and we'll share in that with them.

One of the parts I was uncomfortable with, and I don't know if John was too that I'd like to have addressed is this, it's kind of like everybody involved in that, in this whole process, is under the same incentive to bring this in under budget. Not only the people that are performing the work, but the people that are checking the work. And without anything personal, I think we've given a whole lot of power to the owner's rep from what I'm reading. We are the owner, but I kind

of look at it -- I broke it down to if I were the owner on a normal deal having this built. I'm going to look at that construction a lot closer than what this body does, and so if it comes in at $200,000,000 it's like everyone down the line is getting rewarded, including our own owner's rep.

I'm not sure if that perception is good. I mean if there's a -- if there could be a scrimping in certain areas because you're going to benefit, everybody that's not only doing the job but everybody that's watching the job is going to benefit by coming in under budget. So the point that John brought up I was a little bit uncomfortable with. Knowing the parties that are involved I'm much less uncomfortable just because of the quality of the companies.

The owner's rep position surprised me a little bit. I don't know that the owner's rep should be involved in the sharing of that profit. In particular I'm speaking about the Parlovecchio Construction. I mean I think that's what we've paid them for, I think that's their job to bring this in to check for us the work that's being done by obviously a very fine firm.

MR. COLLINS: If I could I'd like to address that because I believe it's a very valid concern. So I think what we should share with you is some of the

conversations that we had on your behalf and on the county's behalf in making this decision.

I think if you remember at the onset of this project we indicated that what we decided to pay the owner's rep was below market standards. We had determined we liked him, we understood him, and we understood that he would always have our best interests at heart. We then had a very, very frank conversation with ourselves on what we wanted to do in regards to the incentive program. We made a determination that we would, even though it's not common, it's not unheard of that an owner's rep would get an incentive in these types of situations. And we made a decision that we would leave the incentive program in for the owner's rep, but we would put in the three checks and balances that we felt was necessary.

Number one is that our building trade, that our people who are going to be using the building, that our architects, our engineers, would continue to be looking at what was going on and report to us if they felt that the quality of the project was being compromised, or whether the materials were being compromised in regards to what the county made very clear several months ago. And they've been working with the sheriff and ourselves along the lines to keep that

going.

The second thing was we wanted to make sure that our audit firm that we will be talking about will not be getting an incentive program. They'll crunch the numbers as the invoices come in, as the change orders come in, they'll be looking at every line item and letting us know where we're straying from. So that, again, it would not affect that.

And third of all, the inspecting architect. We've used these in a lot of our larger programs; the stadiums were one where we used them and we did the same thing. Again, in the stadium programs the county used the incentive program. The inspecting architect would come in and work for you and will clearly tell you are we under budget, have we compromised the quality of our materials, and are we on schedule, which is something very important because schedule is money for you right now.

So I think your concern is valid, but we made a decision that instead of giving him the additional dollars we make him work for it. And we're comfortable that we put enough in place as a government to insure that you get the quality you need.

MR. SAROS: You're giving the perfect answer, but --

MR. COLLINS: Can we leave it at that? I never get that at home.

MR. SAROS: Nor do any of us. I'm very comfortable with the fact that we're paying Aecom, who obviously has a worldwide reputation, to watch over a contractor who has a phenomenal reputation. And I'm very comfortable with Ghafari in particular in the mix. As an owner of a number of projects I'm out on that site all the time, and when someone tries to slip in a two by six when it really needs a two by eight I recognize it. I'm not so sure an accountant or someone that's following this job has that kind of insight or knowledge, nor will they of course ever be on site.

The obvious is that you can buy carpeting at $25 a yard or you can buy carpeting at $8 a yard and it all looks the same when it gets laid. I'm not really that concerned about coming in under budget. It's great if it's a legitimate under budget, there's a savings there. But if it's under budget to incentivize the construction company, I'm all for that. I don't know that we should be incentivizing the person who works for us, the company that works for us, to watch over that the job as our owner's rep. That's his title.

Now what we're saying is we're going to hire an architect, independent architect, to watch over what,

him? I understand it's the whole project, I'm not naive to this process, and I'm all for, by the way, hiring that because I think that's a different skill set as well. I'm just struggling a little bit. I need you to help us with this.

MR. COLLINS: Let me just start with the inspecting architect is something that I was advocating for a year ago because it's something I'm familiar with, it's something I'm comfortable with and it's something I like. And certainly it's one that I'm going to be advocating you don't hire from this area, someone who is not from the southeastern area who can come in and have absolutely no vested interest with any of the players here to be able to tell me exactly what is going on.

In regards to your second concern, I want my people to tell me whether it's under budget, and my people are the county's building division. I want them to be able to -- and I think that Ron Moran and Mark can tell you that at their meetings with our building's division they've been very good and upfront about that as they look at the design and saying no. We understand there's a cost associated with this, but we want it to be like X because we're the ones that are going to own this building at the end.

So it is those individuals that we're looking

towards as a government, not individuals that we'll be paying, but we're going to be looking at them to be our checks and balances. And certainly I can tell you we can have further discussions on this as a county and as a building authority. It's not part of the Walbridge contract. Walbridge that you're doing today is about their incentive program and it doesn't affect our ability to prevent contracts. You have a separate contract with the owner's rep which you've already approved which had an incentive program in it, but I think even the owner's rep has been willing to have those discussions. If it makes everyone feel comfortable he'd be willing to have those discussions. But the county exec was clear that this was the direction he liked and this was the direction he wanted to take.

MR. SAROS: When you have the advantage of knowing individual players like your building people here with the county, that is an advantage, but I also like the idea, I believe, that a contract should read, no matter who's involved, whether it be we know the people, don't know the people. I think we're fortunate here of knowing a Ghafari and knowing a Walbridge and knowing the quality of the work and the end product.

But if I put that aside, I don't know those

people behind those doors that are watching over the project. And I'm not so sure -- I don't know if they have great ability, average ability, or poor ability. I'm assuming that they have excellent ability or they wouldn't be working here. But the contract I look at is the same contract that John had his concerns over, and that is that everybody that's in the room benefits by any cost savings, and I just want to make sure that the quality of the project doesn't get compromised because there's an incentive to bring it in under budget.

Again, for the general contractor I think that that is totally appropriate and I greatly encourage it. I just have an issue with that.

MR. COLLINS: I think it's a valid concern. We'll let Mr. Riccano know you have a valid concern. Like I said, we're open to having those discussions.

MR. FORD: I think, too, and you said it, too, Steve, we can have that discussion with Parlovecchio because that contract is separate and aside from what this one is.

MR. SAROS: Right.

MR. FORD: And his incentive package is included in his contract, not this one. John, do you have something?

MR. HINDO: I was just going to ask Steve, and

maybe this will help with Jim's questions. Is there any minimum threshold in terms of level of quality or standards that are in place now for the project? I mean obviously we have our budget and we're hoping that it's going to turn out however it's supposed to be, but to insure that things aren't being cheapened, so to speak, is there any minimum threshold that's already in place that whatever -- the carpet example, that the minimum threshold for carpet is X or whatever?

MR. COLLINS: We have what we call now, we use the term minimum requirements in regards to what it needs to do as a building. When we get the final design you're going directly to an issue that we'll be discussing in regards to if it's tiled, what type of tile, what's the life of that tile, because we also have to amortize our debt service based on the building itself. So we have to be able to insure that we tell the IRS that the quality of work they're doing will last 30 years. So it has to be able to sustain that function, so, yes, there is something in place.

Have we gotten to the level of insuring that it's there? We haven't because we haven't finished design yet, we haven't seen all the materials. And there are major decisions yet to be made on what's going to happen on this design.

MR. SAROS: I'm sorry, I have a lot of notes and I don't mean to --

MR. COLLINS: We are here to make sure we answer all your questions.

MR. SAROS: I'm going to sum this up, and let me go on the record as saying I don't want this to be personal about Parlovecchio's building company because I'm very pleased about what he's done so far. I think that he's worked his can off. But, again, I'm looking at a contract and I'm not talking about an individual or a company.

In reading this contract as an owner he seems to have very broad powers in what he can say, what he can approve, and what he can't approve on behalf of the owner. And we're the owners. I would like to see some update meetings between him, Ron, I should say for the record Ghafari, and this ownership.

MR. COLLINS: I'm sorry, anything you'd like -- I mean they meet daily. Would you like to see the weekly reports that they do?

MR. SAROS: I don't think that there's a time, nor am I suggesting we change the contract. There's enough verbiage in the contract that gives the owner power to stop the train whenever we want it, but enough without putting a time limit on it to be updated as

though -- I want to oversimplify this. I'm building a 5,000 square foot building and I'm the owner. I want to know from my contractor what's going on, where we're at, not micromanaging at all, but not only are we on track and not just hearing it from the owner's rep, how are we on track.

MR. FORD: So, Jim, you want Ghafari and our owner's rep to update this board on a regular basis?

MR. SAROS: And even if it's a subcommittee and not a total board.

MR. FORD: I think that that's very doable, to have them update this board on our regular monthly meeting. I think that was in play and was going to be a part once construction started to ramp up. That was going to be -- that was going to be a normal, absolutely.

MR. COLLINS: And if I could, I'm sorry. We have Ms. Pegues here today on purpose because she will be attending the meetings from this point forward on behalf of Dan Teak and the owner's rep when Mr. Parlovecchio can't. But one of the things that we revved up now to do is to produce a monthly report, which is the number of contractors we have, the amount of money we've spent.

Additionally, the reports that we are now

having some fruitful discussions on is that weekly there is a very large meeting that occurs between all of the major players where we discuss what are the outstanding critical issues, what decisions have been made, what's been resolved and what remains outstanding. What we can talk about is how we get that synthesized and be something you guys will actually read, because we don't want to inundate you with too much information. We had always intended to go forward as Mr. Ford had indicated, we just haven't gotten the format yet together.

MR. FORD: Then also be present here for question and answers.

MR. COLLINS: Absolutely.

MR. FORD: So we can read all day long but we may want to be able to, or may be in a position to ask questions.

MR. SAROS: Well I think the -- I'm sorry --

MR. GREENWELL: Don.

MR. SAROS: Don, I want to keep calling you John.

MR. GREENWELL: He's my boss.

MR. SAROS: I think Don would be the first one to say that in this size of a project getting a package of papers to review once a month as an update is about as useless as me reading a dictionary. It doesn't keep

you at all posted in the progress of any project, it's overwhelming. And so there's that fine area of not micromanaging in any way, shape or form, but at the same time if we are the owner then we certainly have the right to say how are we doing in layman's language, where are we at right now, and how are we going. And I don't think that that can be done personally at a normal once a month meeting squeezed in between three other items.

MR. FORD: I think number one it's our responsibility.

MR. SAROS: Correct, I agree.

MR. FORD: Number two, just looking and going back when the juvenile detention facility was done, that was the norm, we got our packet, we got our information, our update meetings, and we were able to come and ask those critical questions and get the answers we got. I think that that is what we signed up for, being on the Authority with this project. I mean this is when the work begins, right now. So I think that that's got to happen.

MR. COLLINS: And we will work with you. I absolutely understand what you're going to say. I don't want to give you the report, I want to give thee report which allows you to give you enough information to ask

the questions you need to ask.

MR. SAROS: I'll just be totally blunt, I don't want this project to be finished and five years from now someone come up to me and say how in the hell could you have ever approved that just because on a monthly meeting. I mean I'm supposed to know better. So in a monthly meeting I'm sitting there going sounds great to me and sign off on it. That's easy, I'd love to do it, let's have some coffee and go home. We all know we're not getting paid for anything, but you're right, Nate, we took on the responsibility and we are the owners. In essence that is the case.

And I think we have a responsibility to the executive to make sure that we're doing our own due diligence with, again, in that fine area of not overdoing it. That's why we're paying Aecom millions of dollars. That's not a small contract, that's a very large contract. And we are paying Ghafari and we are paying our own owner's rep, and now we're going to pay an additional architect.

MR. COLLINS: And an audit firm.

MR. SAROS: And an audit firm and a bunch of lawyers.

MR. COLLINS: And I'm not done.

MR. SAROS: And I'm all for that because a

project of this size should have exactly that. But I do think at the end of the day the ball stops with this Authority. And I don't know the answer. I certainly don't want to tie anyone's hands and say we want to meet once a week or once every two weeks or we want to meet once a month. I think it should be appropriately met when issues of change come into place.

Some of the language in here about with the owner's rep is very broad. The owner's rep has the authority to change this, the authority to change this. I'd be more comfortable with it saying the owner's rep has the authority to change this with the permission of the Authority. I'm not talking about changing carpet.

MR. HINDO: I think it's going to change the owner's rep contract because we've given him that authority and I think maybe then that's something we need to talk about.

MR. FORD: And then we'd really get into it. You're talking about work when we have to have that kind of daily or weekly, you know, then wow.

MR. SAROS: No, I understand what you're saying. I don't want this to be misunderstood. We're paying the owner's rep to do that job. I don't want to do his job. What I'd like him to do is to report to us when there is a major change, not on a -- there is some

language in certain subparagraphs here that gives the owner's rep the authority to make changes within the scope. If our contract is $220,000,000, one of the paragraphs, and I'm paraphrasing, states that he can make a change as long as it doesn't go over the maximum price. Well you might have had Walbridge save us $20,000,000 on HVAC, so now we're not -- we're going to come under the maximum price and the owner's rep can make a $10,000,000 decision on a totally unrelated issue because he's not going to go over the maximum price, but yet he may be way out of budget for that particular area.

I don't know how to solve it. I'm just saying -- I'm just stating my concern.

MR. COLLINS: I think your concern is valid. I think you have to allow us to evolve with you in making sure that you get the information that you need, that there's some parameters we have to work in. You are a public body so I need at least two of you to be present whenever you want to meet. You will have to hire a Court Reporter, so there's going to be parameters we have to work within. But we will have as many meetings as you desire to review whatever issues you need.

Also, you know the owner's rep meets at least

once every 48 hours with the executive office. So he reviews all changes with the executive office in regards to the changes in the scope, the changes in the price, anything major that goes on, because the executive and the deputy executive made it very clear that they want to stay very involved with what's going on.

So what we need to do is make sure they understand that we're going to add a way of making sure you guys have more information than what's going on. That as he provides them with that information we synthesize it in a way that it can also get to the four of you as it occurs. But allow us to work with you in getting you that information and if you want more information we'll get it.

MR. SAROS: Does it say anywhere in here because if it does I missed it, that the owner's rep will be meeting on a regular basis, you said every other day, with the county exec or the deputy, does it say that anywhere in here?

MR. COLLINS: No, it does not. I mean it might, but let's go with no. Let's go with no because I think the impression I want to leave you with is that they are very hands on. They have a very clear understanding of everything that is going on in this project and there is not a decision that our owner's rep

is making that has not gone through the CEO's office.

MR. FORD: Let me do this, Jim, before you go on. Ron has been dying to jump in here.

MR. MORAN: I just want to address that we have put together an update that we have presented to the county commission twice. We can certainly do that for you and it's done by way of a PowerPoint. So we could set up a PowerPoint presentation with our project team to your board for 15 minutes at every meeting if you would like. If you have questions and answers it can last longer than 15 minutes, or if you'd like it to be less than that we can certainly do that. But we certainly could attend your meeting, our team, and give you an update every meeting as to where we are at in the process of our design and in the process of construction.

MR. FORD: Absolutely. And I look forward to that and I think the board looks forward to that. And I think that that is imperative as we move on so that we can, number one, stay in the loop and be the owners that we are. Jim, do you want to continue?

MR. SAROS: Counsel's legal counsel -- excuse me, the county's legal counsel.

MR. COLLINS: Yes. Commission?

MR. SAROS: Yes.

MR. COLLINS: I just want to make sure.

MR. SAROS: The commission's legal counsel, thank you, has reviewed these contracts and you're all satisfied with the checks and balances that are within these contracts?

MR. COLLINS: Well it's a two level review. One, I am, yes, and also the commission's legal counsel, Felicia Johnson, yes, she's reviewed them, she and I both have had discussions over them, yes. And for the record, if it helps, the commission questioned her, the committee as a whole, and she had no objections.

MR. HINDO: And obviously our attorneys that have worked on this, which we approved, which I think it was Kotz, Sangster.

MR. COLLINS: Kotz, Sangster is the author of this contract for us.

MR. SAROS: Don't get me wrong. I would like to not have one meeting on any of this stuff. And quite frankly, that is why I believe we hired Aecom and Ghafari with their reputations. And I also believe it's the reason we hired our owner's rep so that we don't have to have continuing meetings, nor do I desire that.

Overall I was just concerned with one part tying into what John said, that I think the owner's rep's responsibilities in this contract are too broad.

I think it gives too much power to the owner's rep to make critical decisions without the owner's permission. And I am viewing us as the owner because in essence we are.

MR. COLLINS: I think that is a legitimate concern. I absolutely plan on taking that back to the CEO's office and to the owner, and we will definitely address your concern.

MR. HINDO: Is that something, Steve, maybe we can modify in our contract with Parlovecchio?

MR. COLLINS: I'd have to go through the CEO's office and let them know your concerns because we do value you as owners, but it is the county who will be paying for everything. But we do value you as owners but I need to take everything through the CEO's office in regards to what your concerns are.

MR. SAROS: The change in the contract between us and the owner's rep is certainly important, but if it contradicts and conflicts the contract that we're signing with the construction manager, I mean they have to be on the same page. We can't in the contract with the CM say the construction manager -- or owner's rep has the right to make these decisions and then we have a contract with the owner's rep that says he doesn't have the right to make a certain level of decision. So I

think they have to go hand-in-hand.

MR. COLLINS: If a decision is made to make that change we certainly will have to look at all of our agreements, not just that, because the owner's rep obviously represents you on many of our contracts and is the designated person for the Authority in the county who all changes are to go through. So if there is a decision then certainly we'll have to look at all of those.

MR. SAROS: And let me just say that I think overall this is a very good contract. I like the people that are involved and the players, and I think if we don't have these kinds of questions then we're not doing our job. So I don't want it to appear the wrong way.

MR. FORD: No, you don't.

MR. SAROS: I have a concern that we're signing off on certain things that -- I typically as an owner, if I hired an owner's rep for a project I was doing and gave him this, I would not give him this broad of powers. I mean I would not give the company that broad of powers. I would want at least to say, yeah, I think that's a great idea, put on those extra four jail cells or do this or do that without it just having the caveat that as long as it's under the maximum price it's okay to make that decision.

I don't want to beat this up any longer and I'm sorry to take up the time I have. Just there's some concern, and particularly if there is in the contract a bonus, if you will, for bringing things in under our estimate.

MR. COLLINS: Let the record reflect that counsel believes all your questions are valid and useful.

MR. SAROS: Thank you.

MR. FORD: Absolutely. Anything else as it relates to line item 5(a)?

MR. SAROS: Just for Ms. Pegues, can people still register?

MS. PEGUES: Absolutely. The website is still out there and companies are still registering. On the 7th of September I'll be meeting with Walbridge's outreach coordinator, Jackie Jackson, to talk about how we merge the Dantique list with their existing list of registered businesses.

MR. FORD: I was going to give you some time at the end to do a little presentation.

MS. PEGUES: Okay.

MR. FORD: I believe a motion is in order for line item 5(a), the contract approval for Walbridge-dck Joint Venture.

MR. HINDO: I'll make a motion to approve line item 5(a).

MR. FORD: It's properly moved. Is there support?

MR. SAROS: I support that.

MR. FORD: It's been properly moved and supported. Is there any discussion? Being no discussion all in favor signify by saying aye. All those opposed? Motion carried.

Moving on to line item 5(b), contingent item, discussion and possible approval of the accounting firm. I'll leave it there. Mr. Collins?

MR. COLLINS: Yes. I think I placed it on the record before but I do want to place it on the record again if I can. It is not a formal policy, but it is a policy that we have in corporation counsel that we don't bring contracts that are not signed. And I'm going to ask that you consider this contract even though it has not been signed and completely negotiated at this point.

We believe it's very necessary to be able to get this accounting firm on as quickly as possible. We frankly had hoped to have this accounting firm on several weeks ago. Unfortunately, this is an item that has evolved just as other things have evolved. As time has gone on we've been able to see that there's a

certain scope of services we really want. And to give you by way of background, we did send out an RFP for accounting firms. I believe there were five or six accounting firms that responded. We did look at them and made a determination after the committee had gone through it that the scope of this service did not suffice with what we believed that this board and the county needed on this project.

So we took the two most qualified firms and we asked them to come in for interviews, and we interviewed those two firms and made a determination by doing interviews that Pierce Monroe was the most qualified firm to be able to do this project for us. We have indicated to them our desire to do so. They have the form of agreement that is before you, but we have not gotten to sign that agreement yet, not because they indicated any problems, but because we just have not had the time based on our need to finalize the Walbridge contract to finalize this contract.

So I'm going to bring to you what I believe is a somewhat unusual situation, a situation I don't like to do, which gives the chief financial officer of the county the ability to finalize this contract, finish her negotiations with Pierce Monroe, allow her to come to final terms and then bring it back to Mr. Ford for

signature. If there is any substantial change in the agreement that I've given you then we won't do it, because it can only be what we've provided you with today, and I will send you a memo to that effect. If there is a substantial change then you'll see it at your next meeting because it will be something substantially different than what it is today.

MS. KHOURY: And I can tell you the term of the contract would be for three years, it's not to exceed $900,000, which was we believe competitive based on what we saw. And we did have the interviews and frankly it was more also conversations because as we move forward on this and we look at the use of E-builder and the accounting component and we need to develop procedures for payments and things like that, it was helpful to have the discussion with the two firms to help us better know the scope of what we're going to expect from them and what they can bring to us, because much of this is new, what we're setting up here.

So the scope of services that we've provided in the RFP is included here, but it's going to also be expanded each day that we go on and we realize what we need the accounting firm to do for us. So it's more expanded than what we had originally proposed. So that's why the direct conversation with the two top

firms were very helpful, and the CFO was present at both of those meetings and this is her recommendation after having conversations with the other people present at the meetings of what firm will best fit the needs of the Building Authority for this project.

MR. SAROS: If this is like every other contract, when you say it's not to exceed $900,000 it's still subject to -- this is an evolving project, it's a moving target, that firm would have the same ability to come back to this board for substantive changes?

MS. KHOURY: They would have the ability, but I will say that at both of the interviews the CFO said I don't want anyone to come back and ask for an amendment. So she at least was very clear that the target here is going to get us through the three years. And this dollar amount was after the discussion of the scope as we see it. So it wasn't just the more narrow scope. So it's our goal to make sure that it doesn't need to be amended and that we are able to do it within this dollar amount.

MR. SAROS: I'd just like to state for the record that, again, in aligning ourselves with the kind of companies that we have that are sitting at the table here, and knowing Pierce Monroe's background, I'm personally totally comfortable with approving this as it

is and leaving it to our CFO to tweak it. But I couldn't urge strong enough to my fellow board members that the accounting piece of this in my opinion could have been done a month ago. So I really think we needed to run with that, but that's just a personal comment.

MS. KHOURY: You are right, and this took longer than we thought. And part of it is because of developing the scope, and as we go along we just have such a better understanding of what's needed. So it would have been better if we had started sooner, but I think we're in a better position to get what we need now. Otherwise, I think we would have been coming back.

MR. SAROS: No, I agree with what you just said. Typically I don't, as Mr. Collins said, I would want to see a contract. In this instance I'm more than comfortable. I just wanted to state that for the record.

MR. FORD: Sounds like a motion to me.

MR. SAROS: I will make a motion for that contract, yes, I will.

MR. HINDO: I'll support.

MR. FORD: It's been properly moved and supported. Is there a discussion? All those in favor signify by saying aye. All those opposed? Motion carries.

Moving on to line item 5(c). Steve?

MR. COLLINS: I would hope at this point each of you have received an invitation to the groundbreaking. If that has not occurred please let us know, because you should have received those last week.

Along those lines we will be having a ceremony as you can see, and we're going to have to pay for that ceremony. I believe you understand that you own a lot that it's going to be built on and that lot generates money from parking. So that's how you will be paying for this ceremony is from that parking lot revenue. The budget that we tentatively have now is less than $10,000 for the ceremony. There's quite a few attendees. So what we're going to ask you to do is we don't have a line item of things for you to approve like the $5 tablecloth, the $2.50 for chairs, that you give us the authority to pay for the groundbreaking since we don't have each of those things to bring to you, we just have a rough estimate.

MR. FORD: So $10,000 is the number?

MR. COLLINS: Yeah. It's going to be below $10,000, so we're going to say $10,000.

MR. SAROS: So is there any significance to you talking about paper tablecloths versus multimillion dollar expansions? You're more comfortable with the

multimillion dollar improvements?

MR. COLLINS: I don't know who's making the tablecloth.

MR. SAROS: I make a motion to approve.

MR. HINDO: I'll support.

MR. FORD: It's been properly moved and supported. Is there any discussion? All those in favor signifying by saying aye. All those opposed? Motion carried.

I know we didn't put this on the agenda earlier, but I do want to hear from Ms. Francine Pegues who I've had the opportunity to meet with and just totally, you know, can't say enough good things about her and the work that she's done. If you've gone to that Dantique website it's been very informative, let me just say that.

MS. PEGUES: Thank you very much.

MR. FORD: So please tell us about what's going on and tell us what you're going to be doing with Walbridge. And I'm glad to know and hear that you're going to be working with Walbridge throughout this project.

MS. PEGUES: Well as you know, in the RFP there was a question about how Dantique would be interacting with the CMAR. And so as the award was made

I reached out to Walbridge's person responsible for outreach, Jackie Jackson, and we set up a meeting so that we can merge our ideas and work together sooner rather than later.

So let me say this to the board. You obviously have directed people to the website because we continue to grow and business is registering. At this point we have about 425 businesses that are registered, including minorities. Certainly Wayne County, huge numbers of Wayne County certified businesses. There has been a focus on veterans by one of the commissioners and we're seeing an increase of veterans that are registering their businesses and women businesses.

At this moment we have said to them all, once the announcement is made as to who the CMAR is and now that this has all been approved, that I would be working with Jackie to set up the information seminars, the vendor forums. We had scheduled them in July, then in August, then obviously as the contract signing has moved so have we moved those dates, and at this moment we don't have any dates set up. Once Jackie and I meet we will set up some dates, we will certainly apprise you of when those are.

Mr. Chairman, you had requested a broader dissemination of information when those seminars were

going to be held. And to that degree I'll be meeting with Jackie to talk about that, but I did price some newspaper ads through some of the weekly newspapers and we will work through that and let you know how we're going to do that. I have said to those that are on the database, be on the database, you will get a notification of one of the meeting locations. Beyond that I don't know how we're going to communicate, but we will get that information to you.

As recently as yesterday I had businesses calling saying can I still sign up. And the database is public, they always can sign up. The challenge becomes how we get that information to Walbridge to make sure those individuals qualify to do the work and get an opportunity to bid on the projects. So if you have anyone who still needs to sign up, I don't think any -- businesses are not finding it difficult to sign up on the website and we've got people in my office that are walking them through them. We have some that are coming back and expanding the scope of what they'd like to be considered for. We've got catering companies and sign makers and I've encouraged any business that wants to do business with other businesses in Wayne County to register on the database because I personally have friends who said I'm looking for a roofing company and I

said go to the database. And they've found some people who are willing to give them quotes and then they've had some businesses to say, no, we're not going to do -- you're too small for us. So it's a multiple functioning website.

MR. FORD: Absolutely, and a great one. Everybody I guess for the last -- since we started this thing, anybody and everybody that I know, and I know I speak for Jim and John who, you know, we interface with contractors from every corner, if you will, push them to the website. They've come back and told me how easy it was. And for a contractor, you know, time is money, as we know. So it was just easy for them to say, hey, look, sign up and go on and it was easy. It was very user friendly, that's what I got back, so that's real good.

Mr. Greenwell, we obviously encourage you to work with Ms. Pegues. She's been all of that and more, so we look forward to that relationship and continuing as we go through this process, this very long process.

MR. GREENWELL: Understood. We look forward to working with Francine and her team, and we can all -- it's all about getting the local community involved to the best of our ability and under $220,000,000.

MR. FORD: Under $220,000,000. We'll make

sure we put obviously our Wayne County and Detroiters to work and keep our companies solvent and thriving and I think everybody wins.

MR. GREENWELL: Yep, fair enough.

MR. FORD: Ron, what you got?

MR. MORAN: Just to add on to that, Mr. Chairman, I'd like to report to the board that through today we have between Aecom, Ghafari and your Authority, authorized 17 separate contracts totaling just under $4.4 million, of which I'm happy to report 99.6 percent have went to Wayne County based firms, 93.9 percent have went to minorities, and 13.5 to women owned firms.

MR. FORD: Beautiful. Let's keep those numbers like that. And again, I drive the site every morning, and what's the numbers, 100 loads in and what, 80, is that the average for the last two weeks?

MR. MORGAN: They're up to about 130.

MR. FORD: 130 loads out? They're making significant progress. They're excavating that five feet and it's growing and moving, so let's keep it up.

MR. SAROS: On the record I wanted to ask a legal question to you, Steve. John and Nate and I call our -- I'm under the impression, I'll make sure I'm under the right impression, that Ghafari and Aecom is working for us, owner's rep, the same thing, and we

said, hey, we're going to get together for a lunch, can you as simply as that give us an update. Is that in your opinion --

MR. COLLINS: You were good up until you said an update. When you said an update, you really need to have it on the record.

MR. FORD: Does it have to be on the record if it's more than two?

MR. COLLINS: He just said the three of you.

MR. SAROS: I'm asking a question.

MR. FORD: He said can either one of us.

MR. COLLINS: Can he go to lunch with them and ask them for an update?

MR. FORD: Yes.

MR. COLLINS: We're going to say broadly yes on the record.

MR. FORD: But if it's you and I, I think we're getting into some gray area here, Jim, with the open meetings act. There's only four of us, so we qualify as a quorum with two.

MR. SAROS: I understand. I want to know what the rules of the game are, that's all, and for the purpose of not violating the rules of the game.

MR. COLLINS: Yes. And as long as it's discussion, not for the purpose of making a decision.

MR. SAROS: No.

MR. COLLINS: Okay. That's the bottom line. Just make sure you're not in discussions where it's about you making a decision.

MR. SAROS: Second question. For whatever reason I'll use the same three people, we'd like to have a meeting with our representatives, it's not a scheduled meeting. Who do we get the okay to do that?

MR. COLLINS: You mean three together?

MR. SAROS: Three together, two together.

MR. COLLINS: If you're going to have a meeting three together I'm going to request notification. We can do it in here or in another room so you have a better room for a PowerPoint.

MR. FORD: I will suggest, too, that Mr. Collins, as we move forward obviously the updates are going to be a little bit more formal so we may need to look at --

MR. COLLINS: I think we need a better room.

MR. FORD: A better room just for that very reason. I just want to make sure that we -- yeah.

MR. COLLINS: I would agree with you. I think you need a better room for presentations.

MR. SAROS: And any other, for all of our purposes, any other communications that we should not be

having? I want to just make sure that we're within the rules. If I run into Don at a fundraiser and say, hey, how are we coming there, and he says we're under budget, we're whatever, is that a conversation that we should both avoid or is that conversation that's okay to have?

MR. COLLINS: Let me try to say it in broader terms. I trust every one of you. If you have a concern, give me a call, but I mean you are subject to the open meetings act, so therefore I think -- I would never tell any of you to preclude your ability to establish a relationship with any of these gentlemen here, separate from the fact of you being a board member. To the extent you want to meet with any of them in your official capacity and that meeting is for the intent of allowing you to make a decision later, information, the information they give you should be on the record. But if you want to meet with them, generally have them give you an update of what's going on one-on-one, that's not going to violate the open meetings act.

MR. SAROS: Thank you.

MR. FORD: At this time I'm going to call for public comment. Is there any public comment? Being no public comment we're going to have a motion to adjourn.

MR. HINDO: I support.

MR. FORD: It's been properly moved and supported. Is there a discussion? All those in favor signify by aye. The motion is carried. This meeting is adjourned.

(Proceedings concluded at 3:06 p.m.)

CERTIFICATE OF NOTARY

STATE OF MICHIGAN)
) SS
COUNTY OF MACOMB)

I, Marlana Willick, Certified Shorthand Reporter, a Notary Public in and for the above county and state, do hereby certify that the above proceeding was taken before me at the time and place hereinbefore set forth; that it was duly recorded by me stenographically and reduced to computer transcription; that this is a true, full and correct transcript of my stenographic notes so taken; and that I am not related to, nor of counsel to either party nor interested in the event of this cause.



Marlana Willick, CSR 3426
Notary Public,
Macomb County, Michigan
My Commission expires: September 12, 2013

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WAYNE COUNTY BUILDING AUTHORITY

Regular Meeting

_____/

PAGE 1 TO 31

Taken at 500 Griswold,
Detroit, Michigan,
Commencing at 11:10 a.m.,
Thursday, September 15, 2011,
Before Laurel A. Frogner, CRR, CSR-2495.

APPEARANCES:

Nathan Ford, Chairman

Eileen DeHart, Member

Jim Saros, Member

John Hindo, Member

ALSO PRESENT:

Steven Collins, Wayne County Corporation Counsel

Valerie Khoury, Office of Management and Budget

Audricka Grandison

Carlie Mulkey

Jessica Mistak

Carl Stafford, Bodman PLC

Tony Parlovecchio

Ron Moran

Francine Pegues

* * * * * * *

Detroit, Michigan

Thursday, September 15, 2011

About 11:10 a.m.

CHAIRMAN FORD: Good morning and welcome. We'll go ahead and get started with a regular meeting, special regular meeting, September 15, 2011, 11:00 a.m. Call this meeting to order, if we could have the roll call, please, Attorney Collins.

MR. COLLINS: Certainly. Chairperson Nathan Ford?

CHAIRMAN FORD: Present.

MR. COLLINS: Ms. DeHart?

MS. DeHART: Present.

MR. COLLINS: Mr. Saros?

MR. SAROS: Present.

MR. COLLINS: And Mr. Hindo?

MR. HINDO: Present.

CHAIRMAN FORD: We do have a quorum present.

Moving on to Line Item 2, Approval of the September 1st, 2011 meeting minutes, with the exception of Board Member DeHart.

MR. SAROS: I'll make a motion.

MR. HINDO: I'll support.

CHAIRMAN FORD: It's been properly moved and supported. Is there discussion?

MS. DeHART: Let the record show I will be abstaining.

CHAIRMAN FORD: The record will reflecting of that. Question being called for, all those in favor signify by the sound of aye.

(In Unison): Aye.

CHAIRMAN FORD: All those opposed? Motion carries.

Approval of the Agenda.

MS. DeHART: So moved.

CHAIRMAN FORD: It has been properly moved. Is there support?

MR. HINDO: Support.

CHAIRMAN FORD: It's been properly moved and supported. Is there discussion?

Question being called for, all those in favor signify by the sound of aye.

MS. DeHART: Aye.

MR. SAROS: Aye.

CHAIRMAN FORD: All those opposed? Motion carries.

Old business; Attorney Collins.

MR. COLLINS: If I may, I'd like to ask the Board to take their New Business in the opposite order listed under your agendas, C, B, then A.

CHAIRMAN FORD: All right. Moving on to Line Item 5(c) and (b). We'll start with (c), the Contract Between the Wayne County Building Authority and Gerald Hanson & Associates.

MR. COLLINS: Steve Collins, Assistant Corporation Counsel for Wayne County. (C) is a contract between yourself and the court reporters who have been coming here to do your court reporting. We have done it for over three years. It's $15,000. You're averaging about 2 to $300 a session. But rather than going through Wayne County, it's an eligible expense under your bonds, so we are going to do it directly ourselves with Hanson.

CHAIRMAN FORD: Everybody's had an opportunity and received the contract with Hanson Court Reporting. Any questions? Comments? If not, a motion is in order to approve.

MR. HINDO: I'll make a motion to approve Line Item 5(c).

MS. DeHART: Support.

CHAIRMAN FORD: It's been properly moved and supported. Is there discussion?

Question being called for, all those in favor signify by the sound of aye.

(In unison): Aye.

CHAIRMAN FORD: All those opposed? Motion carries.

Line Item 5(b), Contract Between Wayne County Building Authority and Blaze Contracting.

Attorney Collins?

MR. COLLINS: Yes. I am going to defer to -- we have your owner's rep here today, and so Mr. Parlovecchio is going to speak to you about this contract and on your last item, the update on the Jail Presentation.

CHAIRMAN FORD: Beautiful. Mr. Parlovecchio?

MR. PARLOVECCHIO: Tony Parlovecchio. Blaze Contracting, we put it out for bid and we received four bids.

MR. MORAN: Five.

MR. PARLOVECCHIO: Five bides. We called in the low bidders, Blaze and Iafrate. We weren't real happy with Iafrate's responses because they were looking like they were going to nickel and dime the project. And then we got some other feedback from Walbridge that they had done that on a DPS project. So we called Blaze in, and Blaze came in with a voluntary alternate to make them the competitive low bidder.

I am very, very pleased with their performance on the project so far, they're just doing an excellent

job and just kicking butt, you know.

CHAIRMAN FORD: Yes.

MR. PARLOVECCHIO: So we're recommending that we use Blaze Contracting for the relocation of the waterline.

CHAIRMAN FORD: Okay. Everybody's had an opportunity to review the contract?

MR. SAROS: Yes.

CHAIRMAN FORD: It seems pretty straight.

MS. DeHART: I just have a couple of questions.

CHAIRMAN FORD: Sure. Board Member DeHart?

MS. DeHART: Have they put up any bond money? And if so, how much?

MR. PARLOVECCHIO: Well, they'll provide a performance and payment bond for the project.

MS. DeHART: Okay. Is there a dollar amount attached to that?

MR. PARLOVECCHIO: It'll be for the dollar amount in the contract.

CHAIRMAN FORD: 1 million --

MR. PARLOVECCHIO: It's 993.

CHAIRMAN FORD: 993?

MR. PARLOVECCHIO: Yes.

MR. HINDO: 993 or 933?

MR. PARLOVECCHIO: I'm sorry, 933, yes.

MS. DeHART: And the $750 a day for the non-completion, that will go on no matter how many days they go past the October 20th deadline?

MR. PARLOVECCHIO: Yes.

MS. DeHART: Okay. And I want to say that I appreciate Page 21 where it says Buy American, and Page 22 where it addresses the prevailing wage.

MR. PARLOVECCHIO: Yes.

MS. DeHART: Thank you.

CHAIRMAN FORD: That 750 is pretty standard.

Additional questions, comments? If not, a motion is in order.

MR. HINDO: I make a motion to approve Line Item 5(b).

MR. SAROS: I'll support.

CHAIRMAN FORD: It's been properly moved and supported. Is there discussion?

Question being called for, all those in favor signify by the sound of aye.

(In unison): Aye.

CHAIRMAN FORD: All those opposed? Motion carries.

Moving on to Line Item -- Attorney Collins?

MR. COLLINS: Yes, if I could be recognized,

if I may, please. I would like to ask you to make an amendment now to your agenda to include a new item.

CHAIRMAN FORD: Okay.

MR. COLLINS: And we have an update on the budget deal that you approved, I believe, in August.

CHAIRMAN FORD: All right.

MR. COLLINS: And we have Mr. Stafford here, who can inform you of the update and the resolution we'd like for you to pass in regards to that.

CHAIRMAN FORD: I'll make that motion to amend the agenda to include Item 5(d).

CHAIRMAN FORD: All right. It's been properly moved. Is there support?

MR. SAROS: Support.

CHAIRMAN FORD: It's been properly moved and supported. Is there discussion?

Question being called for, all those in favor signify by the sound of aye.

(In unison): Aye.

CHAIRMAN FORD: All those opposed? Motion carries.

Attorney Collins, back at you.

MR. COLLINS: Well, I know your motion was for 5(d). I should have corrected you before. We'd like to make it 5(c). We'd like you to take it up now and do

your jail presentation at the end.

CHAIRMAN FORD: Actually, we've done (c), so we're going to do (d) and then go back to 5(a). We've done (c).

MR. COLLINS: Okay. I thought you had made a motion to make that (a)(b). All right. It works for me. All right.

CHAIRMAN FORD: We're going (c)(b)(d) now, and then we're going to go to (a).

MR. COLLINS: Yes. If you remember -- if I may, please, Steve Collins, Assistant Corporation Counsel. If you remember, in August this Board approved the purchase of two health centers, one in Inkster and one in Hamtramck. Since then we're getting ready to close on the bonds which will occur within the next couple of weeks. There have been a couple of miscellaneous items which occurred, one of them which is the desire to change Section 606 talking about the termination of lease and the responsibility the Authority would have if for any reason the State were to terminate this lease.

I would like Mr. Stafford or Ms. Khoury, if she'd like, to speak to that, and then we'll speak about the resolution and how we'd like the resolution to be.

MS. KHOURY: But can I speak first?

CHAIRMAN FORD: Ms. Khoury.

MS. KHOURY: Thank you. We were on a conference call, a work group conference call yesterday at 11:00 when this issue came up, so I apologize for bringing it to you at this late date. It was a question that came up that I believe THE underwriter's counsel asked.

MR. STAFFORD: Bond counsel to the State of Michigan.

MS. KHOURY: Okay, and Carl will explain it. It's something that I shared with the CFO this morning as well, and so since it's just coming to you now without an opportunity for you to review it, although it's just one paragraph and will be explained, what we wanted to do was to ask that you consider it for approval but that we make it contingent upon approval by the CFO as well or whatever.

MR. COLLINS: We're going to do the resolution at the end after it's been explained.

MS. KHOURY: So that you are aware and the CFO is aware that this is coming to you at a late time and want to be respectful of the fact that you're not getting a lot of time to look at this, so that she would also be signing off on it after.

CHAIRMAN FORD: Okay. Thank you very much.

Attorney Stafford?

MR. STAFFORD: Okay. As you may recall, this bond transaction is secured solely by the revenues received by the State pursuant to the leases for the Hamtramck facility and the Inkster facility. And that was made clear from Day 1.

During a call, conference call yesterday basically to get everything ready for closing. Bond counsel to the State Finance Authority observed that if the State canceled its lease, then obviously there's no revenues to pay the bond holders. And they asked, well, what happens in that event? I said, well, what happens is that the Building Authority has a building free and clear. And what they proposed and said, well, what would be more equitable is for future revenues from the buildings be paid to the bond holders, and really no one could argue against that rationale, but I articulate in a call that the State made it clear they want no exposure on this transaction.

So the compromise here is that we have language before you that in the event that the State terminates its lease, then the obligation of the Building Authority would be to use commercially reasonable efforts to retain a broker to look for a lessor or a purchaser of the facilities. That's it.

This language also states that nothing in this indenture shall be construed as requiring the Building Authority or the trustee to operate the project. So the only exposure is that you would have the obligation to find an experienced broker to try to find a lessor purchaser of the facility. And, you know, as a background, the State will tell you that they've never terminated a lease, but you never know what will happen in the future, so this is some added protection for the bond holders in the unlikely event that the State lease is terminated, and that's it.

CHAIRMAN FORD: Was there a termination of lease -- there was a termination of lease clause in the original?

MR. STAFFORD: Oh, yes, there's definitely --

CHAIRMAN FORD: So what's changed, I guess?

MR. STAFFORD: The only change is that if the State terminated, the bond holders would be left with no revenue to pay the debt service on the bonds. Here now they would have a potential source to get some of their bonds --

CHAIRMAN FORD: Future revenue?

MR. STAFFORD: Right.

CHAIRMAN FORD: Thank you. Questions?

MR. SAROS: Just from memory, what would be an

event that would cause the State to terminate a lease -- do they have the right of termination anywhere in that lease agreement?

MR. STAFFORD: Yes.

MR. SAROS: Without cause?

MR. STAFFORD: If the State fails to appropriate funds for this lease, they're out. Now, there is -- the State is also part of a settlement agreement whereby they're required to provide these services to the public, all right, so -- and, also, pursuant to State law. So these services are considered essential public services, so that it would be remote that they would ever terminate the lease, but you never know what's going to happen in the future. And so the bond counsel to the State Finance Authority could say, well, look, even if that event is unlikely, we would like to have the Building Authority agree to have -- at least attempt to get a lessor for the facilities and have those funds paid to the bond holders.

MR. SAROS: In that interim period in the event that the State did terminate, and let's say it was terminated October 1st of a particular year, and it took six months, eight months, a year, to find a new tenant, during that period of time we would be obligated to continue to pay --

MR. STAFFORD: Oh, absolutely not, oh, no. These bonds are secured solely from revenues, so you don't have to find -- the Building Authority or the County does not have to find another source. I mean the bond holders realize that the source and security are the State revenues. Now would be any future revenues in the event that that State lease is terminated.

MR. SAROS: Okay.

CHAIRMAN FORD: So we have 30 days to finally broker to --

MR. STAFFORD: Right.

MS. KHOURY: And I would like to say, though, you know, we were asking the same question, and one of the important things that the way it's set up, too, is that the State revenues are there, and there is like a three or four month lag from when the debt service is due, so that also gives us a little bit more time, because that was one of the things that they explained to Standard & Poors rating agency when they got the bonds rated so.

So there's some time there, too, that we've got the revenues and if, you know, we find out that the lease is being terminated, we still have the revenues to make the next debt service payment in three or four months, and that was an important component in

structuring the deal, I believe.

MR. STAFFORD: Yes, and also keep in mind that the Building Authority's bonds are being purchased by the State of Michigan Finance Authority, and their bonds are being sold to the public. So it's basically this is something that will, you know, make those bonds a little bit more secure just in case there is a termination by the State.

MR. SAROS: The Department of Human Services is paying -- on the lease that we reviewed is paying a substantial amount of money per month.

MR. STAFFORD: That's correct.

MR. SAROS: I think it's well warranted given the use of the facilities. I also think it might be difficult to -- if they were to terminate a lease, to find another tenant that would pay somewhere close to that amount of money.

MR. STAFFORD: Uh-huh.

MR. SAROS: Because of the, you know, the different -- the variance in uses. If -- let's just say that this happened and a new tenant was found by the broker of our choice, and the rent was substantially less, let's say it was half, okay, how would that be treated as far as --

MR. STAFFORD: The bond holders would just get

half, you know, of -- half the amount that they anticipated.

MR. SAROS: So per that last meeting, your statement still holds true that the exposure that we would have on a repayment of those bonds is still limited to the proceeds from the lease?

MR. STAFFORD: Absolutely, there's no question about that, that's crystal clear. The only additional obligation is that you would have to locate a broker and ask them to, you know, take commercially reasonable steps to lease a facility.

MR. SAROS: Well, then from a real estate broker's point of view, I would say that that is a very easy scenario, because if all we have to do is locate a broker, they'd be fighting over who would get the chance to do that, and as long as it doesn't increase the exposure, I think I'm very comfortable with that. Thank you.

CHAIRMAN FORD: Thank you very much. Any additional questions?

MS. DeHART: Just a comment, if I may. This, in essence, is like an insurance policy to protect us against politics that may be played by Lansing in the future.

MR. SAROS: Uh-huh.

MS. DeHART: That's the bottom line.

CHAIRMAN FORD: Additional insurance, absolutely. Okay. If there are no further questions, a motion is in order to amend Section 606.

MS. DeHART: I'll make the motion.

MR. COLLINS: I'm sorry, prior to the motion, could I please ask you to make the resolution contingent upon the CFO's approval?

CHAIRMAN FORD: Absolutely.

MR. COLLINS: Thank you.

MS. DeHART: I'll make a motion to amend Section 606 of the Boji contract, and to make that motion contingent upon the CFO's approval of the amendment.

MR. SAROS: I support that.

CHAIRMAN FORD: It's been properly moved and supported. Is there discussion?

Question being called for, all those in favor signify by the sound of aye.

(In unison): Aye.

CHAIRMAN FORD: All those opposed? Motion carries. Thank you very much.

MR. SAROS: Let the record reflect that I abstained on voting in that matter.

CHAIRMAN FORD: Thank you very much. Thank

you, Attorney Stafford.

Moving on to Line Item 5(a) now, and we have an update of the jail and the status of the jail by owner's rep, Tony Parlovecchio, and Mr. Ron Moran.

MR. PARLOVECCHIO: Chairperson, Tony Parlovecchio. Let me just start from the beginning. We did an extensive exploratory work, and while that extensive exploratory work was going on, I had asked for -- there were different tasks that you would do in a remediation, so we asked for -- I went out for bids for unit prices on every task or discipline that we might encounter while doing that. By doing it, we're able to fast track the project, we didn't wait for it to be completed.

So after that was done we were able to award a contract that you approved to Blaze, and at this point right now -- oh, at the same time we were doing that I had every -- we had every area surveyed, we had surveyors out there for all the hidden concrete basements we hit, so we knew pretty much what we were going to encounter. You know, you never know what you might hit, because you might dig a hole here and two feet further you hit something else, but, anyway, at this point right now we're under budget and ahead of schedule because we fast tracked that process. We are

in -- we've hired the CM and we're meeting with them constantly. After this meeting we've got an all-afternoon meeting with them to go over the different disciplines and how we're going to handle them.

The next thing I want to do is I want to get the caissons going, and we're in a preconstruction contract before we get in the construction contract, so I want to -- we're going to do the same thing with the caissons. The engineers, Ghafari, have designed different sorts of caissons and depths and diameters, and we're going to go out for unit prices on that, while we're designing we'll have the numbers, and as soon as we hit it, we can put it out -- well, as soon as we're done with the design, we'll be able to hit the ground running on that and keep us ahead of schedule. And the next contract I'll be coming to you with is the caisson contract.

CHAIRMAN FORD: So at the southwest corner you found significant basement?

MR. PARLOVECCHIO: Yes.

CHAIRMAN FORD: Is it the southwest corner?

MR. MORAN: It's basically the whole south half.

MR. PARLOVECCHIO: So we had to go deeper there, but we knew that was there.

CHAIRMAN FORD: Based on the survey --

MS. DeHART: That's where they were working at this morning?

MR. PARLOVECCHIO: Yes.

CHAIRMAN FORD: So what is the timeline between now and when we're ready to go with the caissons?

MR. PARLOVECCHIO: I'm hoping in the next 30 days, no later than November 1st.

CHAIRMAN FORD: And the drawings are in process right now?

MR. PARLOVECCHIO: They're almost complete, right?

MR. MORAN: Yes.

CHAIRMAN FORD: Okay.

MR. MORAN: Just a couple other things I'd like to add to what Tony's already said. As you know, there's a water line and a gas line that run through the middle of the site, and those -- the relocation of both of those are a critical path item because we can't really do anything else on the site until those two things get relocated. The DTE Gas Division has indicated that they are going to start relocating the gas line next week, and they expect that to be about a three-week time frame. And you approved the water line

contract today at your meeting. And the contractor has committed that he will start on the 26th, which is Monday, and he is supposed to be completed by October 20th. So every indication is that both the water line and the gas line will be relocated by November 1st, which is what the time frame we're talking about for the caissons. So everything right now is falling in line, and as long as we don't run into any unanticipated issues on the site, we think we're ready to go for November 1st.

MR. PARLOVECCHIO: You know, one other thing is the engineers we hired, Tucker Young, have done an excellent job for us, helped us -- with Ghafari's help, helped us value engineer the project and brought the water line in under budget with some creative ideas. So I'm very pleased with that. And I think the whole remediation and water line relocation, we should be under budget and ahead of schedule on. So if we can keep the job -- you know, when we keep the job running that way, we'll be in good shape.

CHAIRMAN FORD: Ron, could you update us on the hearings that are scheduled for the amendment to the master plan for the City of Detroit zoning and all that stuff.

MR. MORAN: Sure. Our schedule is that we

have to submit our plans to the City of Detroit Planning Commission by September 23rd, we are scheduled to have the public hearing before the Planning Commission on October 6th, that's at 4:45 that evening, and as long as there's no objection, we should get approval that night, and then we actually have to get final approval from the Detroit City Council, and that meeting right now is scheduled for November 22nd, which is just before Thanksgiving. So that should be the final approval that we need for site plan approval, the master plan amendment, and the --

CHAIRMAN FORD: Zone?

MR. MORAN: -- there's a change to the --

CHAIRMAN FORD: Use?

MR. MORAN: -- plan development is what they call it, so we need three approvals all at the same time. Going down a parallel track at the same time is we are trying to get the service drive along the freeway, which is the street that borders the site on the west side, and Clinton, which is the street that borders it on the south, we're trying to get both of those vacated so they become part of the project and they're no longer streets available to use by the public.

CHAIRMAN FORD: And we know that the petition

went in for that, and I believe it's under investigation now.

MR. MORAN: Correct.

CHAIRMAN FORD: So basically they're just waiting for the different departments to sign off, if you will, before they draw up the resolution to city counsel to vacate the service drive in Macomb.

MS. DeHART: Macomb or Clinton?

CHAIRMAN FORD: Macomb.

MR. PARLOVECCHIO: I'd really like to thank Chairperson Nate Ford for all his help in helping us get through the permit process. We'd never be where we are right now if it wasn't for him. Thank you.

CHAIRMAN FORD: You're welcome, just getting started. So good. And, again, you know, we can pull the footings and foundation permit while we are going through the process, if you will, with the hearings and all that good stuff.

MR. PARLOVECCHIO: Truly a fast track job that way, yes.

MR. SAROS: Ron, can I ask if you're successful in vacating those two streets, will that property be part of the parcel or will it be an easement type situation; do you know?

MR. MORAN: I'm not sure how the City is going

to approach it. I think we'd be okay with either way, because there is a lot of utilities both under Clinton Street and under the service drive, so I'm not sure that we want to take ownership and then have to give easements back to all of those people. So if we can control it, that's really all we -- that's the end result.

MR. SAROS: Would that be for additional parking?

MR. MORAN: Correct.

MR. SAROS: Yeah, that would be a great idea.

MR. PARLOVECCHIO: And during construction we can use it for staging, and it gives us extra space, which will be very helpful.

MR. MORAN: Right now the way the site plan is set up, without the vacation of that, the only way to get into the truck wells is to actually back up on that street. So if it was still open to the public and a truck had to pull down that service drive and then back up to get into the truck well, you've got, you know, a situation that it becomes not ideal, and so it would be best not to have the public traveling down the street.

CHAIRMAN FORD: I just stand corrected, that is Clinton Street. Thank you very much, Board Member DeHart; Clinton/Macomb --

MS. DeHART: All counties, yes.

CHAIRMAN FORD: That is Clinton Street, so let the record reflect I stand corrected on that.

Anything else, Tony?

MR. PARLOVECCHIO: No. I think that pretty much updates you. Do you have any questions?

MR. SAROS: Just one other question, just so I'm clear on it. That vacating, then are you looking for a temporary vacating or a permanent vacating of Clinton Street?

MR. MORAN: Permanent.

MR. SAROS: Okay. Thank you.

MS. DeHART: If I may, what's going to happen with the service drive when that current service drive is vacated? I mean where are the people going to go?

MR. MORAN: We are in the process of having -- our traffic study is almost complete, and we will have all of those numbers, and that is one of the requirements that the City has asked us to do is to complete a traffic study, so we'll have those counts. I've been on that site almost every day for the last three months, and I can tell you there is not that much traffic that goes down that service drive.

MS. DeHART: We just took it. That's why I asked.

MR. MORAN: Well, you were told to go there, where if you could have gotten in off of St. Antoine, you probably would have went --

MS. DeHART: Actually when we left, we circled around and went down the service drive back to Lafayette.

CHAIRMAN FORD: And just talk a little bit about why, you know, the whole -- the safety, security, you know, obviously we just want to be able to patrol the perimeter of the jail as much as possible.

MR. MORAN: Well, and one of the other reasons why we decided to do this is the casino had approached the City about closing off the service drive from Clinton to Macomb, which is the next street to the south. So they were going to -- they wanted to close it off, anyhow, so we felt, well, if they were going to close it at that point, why not just close it all the way to Gratiot. So it made a lot of sense to sort of team up with the casino in going for that closing. And as the Chairman said, the more we can stop the public from going around our facility, the more secure it becomes. It's just one less thing we have to worry about as it relates to a security issue. So if we know that the only people going down that street are the people that visit our facility or are doing some work at

the facility, the more secure we think the property will be.

MR. SAROS: Plus, I mean one of my concerns originally on the site itself was parking, and it was made to work, but to have that additional space on a permanent basis, I think, is great, as far as the facility is concerned.

Now, your question, Commissioner, is absolutely correct, I mean how does it affect the general public? And I'm sure your traffic study will give you that, but as far as the facility, I think it's a huge advantage, not just for the safety but for some additional land for parking.

MR. MORAN: Yeah.

CHAIRMAN FORD: Okay. Any additional questions?

Again, thank you, Ron. Thank you, Tony. Keep up the good work.

All right. Moving on.

MS. DeHART: We need a motion to accept the update as presented. So moved.

CHAIRMAN FORD: Board Member DeHart.

It's been properly moved. Is there support?

MR. SAROS: I'll support.

CHAIRMAN FORD: It's been properly moved and

supported.

Question being called for, all those in favor signify by the sound of aye.

(In Unison): Aye.

CHAIRMAN FORD: All those opposed? Motion carries.

Moving on to Public Comment. Public Comment? Under Public Comment, Attorney Collins and Ms. Khoury?

MR. COLLINS: I wanted to introduce you to Audricka Grandison. Ms. Grandison is going to be your point person along with Ms. Khoury and Ms. Mulkey, who I believe you all know on the Building Authority, they are your team going forward. So we welcome them. They will be putting your packets together, scheduling your rooms, getting your contracts out to the proper vendors. So if you have questions, the three of them, of course, as Ms. Khoury's always been, as your point people. So I just wanted to acknowledge that they were here today and that you welcome them.

MS. DeHART: Thank you.

CHAIRMAN FORD: Thank you. We look forward to working with you. Thank you. All right.

MS. KHOURY: That's what I was going to -- but I did also want to say Sandra Wilson, who was on loan to us from Edge, unfortunately they couldn't make that a

permanent situation, so she has gone back to them, but she did great work, and we just wanted to acknowledge the help that she provided.

CHAIRMAN FORD: But I'm sure that great work will continue, absolutely. All right.

Anything under Public Comment? Public Comment? Anything under Public Comment? If not, a motion to adjourn is in order.

MS. DeHART: So moved.

CHAIRMAN FORD: It's been properly moved.

MR. HINDO: Support.

CHAIRMAN FORD: And supported. Is there discussion?

Question being called for, all those in favor signify by the sound of aye.

(In Unison) Aye.

CHAIRMAN FORD: All those opposed? Motion carries.

This meeting stands adjourned. Thank you very much, everybody.

(The proceedings were concluded at 11:36 a.m.)

CERTIFICATE OF NOTARY

STATE OF MICHIGAN)
) SS
COUNTY OF OAKLAND)

I, Laurel A. Frogner, Certified Shorthand Reporter, a Notary Public in and for the above county and state, do hereby certify that the above proceedings were taken before me at the time and place hereinbefore set forth; that the foregoing was duly recorded by me stenographically and reduced to computer transcription; that this is a true, full and correct transcript of my stenographic notes so taken; and that I am not related to, nor of counsel to either party nor interested in the event of this cause.

Laurel Frogner

Laurel A. Frogner, CSR-2495, RMR, CRR
Notary Public,
Oakland County, Michigan
My Commission expires: 4-22-2015

A

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WAYNE COUNTY

BUILDING AUTHORITY

REGULAR MEETING

_____/

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Taken at 500 Griswold,

Detroit, Michigan,

Commencing at 10:05 a.m.,

Thursday, October 13, 2011,

Before Laurel A. Frogner, RMR, CRR, CSR-2495

APPEARANCES:

Nathan Ford, Chairman

Eileen DeHart, Member

John Hindo, Member

Steven Collins, Wayne County Corporation Counsel

Valerie Khoury, Office of Management & Budget

Audricka Grandison

Carlie Mulkey

Hester Wheeler

Patrick Dostine

Carla Sledge

ALSO PRESENT:

Phil Pierce

Chandrika Karur

Yogesh Gusani

Ron Moran

Tony Parlovecchio

Sandy Sorini

* * * * * * *

Detroit, Michigan

Thursday, October 13, 2011

About 10:05 a.m.

CHAIRMAN FORD: Good morning, and welcome to the Regular Meeting of the Wayne County Building Authority. If we could at this time have a roll call, Ms. Grandison.

MS. GRANDISON: Eileen DeHart?

MS. DeHART: Present.

MS. GRANDISON: Nathan Ford?

CHAIRMAN FORD: Present.

MS. GRANDISON: John Hindo?

MR. HINDO: Present.

MS. GRANDISON: James Saros?

He's not here.

CHAIRMAN FORD: He's excused.

MS. GRANDISON: We have a quorum.

CHAIRMAN FORD: We do have a quorum present. Thank you very much.

Moving on to Line Item 2, Approval of the September 15, 2011 Minutes.

MS. DeHART: So moved.

MR. HINDO: Support.

CHAIRMAN FORD: It's been properly moved and supported. Is there discussion?

Question being called for, all those in favor signify by the sound of aye.

(In Unison): Aye.

CHAIRMAN FORD: All those opposed? Motion carries.

Line Item 3, Approval of the Agenda.

MS. DeHART: Mr. Chairman, I'd like to make that motion. However, I would like to switch Items 4, 5, and make Item 5(e)(4) become 5(e)(5), Item 5(e)(5) become 5(e)(4).

CHAIRMAN FORD: Any objections? Questions? Is there support?

MR. HINDO: Support.

CHAIRMAN FORD: It's been properly moved and supported. Is there discussion?

Question being called for, all those in favor signify by the sound of aye.

(In Unison): Aye.

CHAIRMAN FORD: All those opposed? Motion carries.

Under Old Business? Old Business? Any old Business? No old business.

Moving on to New Business, Line Item 5(a), the Presentation of the Plaques.

MR. WHEELER: Yes, sir.

CHAIRMAN FORD: Mr. Hester Wheeler; my good friend.

MR. WHEELER: Thank you. Yes, sir, and I'm glad we're friends, because I really come before you this morning to throw ourselves on your mercy. We're here really to extend our most humble apology. What happens, every time you start introducing people, you run the risk of overlooking somebody. And so on behalf of Robert Ficano, who wanted to be here, but he's being pulled in several different ways, if you might imagine, so he asked if I would come down. So I'm here with my colleagues, Patrick Dostine from our communications team, and I think you all know the very capable Carla Sledge, our chief financial officer. So Eileen DeHart and I, we've got some history. Thank God for that.

MS. DeHART: Good history.

MR. WHEELER: Very good history. We've worked in the legislature together, and Nate is not only my friend, but he's my neighbor, he makes a lot of things happen our my neighborhood association, so we appreciate that. John Hindo, I got to get to know you better.

So I'm here really to say I'm sorry, we overlooked you guys. We will create another magic moment where you are properly introduced. So thank you so very much for all of your assistance leading up to

that groundbreaking and all of the work that we had to do going forward. Please accept our most humble apology, and on behalf of Robert Ficano and our entire Wayne County team, we'd like to present you guys with these plaques just as a small token of our appreciation of the work you've done so far, and we're going to bring our -- we're going to create another moment with our photographer, this won't be complete unless we memorialize this occasion in photos. And this one is for Jim Saros, who's not here.

CHAIRMAN FORD: Leave that one with me. I'll make sure Mr. Saros gets that.

MR. WHEELER: We also wanted to just share our deepest appreciation with Ms. Valerie Khoury for all of the work that she does. We have a certificate for her and Mr. Steven Collins.

(Applause.)

MR. WHEELER: Thank you very much. Okay. And will you give this one to Steven Collins for us.

MS. KHOURY: I will. Thank you.

MR. WHEELER: Carla, anything?

MS. SLEDGE: No, I think you did a great job. Thank you so much, and as Hester has indicated, we will have to have the photographers in here, the whole nine yards, so we get the full sensationalism of our

appreciation and everything else for taking on this great, great project, which is indeed a great project, and it's just not for this project but for all the work that you do. So thank you very much. And I will tell you this, we had names actually to go on those plaques. And when they came back to us, we didn't quite like the way they looked, and so we're sending those back, and hopefully we'll have some nicer plates with your names on that we can actually put on the plaques, but we certainly didn't want this to go on so long without the recognition of this body. So thank you again.

CHAIRMAN FORD: Thank you. Thank you very much. And I think on behalf of the Wayne County Building Authority, we'd like to thank you and pass our thanks on to Executive Ficano for sure, but I think we understand the importance of this project, and I think all hands on deck here, and we're working and we'll continue to work diligently to make sure that this becomes a reality. So thank you. Thank you very much.

All right. Moving on, Line Item 5(b). Resolution # 11-040 for approval of Calendar schedule for year 2012.

MR. HINDO: I'll make a motion to approve Line Item 5(b).

MS. DeHART: Support.

CHAIRMAN FORD: It's been properly moved and supported. Is there discussion?

Question being called for, all those in favor signify by the sound of aye.

(In Unison): Aye.

CHAIRMAN FORD: All those opposed? Motion carries.

Moving on to Line Item 5(c), Pierce, Monroe & Associates, LLC Introductions. Ms. Khoury?

MS. KHOURY: Valerie Khoury, Management & Budget. As you know, a meeting or two ago you approved the contract with Pierce Monroe to provide the accounting services for the Jail Project. They weren't able to be here that day, so we still wanted to make the introduction, so I'll introduce Phillip Pierce and let him do the rest of the introduction.

I'm Phil Pierce, managing member of Pierce, Monroe & Associates. My colleagues to my left are Yogesh Gusani and Chandrika Karur. We've been on the ground working full speed ahead since the approval of our contract. I might add that I think things are going very, very well. We are in the process of finalizing an invoice processing process that involves the roles of all the players, construction manager, owner's representative, program manager, ourselves, and even

this Board, and the CFO as well. So we've syndicated a draft of that process among the staff of the County including Valerie, and we're soliciting feedback to tweak that accordingly. But we are off and running, and we should be processing some invoices fairly soon.

MS. KHOURY: And I'd just like the Board to know that Audricka Grandison was great in getting them set up. They actually have a place on the 21st Floor with us, a temporary location, and so we're really moving right along.

MR. PIERCE: Yeah, we're hopeful that in a few months THAT the quality of our service will be such that you might consider us for a plaque as well.

CHAIRMAN FORD: And we hope so. On this and on behalf of the Wayne County Building Authority, Phil, on behalf of Pierce Monroe, just like to congratulate you on being awarded this contract. We look forward to working with you. I think we're going to be spending a lot of time together, but congratulations.

MR. PIERCE: We'll look forward to working with you.

CHAIRMAN FORD: All right.

Any questions? Comments? All right.

Moving on, Line Item 5(d), Status of Jail Project Update.

Mr. Parlovecchio, Mr. Moran, Mr. Collins, and anybody else? Mr. Moran?

MR. PARLOVECCHIO: The project is moving along very well, and I would say it's ahead of schedule actually because of the remediation is now done totally 100 percent, so we're 95 percent sure that we've taken all the obstructions out and backfilled it with clean engineered material, and the site's ready to go, looks like a parking lot again.

CHAIRMAN FORD: Yeah. It was a parking lot on Monday night, I drove by. I'm always driving by. I tell you, it was packed.

MR. PARLOVECCHIO: I'm also happy to say we're collecting some pretty nice revenues from it.

CHAIRMAN FORD: Yeah, beautiful.

MR. PARLOVECCHIO: The second thing that's going on is the waterline, and we're anticipating starting that the week of the 31st. There's an easement issue, and I'm going to let Ron explain that easement issue.

MR. MORAN: Sure. Let me get on that side; be easier. The waterline currently that sits on the site basically cuts it right in half, and in order for us to relocate that, it has to go down St. Antoine, down Clinton, and then back up the Service Drive, and because

there are so many utilities along St. Antoine, it was suggested for schedule wise and for budget wise that instead of us trying to cram in a 30-inch waterline with all these other utilities under St. Antoine, that we put the waterline actually on our property and an easement along this front area, which is just going to be landscaped, anyhow, so it's not a big deal as it relates to granting an easement.

However, the process to draft an easement and get it approved by the Detroit Water and Sewer Department is a lengthy process. And so the process that they use typically is they allow you to put the waterline in the easement and then let you catch up with all the paper work, because that takes about six to eight months, and we can't wait that long. So we are in the process of trying to get that approval from Detroit Water and Sewer so we can install the waterline and then catch up with all the paper work as the process moves forward. So right now the only thing that is holding us up is the official approval to let us put the waterline in that easement, and then we can get started and move it or relocate it out of the major part of the property so we can get on with the rest of the construction.

MS. DeHART: May I ask a question?

CHAIRMAN FORD: Absolutely.

MS. DeHART: I'm assuming this is going south. When it comes south is that going to be an issue with the other utilities?

MR. MORAN: No. We've worked it out that we can fit it in along Clinton Street and along the Service Drive. There's other utilities there, but there is enough room for us to get the waterline in, where at St. Antoine it would become so expensive and so time-consuming that it was agreed by the designers and DWSD that it was okay to put it in an easement.

MR. PARLOVECCHIO: One thing we did is we did a lot of investigation, and we did four test bits --

MR. MORAN: Yes.

MR. PARLOVECCHIO: -- Four test bits to locate the existing utilities so we could design around them so we wouldn't hold up the job, so it's worked out very well.

CHAIRMAN FORD: Question: Originally we were going to go down 5 feet for the remediation.

MR. MORAN: Yes.

CHAIRMAN FORD: Are we still on 5?

MR. PARLOVECCHIO: Some areas we had to go as much as 20 feet because we hit some basements and different things, but we're pretty sure we've gone down to virgin ground just about 95 percent of the site. You

can always --

CHAIRMAN FORD: Absolutely, and testing occurred as we --

MR. PARLOVECCHIO: Oh, yes, and testing, also, on the engineered fill.

CHAIRMAN FORD: Coming up. Yeah. The utility relocations, MichCon, DTE, that's all going on?

MR. MORAN: They're actually out on site.

CHAIRMAN FORD: Beautiful, okay, so that's moving, okay.

MR. PARLOVECCHIO: Yes. So the next thing is the gas line relocation, and that's going as we speak right now, too, so we're moving along very well on it.

The next thing we're doing is the caissons, and we're truly fast-tracking this project rather than wait for one thing to be done and start another, so Ghafari and AECOM are working diligently to get the drawings done for -- sorry, apologize -- so they're working diligently. So we've got numbers on the caissons and we're doing shop drawings right now, and there's 256 caissons, and they go down approximately 120 foot in depth, and what that'll do is carry the foundations so we're going to be starting that the week of December 5th.

CHAIRMAN FORD: The foundation.

MR. PARLOVECCHIO: The caissons, yes.

CHAIRMAN FORD: December 5th?

MR. PARLOVECCHIO: Yes. So we're submitting plans Tuesday. And I can't say enough how Nate's been helping us fast-track the permit process, it's been really appreciated.

MS. DeHART: There's no issue with frost or freezing doing that in December?

MR. PARLOVECCHIO: No.

CHAIRMAN FORD: What about -- and foundation comes right after, right?

MR. PARLOVECCHIO: Yes.

CHAIRMAN FORD: Okay. So the caissons first, foundations -- won't have any problems, any issues during the winter?

MR. PARLOVECCHIO: No. We'll probably have to do some winter protection and stuff like that, but it's minimal because the foundations, we'll put -- add it in with the concrete -- should help it cure properly, which will all be approved. So we're looking at starting the foundations on 2-10.

CHAIRMAN FORD: Okay, February?

MR. PARLOVECCHIO: Yes, and completing by February 19th, and then the precast, which is a big part of this project, huge part, is probably about 10,

$12 million of the project, it's the walls and everything that supports each floor, and we're going to be awarding those in early December. So the job is really flowing well and moving along, quite pleased with it.

CHAIRMAN FORD: So at this time right now we're starting to get the packages for the caissons, for the foundations.

MR. PARLOVECCHIO: Caissons is done.

CHAIRMAN FORD: Don, okay. The foundations is next.

MR. PARLOVECCHIO: Yes.

CHAIRMAN FORD: And then the precast.

MR. PARLOVECCHIO: That's correct.

CHAIRMAN FORD: And we figure February, no later than the end of February.

MR. PARLOVECCHIO: Yes. So quite pleased with the team, the team is working real well together, and it's moving along. We meet regularly, almost every day. Any questions?

CHAIRMAN FORD: John?

MR. HINDO: No.

CHAIRMAN FORD: Okay. Thank you.

MR. MORAN: We just have a few elevations that we wanted to share with you. We presented to the City

of Detroit Planning Commission last Thursday. It was the public hearing. There are two things that need to happen in order for the City to approve the project. They need to amend the master plan, and they need to modify what they call a planned development district, so both of those needed to have a public hearing, which that was held last Thursday. Next Thursday they actually vote on it, so they don't vote on it the same day as the public hearing.

So we presented some of these elevations before the Planning Commission, and this just gives you a good idea of how the building looks. This is -- if you were standing here on Gratiot driving southbound, this is how the building looks, and this is the Sheriff's Admin Building here, and then this is the jail with the housing, and these areas that are designated in the darker areas, that's the actual recreation area for each of the groupings of the cells in the jail. And then I just have a couple other shots from different angles to share with you.

CHAIRMAN FORD: While you're doing that, Ron, tell us about the community involvement that occurred leading up to the public hearing.

MR. MORAN: Prior to us presenting to the Planning Commission, one of their requirements is that

you have to meet with a group that's called the Citizens District Council, and that's made up basically of residents that live within a certain proximity to the site, and we needed to meet with them on two different occasions to give them a chance to air their concerns, and we listened to what they had to say. For the most part, they liked the project and they just had some questions about parking, that was really about the only issue that they brought up to us. So that went very well, and there was no objection. That was passed on to the Planning Commission at the public hearing.

This is a view of the site from St. Antoine and Clinton Street. So if you were driving, this would be sort of south, or be northeast, you'd be driving down this direction, Frank Murphy would be sitting right here, so it gives you an idea. This is the entry way to the jail. And then the last elevation we have is actually from -- this is from the freeway side, so if you were driving down the freeway here and Gratiot would be here, this is what you would see. And this is the back of the jail. These are all the delivery areas, these are all the truck docks, and then this is the area where all the prisoners are brought in by the police as they enter into the jail. So it just gives you an idea. You can see that from Gratiot and there's a screen wall

here so you're hiding the truck docks, and there will be some landscaping along Gratiot. That was the biggest issue that we had to deal with the Planning Commission is they consider Gratiot to be a main entrance into their downtown area, so it was very important to them as how this building looked along the Gratiot elevation. And so we've got parking there for the Sheriff, but we're actually going to have a screen wall that's going to have landscaping basically like vines that are going to grow up on that wall, so instead of looking at a wall, you're actually looking at landscaping, and the Planning Commission was very much in favor of that.

MS. DeHART: Where will parking for citizens be?

MR. MORAN: It's just going to be like every other downtown building, you just find a lot, and that's what is established in Downtown District so that -- the Planning Commission was okay with that. I mean that's just how parking happens in downtown areas.

CHAIRMAN FORD: There's plenty of surface parking.

MS. DeHART: The lots --

CHAIRMAN FORD: And the lots around from Lafayette and the jail so --

MR. MORAN: As part of our submittal to the

Planning Commission, we did a map that showed all the parking areas within I think it was about a mile radius of this, so it shows all the surface lots or all the parking garages that are located around there, and they seem to be fine with that.

CHAIRMAN FORD: Ron, would you talk a little bit about some of the green elements that we've integrated into the project, and then talk about the road closures and that process.

MR. MORAN: Sure. One of the big issues when we met the first time with the Planning Commission is they wanted to know what we were doing about making this a green facility, and they had given us some suggestions which we incorporated into our plan, and part of what we incorporated is in these landscape areas there's actually, they're called rain gardens, and what happens is your storm water actually gets filtered through these areas before it actually gets into the sewer system, and in Detroit both their storm sewer and their sanitary sewer are in a combined system, so anything that gets in -- any storm water actually gets filtrated through the sanitary system.

So what they like to do is they like to see any kind of storm water get filtered somehow before it actually gets collected into their system. And one way

you do it is by having it filter through landscaping, so there is what they call rain gardens in some of these landscaped areas.

And then they also asked us in the parking lot for the Sheriff's Department, they asked us to make the pavement pervious, which is basically another way of filtering water before it gets into the system. And then they've asked us to do some other landscape issues as it relates to, you know, certain kind of plants and things like that. So we've tried to accommodate everything they've asked us to do as it relates to, you know, green and help them out as it relates to storm water.

And then, as the Chairman mentioned, and I'll switch back to this site plan, again, this is -- Gratiot is here, the Service Drive is here, Clinton is here, and St. Antoine. The Wayne County Juvenile Facility sits here on Clinton Street, and we have submitted an application to the City of Detroit to close the Service Drive and close half of Clinton, and it's mainly for safety and security reasons, it's best not to have traffic going all the way around this facility if at any point we can make that happen where traffic can't go all the way around the facility. And there is very -- I shouldn't say very little, but there is -- this would

have a less impact if we closed this street.

And then Clinton, because our property or the County's property is now going to be on both sides of Clinton, that street really only services those two facilities, and the Planning Commission did not seem to have a problem with that direction that we asked to go in as it relates to closing those two.

And just this week Walbridge, who is our CMAR on the project, their logistics plan also shows that they would like to close those two streets as it relates to their construction traffic and how they bring materials in and things like that. So we hope that it gets permanently closed, but we are also in the process of meeting with the Traffic Engineering Department for the City to at least close it during construction. So it will help out the traffic as it relates to logistics for the construction.

CHAIRMAN FORD: Okay. Any questions? No? Thank you very much, Ron.

Thank you, Tony. Oh, real quick, Tony, as it relates to the site prep work right now that's going on, how are we looking in terms of our budget and numbers? Are we --

MR. PARLOVECCHIO: We're in good shape overall budget, so we're tweaking those out right now, we're

getting the final bills in, but everything was done by unit price and bid and --

CHAIRMAN FORD: No red flags, no -- got you. Thank you.

All right. Moving on to Line Item 5(e), Action Items -- excuse me (e)(1), would that be (e)(1), Resolution # 11-037 for approval of contract - Soil and Materials Engineers, it's a $26,000 invoice for approval. Have you had a chance to review that?

MS. DeHART: I'll make that motion.

CHAIRMAN FORD: Okay.

MR. HINDO: I'll support.

CHAIRMAN FORD: Ms. DeHart has made a motion to approve payment for Soil and Materials Engineers for 26,000. It's been properly moved and supported. Is there discussion?

Question being called for, all those in favor signify by the sound of aye.

(In Unison): Aye.

CHAIRMAN FORD: All those opposed? Motion carries.

Resolution -- or Line Item (e)(2), Resolution # 11-038 for approval of Payment - Jiffy Signs, in the amount of $15,520. A motion is in order.

MR. HINDO: I'll make the to approve.

MS. DeHART: Support.

CHAIRMAN FORD: It's been properly moved and supported. Is there any discussion?

Question being called for, all those in favor signify by the sound of aye.

(In Unison): Aye.

CHAIRMAN FORD: All those opposed? Motion carries.

All right. Line Item (e)(3), Resolution # 11-039 for approval of the contract for Giffels-Webster in the amount of $6,200 for the Jail.

MR. HINDO: I'll make a motion to approve.

CHAIRMAN FORD: It's been properly moved. Is there support?

MS. DeHART: Support.

CHAIRMAN FORD: It's been properly moved and supported. Is there discussion?

Question being called for, all those in favor signify by the sound of aye.

(In Unison): Aye.

CHAIRMAN FORD: All those opposed? Motion carries.

Now, moving on to, what did we -- we changed this to line Item (4)(e), and this is the Resolution for Approval of the Procurement Policy.

MS. DeHART: Actually, made that one 5.

CHAIRMAN FORD: 5?

MS. DeHART: And go to the Trust Indenture.

CHAIRMAN FORD: So let's go to the Trust Indenture, and that would be the Resolution for approval of the revised Trust Indenture for State of Michigan DHS Buildings transactions.

Board Member DeHart.

MS. DeHART: Mr. Chairman, I don't feel comfortable on voting on this unless we have a full contingency of our Board. I'd like to make a motion to table Item 5(e)(4).

CHAIRMAN FORD: 5(e)(4).

MS. DeHART: And I'd like it tabled, and that way if it's postponed, you have to take it up at the next meeting. If it's tabled, we will just make a simple motion to take it off the table when we have the full contingency.

CHAIRMAN FORD: All right. It's been properly moved. I have no issue with that.

MR. HINDO: I will support that. Other than that, I abstain from any vote on this matter.

CHAIRMAN FORD: So noted.

Under Question -- under Discussion, Attorney Collins?

MR. COLLINS: Yes, thank you. I was going to ask if we could have Ms. Sorini, who is here from the law firm of Bodman Longley, explain the Trust Indenture and what will occur by tabling it so that you have full information when making decisions.

MS. SORINI: Thank you very much. Sandy Sorini for Bodman. I'm here in place of Carl Stafford who is at a conference. I can go through the changes in Carl's letter in detail. If this matter is tabled, then that will definitely put off the closing on the project, which is now scheduled for the last week in October. And we have gotten State approval of an amendment to the lease, as you probably all know, in order to make the process work, then the Building Authority would be the owner of the property and the County would be the lessor. So if we have to table -- if you table, and that will mean that we'll have to go another month with the State, go back to the state and get the lease start date put to December instead of November, so that will be a significant issue.

MS. DeHART: If I may, Mr. Chair, we can have a special meeting, you don't have to wait a full month.

CHAIRMAN FORD: If your close -- I do agree with you again under discussion -- your close date is the end of October?

MS. SORINI: The pricing is going to be --

CHAIRMAN FORD: Contingent upon what date?

MS. SORINI: The 19th or 20th.

CHAIRMAN FORD: Of October?

MS. SORINI: Of October.

CHAIRMAN FORD: So that's next week.

MS. SORINI: Yes. So we really -- you know, really, this is probably the only date we have. If we don't -- let me just put it this way. If you don't take this matter up now and we get an approval, if you are planning on approving it, then we'll have to push everything back and it'll go into November, so that'll mean involving the State.

CHAIRMAN FORD: Okay, so if that happens, what are the ramifications if that happens?

MS. SORINI: The ramifications are we're probably not going to have a problem with the State, it'll probably change -- it'll definitely increase costs, because then we'll have to go back and redo all the numbers, redo all the documents that have been done. That, of course, is do-able, it's just going to be more expensive.

CHAIRMAN FORD: When you say increased costs, what are we talking about, ballpark, what are we talking about in terms of the increase in costs, because I need

to be able to weigh that with, you know, the comfort level that our Board has and making sure that we are fully comfortable having dealt with and, you know, answered all questions, and I think because of the nature of this deal or deals, you know, to have two board members, and understanding the abstention from one of the board members, to have two board members is good, to have three eyes on I think is even better. So I guess I want to weigh what the cost is versus --

MS. SORINI: Yes, right, and believe me, I'm all for, you know, a full -- everybody --

CHAIRMAN FORD: Absolutely.

MS. SORINI: Having a chance to speak on this matter. These are fairly minor changes. They are -- Carl debated whether it was even important to bring them before you, but he thought with the cumulative, you know, the changes in his letter, that probably it was a good idea just to let the Building Authority know. He actually thought you would have no problem with this. And as far as the costs go, I can't tell you how much that would be. I just know that we have all of the, you know, four sets of law firms involved, and so it'll just be a matter of, I don't know, 100,000, 50,000, I don't know how much.

MS. DeHART: Mr. Chairman.

CHAIRMAN FORD: Board Member DeHart.

MS. DeHART: Quite honestly, if Commissioner Hindo has to abstain, you and I don't represent a quorum, so we couldn't pass this, anyway.

CHAIRMAN FORD: Attorney Collins?

And, for the record, we're under Discussion.

MR. COLLINS: Steven Collins, Assistant Corporation Counsel. Under our bylaws it indicates a quorum will be a majority. The majority is three so and you have a quorum when you have three, and you only need a majority vote, which would be two in this situation. I don't think that changes your concern, I just want to make sure that --

THE COURT REPORTER: I'm sorry, I'm having a hard time hearing you.

MR. COLLINS: -- otherwise, the rest of your actions wouldn't have been good today, either, so we certainly had to take a look at that.

MS. DeHART: Well, the rest of the actions would have been good because Commissioner Hindo was able to vote on the rest of the actions so.

THE COURT REPORTER: I'm sorry, I'm having a hard time hearing you.

CHAIRMAN FORD: Okay.

MS. SORINI: I am able to go over the changes

that are outlined in Carl's letter if you would like me to.

CHAIRMAN FORD: Please.

Attorney Collins?

MR. COLLINS: You know, the only thing we could offer is -- and I would have to talk to the staff, I'm sorry, I haven't been in communication with them, is holding a special meeting later this week if all four board members are available. Has there been a request or has there been a --

CHAIRMAN FORD: Well, I think we're going to probably bring that up, but when you say later this week, you mean next week?

MR. COLLINS: No, I meant tomorrow.

CHAIRMAN FORD: Tomorrow is Friday.

MR. COLLINS: Or if the Board -- let me ask Ms. Sorini, please -- if the Board were to meet on Monday, would it still affect the schedule?

MS. SORINI: Yes, we would not be able to go forward.

MS. DeHART: If I may, if this had to be done today, then shame on somebody for bringing it to us at this 12th hour, and I don't know whose responsibility that is, but I don't feel comfortable in being rushed through this and say that we have to vote on it today or

else. If I vote on it today, I'm voting no.

CHAIRMAN FORD: All right.

MR. COLLINS: Well, I would like to address that, because I believe, if I could, you had a regularly scheduled meeting last week, and we canceled it because we did not feel this was ready. The State did come back and the others did come back indicating that there need to be some minor provisions. I went to speak to the staff here who were adamant that they would not go forward with this unless you at least had two days time to be able to look at it. Unfortunately, we misjudged the Monday holiday in terms of getting something out, but that is why we canceled your meeting from the 6th to the 13th, in order to try to give you as much time as possible. So we agreed with your concern, but I wanted to at least give you a little background as to why it ended up being like this, and we had to wait till Monday for the State to comment before we could have a final document available.

CHAIRMAN FORD: Okay. Thank you.

MS. SORINI: I'm just trying to look at the schedule here. You know, if the Commission does not feel comfortable voting today, then a meeting on Monday, you know, is better than a meeting next month. I don't know how much we can push the schedule, and we really

want this done before pricing of the bonds, which is on the 19th or 20th, and I don't know if a meeting on Monday is going to work or not but --

CHAIRMAN FORD: Logistically, Attorney Collins --

MR. COLLINS: Well, I make that offer. I don't want to commit that we could actually get a board meeting together. I have not polled any of you, including Mr. Saros who isn't here. I just wanted to see if that was even feasible. I'm not sure whether we could effectively say it is feasible to do it on Monday, from what Miss --

MS. KHOURY: I'm going to try to call the underwriter right now.

CHAIRMAN FORD: Let's table this and then come back to this just as soon as we get some more information.

Ms. DeHart, you want to make just a motion just to table this?

MS. DeHART: I'll make a motion to table this temporarily and then to revisit it.

CHAIRMAN FORD: It's been properly moved --

MR. HINDO: Support.

CHAIRMAN FORD: -- and supported. Is there discussion?

Question being called for, all those in favor signify by the sound of aye.

(In Unison): Aye.

THE CHAIRMAN: All those opposed? Motion carries.

Moving on to Line Item -- would that be now 5(e) and this is --

MS. DeHART: Correct.

CHAIRMAN FORD: All right.

MS. DeHART: 5(e)(5).

CHAIRMAN FORD: This is the Resolution for approval of the Procurement Policy.

Board Member Hindo.

MR. HINDO: Again, with respect to this item, similar to the last, I'm recommending that we actually table this. There is a lot involved, and I think that we need to all review this a little bit further so that we can have a better discussion about what it entails going forward, because this is going to be a very significant and important piece going forward for our Board.

MS. DeHART: I'll support.

CHAIRMAN FORD: It's been properly moved, and I, too -- if I could -- properly moved and supported -- under Discussion, I too, am in support of tabling this.

Just in terms of doing just a little bit more due diligence, I think that there is some more information out there that I'd like to be able to get and bring to the Board so that we can have a true and full discussion about this before we vote so.

It's been properly moved and supported. Is there discussion?

Question being called for, all those in favor signify by the sound of aye.

(In Unison) Aye.

CHAIRMAN FORD: All those opposed? Motion carries.

At this time while we're waiting for additional information, we're going to go ahead and just have a moment here, just a small recess.

MS. DeHART: I'll make a motion to recess.

MR. HINDO: I'll support.

CHAIRMAN FORD: This Board stands in recess.

(A short recess was taken.)

MS. DeHART: I'd like to make a motion to reconvene.

MR. HINDO: Support.

CHAIRMAN FORD: It's been properly moved and supported to reconvene the regular Building Authority meeting for October 13th from recess. All those in

favor, signify by the sound of aye.

(In Unison): Aye.

CHAIRMAN FORD: All those opposed? Motion carries.

MS. DeHART: I think there's a motion on the table to table.

CHAIRMAN FORD: There's a motion on the table to table -- to hold a special meeting.

MS. DeHART: Well, let's do the motion to table first.

CHAIRMAN FORD: Let's do that.

MS. DeHART: There is a motion to table already.

CHAIRMAN FORD: It's been properly moved and supported. Is there discussion?

Question being called for, all those in favor signify by the sound of aye.

(In Unison): Aye.

CHAIRMAN FORD: All those opposed? Motion carries.

MS. DeHART: Mr. Chairman, I'd like to also move to table Item 5(e)(5).

MR. HINDO: I believe we've already made that motion and support.

MS. DeHART: Then I'd like to make a motion to

have a special meeting on Tuesday, October 18th, at 2:00 p.m., to take up Items 5(e)(5) and 5(e)(4).

MR. HINDO: I'll support.

CHAIRMAN FORD: It's been properly moved and supported. Is there discussion? The question being called for, all those in favor signify by the sound of aye.

(In Unison): Aye.

THE CHAIRMAN: All those opposed? Motion carries. So we have our special board meeting this October the 19th or is it the 18th?

MR. HINDO: 18th.

CHAIRMAN FORD: Excuse me, 18th at 2:00, and a conference room or meeting room will be determined. Okay. All right.

Moving on to Public Comment. Any Public Comment?

Mr. Collins?

MR. COLLINS: I'd like the record to reflect that there has not been a meeting yet without my Public Comment.

CHAIRMAN FORD: So noted.

MR. COLLINS: An informational item I think is important to bring to this Board, an issue of clarity. And that, therefore, I also believe that, you know, we

certainly as a staff support your decision to withhold and try to review the Procurement Policy more. I think I mentioned it sometime previously, you're doing a very important project for the County, and we certainly appreciate all the effort that this Board has put forward. And because it's a very important project and it is a significant amount of dollars, we always assumed that one day we would have FOIAs and that the Freedom of Information Act would occur, and we have now hit that day, all right, so I wanted to keep the Board apprised of what's going on. We have been asked for a list of contracts, specifically contracts with your owner's representative. We obviously will comply. We look forward to giving them the information. And I wanted to let you know that, you know, certainly we hope that the newspapers will allow us to not just provide them with the documents but to clarify any questions that they may have regarding those documents before they make a decision to report on what they believe they would interpret that document to say.

We certainly support the decision, we can certainly justify all the decisions this Board has made, and we will keep you apprised as FOIAs come in, and certainly we will cc you on the responses we get to the FOIAs. We probably will not send you contracts because

that would be a very large -- something you've already seen before, but we will certainly give you the response list that we get on the FOIAs. And I am open to any questions or any concerns you may have in addressing --

CHAIRMAN FORD: Just a question and a comment. You know, having served on boards for quite some time, I think that it's important that, you know, the message be consistent, the responses be consistent obviously to media outlets and whoever may be asking the questions regarding the work that we do here. Do we have a plan in place? Is there a -- will you be serving as a spokesperson for this body you will be responding to?

MR. COLLINS: Well, no, but I appreciate the thought. I am the attorney. The Building Authority is a component unit of Wayne County and has always been treated and reported as a component unit of Wayne County. Therefore, Mr. Ficano's staff are the ones who speak to the media directly.

As the attorney for the Building Authority, I certainly will review the FOIAs, and I certainly will help prepare the responses to the FOIAs, but on a point of clarity there is FOIAs are not documents in which they can ask us questions. All they can do is ask for documents. So there isn't any questions for us to answer. That's why my original statement of I hope they

allow us to give them some clarity if they have any questions before they make a decision.

MR. HINDO: Steve, if I may, if someone is to contact one of the board members, who do we defer questions to, because I don't believe any of us is going to want to just go on record and make a statement. We'd rather have our representative, whether it's our attorney or someone else who's handling this, to respond so we can kind of all be consistent and on the same page.

MR. COLLINS: Yes, something we've never had an opportunity to discuss with you, so I will. You know, as a component unit, as all of our component units are, we ask everyone to comply with our media policy, and our media policy is in order to make sure we always have a consistent message going out, that, you know, employees, board members, and such direct their questions back to Mr. Ficano's spokesperson, who is Brooke Blackwell, and we make sure that we filter all the information to that individual, and the media knows her very well, in order to make sure there is always a consistent message going forward. So we would ask that you abide by that. It's not a law, we'd just ask you to abide by the policy in order to make sure that we're consistent.

We would also request of you that if you do get a phone call or you are approached about something, that you let us know. And certainly if we can assist you with that, that's what we want to do, that is our responsibility to assist you with that, and, also, so that maybe we can reach out to them directly, then, to address it.

You know, and back to Mr. Parlovecchio, which, you know, I think it's important to establish a record on this and Parlovecchio Building, I can tell you that we have been extremely pleased as staff members, and you can make your own assessments, but as staff members and as executive, we've been very pleased with Mr. Parlovecchio. And certainly I represented to this Board at the time that we brought that contract to you that we looked at this and looked at our own procurement policy in determining how we would get an owner's rep. It is important in a very large construction project that there are a lot of checks and balances. There is another check and balance that we're going to be bringing to you at a later date, and that is going to be an inspecting architect so that they, too, can work with Mr. Parlovecchio to come back and give you some impression of where we are in the construction along with the owner's rep. This is something that the

Commission wanted, something we think is a good idea, but that is why you have an architect, a program manager, and an owner's rep. And certainly, as we negotiated with Parlovecchio Building on their price, that price is below the market rate. And so we welcome the opportunity to be able to speak to the media and explain what happened.

MS. DeHART: If I may, which media source submitted the FOIA?

MR. COLLINS: The newspaper -- I hate to establish a bad record and say one from the other -- I believe it is the Detroit News, I am not certain, though. But we certainly have received FOIAs --

THE COURT REPORTER: I'm sorry?

MR. COLLINS: And our FOIA requests as a public body are astronomical right now.

CHAIRMAN FORD: Any additional comments?

Thank you, Mr. Collins.

Under Public Comments, any additional public comments? Any public comments? If there are no public comments, we're going to make a motion to --

MS. DeHART: A motion to adjourn.

MR. HINDO: I'll support.

CHAIRMAN FORD: It's been properly moved and supported. Is there discussion?

Question being called for, all those in favor signify by the sound of aye.

MS. DeHART: Aye.

MR. HINDO: Aye.

CHAIRMAN FORD: All those opposed? The motion carries.

This meeting stands adjourned.

(The proceeding was adjourned at 11:00 a.m.)

CERTIFICATE OF NOTARY

STATE OF MICHIGAN)
) SS
COUNTY OF OAKLAND)

I, Laurel A. Frogner, Certified Shorthand Reporter, a Notary Public in and for the above county and state, do hereby certify that the above proceeding was taken before me at the time and place hereinbefore set forth; that the foregoing was duly recorded by me stenographically and reduced to computer transcription; that this is a true, full and correct transcript of my stenographic notes so taken; and that I am not related to, nor of counsel to any party nor interested in the event of this cause.

Laurel A. Frogner, CSR-2495, RMR, CRR
Notary Public,
Oakland County, Michigan
My Commission expires: 4-22-2015



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STATE OF MICHIGAN

WAYNE COUNTY BUILDING AUTHORITY

OCTOBER 18, 2011

_____/

PAGE 1 TO 47

Wayne County Building Authority, Special Meeting held at 500 Griswold Street, 21st Floor, Detroit, Michigan, Commencing at 2:05 p.m., Tuesday, October 18, 2011, Before Gail R. McLeod, RPR, CSR 2901.

BOARD MEMBERS IN ATTENDANCE:

NATHAN FORD, Chairman

EILEEN DeHART-SCHOOF, Secretary/Treasurer

JIM SAROS

JOHN N. HINDO

ALSO PRESENT:

VALERIE KHOURY, Management and Budget

STEVEN COLLINS, Assistant Corporation Counsel
and Special Counsel to Wayne County Building Authority

CARL STAFFORD

CARLA SLEDGE, CFO

AUDRICKA GRANDISON

RON BOJI

CARLIE MULKEY

* * * * *

Detroit, Michigan

Tuesday, October 18, 2011

About 2:05 p.m.

CHAIRMAN: Good afternoon. Welcome to this special meeting of the Wayne County Building Authority, October 18th, 2011. This meeting is called to order. Can I have the roll call please?

MS. GRANDISON: Eileen DeHart?

BOARD MEMBER DeHART-SCHOOF: Present.

MS. GRANDISON: Nathan Ford?

CHAIRMAN: Present.

MS. GRANDISON: John Hindo?

BOARD MEMBER HINDO: Present.

MS. GRANDISON: James Saros?

BOARD MEMBER SAROS: Present.

MS. GRANDISON: We have a quorum.

CHAIRMAN: We have a quorum present. Line item 2, approval of October 13, 2011 minutes. Board Member DeHart?

BOARD MEMBER DeHART-SCHOOF: Can I make a motion to postpone until we have a chance to review the minutes?

CHAIRMAN: So moved. Is there support?

BOARD MEMBER HINDO: I support.

CHAIRMAN: It's been properly moved and

supported. Is there discussion?

The question being called for, all those in favor, signify by the sign of aye.

(Aye.)

CHAIRMAN: All those opposed?

(No response.)

CHAIRMAN: Motion carries. Line item 3, approval of the agenda. Board Member De-Hart?

BOARD MEMBER DeHART-SCHOOF: Mr. Chairman, I'd like to approve the agenda with the provisions to make item 5(a)2 become 5(a)3, create a new line item to have 5(a)2 be the bank authorizing resolution and also to include a line item 5(b), non-action items to include 5(b)1, the bank account.

CHAIRMAN: It's been properly moved. Is there support?

BOARD MEMBER HINDO: Support.

CHAIRMAN: It's been properly moved and supported. Is there discussion? The question being called for, all those in favor signify by the sign of aye.

(Aye.)

CHAIRMAN: All those opposed?

(No response.)

CHAIRMAN: Motion carries. Line item 4, old

business, is there any old business? Old business? No old business? Line item 5(a)1, resolution for the approval of revised trust indenture for the State of Michigan DHS buildings transactions, DHS.

BOARD MEMBER DeHART-SCHOOF: Mr. Chairman, I'd like to make a motion to remove from the table. It was tabled last meeting.

CHAIRMAN: Oh, you're absolutely right. It's been properly moved. Is there support? Jim?

BOARD MEMBER SAROS: All right. I'll support.

CHAIRMAN: It's been properly moved and supported. Is there discussion? The question being called for, all those in favor signify by the sign of aye.

(Aye.)

CHAIRMAN: All those opposed?

(No response.)

CHAIRMAN: Motion carries.

BOARD MEMBER DeHART-SCHOOF: We need a motion before we can discuss it. I already moved from the table, so it's already before us. Now we need a motion before we can open up discussion, so I will make a motion to approve this for purposes of discussion.

CHAIRMAN: Absolutely.

BOARD MEMBER SAROS: I'll second.

CHAIRMAN: It's been properly moved and supported. Is there discussion?

BOARD MEMBER DeHART-SCHOOF: It's like herding cats.

CHAIRMAN: The question being called for, all those in favor signify by the sign of aye.

(Aye.)

CHAIRMAN: All those opposed?

(No response.)

CHAIRMAN: Motion carries. Thank you very much.

Line item 5(a)1 is now on the table and open for discussion. Thank you very much, Board Member DeHart. If I can have overview from attorney -- excuse me.

MS. KHOURY: We have Carl Stafford here.

CHAIRMAN: I always like to lead in with ours first and then we can go to Carl. So Valerie, could you just give us an overview or Steven give us an overview and then we'll give it over to Carl Stafford.

MR. COLLINS: All right. Steven Collins, Assistant Corporation Counsel for Wayne County. For your edification from the last board meeting, we brought to you a revised trust indenture. These are in

negotiations with the State of Michigan. In the finalizing of our bond issuance, we realized there were some changes that needed to be made. Therefore, we had made those changes and this board asked to please table it until you could have your last board member present. We've asked Mr. Stafford to come today to review those changes with you. We did not review them at the last board meeting, so I will now with your permission turn it over to Mr. Stafford who can go over the changes that were necessary.

CHAIRMAN: Thank you very much, Attorney Collins. Mr. Stafford?

MR. STAFFORD: Since the August 18th board meeting when this indenture was originally approved, there have been a number of changes, many of them non-substantive, but there are a few items that should be brought to the attention of this body. Number one, there was a lot of attention paid to the insurance requirement and the trustee wanted to make sure that if in the event that there was a cancellation of a policy that all parties would be notified which would include this honorable body. So in that case while it's the primary obligation of the manager to make sure the insurance is in place, if for some reason something falls through the cracks with respect to the insurance,

this body would be notified. Obviously, someone would maybe have to call the manager just to make sure that that insurance is in place.

Now, if there is a nonpayment of premium of course, a trustee will have funds on hand to make that payment. But just in case for some reason a policy either lapsed or insurance company decides to get out of the business and we need to find replacement insurance, this body would be notified. So that's one change.

The original transaction with respect to the payment of the trustee fee and issuers fee, there is a priority of payment. One, the original transaction says the regularly scheduled debt service would be paid first, then the trustee fee and issuer fee and then the debt service reserve fund and then down the line. The Michigan Finance Authority preferred that the debt service would be paid first and any deficiency in the reserve requirement be funded first before the fees.

So they explained that that's typical of the transaction and they requested that change. So that's a business term that needs to be brought before this body.

Another change, there was a need for a bond redemption account. That was established primarily if

there is damage or destruction to either of the buildings and there is a decision to redeem or retire bonds or there's an account established for placement of those monies. Some other non-substantive changes in the indenture, the trustee requested that we set up priorities of payments under the general account and retain obligation accounts. The trustee just didn't want if there were two competing payments, they wanted to know what payment was to be made first. So we clarified the indenture to set forth the priorities.

An additional change is that money being paid out of the general account and the retained obligation accounts requires a requisition certificate, so that means that documentation would be submitted to this body for approval. I don't anticipate having to do that more than once or twice a year because there are very few items that would have to be paid and that's typically on an annual basis. That would be on currently -- I didn't know what the preference of this body would be if you want two members or one member to sign the requisition certificate. That's up for consideration by this body.

Also, as really a technical issue, we had to revise the I guess the -- there are certain rent-free periods under the state lease where the state is given

a few months of free rent, so we had to address or address how we deal with that rent-free rent so that there's enough money to pay future payments on the bonds and we'll just make a modification that says that from earlier payments, we'll set aside a certain amount so that funds would be available to pay future debt service.

And the last item which is something that was finalized today regarding the retained obligation, excuse me, the reserve requirement for the retained obligation, currently the documents require that $120,000 be set aside as security for the seller to perform his retained obligation. That amount is going to be set at 3.5 percent of the purchase price of the two buildings.

So in Hamtramck, that amount would be $241,500 and that would be satisfied by a combination of a cash deposit and the present value of the retained obligation fee. So for instance, if in Hamtramck, the present value of the retained obligation fee is $50,000, you would subtract that from the $241,000 leaving a balance of 191,000 which would be a cash deposit.

Now, on Inkster, we're projecting the retained obligation fee or at least the present value

to be more than the $245,000. Well, it's based upon the purchase price and Inkster is seven million dollars, so that 3.5 percent would be $245,000. All right. Now --

CHAIRMAN: Hamtramck was 241?

MR. STAFFORD: Exactly. So we project that the present value of the retained obligation fee in Inkster will exceed that amount, the 245,000. In that case, there would be a minimum cash deposit of 120,000 for Inkster. So those are -- that's an outline of the changes to the trust indenture to be applied to both projects. Questions?

CHAIRMAN: Okay. Thank you very much. Questions? Board Member DeHart?

BOARD MEMBER DeHART-SCHOOF: And we discussed this earlier. The copy we got only addresses Hamtramck and that's because Inkster is going to be a mere replica of this?

MR. STAFFORD: Same changes.

BOARD MEMBER DeHART-SCHOOF: And there are a lot of blanks in this and that's because we have to wait until all the T's are crossed and the I's are dotted?

MR. STAFFORD: We're waiting for pricing which will hopefully occur tomorrow and so everything

will be filled in before it's submitted for signature.

BOARD MEMBER DeHART-SCHOOF: And just for the record, I found a few typos. On page 12, the second paragraph, it has two trustees. One should be issuer and I talked to Mr. Stafford about this already. On page 35 on the first paragraph under article 11, one, two, three, fourth line, it mentions mortgage and mortgage should not be in there because it was crossed out of the heading of the article.

On page 36, the very last line of that page, "which refunds the," "the" should be taken out. It should just read "which refunds all." And on page B2, it has payee and payee has one too many E's. With that, I have more questions.

CHAIRMAN: Absolutely. While you have the floor, Board Member DeHart.

BOARD MEMBER DeHART-SCHOOF: Thank you. On page one, it talks about insurance and it talks about insurance for owned, non-owned and hired vehicles. Are these the managers?

MR. STAFFORD: Yes, definitely the managers.

BOARD MEMBER DeHART-SCHOOF: Okay. And the issuer is not responsible for that as you said, only if the manager defaults and the trustee will take care of it.

MR. STAFFORD: Correct. Yes.

BOARD MEMBER DeHART-SCHOOF: Okay. And on the paragraph that says annual general expense amount, what kind of items are these?

MR. STAFFORD: For -- there are two items of general expense. One is the trustee fee and one is the billing authority's fee. So there would be funds deposited up into your account annually. I think it's around, what, 7,000 or so?

MS. KHOURY: For the administrative?

MR. STAFFORD: Right.

MS. KHOURY: It's one-tenth of one percent of the par amount of Fannie or Freddie and it starts out at around $14,000 and then decreases every year.

BOARD MEMBER DeHART-SCHOOF: Based on the --

MS. KHOURY: Par amount outstanding.

BOARD MEMBER DeHART-SCHOOF: On page two, the second to the last paragraph, cost of issuance, is there a ceiling on these fees?

MR. STAFFORD: Not technically a ceiling, but it's what -- obviously, we cannot finance more than what can be financeable under the cash flow stream, so typically we try to keep it two or three or four percent.

BOARD MEMBER DeHART-SCHOOF: On page three,

the second paragraph, it talks about the counsel, meaning the attorney or to the trustee or the county. Should this say while doing county business so it's not a blank check, that if the trustee has another attorney, that it's not -- it doesn't say while doing county business.

MR. STAFFORD: Well, it's implicit that it has to be work with respect to this bond transaction. So I'm not concerned with that. They can't just pass on expenses that are not related to the transaction.

BOARD MEMBER DeHART-SCHOOF: On page six, subsection four, it talks about other investments. Cash was added. Why was cash added?

MR. STAFFORD: Because in certain circumstances, the interest rates are pretty low and because it may not make sense to invest something for a week or two. So the trustee wants the option just to let it sit in cash.

BOARD MEMBER DeHART-SCHOOF: Thank you for your indulgence.

CHAIRMAN: Absolutely.

BOARD MEMBER DeHART-SCHOOF: Okay. That one was answered already. That was answered already. On page 19, the first paragraph, it talks about any deficiency in the debt service reserve requirement. If

the amount in the R & R is used to fund this deficiency which it says it can be, who brings that R & R back up to the level its supposed to be brought up to? If you take money out of there, who's going to bring it up?

MR. STAFFORD: The manager is required to make sure that the minimum deposit requirement is in there, so if it's drawn down, then the manager has to or the seller or developer has to replenish it so we're at that minimum amount.

BOARD MEMBER DeHART-SCHOOF: Okay. And on the same page, second to the bottom paragraph, it starts with the monies. Instead of mandatory optional redemption, extraordinary redemption was put in there. Before, it was mandatory redemption. Why was that changed?

MR. STAFFORD: Because the extraordinary optional is to cover if the building is destroyed by fire or --

BOARD MEMBER DeHART-SCHOOF: Natural causes.

MR. STAFFORD: Right. Exactly.

BOARD MEMBER DeHART-SCHOOF: On page 20, the last paragraph, it talks about retained obligations account. What are these monies used for?

MR. STAFFORD: The retained obligations account funds are to pay the seller for taking on those

responsibilities of the county under the lease. For instance, if an elevator has to be put in, the county is not going to do that.

BOARD MEMBER DeHART-SCHOOF: It's kind of like the R & R account.

MR. STAFFORD: Yes.

BOARD MEMBER DeHART-SCHOOF: On page 21, subsection F, it talks about miscellaneous expenses. What are these and is there a ceiling on them?

MR. STAFFORD: We can't predict really what may come up, but if it's properly, you know, if this body approves it, I mean it has to come back before this body before it's spent anyway, so it's just a catchall.

BOARD MEMBER DeHART-SCHOOF: On page 22, it talks about the $50,000, I'm sorry, it talks about the pilot. Does the county have an ordinance or a rule in effect to cover the pilot?

MR. STAFFORD: The pilot was structured by the developer and the Cities of Hamtramck and Inkster.

BOARD MEMBER DeHART-SCHOOF: And those cities would have the ordinances to cover that.

MR. STAFFORD: Right. That has nothing to do with Wayne County.

BOARD MEMBER DeHART-SCHOOF: On that same

page, the last paragraph talks about investment of funds. It says the issuer or its designee. Who would be our designee.

MR. STAFFORD: The county administrative offices, Ms. Sledge.

BOARD MEMBER DeHART-SCHOOF: Okay. On page 24, it talks about default provisions and remedies of trustee. On subsection B, if I read it right, it says if there is a default that can openly be fixed, then it's not a default.

MR. STAFFORD: Right.

BOARD MEMBER DeHART-SCHOOF: Okay. A lot of these are just notes I wrote to myself.

MR. SAROS: Did you get any arguments?

BOARD MEMBER DeHART-SCHOOF: A lot. A lot.

On page 28, section -- you ought to hear me at night, Jim.

BOARD MEMBER SAROS: Your husband told me.

BOARD MEMBER DeHART-SCHOOF: I'll bet he did. On page 28, subsection 810 and I'm reading that, it talks about notice of event of default, that we have 90 days to fix any default; is that correct?

MR. STAFFORD: Right.

BOARD MEMBER DeHART-SCHOOF: Okay. I'm almost done. On page 35, we're going to take out

"mortgage."

MR. STAFFORD: Right.

BOARD MEMBER DeHART-SCHOOF: Thank you. I'm done.

CHAIRMAN: Thank you very much, Board Member DeHart. And at this time, we're going to take a 10-minute recess. Thank you.

BOARD MEMBER DeHART-SCHOOF: I'll move to go into a 10-minute recess.

CHAIRMAN: Thank you very much.

BOARD MEMBER DeHART-SCHOOF: We have to move to go into a recess.

BOARD MEMBER SAROS: Oh, we have to move. I will make a movement.

BOARD MEMBER DeHART-SCHOOF: No, you just have to -- you have to support it.

BOARD MEMBER SAROS: I know. I wanted to make the motion for once instead of having -- you know, instead of just seconding it.

BOARD MEMBER DeHART-SCHOOF: Oh, be quiet.

(Brief recess.)

BOARD MEMBER DeHART-SCHOOF: I'd like to make a motion to reconvene.

BOARD MEMBER HINDO: Support.

CHAIRMAN: It's been properly moved and

supported. Is there discussion?

The question being called for, all those in favor signify by the sign of aye.

(Aye.)

CHAIRMAN: All those opposed?

(No response.)

CHAIRMAN: The motion carries. Before we proceed, I'd like to turn it over to Attorney Collins who has some information that would be beneficial to the board at this time. Thank you very much, Attorney Collins.

MR. COLLINS: Steven Collins, Assistant Corporation Counsel for Wayne County. I do want the record to reflect that during the middle of Mr. Stafford's explanation of the documents for your approval that I did approach the Chair and indicated that I'd ask him to call for the adjournment and to hold the meeting off. I wanted to give you an explanation as to what's going on and you can reconvene.

There are some new administrators within Wayne County right now who are not up to speed on this transaction, so they had made a request that before the Building Authority gave a final vote, that they be brought up to speed on what is going on. So Ms. Sledge

who may the record reflect was here earlier and Mr. Boji are upstairs now trying to bring them up to speed.

So I apologize for the inconvenience. We had given a written summary of what was going on, but apparently, it wasn't sufficient and they weren't aware the meeting was going on. So we are going to ask that Mr. Stafford continue to go forward with his explanation of the documents.

I am going to request that the board consider that at the time he has finished, that you do not vote on this matter until we've gotten some word that all the issues have been settled and go on with the rest of your agenda items and then we can take it up at the end if we still haven't gotten some sort of information back.

BOARD MEMBER DeHART-SCHOOF: Can we make a motion with contingencies?

MR. COLLINS: I would prefer not to put the board in that position. I would like the Board to go forward with my presentation to them as I believe I put on the record previously that this has been through the Wayne County Commission, the Wayne County's Executive Office all with their approval, so I would like you to be able to make that motion knowing that if you don't mind.

Again, do what you want as a board, but I certainly would like you to know that my recommendation would be to not vote on it and you certainly can make your own decision as a board. Thank you.

CHAIRMAN: Thank you very much. Board Member DeHart, would you want to continue?

BOARD MEMBER DeHART-SCHOOF: I am done. Thank you.

CHAIRMAN: If I could -- Board Member Saros, do you have any questions at this time?

BOARD MEMBER SAROS: To Mr. Stafford?

CHAIRMAN: To Mr. Stafford.

BOARD MEMBER SAROS: Just a couple minor points of clarification. I think that for the purpose of the record, I asked this before, but just for a point of clarification, that Mr. Stafford, in essence, you are our attorney?

MR. STAFFORD: Yes.

BOARD MEMBER SAROS: And I'm very pleased about that by the way.

MR. STAFFORD: Thank you.

BOARD MEMBER SAROS: And the parts of the revisions that are non-substantive I agree that's just a matter of cleanup. On the insurance issue, basically, if I understand right, the major change is

that we're going to be listed if you will as a loss payable, so that in the event that someone doesn't pay their premiums or there's a problem, we'll be notified so that we can rectify it.

MR. STAFFORD: Yes.

BOARD MEMBER SAROS: So even though loss payable might not be the proper term, the net effect would be that, would that be --

MR. STAFFORD: Your policy, you're listed as a loss payee, right.

BOARD MEMBER SAROS: Okay. As far as the debt service reserve requirement, the major change is that debt service will be paid first, reserve requirement will be satisfied second; is that correct?

MR. STAFFORD: Correct.

BOARD MEMBER SAROS: I have no further questions. Thank you.

CHAIRMAN: Thank you very much. Attorney Stafford, just one question because I think my board, Board Member DeHart and Saros have done an outstanding job in covering some of the issues. If the trustee receives notice that the insurance will be canceled for other reasons, the trustee is obligated to notify the building authority?

MR. STAFFORD: That's right.

CHAIRMAN: Is there a time? Is it 30 days from cancellation? Is it 15 days? What is the time line that we are to be notified?

MR. STAFFORD: Well, I will make sure that the documents reflect basically immediate or not less than five days. The trustee is given 30 days notice, so that would be more than sufficient. Believe me, they're going to want to get it out and make sure everyone is notified.

CHAIRMAN: So if we could make an amendment to that and just make sure if it's five days, three days, seven days, what have you, just as long as we have some type of process and time limit on that.

MR. STAFFORD: Right.

CHAIRMAN: All right. If there are no other questions, I think we will just continue to move on and come back. Do we need to, Board Member DeHart, do we need to just kind of table the vote?

BOARD MEMBER DeHART-SCHOOF: We should table it.

CHAIRMAN: Let's table the vote and we'll move on.

BOARD MEMBER DeHART-SCHOOF: I would like to make that motion to table the vote until later on in the meeting.

BOARD MEMBER SAROS: I'll second it.

CHAIRMAN: It's been properly moved and supported. Is there discussion?

The question being called for, all those in favor signify by the sign of aye.

(Aye.)

All those opposed?

(No response.)

CHAIRMAN: Motion carries. All right. Moving onto our next line item and that would be line item five or should be (a)2 which is --

BOARD MEMBER DeHART-SCHOOF: This little boy raised his hand.

CHAIRMAN: Attorney Collins?

MR. COLLINS: I'm sorry. May the record reflect Steven Collins, Assistant Corporation Counsel. I see that the board has gone through the resolution quicker than I realized, so I didn't want to comment on my earlier comment. We have answered all of the questions for the executive office that they are comfortable with this transaction.

I do want the record to reflect a couple of things and certainly Mr. Stafford can put point this out. Number one, this was taken to the Wayne County Commission for approval and this was approved, that the

full faith and credit of the county is not behind this transaction and I'm trying to think of some other points that I wanted to make sure the record reflected what we said before. Oh, and the state did bid this out. Mr. Boji and the developer on this deal was bid out by the state and he was the selected developer on this. So we wanted to make sure that the record reflected again, I believe I've mentioned this on the record once before, that those are the terms in which this deal was executed.

So I wanted to make sure the record reflected again that all the questions have been answered and that there are no other concerns that are left on that and I apologize for the inconvenience that we caused here.

CHAIRMAN: That's okay. If I could have -- Ms. Sledge?

MS. SLEDGE: Carla Sledge, Chief Financial Officer for the county. Just to add onto Mr. Collins's comments, I just want to make it clear about the RFP process, that was actually done by the state and I wanted the record to reflect that.

BOARD MEMBER DeHART-SCHOOF: Mr. Chairman, I'd like to remove from the table the vote on item 5(a)1.

CHAIRMAN: All right. It's been properly moved.

BOARD MEMBER SAROS: I support.

CHAIRMAN: It's been properly moved and supported. Is there a discussion?

The question being called for, all those in favor signify by the sign of aye.

(Aye.)

CHAIRMAN: All those opposed?

(No response.)

CHAIRMAN: Motion carries. I believe we could have a motion in order.

BOARD MEMBER DeHART-SCHOOF: You want to do it?

BOARD MEMBER SAROS: No. I know my place.

BOARD MEMBER DeHART-SCHOOF: Mr. Chairman, I'll make a motion to approve item 5(a)1, the resolution for approval of revised trust indenture for the State of Michigan DHS buildings transactions for Inkster and Hamtramck.

CHAIRMAN: It's been properly moved. Before we -- and supported. Under discussion, if I could just for the record indicate that Board Member John Hindo has recused himself from this vote and has fully disclosed the relationship of the party in question or

party involved, so noted for the record.

It's been properly moved and supported. Is there discussion? Under discussion, call for the question.

BOARD MEMBER SAROS: I have a question, not a question, I think more of a statement. A number of these questions that we have talked about today have, as Mr. Collins has said, have come up and have been gone over and I think we've been very careful and transparent in this. One point that I wanted to make sure still holds true is that the sole -- what's the word I'm looking for -- that the sole security for this, for the county, this authority is the lease. Is that not correct?

MR. STAFFORD: That is absolutely correct.

BOARD MEMBER SAROS: So I think it was very important to me a month ago and it is more important or as important to me right now and so with that being said, it's the lease itself. If there's a default on the lease, this authority or the county is not in danger of financial liability.

MR. STAFFORD: That is correct.

CHAIRMAN: And the full faith and credit of the State of Michigan I think, too, is at play here.

MR. STAFFORD: No, definitely not. It's just

their obligation to make lease payments.

CHAIRMAN: Absolutely.

MR. STAFFORD: But it's not backed by the full faith and credit, general obligation of the state.

CHAIRMAN: Okay. So --

MR. STAFFORD: And all that is disclosed in our offering documents to potential bondholders.

CHAIRMAN: The state to ensure that the lease payments are --

BOARD MEMBER DeHART: If I may, unless the legislature does not appropriate the funds.

MR. STAFFORD: Correct.

CHAIRMAN: Right. Thank you.

MR. STAFFORD: Oh, these bonds were submitted to Standard and Poor's for a rating and received an A+ rating by the way.

CHAIRMAN: Thank you for the record. Thank you. We have a motion on the floor.

BOARD MEMBER SAROS: I second it.

CHAIRMAN: It's been properly moved and supported. Is there discussion?

The question being called for, all those in favor signify by the sign of aye.

(Aye.)

CHAIRMAN: All those opposed?

(No response.)

CHAIRMAN: Motion carries.

BOARD MEMBER HINDO: Please let the record reflect that I recused myself from this vote.

CHAIRMAN: Thank you very much. All right. Moving on, line item 5(2), and this would be the bond authorization. May I have Ms. Valerie Khoury -- you want to give us a little --

MS. KHOURY: Yes, these are technical changes to the bond authorizing resolution for each of the buildings. They were provided to me today by bond counsel, Carl Stafford, and I want to turn it over to him. Since we are just handing it to you as you walk into the meeting, what we'd like to do is have Carl go over page by page what the changes are since we didn't give you time to look at it ahead of time.

MR. STAFFORD: Once again, my name is Carl Stafford and believe me, neither Ms. Khoury or Mr. Collins was aware of this and I've been before a number of public bodies and I felt comfortable suggesting that this be submitted because there really and truly aren't technical changes, but they need to be approved. The main change is on page one and it follows through in two places and it really only states that the total cost of the project, including your financing fees and

expenses, was increased from 7.5 to $7,700,000 on Hamtramck and from 7.6 to 7.9 on the Inkster project.

Now, the maximum amount of bonds that were approved by the Wayne County Commission was 7.5 for Hamtramck and 7.6 for Inkster. The bond amount will not change. Okay? And the way that you cover the up to extra $200,000 of costs is by some of the bonds will be issued at a premium so you get a few more dollars. So -- the only reason we're doing this is because over time, just the cost and expense of doing this transaction has increased a little bit. So rather than trying to go back to the Wayne County Commission and say we need to increase the bond amount, the solution is just simply issue some of your bonds at a slight premium so you have more proceeds to pay the various costs.

BOARD MEMBER DeHART-SCHOOF: That's why page two still has the 7.5.

MR. STAFFORD: Yeah, because that's the bond amount there.

BOARD MEMBER DeHART-SCHOOF: Got it.

MR. STAFFORD: So the bond amounts are not going to change. And the other changes I believe are really some cleanup. Officers on page eight, I corrected the name of the building authority. It's not

the Charter County of Wayne Building Authority, but just the Wayne County Building Authority, and there are some similar changes in the attached contract of lease. That was the form that was actually approved by the Wayne County Commission and the last item is the appendix B and that's the continuing disclosure undertaking.

That is a filing that's required by the building authority just to comply with the SEC requirements. So this just reflects the current form that the Michigan Finance Authority prefers to use and those are the changes.

BOARD MEMBER DeHART-SCHOOF: Again on (a)2, it says the 7.5 and it addresses the bonds.

MR. STAFFORD: Exactly, the bonds.

CHAIRMAN: Okay. Any questions? Thank you very much, Mr. Stafford. Any questions, comments?

BOARD MEMBER SAROS: Just a comment. I think we've beat this deal to death over the last couple of months and I thank you, Mr. Stafford, for not only addressing some issues that we had some concern with, but addressing in the manner that you have so that it's very simple for us all to understand, so thank you for your time and effort.

MR. STAFFORD: You're quite welcome.

CHAIRMAN: Thank you very much. If there are no questions, a motion is in order.

BOARD MEMBER DeHART-SCHOOF: Mr. Chairman, I will move to approve both the Inkster and the Hamtramck resolutions for the acquisition of property.

CHAIRMAN: With those noted corrections?

BOARD MEMBER DeHART-SCHOOF: With the revisions.

CHAIRMAN: With the revisions. It's been properly moved. Is there support?

BOARD MEMBER SAROS: I support.

CHAIRMAN: It's been properly moved and supported. Under discussion I'd again like to indicate for the record that Board Member John Hindo has recused himself from participating in this action. Mr. Hindo has fully disclosed that he has a relationship with the party involved in this transaction and has fully disclosed as such and he has recused himself for the record.

Under discussion? The question being called for, all those in favor signify by the sign of aye.

(Aye.)

CHAIRMAN: All those opposed?

(No response.)

CHAIRMAN: Motion carries. Thank you very

much, Mr. Stafford and Mr. Bojin. Thank you very much, Mr. Collins.

All right. Moving on, line item 5, 3 which is the resolution for approval of the procurement policy. I trust that board members have a copy and have had a chance to review this new procurement policy and at this time, I'm going to have CFO Sledge just kind of give us an overview and then we're going to dive into it.

MS. SLEDGE: Carla Sledge, Chief Financial Officer. What you have before you is a proposed procurement policy for the Wayne County Building Authority. It is not much different from the Wayne County procurement policy, but there are some sections obviously that are a little different in that the -- some of the procurements that come before you are actually going to be informational purposes only, but in other cases, it will actually come to this body for a vote.

You have also named the chief financial officer as your executive director, that would be me in this case, to make sure that these matters are handled appropriately as we go through the entire bidding process. I think other than that -- I think those are the main highlights of this particular policy.

CHAIRMAN: Thank you very much, CFO Sledge. If I could have questions at this time. Board Member Hindo.

BOARD MEMBER HINDO: I have several questions and the questions I have run generally through the entire procurement policy. Obviously, we all have the most faith and respect in the CFO and her abilities. You know, there are a lot of provisions in here that give the CFO or the administrator the authority to just act without our approval where we would just be provided information, primarily contracts under $50,000. In order to preserve the integrity of this board and the process, I don't know how or what, but we'd like to have some type of oversight in place and it doesn't have to be anything formal. It could be something as simple as a consultation with a board member or even our corporate counsel when these decisions are being made since they're not coming before us and essentially we have no authority as to these decisions, number one.

Number two, if there is going to be any type of policy put in place for anything, I think that we'd like to review the policy. It says that the executive director will put a policy in place. We'd just like to know what the policy actually is, what the procedure

and processes are.

Obviously, there will be some discretion, but we need to have some objective standards here. Additionally, there's going to be, per the procurement policy, some registers of proposals, registers of people that put in bids, that are awarded bids, some written statements created as to evaluations as to why people are the winning bidders. I think that those items need to be presented to this board at least for information purposes and again, to preserve the integrity of this board and the process. Those are kind of my general comments that kind of run through this document.

CHAIRMAN: Okay. Thank you very much. Board Member DeHart?

BOARD MEMBER DeHART-SCHOOF: I feel the same way. You know, Carla, I think of you with the utmost respect. Your integrity is above reproach. It's nothing about you. It's just we want to make sure that if it's flyspecked by the public, that all of us can answer questions.

So I kind of feel the same way as you do, John. It's not that I don't respect your decisions. I absolutely do and I'm sure I would agree with all of them. But this way at least if we are given some kind

of notice of what's happening, even if a citizen says, "What's happening," we won't be able to say, "You have to talk to Carla Sledge. We don't know."

MS. SLEDGE: Sure.

BOARD MEMBER HINDO: I'd just like to add one thing to my statement to kind of support what Board Member DeHart is saying. I feel the same way, Carla, and, you know, one of my favorite phrases that I hear Jim saying all the time is, you know, our concern is, you know, perception versus reality here. We all understand the realities here. Unfortunately, there's a perception problem and we need to make sure that perception doesn't trump reality.

CHAIRMAN: Absolutely.

MS. SLEDGE: Sure. I really have no objections to any of this that you're presenting before me. None of these are an issue for me.

CHAIRMAN: I'd like to hear from Board Member Saros.

BOARD MEMBER SAROS: I think it's a good idea. I do think we need to be careful in any document that we don't tie the financial officer's hands. You know, $50,000 as an example is a lot of money, but when you're dealing with multimillion dollar budgets, it's all relative. So I think that any final document

needs -- we need to use some common sense.

I certainly don't want to know and I don't think this authority wants to know when there are normal day-to-day operational decisions made by the executive, whoever that may be, because, you know, now we all have this confidence in Carla for the reasons that have been mentioned, you know, not to make this a how much we love Carla scenario, but Carla may leave in a month and we've got someone, you know, we're talking about a position here, not a person. And so from that standpoint, I agree completely with my fellow members, but I also don't want to make it too onerous and I don't know how to do that, but I do think that we have to give some degree of discretion so she doesn't want to jump out one of these windows.

CHAIRMAN: Thank you very much. With that being said, obviously we want to get this document and we want to get a final document we can all feel good about, that we have confidence in and can move forward with. What I'd like to do and I'd like to present this to the board, if we could have one of our board members work with CFO Sledge, kind of fine tune, you know, where we are, I think we all probably have some of the concerns, same concerns if you will throughout the document which is going to become a, if you will, our

Bible in going forward. So what I would like to do and put this on the table for the board members to consider is I would love for -- I'd like to appointment Board Member Hindo to work with CFO Sledge, come back for our next board meeting, 30 days, 15 days, come back with these corrections or just some of the things that, you know again, we've probably all got some concern about in the document and put some things in place that, you know, we could take a look at and vote on. With that I'd like to open it up. Before we do that, Attorney Collins?

MR. COLLINS: Steven Collins. I'd like to address a couple of your concerns which I think are extremely valid and should probably give you some background information based on the building authority statute and the Wayne County Charter. Number one is under the building authority statute, it is the credit of the county that is behind everything and so when the Charter County of Wayne made the decision to become a charter county, we created article seven within our charter. That vests the power within the chief financial officer when dealing with all financial matters.

Now, there are some I will give a little caveat that give to the treasurer because I want to

give the treasurer his due, but basically it indicates that she becomes responsible in some situations over the chief executive officer. So as we struggled with what seemed to be an appropriate type of procurement policy, we had to balance that with article seven of the Wayne County charter which indicates that it is in the chief financial officer's sole purview on certain issues.

In regards to threshold amounts, I think that's absolutely appropriate. Whatever this board may feel comfortable in regards to a threshold amount we'd be more than willing to consider. We did want to try to keep it as close to the Wayne County policies as possible. We didn't want to stray too far from amounts, especially in the Wayne County policy. So what I'd like to do is volunteer my own time rather than Ms. Sledge's to assist in going over on each of them and then possibly answering then we'll have Ms. Sledge go over it.

MS. SLEDGE: That's fine.

MR. COLLINS: So I might be in a better position to answer it. We did have a third party write this for us based on the joint building authority and their own rules. We also want to be consistent with the other building authority that Wayne County has in

regards to what the rules are in going forward. So I wanted you to have that background information to let you know why some of the information is the way it is in this document.

CHAIRMAN: With that, again, I have spoken to Board Member Hindo and I'm just putting it on the table, you know, this kind of -- because obviously we're individuals, but I think we act as a unit for the most part. I think this would be important just to have that working body here work with you or whoever is the designee so when we come back, we can have a final document we can look at and act on.

BOARD MEMBER DeHART-SCHOOF: Mr. Chairman, I do have one technical question.

CHAIRMAN: Absolutely.

BOARD MEMBER DeHART-SCHOOF: On page 10, it talks about posting RFPs and RFQs on the internet. The legislature has not approved that as a viable source yet. Is it still copasetic to do that?

MS. SLEDGE: I can tell you -- Carla Sledge, Chief Financial Officer. I can tell you certainly the county does that as well, but we use other modes as well, newspaper circulations in addition to the internet. We use all of those.

CHAIRMAN: And general postings, too.

MS. SLEDGE: Yes.

BOARD MEMBER DeHART-SCHOOF: This says or if posted on the internet.

MS. SLEDGE: If you'd like to take a look at that language --

BOARD MEMBER DeHART-SCHOOF: Yeah, and maybe posting on the internet or -- yeah.

MS. SLEDGE: Okay. Sure.

BOARD MEMBER DeHART-SCHOOF: I don't want to do anything to upset the legislature.

BOARD MEMBER SAROS: So to bring this to our simple minds, Attorney Collins, since you continually talk about, you know, the Wayne County charter and -- I would liken this to I think what you're saying is that it's similar to me going home tonight and voicing my opinion to my wife, but she's going to do what she wants to anyway.

BOARD MEMBER DeHART-SCHOOF: Well, yeah.

BOARD MEMBER SAROS: So from a standpoint of I mean the charter, all kidding aside, there are certain provisions in that charter that we can't vary from.

BOARD MEMBER DeHART-SCHOOF: Trumps us.

BOARD MEMBER SAROS: That trumps us; is that correct?

MR. COLLINS: There are certain provisions in the charter that the chief financial officer can't vary from. It would not be an accurate statement to say that you can't. I mean there are certain things that as board members you must comply with. The charter is a law, so you must comply with it. In regards to Chapter 120 of the charter which is the procurement ordinance, yours is almost identical, but yours will be your own.

There is not anything inconsistent with this that is in there right now. But I don't think I'd be accurate if I said that -- there are certain provisions in here you could do differently. We haven't recommended it to you. You actually could give the chief financial officer $200,000 which is Oakland County's standard. You could do that, but we keep it at 50. We've been consistent with that. So you have certain flexibility from what the county's ordinance says versus what your rules say.

BOARD MEMBER SAROS: Since you're corporation counsel, assistant corporation counsel for the county and are obviously very familiar with the rules that are steadfast and rules that have room working with Member Hindo I think works out great because I don't think any of us want to be obstructionist. It's a matter of

feeling good about what we're doing and protecting the whole process. Correct?

CHAIRMAN: Correct.

MR. COLLINS: We certainly agree since it took us several months to get it to you. And I might add as you said, even after you have made this, I am sure within a matter of weeks, we'll come back and ask you to make revisions based upon our own personal experience of what we're now experiencing as we go forward.

CHAIRMAN: But because of that, Attorney Collins, because we've been going back and forth with this for quite some time and I do think that it is time to kind of put it to bed, so if we could, you know, act on it now with you, Hindo getting together, tweaking it, you know, coming up with some processes, some things that again, they can come back to the board so we can act on this and put this to bed and have like I said, have our document that we can all be proud of and live by because we're about to get into the procurement season if you will as it relates to our most important project and that's the jail and I'd like to have something in place before we start -- invoices start flying around and all that good stuff.

MR. COLLINS: Absolutely.

BOARD MEMBER DeHART-SCHOOF: I'll make a motion. Mr. Chairman, I'd like to make a motion to table item 5(a)3, the resolution for approval of the procurement policy until such time as Commissioner Hindo and Assistant Corporation Counsel Collins can meet and make any revisions that are necessary.

BOARD MEMBER SAROS: I'll support.

CHAIRMAN: It's been properly moved and supported. Is there discussion? The question being called for, all those in favor signify by the sign of aye.

(Aye.)

CHAIRMAN: All those opposed?

(No response.)

CHAIRMAN: Motion carries. All right. Moving onto line item 5, 3 -- excuse me. Moving onto line item 5(b), non-action item, that of the bank account, the Wayne County Building Authority bank account, if I could have an informational session with you, CFO Sledge. Talk to us.

MS. SLEDGE: Sure. Carla Sledge, Chief Financial Officer. I think some time ago we had come before you, correct me if I'm wrong, we did come before this body? No, we did not. Okay. We had contemplated using a different bank than what our current treasurer

uses and after an analysis of fees and other various items, we determined that it was the best way to go through the current treasurer, that being banking with Chase Bank. The treasurer will act as obviously the custodian of the funds. We have put in place various documents for transfers of money that have to still be approved by this body as always when it comes to various contracts, but also signed off by me that these dollars are accurate and also by our county.

So we do have some procedures in place, flow of money, what have you, but most importantly what we wanted to tell you today is that those funds will be with our county treasurer and it will not be -- it will be in the normal routine of what the treasurer does.

CHAIRMAN: Okay. Any questions? Valerie, anything? No questions? Okay. Thank you very much.

MS. SLEDGE: You're welcome.

CHAIRMAN: Moving onto line item six, public comment, is there any public comment? Any public comment? Public comment? There being no public comment, a motion is in order to adjourn.

BOARD MEMBER DeHART-SCHOOF: So moved.

BOARD MEMBER HINDO: Support.

CHAIRMAN: It's been properly moved and supported. Is there discussion? The question being

called for, all those in favor signify by the sign of aye.

(Aye.)

CHAIRMAN: All those opposed?

(No response.)

CHAIRMAN: Motion carries. This meeting stands adjourned.

(Proceedings concluded at 3:20 p.m.)

CERTIFICATE OF REPORTER

STATE OF MICHIGAN)
) SS
COUNTY OF MACOMB)

I HEREBY CERTIFY that I reported stenographically the foregoing proceedings at the time and place hereinbefore set forth; that thereafter the same was reduced to computer transcription under my supervision; and that this is a full, true, complete and correct transcription of said proceedings.



Gail R. McLeod,

RPR, CSR 2901

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WAYNE COUNTY

BUILDING AUTHORITY

MEETING

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PAGE 1 to 67

Taken at 500 Griswold,

Detroit, Michigan

Commencing at 2:31 p.m.,

Thursday, November 3, 2011,

Before Tamika M. Burnette, CSR-6363

APPEARANCES:

Nathan Ford, Chairman

Eileen DeHart, Member and Secretary-Treasurer

Jim Saros, Member

John Hindo, Member

Steven Collins, Wayne County Corporation Counsel

Valerie Khoury, Office of Management and Budget

Audricka Grandison, Member

ALSO PRESENT:

Ron Moran

Anthony Parcovecchio

Barry Jensen

Kevin Clark

Jessica Mistak

~~Seneca~~ SOUCIA Salter

Chandrika Karur ?

Detroit, Michigan

Thursday, August 3, 2011

2:33 p.m.

CHAIRMAN FORD: All right. Good afternoon and welcome to the Wayne County Building Authority regular meeting November 3rd, 2011, 2:00 p.m. Can we get out the roll call, please, Ms. Grandison.

MS. GRANDISON: Eileen DeHart?

MS. DeHART: Present.

MS. GRANDISON: Nathan Ford?

CHAIRMAN FORD: Present.

MS. GRANDISON: John Hindo?

MR. HINDO: Present.

MS. GRANDISON: James ~~Garth~~ SANOS -?

MR. GARTH: Present.

MS. GRANDISON: ~~De~~ We have a quorum?

CHAIRMAN FORD: We do have a quorum present. Moving on to line item two, approval of the October 13th, 2011 and October 18th, 2011 meeting minutes.

MS. GRANDISON: Ms. DeHart I believe -- do we have an absent on that which -- on the October 13, 2011 minutes?

MR. HINDO: Support.

CHAIRMAN FORD: It's been properly moved and supported. Is there a discussion? The question

being called for, all those in favor signify by the sign of aye.

(In Unison): Aye.

CHAIRMAN FORD: All those opposed? Motion carries. Moving on to the October -- meeting minutes for October 18, 2011.

MR. HINDO: I'll make a motion to approve.

MS. DeHART: Support.

CHAIRMAN FORD: It's been properly moved and supported. Is there a discussion? Question being called for, all those in favor signify by the sign of aye.

(In Unison): Aye.

CHAIRMAN FORD: All those opposed? Motion carried. Approval of the agenda, line item three. Can I have a motion?

MS. DeHART: So moved. Mr. Chairman, I'd like to make sure that everyone knows we're on the same page. Item 5(a), sub (5), should read $5284.73. That's the correct agenda.

CHAIRMAN FORD: Let me just run that back. That's line item 5 --

MS. DeHART: 5(a), sub (5) --

CHAIRMAN: Sub (5).

MS. DeHART: -- should be 5284.73.

CHAIRMAN FORD: Okay. I have that. I've got that. Do you have that?

MR. SAROS: I do.

CHAIRMAN FORD: So noted for the record. Any additional corrections, add-ons, subtractions? Motions?

MR. HINDO: I'll make a motion to approve the agenda as amended.

CHAIRMAN FORD: It's been properly moved. Is there support?

MS. DeHART: Support.

CHAIRMAN FORD: It's been properly moved and supported. Is there discussion? Question being called for, all those in favor signify by the sign of aye.

(In Unison): Aye.

CHAIRMAN FORD: All those opposed? Motion carries. Moving on to old business. Is there any old business? No old business.

Any new business? And we do have plenty of new business and we're going to start with line item 1(a), approval of payment of policy, excuse me, legal liability insurance. And we do have a representative from legal or is that risk management?

MS. SALTER: Risk management.

CHAIRMAN FORD: Excuse me, risk management, Ms. Salter, to talk to us about this policy and it will be open for questions. Ms. Salter.

MS. SALTER: Should I do questions first?

CHAIRMAN FORD: No, we'd like you to do us a little presentation of what we've looked at, what the policy is all about. Just give us a synopsis and we'll get into the questions.

MS. SALTER: Pollution liability would be required --

CHAIRMAN FORD: Speak up just a little bit. There you go.

MS. SALTER: Pollution legal liability coverage is warranted any time that you're doing any type of construction and there's going to be a breach in the soil. We have had ~~under, I think, FRIA and HCON,~~ two phases of soil reporting completed. None of them have been alarming. There are some things that do need to be remediated. We do have remediation policies in place now.

A pollution legal liability policy, though, would be responsible for first and third party claims which would arise out of a breaching of the soil further than the exploration that's taking place, as

well as the disposal of the soil.

So those first and third party claims, both bodily injury and property damage. ~~First, let's~~ The owner selected ~~it as the carrier~~ was chosen because for a couple of reasons, not the least of which that they are the most comprehensive in terms of coverage and they provide a very broad application of coverage for the county which I think is appropriate.

CHAIRMAN FORD: Okay. Thank you. We can open it up now for questions. Board members refer to a brief synopsis of this insurance policy for the jail. At this time we're going to entertain questions. Thank you, Ms. Salter, for your presentation. Board member DeHart.

MS. DeHART: It mentions that the quote is valid October 16th. Now we're into November. Is that going to be an issue?

MS. SALTER: No, it should not be.

MS. DeHART: Okay. And I also compared the three different quotes on -- the pages aren't numbered. It lists the coverages limits, deductibles and terms.

MS. SALTER: For whom? ~~Which coverage~~?

MS. DeHART: For Chartis.

MS. SALTER: Okay, ~~For~~ Chartis.

MS. DeHART: I've also earmarked the other coverages. Can you give us a brief description of what the differences are in the three proposals?

MS. SALTER: Briefly, Chartis is by far the most comprehensive to provide you with both known and unknown and that known and unknown location. And again, first and third party coverages as well as terrorism. Ironshore would have been the second contenders, provide some of those same things, however, you would have to purchase additional endorsements in order to equal what it is that Chartis is providing. Navigator, basically, I would reject it out of hand because it does not provide enough coverage, period.

MS. DeHART: And I notice that the difference was about $50,000 between the three premiums; is that right?

MS. SALTER: Right. Since they don't give the same coverage, I wasn't really looking at that as much as qualifying which coverages were appropriate for the job at hand, for the size of the parcel, for the duration of the term.

MS. DeHART: Okay. And I noticed on the last page of the Chartis it does not address terrorism. Do any of them address terrorism?

MS. SALTER: ~~I think~~ we do have terrorism and that would be the reason why the premium that was quoted in the Chartis policy at ~~$2,056,219.54~~ 56,219.54 for the three-year term.

MS. DeHART: Okay. So that would be in addition to the $250,000 that was on the previous page, about $250,000?

MS. SALTER: Addition?

MS. DeHART: Right. The previous page where it says coverages limits, deductibles insurance. It totals right around $250,000. And again, the pages aren't numbered, so I can't tell you where to look.

MS. SALTER: Then you know what, unfortunately, I'm not sure if you're looking at the premium summary page.

MS. DeHART: It's saying -- I assume that's what it is.

CHAIRMAN FORD: Here, you want her to bring it down to you?

MS. SALTER: No, I could bring it to her, if you'd like. That's the application. That's all of -- do you mind if I come down?

MS. DeHART: Please. Not at all. And I just kind of roughly did this. It's about a quarter of a million dollars. So this would be in addition to

the --

MS. SALTER: No, that is the total premium for three years, it's $56,219.54 with terrorism.

MS. DeHART: With terrorism.

MS. SALTER: This is not the $5 million policy, it's the $2 million that Mr. Parcovecchio and I went over. And on behalf of the county made the $2 million selection based upon the soil information that we have. These different values, which you are referring to, these would not be added together, these are for different amounts of coverage and the related premium for each.

MS. DeHART: Got you. Okay. Thank you.

MS. SALTER: You're welcome.

CHAIRMAN FORD: Does that answer your question?

MS. DeHART: It does.

CHAIRMAN FORD: Ms. Salter, could you just talk about the timing of this? You said that this policy was moving forward. Obviously, today on the policy there is a little overlap. Is that going to --

MS. SALTER: Do you mean with the existing remediation policy?

CHAIRMAN FORD: Correct.

MS. SALTER: The remediation policy does not respond to the same sorts of claims or potential

lawsuits that legal liability relates to.

CHAIRMAN FORD: Okay.

MS. SALTER: The remediation policy only refers to work that's done within a few feet from the surface itself. It does not cover the county or the building authority or other persons once the ground is breached lower than it is right now for the installation of the caissons and the water line.

Since you have to go much deeper, you have the opportunity to be introduced to unknown factors. So this covers the county for things that are unknown or things that we suspect.

CHAIRMAN FORD: Got you. Okay. Thank you.

MS. SALTER: You're welcome.

CHAIRMAN FORD: Any additional questions?

MR. ~~COLLINS:~~ Mokan Hindo I just want to clarify that this was bid out. We got several quotes and reviewed them thoroughly and then decided on who we would prefer to go with. Is that -- is my assumption correct?

MS. SALTER: Your assumption is correct that the three insurers that were contacted were Chartis, Ironshore and Navigator.

MS. ~~COLLINS:~~ Mokan Hindo Okay. Thank you. I just wanted to make clear.

CHAIRMAN FORD: Thank you. All right. Any additional questions?

MR. SAROS: Ms. Salter, I noticed that this is a claims made policy?

MS. SALTER: Yes.

MR. SAROS: So is there anything put in place for when this policy is no longer in place that we have some kind of a trailer policy or at least can we have a note, you know, to follow up. Because if, you know, my understanding of the claims made insurance policies are -- is if this expires and we think we're all done and then a year later someone makes a claim, we wouldn't be insured because it's only -- you're only insured green if the policy is in effect when the claim is made.

MS. SALTER: There is an opportunity to purchase continuous claims coverage or tail coverage --

MR. SAROS: Yes, tail.

MS. SALTER: -- is that what you're referring to --

MR. SAROS: Yes.

MS. SALTER: -- for three to six years? It wouldn't be my expectation that we would need it necessarily beyond a year and also I would prefer to

investigate the possibility of having a claims made coverage or continuous coverage on the contractor who is actually doing the work, not necessarily the county.

MR. SAROS: Which I would agree with completely.

MS. SALTER: Absolutely.

MR. SAROS: However, you've answered my question. I think it's important for the board members to know that at that time, as far away as it may seem, it's a scenario we should address about buying, what I refer to as a tail --

MS. SALTER: Uh-huh.

MR. SAROS: -- policy. So good, you're aware of that and thank you very much for your answer.

MS. SALTER: You're welcome.

CHAIRMAN FORD: Any additional questions? Just to follow up. So now moving forward -- going forward, obviously, the caissons are about to be deployed. Is there -- how far down does this insurance policy cover?

I mean, is it -- do you deal with linear feet or anything like that? Because if we get down deep and then there's still some mess down there and all of that, then the policy kicks in. What if it goes

deeper than what the policy covers, if you will?

MS. SALTER: The policy premium that was provided and the coverage is predicated on the base report that was provided to us from them. And so I would be outside of my knowledge base.

CHAIRMAN FORD: Understood.

MS. SALTER: ~~But~~ I ~~told you~~ cannot say how exactly many feet. I would say to you, however, that in order for a carrier to bid on a project, they have to know where you're going and so they have an understanding of just how far it needs to be.

CHAIRMAN FORD: I appreciate that and I'll bring that up to these two guys here. Thank you very much, Ms. Salter. Great. Board members, if there are no additional questions, comments at this time. A motion is in order to accept this proposal.

MS. DeHART: Mr. Chairman, I'd like to make a motion to accept the proposal to have Chartis the air pollution legal liability insurance company carrier at a premium cost of $56,219.54.

CHAIRMAN FORD: It's been properly moved. Is there support?

MR. HINDO: I'll support.

CHAIRMAN FORD: It's been properly moved and supported, is there a discussion? The question being

called for, all those in favor signify by the sign of aye.

(In Unison): Aye.

CHAIRMAN FORD: All those opposed? Motion carried. Thank you very much. Moving on to line item two, update of jail presentation. We have Mr. Ron Moran and Mr. Tony Parcovecchio here to give us an update on where we are.

MR. MORAN: I don't know if this sight ~~claim~~ plan is in the right position so if you want us to move it, let us know.

MR. PARCOVECCHIO: This is a rendering of the site plan and I'm going bring up this drawing right here because this is worth 2000 words.

MR. MORAN: This is what it looks like today and the other one is the one we hope it looks like in three years.

MR. PARCOVECCHIO: In the future. This is Mullett Street right here. And what you just approved was the insurance policy, pollution insurance policy to start the water line. There's three things. We have a gas line that's been relocated already.

We got a water line that we've got a contract with Blaze Contracting. It was competitively bid and we're ready to start that. The pipe has been ordered,

it's on the job, actually, it's been delivered and it's on the job. And within four or five days we should have this insurance policy in place and they're ready to hit the ground running. So that's what's going on Mullett Street. And that's very important that you did pass that today.

The site remediation has been completed. I'm going to go over the process that we did -- that we took to do the remediation. And then Ron's going to go over the numbers on how we got there. So I did probably, in my 40 years of experience, did more testing on this site than any site I've ever done. And if you look at it, there's all these locations here that were done by aerials and we located them. And this area right here was the most prevalent with underground material. And we went -- in this area here, the east end, we went as far as 18 to 20 foot deep that we found unsuitable soil and concrete and basements and things like that.

MR. MORAN: Tony, there's a list if you want to read off of --

MR. PARCOVECCHIO: Sure.

MR. MORAN: -- what was there.

MR. PARCOVECCHIO: Number one, is right here. That was the Detroit School of Medicine. And

number two, the female hospital. Number three, was the Lithuanian Church right here. Number four was a bakery which is right here. And number five was St. Mary's Hospital which is right here. Number six was Wayne State structure. Number seven was another church.

And number eight was just miscellaneous structures that were on the site. So the site -- most of the site we dug down five to six feet. We got down -- that's down to virgin ground, clay, hard pack, so we know we're solid with that. And the rest of the site we had go in a lot of areas down 18 to 20 feet. We did hit some things that we didn't anticipate that we had to go down 18 to 20 feet on. So Ron will go into that. We did also -- we did over 20 test bores on the site and then I asked -- I just took a backhoe and I went through and took a splice across here just to see what was there because these were historical homes that were on the site earlier. So we just wanted to see what was there. So as you can see it looks like we hit it with a pretty well shotgun with our tests. So the remediation is done. It's back filled with engineered fill. We're ready to go. The nice thing about this is we've taken it down, we've removed all the obstructions and when we start the

caisson package -- caisson, if you hold up a caisson contract, it's over $1500 an hour. And if we were to hit one of these obstructions, it could shut us down.

So now we've got the site cleaned, ready to go and I feel very good about it. And it puts us five months ahead of schedule, actually, by doing all this ahead of time before we ever see them on board. As you know, Ron will tell you the cost of that, but it's $30,000 a day, but he's going to go over that. What else? And I think -- oh, within the next four weeks we're going to be going up for bids for the precast which is very critical for the project. And if we can get those on board and start fabricating them ahead of time, they'll electrify the schedule. I feel really good about where we are right now in the project. It's moving along very, very fast.

CHAIRMAN FORD: So, Tony, you did three phases of due diligence of testing?

MR. PARCOVECCHIO: Yes.

CHAIRMAN FORD: So one is the aerials. So explain that to us where you go back ten years, you do snap shots of --

MR. PARCOVECCHIO: Actually, we went back like 60 years.

CHAIRMAN FORD: About sixty years.

MR. PARCOVECCHIO: Yes.

CHAIRMAN FORD: Okay. Every ten-year intervals. 60 years. You did aerials, did you 20 tests that's -- is that -- the 20 tests that's on a seven-acre site, is that about what the norm is? Is that, you know -- how do you make that equation on how many tests that you're doing and then talk a little bit more about the --

MR. PARCOVECCHIO: Well, let me just say this. The 20 tests were those holes that were drilled, we actually went down and excavate -- and over and above that we went down and we excavated all the way around the perimeters of these. We had a surveyor out there surveying what the amount, the volume. And then I also went out for unit prices and I knew ahead of time what it was going to cost us to remove unsuitable soils. Thank God we didn't hit any hazardous soils on the site. So over and above the 20, we did all of these -- we cut all of these old things out and then excavated along with the trenches. So it was even more than you would normally do on any site.

MR. MORAN: And I would add to that, as those test pits were being done, if we hit something, we kept going. We didn't just find something in that one

place and say, oh, there's something there, we move to another place. We would follow, if it was a foundation, we would follow that foundation until it got to an end so we knew where the end of that foundation was.

So even though we did over 20 test pits, we did bigger areas if we found things when we were doing those test pits.

CHAIRMAN FORD: So this is about right for a seven acre site. I mean, this is more than --

MR. MORAN: I would say it's more than anybody would normally do. I just wanted to make sure that we didn't leave any stones uncovered. No pun intended.

MR. PARCOVECCHIO: If this site wasn't in downtown Detroit, we probably would have a third of this done.

MR. MORAN: And as you can see, we -- from the aerials we knew where these were, where the sites were that we had to remove. We also hit all these other areas just for precaution. And it worked out well because we knew what we were up against, pretty much.

CHAIRMAN FORD: So then there were some areas where you went down as far as 20 feet?

MR. MORAN: We did. A lot of this area right up in here, we had to go down as much as 20 feet.

CHAIRMAN FORD: Okay, Ron, what you got?

MR. MORAN: As Tony mentioned, it was during our due diligence we estimated using all the information that we had from our consultants that we were going to do about five to six feet on the entire site. Because as we got into the north and southwest part of the property, we decided that when we ran into, and I'll call it junk, we were just going to keep digging that junk out until we came to virgin soil.

So obviously, the deeper you have to dig, the more dirt you have to bring -- or engineered fill you have to bring back into the site. So because of that and as Tony has mentioned, we did do this on a unit price. But because we had to go 18 to 20 feet in some areas, we obviously spent more money than we originally thought when we were only going to go through the entire the site and do five to six feet.

So before you today are a number of change orders that really deal with all of the activities that were going on at the site during the site due diligence. So, Mr. Chairman, I don't know if you want to follow these or do these one at a time or you want

me to explain.

CHAIRMAN FORD: Let's just do your -- you know, do your presentation and then we'll come back and just go over them one at a time.

MR. PARCOVECCHIO: Okay. I'm going to flip this back around to the other side. As Tony had mentioned we had a water line that was crossing the property and the relocation is down the freeway service drive, down Clinton, and back up San Antonio.

So you've got the water lines here and water lines here and that just runs across. What we're doing is taking it down and back up. So that's the connection.

Now when the contractor was out there doing his due diligence and they had done a lot of due diligence before the line work. The field engineer or DWSD told the contractor, by the way, did anyone tell you that there's a 12-inch water line running from Mullett Street down to Clinton that was installed for the Super Bowl? Well, nobody had a record of any drawings or anything that there was a water line that was installed along the service drive there. So one of the items before you today is a cost that -- what the contractor has to do is cut out a length of 12-inch pipe from Mullett down to Clinton. Pull that

out, put the new 30-inch line in and then put that 12-inch line back in. And again, that was not discovered because any of the drawings that any of the consultants had looked at did not show that because DWSD really didn't have any drawings. It was told to us by the field engineer. So that's one of the items.

One of the other items --

MS. DeHART: Ron, if I may interrupt. Why did you have to pull out the 12-inch and put it back in?

MR. PARCOVECCHIO: Because there was not enough room. The 30-inch pipe is a huge pipe. So in order to get that in, you had to move the 12-inch out of the way, put the 30-inch and then bring back the 12-inch.

One of the other items is during the due diligence -- I'm sorry, during the site remediation, we had discovered that there were two heating tanks, fuel heating tanks, on site that had fuel heat in them. So one of the items is we had to get an environmental company to come pump out the fluids that were in there and dispose of it in the right way.

The third item was, there was an elevator pit on the south side of the property. And again, that had fluid in it that had to be pumped out and taken to

a correct disposal site.

Also within the Mullett Street right-of-away it was also known that there was a steam line there and that was going to have to be removed. And anticipation was we would just dig it out and dispose of it in the normal way that we would typically do that. During the site remediation we were able to uncover one spot of the steam line. And it was indicated by our consultant that there may be -- the line may be wrapped in asbestos. And that has to be removed and handled in a certain way other than just breaking up the pipe and taking it to the proper dump site.

So one of the items is for ATC to do the correct environmental consulting as it relates to the removal of that asbestos. And in one of your future meetings, hopefully very soon, we will be bringing to you a contract or a contractor to actually remove the asbestos wrapped pipe that's in Mullett Street. And again, we bid that on a unit basis because it's buried, we're not going to dig it up until we're ready to remove it.

So we're using our best guesstimate of the amount of lineal feet that's buried and that's covered with asbestos. So the good news may be it may cost us

$50,000, but we got -- we're going to be bringing you a contract for $100,000 because that's what our consultant is giving us as the best guess of what is there.

So a lot of these things are underground, they're unknowns, and that's sort of the nature of the business when you do a site like this. They're -- you do your due diligence the best you can and once you get into the project you start discovering that there are things that you didn't know were there once you started digging.

And then the last item, the S&E change order. Because of the additional depth that we had to go for a site remediation, Blaze, our contractor at the site, was just there longer than anyone anticipated and S&E's contract is on a -- it's an hourly basis for a day's worth of work. And because everyone was trying to get this done in the -- in as quickly a manner as they could between good weather, they would work 10-and 12-hour days. So their sort of normal 8-hour day expanded to a 10-or a 12-hour day because of the good weather that we were working in.

So there is a change order before you to -- what we have haven't done, obviously, is we haven't done a clean-up on Mullett. We've done everything

north of Mullett and south of Mullett, but until the water line gets relocated, we can't -- that is just going to stay where it is. So we've got some more site remediation work that has to happen, but it can't happen until that water line is relocated.

CHAIRMAN FORD: Okay. Thank you. Thank you very much. Cottsanter.

MR. CLARK: Yes. Kevin Clark and Barry Jensen.

CHAIRMAN FORD: Hi, Kevin. Hi, Barry. You've had an opportunity to review the change orders that we're looking at today?

MR. CLARK: We did. The change orders were put together on a form that we prepared for check to be used for Barry. Barry to be used for any contract and they're fairly basic and straightforward change orders.

CHAIRMAN FORD: All right. Thank you. Board members -- go ahead, Ron.

MR. MORAN: Mr. Chairman, can I add a couple more things? Just because of the due diligence that we did we had estimated that this water line was going to cost us roughly a million and a half dollars. And the relocation of other utilities as part of that was going to be about another 300,000. So we had

estimated in our original due diligence that to relocate that water line was going to be about a million and seven. But because of the due diligence that we did, the water line right now that you've approved is for 933,000 and the re -- and the moving of this 12-inch line is another 78. So we're right at about a million dollars where we originally thought it was going to be a million, seven.

So from that standpoint, you know, we think we've done a good job in doing our due diligence and were able to do that at a much cheaper rate.

The other thing that we've done and this was really because of -- at the direction of our owner rep Mr. Parcovecchio. He's been pushing us to get the caissons in while we're trying to deal with getting the CM on board who has to submit a GNP that's actually on the board. So during that time, we all know that there's interest accumulating for the bonds and so we're trying to push ahead.

And again, Mr. Parcovecchio was pushing us hard to get this work done. And we have bid out the caisson work. We do have a permit from the city of Detroit to install the caisson. So as soon as we review the bids, we find our low bidder, our lowest qualified bidder, who can meet our schedule, we will

be bringing that before you. And we hope to get that started sometime around the beginning of December.

Now, because of some of these delays with relocating that water line, that may be pushed back a little bit, but we can continue to work on Mullett Street and start the caisson at the north end and start the caisson at the south end and kind of collapse towards Mullett Street. So by the time the work on Mullett Street is done, hopefully the two caissons -- there's two different caisson contractors -- sort of meet in the middle and we'll either be on schedule or ahead of schedule because of that.

MS. DeHART: I have a question.

CHAIRMAN FORD: Absolutely.

MS. DeHART: Ron, on the vacation of the service drive, is there any progress on that or is that going to be down the line?

MR. MORAN: No, we have submitted the official direction as you write a letter to the city council to ask them to vacate. So that letter has went in to vacate the service drive. And we would like to close Clinton about halfway to the juvenile delinquent facility because they have two driveways on the west end. They really don't have any driveways on

the east end. So we're -- our petition is to close this and to close that half way. And we've coordinated this all with Paul Anderson who basically runs the operation and maintenance of the Wayne County facilities. And we're hoping that the final approval for this site and the closing of those streets will reach the city council at the same time. And with your chairman's help, he's been just great to work with, we are on schedule to do that, but as you know the political process sometimes doesn't always work the way we'd like it to.

MR. PARCOVECCHIO: Ron, one other thing to add is that we do have -- we do have caisson equipment now which is amazing. Thank you, Nate. But we do have the caisson permit and we're ready to hit the ground running. And I was given just a sheet of paper that gave me some caisson prices that came in and it appears that we're going to be under budget on the caisson. So I love starting a project off that way. So we'll be able to present those to you once I've evaluated them.

CHAIRMAN FORD: Okay. All right, Board Members, questions?

MR. SAROS: In a previous meeting, Mr. Moran had mentioned this 5 to 6-foot threshold, but that

there would be a -- a great chance that in certain areas, because there were different foundations and different buildings, there could be greater. So thank you for that because that -- there is no surprises for that. And the fact that there happens to be savings beyond what was anticipated, just I think compliments your due diligence.

My one question is, did you mention, Mr. Parcovecchio, earlier that one of the structures that was torn down was a Lithuanian Church -- that originally came -- was on that original plan?

MR. MORAN: Lutheran Church.

MR. SAROS: Okay. Lutheran. I was worried about some of my Greek -- I'm thinking I couldn't go to sleep tonight.

MR. MORAN: I didn't remember saying that.

MR. SAROS: Okay. I'm good with it Lutheran. I'm done. Take it out. Thank you.

CHAIRMAN FORD: Questions? Questions? All right. If there are no questions, Board Members, we're going to continue with our agenda. Moving on to line item 5(a) 3, approval of the Blaze contract -- of Blaze contract with change order number one for $78,416. And this is the change order for the removal and replacement of 338 lineal feet of 12-inch water

main. Board member DeHart.

MS. DeHART: I'll make that motion, Mr. Chairman.

CHAIRMAN FORD: It's been properly moved, is there support?

MR. HINDO: There's support.

CHAIRMAN FORD: It's been properly moved and supported, is there a discussion? Question being called for all those in favor signify by the sign of aye.

(In Unison): Aye.

CHAIRMAN FORD: All of those opposed. Motion carries. Moving on to line item to 5 (a) through 4 approval of the Blaze contracting change order number one for $1,295,777.74. This was for the change order -- the change order --

MS. DeHART: The security fence because of the water main.

CHAIRMAN FORD: Thank you very much. Thank you very much, Board Member DeHart. A motion is in order.

MR. HINDO: I'll make a motion to approve.

CHAIRMAN FORD: It's been properly moved, is there support?

MR. SAROS: I'll support.

CHAIRMAN FORD: It's been properly moved and supported. Is there discussion? Question being called for, all of those in favor signify by the sign of aye.

(In Unison): Aye.

CHAIRMAN FORD: All of those opposed? Motion carries. Moving on to line item 5(a) 5 approval of the ATC Associates, Inc., change order number one in the amount of $5,284.73. A motion is in order.

MS. DeHART: I'll make that motion and this covers the disposal of the two meetings?

CHAIRMAN FORD: That is correct. It's been properly moved. Is there support?

MS. DeHART: I'm sorry, and the validating vote for both.

CHAIRMAN FORD: Thank you. It's been properly moved. Do we have support?

MR. HINDO: Supported.

CHAIRMAN FORD: Is there discussion? Question being called for. All those in favor signify by the sign of aye.

(In Unison): Aye.

CHAIRMAN FORD: All those opposed? Motion carries. Moving on to line item 5(a) 6, approval of the S&E change order for $12,000. And this is for a

delay for the -- this is for the additional days of geotech monitoring associated with the Blaze contract. Board Member --

MR. HINDO: I'll make a motion to approve.

MS. DeHART: It says S&E contract.

CHAIRMAN FORD: This is approval of the S&E change order number one for $12,000. It's been properly moved. Is there support?

MS. DeHART: There is support.

CHAIRMAN FORD: It's been properly moved and supported. Is there discussion? Question being called for, all those in favor signify by the sign of aye.

(In Unison): Aye.

CHAIRMAN FORD: All those opposed? Motion carries. Thank you very much Mr. Parcovecchio and Mr. Moran. Moving on to line item 5(a) 7, approval of the payment policy. Valerie, would you give us a brief on this?

MS. KHOURY: Valerie Khoury, management and budget. I believe it was at the last meeting that the two financial officers told you they were in the process of working with the treasurer to open up a bank account, a checking account, for the building authority, for purposes of making disbursements. That has -- that checking account has been opened by the

treasurer and we are bringing forward to you a recommendation for the payment and procedure policy.

Basically, we worked with the treasurer's office to make sure they've reviewed it to make sure everything has been placed and we've set up a process. By which, in short, once an invoice is received, we will prepare a voucher that the CFO will sign off on and then that gets sent over to the treasurer and the treasurer will make the payment, whether they be checks or fund to fund transfers.

CHAIRMAN FORD: Okay. Thank you. Thank you very much. Questions, Board Members? Board Member Hindo.

MR. HINDO: Not really a question, but more of a comment. Obviously, we're in the process of finalizing the procurement policy. There have been some changes or revisions that have been submitted to Steve Collins and ~~Carlos~~ CARLA Sledge were working those out. The only comment I would make is that if for some reason we finalize that document and there's any inconsistencies in this policy in relation to the procurement policy, that this document would be amended to be consistent with the final procurement policy.

CHAIRMAN FORD: Thank you. So noted for the

record. Board Member DeHart.

MS. DeHART: With city vouchers they are approved via the legislative body, which, of course, is the city council. Now, in this instance, is the commission the legislative body and will the commission be able to see these vouchers?

MS. KHOURY: No, that's not how this is set up. And I might look to legal counsel if I'm not understanding it right.

MR. COLLINS: Steven Collins, Wayne County Corporation Counsel. Just a point of clarification, are you talking about the authority commission or the county commission?

MS. DeHART: The county commission.

MR. COLLINS: All right. And now I would have to go back ~~because now~~ TO YOUR ORIGENAL you're ~~asking a~~ question. I know that our Wayne County Commissioners have access to ~~your JDF roof~~ THE JD EDWARDS system. How much access they have to the ~~JDF roof~~ J.D EDWARDS system, I'm not sure I can answer that.

MS. KHOURY: And this is my understanding when the -- and you can tell me if I'm wrong, but when the Wayne County Commission entered into the contract of lease with the building authority, there were certain items that were required to go before the commission, for example, the construction manager at

risk. But then everything else is left to the authority through the construction manager at risk to contract for the service and everything that's needed to build the jail. So it will not require approval of each item by the Wayne County Commission. However, the CFO will have to sign off on each item once an invoice is received.

MS. DeHART: This board from day one has been interested in transparency. I would like to at least have the commission receive copies of these invoices, just an FYI, if necessary, so they know what's going on.

I think the more people who know what's going on the better for everybody involved. I haven't talked to the rest of the board members about that issue or not, if they agree, but I would feel comfortable doing that.

MS. KHOURY: Well, I understand the need for transparency. I'm not sure how practical sharing the invoices would be. We have Pierce Monroe, the accounting firm, here and we've tried to look at process and maybe --

CHAIRMAN FORD: Before we do that, let me just -- Attorney Collins.

MR. COLLINS: If I could, yes. Again, STEVEN COLLINS

assistant corporation counsel. Yes, I think, if I'm understanding Commissioner's DeHart's concerns, the invoice is ~~only actually be going -- are going~~ GOING to be like this. I mean, you're going to have ~~statutes over~~ ACCESS TO the invoices.

However, what I think that you're asking for and certainty is also already a financial report.

MS. KHOURY: Yes.

MR. Collins: We will be going back to the commission on a regular basis with financial reports in regards to here's where we are in the budget, here's how much we've spent. And certainly those financial reports are going to be broken down into several line items, if that was the intent of your report. If that was the intent of your question, then I think it's more than appropriate because that has been the intent of the ~~PO Box office~~ CO'S OFFICE to make sure those type of reporting.

MS. KHOURY: Yes.

MR. COLLINS: The Wayne County Commission certainly as the legislative body has a lot to do and the idea that we give him a stack of these, I would not want to ~~open them~~ REPRESENT in saying that we have given them that.

CHAIRMAN FORD: Absolutely. I think to Board

Member DeHart's comment, I think that there are other vehicles in which we can inform the Wayne County Commission and bodies at large. You know, this is what we're doing. Again, you know, in the spirit of transparency and we just need to look at how we -- whether it's a quarter financial report or if it's a bi-annual financial report to the commission. You know, a progress report. This is what we've done, this is where we are. And this is, you know --

MS. DeHART: And if it's done in QuickBooks, I mean, you can print out a QuickBooks page.

MR. COLLINS: Well, we have [redacted] that. That's one of the things we have. I would have to go back -- I'm going to have to go back to management budget on that and policy. But certainly it is the intent of the CEO office that with the permission of this board, that regular financial reporting on this project will occur.

Now, I cannot answer to you whether they would do that every 30 to 45 days depending on how we do payment. All right. Because we're not finished up with our CMAR yet, but it's certainly more likely to be on that schedule than a six to eight month ~~is what we were intending.~~ As we get the monthly reporting on the projects put on construction, it has to include

the financial.

CHAIRMAN FORD: Absolutely. And I just think that -- thank you, Attorney Collins. I think that we need to come up with a system that reflects the transparency of the board and just basically this is a progress report. Again, quarterly, bi-annually, it doesn't matter. But just bring it back to the board on how we would be communicating the board's effort to -- what the board is doing to the commission and to the public at large.

MR. COLLINS: Absolutely.

CHAIRMAN FORD: Thank you. Thank you very much. Thank you, Board Member DeHart. Any other questions on the payment policy? Okay. If we have no questions on the payment policy, a motion would be in order.

MS. DeHART: Just to amend it briefly.

CHAIRMAN FORD: Sure. WCBA

MS. DeHART: Under the ~~WPBA~~ Administration, it should probably read as we talked to Valerie, for purposes of this policy, the chief financial officer and so forth. And to also reflect that once a procurement policy is in place, that they both be compatible.

CHAIRMAN FORD: All right. It's been

properly moved. Is there support?

MR. GARTH: I'll support.

CHAIRMAN FORD: It's been properly moved and supported. Is there a discussion? Question being called for, all those in favor signify by the sign of aye.

(In Unison): Aye.

CHAIRMAN FORD: All of those opposed? Motion carries. Thank you very much. Moving on to line item 5(b), owner's representative contract. Can I have --

MR. CLARK: Yes. Kevin Clark --

CHAIRMAN FORD: And what I'd like to do just so you know, because I'm sure we'll be spending some time together. Open it up to you just to give, you know, because we're all going this way and that way, just kind of give us an overview and then we'll get into the questions.

MR. CLARK: Owner representative contract directly with the board, the building authority and part of the building, I would say that this is a very owner-friendly contract. One of the things that this establishes is a fiduciary relationship that is not something that you would normally see in a owner's contract.

A fiduciary relationship is one of trust and

confidence. It places a large amount of responsibility and burden on the owner's rep. It's a very owner-friendly form. It contains indemnification, insurance, fiduciary duties. The compensation is for the term that the contract -- and I believe it's 38 months. There's a copy of services that's attached as Exhibit A, but also there is a general catchall. Any other services that are reasonably required to complete the project. It is based on a percentage .75 of project cost. That's the compensation that's set forth in Exhibit B and it's based upon an estimated budget. You'll note that if the estimated budget goes down, the compensation would go down. If the estimated budget goes up, the compensation does not go up. So it is capped in that regard. It requires monthly invoices, it allows for an IT specialist sub-consultant. A very comprehensive contract though.

CHAIRMAN FORD: So let me ask you this: You've been doing these, I'm sure, for quite some time?

MR. CLARK: Correct, yes.

CHAIRMAN FORD: Talk to the board. Is this contract, obviously it's a very owner-friendly contract?

MR. CLARK: Correct.

CHAIRMAN FORD: Is this normal? I mean, in terms of the pay, the fee structure, is this normal? Is it above, below, commensurate with standard, industry standard?

MR. CLARK: The pay structure is slightly below what our experience is or industry standard for an owner's representative. This is a -- the overall contract for the construction of this project is -- it contains elements of an integrated delivery system which is a fairly new type of construction methodology. And so there's not a lot to compare on this type of contract to because it's fairly new and it's not that common. We just don't have 50 years or a hundred years or use of this type of a system to compare against. But in our experience where we've seen the owner rep contracts, the three-quarter of a percent is somewhat lower than the norm.

CHAIRMAN FORD: Thank you. Thank you very

MS. DeHART: I have a couple of questions, if I may.

CHAIRMAN FORD: Board Member DeHart?

MS. DeHART: On page three it talks -- I'm sorry. I guess I'll start at the beginning. On page two under item three, special services, it goes to B

and then B1. And this is kind of I guess I'm kind of the picky one on the authority as far as these kind of things. But shouldn't it be B1 and shouldn't two be A and three be B and four be two and five be three? because two and three are kind of subsets of one.

MR. CLARK: I think it maybe goes sequentially. But it could go as a subset also. It's somewhat of my odd drafting style, I guess.

MS. DeHART: Okay.

MR. CLARK: It was made to be steps that they would take, but there could be subsets.

MS. DeHART: Well, then number one is not a complete sentence then. That needs to be addressed. It's the English major in me coming out.

MR. CLARK: I love it. Another byproduct of my odd drafting. Yes, we can change that to make that -- and there also is a typo there. So I apologize for that.

MS. DeHART: On page three under section five, composition of document. It does not address the architect engineer. Are they also included in this clause as far as the confidentiality? This is just the OR's contract.

MR. CLARK: This is just the OR's contract. There is a separate contract with AE COM which we did

review in drafting this and it contains a similar type of clause.

MS. DeHART: On section six of that same page, it addresses sexual orientation. However, in subsection one on the next page, it does not address sexual orientation. It addresses the rest of the issue, but not sexual orientation. It probably should be in -- included in lines three and then further down.

MR. CLARK: It does reference sex at the top of page four.

MS. DeHART: But I think sex means gender, not sexual orientation.

MR. CLARK: Yes. Also another --

MS. DeHART: Okay. And on page five, under termination of contract.

MR. CLARK: Yes.

MS. DeHART: I think most contracts have termination for unethical reasons. And I just would feel comfortable if that was added in there. Not that Tony's going to be unethical, but it's part of a standard contract.

MR. CLARK: You know what, I would agree. Some contracts have termination clauses and some contracts have termination for convenience. We'd also

like to draft a contract to give you the broadest termination rights as possible.

Sometimes if you have a termination for cause, you have to prove what the cause is. For a termination for convenience this clause is simply a termination at will.

MS. DeHART: So it's all encompassing?

MR. CLARK: Correct. It's more broad than a termination for cause.

MS. DeHART: Okay. And then on Exhibit A, there's another typo. Item number four.

MR. CLARK: Yes, that should read together with architect.

MS. DeHART: Right. And another the typo on page nine, second paragraph one, two, three, four, five, six, seventh line down, I don't think it shall change. I think it should be should change, based on --

MR. CLARK: For the record, could you read that sentence?

MS. DeHART: Certainty. It's the second paragraph where it starts the OR agrees. One, two, three, four, five, six, the seventh line down of that -- actually, sorry, the sixth line down. Upon competition of the OR shall changed based on -- shall

change?

MR. CLARK: Shall be changed.

MS. DeHART: Or shall be changed. That's all I have, Mr. Chairman.

CHAIRMAN FORD: Thank you very much, Board Member DeHart. Any additional questions?

MR. SAROS: I hope you gentlemen are appropriately embarrassed by an English professor over here because we are. I do have a question. And I'd like to profess that. I don't think we could be more pleased with the work that Carl Construction has been doing from day one.

MR. PARCOVECCHIO: Thank you.

MR. SAROS: And particularly in light of Mr. Moran's continual compliments as to -- as to the -- I mean, he's there every day. As to the, you know, how you have gone after this job. So this is not a -- you know this is not a personal issue. I'd like to put on the record that much prior to everything that's been going on lately because I think we're foolish to not to, you know, acknowledge that we all know that there's some crazy stuff going on.

Before that, in our meeting on the approval of the general contractor at risk, there was a clause that talked about compensation, excuse me, for

bringing in the other project under budget on time, et cetera, in a sentence. Very normal contract, in my experience, for the, you know, construction -- the people that are doing the construction. You happened, Tony, to not be at that meeting. And so what we had -- what we did at that time is we brought up the point that started, I think, by Commissioner Hindo that we're a little uncomfortable about that. Not in the fact that in any way, shape, or form, I want to make this clear, of your position, just the fact that in writing, you're watching, you know, these guys as our representatives and that in those incentives there was a small percentage that you would share in. I'd like you to speak to that for a moment. I think as a board, what we did is we voted on the -- through -- I don't want to say recommendation of counsel, but the clarification by counsel, we voted to approve that, you know, the contract for the GC, so as not to hold up the process. But that we would like to have revisited this one small issue of your, I'll say sharing in that.

I don't even know if you were aware of it or if you were in any way, shape, or form thought that that was something that, you know, that you were comfortable with. But I think this is a good time to

revisit that to see, you know, what your position is on that. I think we were, you know, more the comfortable if that was not in your contract, but that doesn't mean that, you know, good reasoning wouldn't make us change our mind to that. And lastly I think that it's difficult when you're dealing with public funds, I know, because we know you're working harder than probably what you're being paid for. I do believe that you're being paid below the industry standard and I respect counsel's opinion earlier, but in my experience, I think that your percentage is below what the normal would be.

With that being said, strictly addressing the part of the -- where you would receive a portion of any, I'll call it savings, from the original bid. Can you comment on that for us?

MR. COLLINS: Excuse me. I'm sorry. Before the owner's rep speaks, there's a few points of clarification I want to make sure that is on the record before we go forward.

MR. SAROS: Uh-huh.

MR. COLLINS: Number one is, you have a contract before you and I want the record to reflect it does not have an incentive program in it. The owner's rep does not have an incentive. Second of all,

I think it's important to reflect and I don't think I accurately reflected this the last time. The incentive program was included within the Walbridge contract. It was a negotiation that occurred with county executives, counsel, Walbridge without the owner's rep or without the program managers involved. It had become a point for the construction management firm. And so those negotiations occurred here in the Guardian building and neither the program manager nor the owner's rep were involved in that one piece of negotiations. I don't believe I ever clarified that with you or your questions came up last time, I certainly will let the owners now speak with regards to your concerns.

MR. SAROS: And thank you for that clarification, Counselor. The -- my issue -- our issue was that it is not in this contract. It's not in the owner rep's contract. But it is in the -- what is it, the construction manager at risk's contract which to me creates, and I said it in that meeting, creates a contradiction. If it is to be in there and we approve of it then let's put it in this contract. If it's not then I think that it should be removed from the CMAR contract. Because right now we've got -- I'll just call it two different deals. I mean,

it's not exactly clear, that's probably not exactly, but it makes the point. So --

MR. PARCOVECCHIO: I should clarify that if you don't mind. So certainly at the time that the executives of the county on behalf of the authority and on behalf of the county negotiated the construction management agreement, I don't want to mislead you, there was an intent that the people working on this project, specifically the program manager, the owner's rep and construction manager would have an incentive program. Based on the concerns this board raised at the previous meeting, we have not amended this contract until those concerns are addressed.

If this board makes a decision in regards to such an incentive program, you are correct, we will need to revisit the CMAR contract, the percentages that have been allocated to that CMAR contract, and make a decision and negotiate that out because there are certain percentages -- and certainly if -- one of the things we'll have to look at is if a -- one entity isn't getting a percentage, are we increasing the percentage of the others or are we lowering the percentages. And it gets into a layer of math that I may not be, you know, qualified, but we certainly will

have to look at that. But I do agree with you, there is an inconsistency. We haven't ignored your concerns, but we have signed it to the point that we felt that you wanted to address it.

MR. SAROS: And I appreciate that. And I also don't think that as I previously stated that it's unwarranted as far as performance is concerned. The problem I have is one of perception, if you will. You're our representative watching the work that's being done and making sure it's being done to standard. And that I just think overall if there's any incentive to save that -- you know, I don't want to use the wrong word. It just doesn't fly right to me as far as the way it looks.

Now, I don't think any of us had ever met you before you gave your presentation to us. And at this stage, quite frankly, I'm so comfortable that you would do exactly what you're supposed to do, no matter what the situation is. I can't tell you how comfortable I am.

However, in the contract itself to me there's still a contradiction and I think this board, I won't speak at hope, but this board's a little uncomfortable with that. So with counsel's review or approval, if -- I'd just like to have your opinion on it. I mean,

what do you think? I mean, is it?

MR. PARCOVECCHIO: Chair?

CHAIRMAN FORD: Absolutely.

MR. PARCOVECCHIO: I would not handle this project any differently if I had an incentive or I didn't have an incentive. Please believe that. I'm perfectly happy not to get an incentive. I want to prove to you, the commission, to everybody, that I'm going to bring this project in under schedule -- under budget, on schedule, and that's my incentive alone. I love what I do. You know, I really do. So I'm happy with it.

MS. DeHART: If I may, Mr. Chairman.

CHAIRMAN FORD: Thank you, Mr. Parcovecchio.

MS. DeHART: Tony, I think you've already proved to yourself that you are doing -- proved to all of us that you're doing a wonderful job and I appreciate that you don't need the incentive. It makes people very comfortable. Thank you.

MR. PARCOVECCHIO: And I'd just like to -- not to toot my own horn, but I'm going to a little bit, if you don't mind. Normally, on a project like this, you would not have even started the remediation until you had a CM on board. And with my expertise, I pushed to get this remediation done, the caissons

done. And if you just take the $30,000 a day for the five months we've been on the project, that's a four and a half million dollar savings that we -- you know.

MR. SAROS: That's why --

MR. PARCOVECCHIO: Trust me, I'm not trying to --

MR. SAROS: You're fine. In response to that we'll tell you that -- I think I can speak for all of us and say that we couldn't agree with that more. And that is why this is very hard for us because it's not a private deal. If this was a private deal where I'm the owner of it, I have no problem with this because you've proven that, zero.

The problem is that it's not a private deal. So I have a question, Counselor, at some point near the deadline of this project and it is -- you know, we're finishing up and there is a -- there is a great savings based on, you know, projections, is it improper for this authority, at that point in time, to check back with Mr. Parcovecchio and say do you feel that the compensation that you received for your work was appropriate or if you had to bid it over, would you not have bid three-quarters of one percent, let's just say, would you have bid one or one and a quarter, and if so, why do you not submit something for this

authority to review as to what you felt, if you in hindsight, could have bid it correctly going in, what you would have done, is it appropriate for us to consider at that point something to say, you know, we've saved $20 million here, we think that an appropriate, you know, amount to our owner's rep would be X. Is that something, using the funds that we're using, that can be entertained or not?

MR. ~~MORAN:~~ COLLINS I don't think I can answer that yes or no, but I think I can answer it. Number one is, certainly, at any point and I'm going to -- we have an understanding that you're going to be speaking to ~~Mr. Barbieri~~ Mr. Walbridge AND counsel throughout the project.

MR. SAROS: Right.

MR. ~~MORAN:~~ COLLINS So you're going to have a consistent amount of feedback in terms of performance and cost. We spoke earlier based on Commissioner DeHart's concerns about making sure financial reporting is consistent with the facts. So you're going to have a very clear understanding, if not we're probably going to have a ~~few more height and have~~ a real clear understanding of your budget. At some point you're going to have a ~~GMP~~ 6MO that's going to come back soon here, I hope, from Walbridge. And then you're going to have -- you know, begin to see where your

budget is leading you. And as you continue to assimilate all of that information and you get to a certain point because you also have what's known as a rep contract that says that if it comes down for low price, his compensation is coming down too.

MR. PARCOVECCHIO: Correct.

MR. ~~MORAN:~~ COLLINS So at some point during that time, yes, you can entertain, do you want to adjust his compensation. I'm not saying as an incentive because you've already made those adjustments, I believe, before that time to the CMAR and the construction manager, but you can certainly look at the compensation level that's going on and the work that's going on and the duties that are going on and make a determination on whether you want to adjust it.

And I think that when you're saying incentive, I'm saying that you can look at it in that manner and make a business decision based on the information you have.

MR. SAROS: Because I think that that is based on the quality of your work, your absolute due diligence of saving us, you know, hundreds of thousands of dollars already. The last thing I'd want to do is disincentives you in working along those

lines.

But I think we'd all be very naive if we didn't sit around this table and say this is a bunch of craziness that's going on out there right now and why give food for thought when we know how -- everyone on this authority knows how hard you work and how pleased we are and there's certainly checks and balances in place. And I'd like to leave it up to the good judgment of this authority at the point of at the end of this project, after weighing everything in, to make those kind of decisions. That would be my recommendation as far as -- as long was you are willing to take that portion out of the CMAR contract because it's not in yours. As long as that is acceptable to you.

MR. PARCOVECCHIO: Totally acceptable.

MR. SAROS: Thank you.

CHAIRMAN FORD: Thank you. Thank you very much. Are you concluded? Board Member Hindo.

MR. HINDO: The one comment I have and I brought this up at a prior meeting and, Tony, you're doing a great job and it's actually kind of a hindrance to the point I'm going to make right now which I've made before which is you're doing such a great job and we're saving a ton of money. For

example, Ron mentioned the water main contract. We budgeted 1.7 million and even with a change order we're only at around a million.

At some point in time, the conversation, in my mind is, did we over budget this knowing that we're going to come in under budget. I mean, from day one I've heard we're going to be under budget. We're going to be under budget. So there's that contrast, you know, you have this incentive here. Is this really an incentive for people to work hard and come in under budget?

Technically, that's all I'm hearing is we're going to be under budget, we're going to be under budget. And that's to your credit, you're doing a wonderful job, but that's really, really a concern of mine, that people are going to be viewing this contract and thinking that this was over budgeted and these incentives are really a gift. And I've asked Attorney Collins before and I'm going to ask it again just to be clear. Did we under budget, over budget or is our proposed budget in line for this budget for the way it was viewed at from day one?

MR. MORAN: 10/16/05 You have a budget right now of $300 million and you've certainly seen that you have simply agreed to a team that has done a phenomenal

job. And as you've done, some of these issue of 700,000, it's not done yet. But you've seen that you have $300 million worth of project to finish yet. So we've looked -- we've looked at what we need to issue in the second go around, we've looked at were that 300 million.

I mean, we're concerned that we don't go over that 300 million. We have those concerns based on everything we've seen. So by no means have we seen anything that I would tell you that you're under budget. But we still, with all due respect to those sitting around this table, they still work for us and we still have an expectation for them to come in under budget. We want them to continue with that mantra to try to do everything they can to bring it in under budget.

CHAIRMAN FORD: And let me just add, you know, we got a long way to go.

MR. ~~MORAN~~ Collins: Yes.

CHAIRMAN FORD: A long way to go.

MR. ~~MORAN~~ Collins: Yes.

CHAIRMAN FORD: As I'd like to -- Mr.. Moran said something earlier that couldn't be truer in his presentation and my experience is when you're doing a project like this, no matter if it's the -- what we've

already done, and what we're going to do. You're going to run into some pleasant surprises and you're also going to run into some absolute things that all so I think that all you can do at this time is do what you have done and that is to budget what this project should cost if it were all going up today. It's not all going up today, it's going up over a period of time.

So I like the incentive clause, it's very normal. I mean, it's what should be in a contract. You want to come in on time. You want it to come in under budget, but the lion's share of that savings comes to us. My only part of concern was what I've already stated. That I'd like someone in the room to make sure that a -- you know, the two by eight going in is a two by eight, not a two by six. The quality of the carpeting that's going in is $50 a yard carpeting, not $8 a yard carpeting just for the purpose of saving. So that's where I think that you have such great value as being our -- exactly what it's called, owner's rep. That doesn't mean everyone else in the equation isn't honest and does what they do and do it very well, but we're really comfortable, you looking out for us and nobody else but us. So that's the reason of the -- for the comments -- John's

comments, you know, as well.

MR. HINDO: Thank you.

CHAIRMAN FORD: Any additional questions, comments, at this time? I believe a motion is in order to allow to direct staff to go back and revisit and bring back to us an amended CMAR contract, I believe excluding the incentive piece from the overdraft. And you can jump in here and add.

MR. COLLINS: If I may --

CHAIRMAN FORD: Attorney Collins.

MR. COLLINS: Yes, I'm sorry, if we could hold off doing that until we bring you the CMAR with the ~~GNP~~ GMP which probably won't be until December or January.

CHAIRMAN FORD: Absolutely. We're not -- we just need to make a motion so that -- for this body so that, you know, we can, you know, obviously understand where we're coming from and understand what our directive is to go back, revisit the CMAR contract, obviously revisiting the specific portion of the owner's rep incentive fees excluding that and bringing it back to us for a final. So --

MR. COLLINS: That's not a problem.

MR. SAROS: I'd like to make that motion that we revisit the CMAR contract when it's brought back,

that the percentage that was assigned to Parcovecchio Construction per conversation be removed and that we will review it at that point in time and that Mr. Collins back the CMAR contract.

MR. PARCOVECCHIO: Okay.

MS. DeHart: I support that motion.

CHAIRMAN FORD: It's been properly moved and supported. Is there any discussion? Question being called for, all those in favor signify by the sign of aye.

(In Unison): Aye.

CHAIRMAN FORD: Thank you very much. Moving on. I know we didn't do any add-ons at this time. Do you have anything?

MR. ~~MORAN~~ COLLINS: No, thank you.

CHAIRMAN FORD: Valerie? Ron?

MR. MORAN: Mr. Chairman, we had spoke --

CHAIRMAN FORD: It's all good.

MR. MORAN: We had spoke earlier that we are going of the an asbestos statement contractor that is going to need a contract and sort of the sooner the better. And then we are also going to have a recommendation for a caisson contractor as well. Any idea when your next meeting might be?

CHAIRMAN FORD: Well, the sooner --

obviously, the sooner you can get all of that wrapped up, our next meeting is December the 4th.

MS. DeHART: 1st.

MR. MORAN: That's where I'm going. ~~Did~~ we ~~the~~ call for an ~~established~~ meeting, chair?

MS. DeHART: Mr. Chairman, just let the record reflect I'm going to be out of town November 29 through December 2nd.

CHAIRMAN FORD: Right. Can you get that? What's the likelihood that you can get that not next week, but the following week?

MR. CLARK: At least one of them were sent this morning so I know that one is ready to go.

CHAIRMAN FORD: Okay. So the likelihood that you can have everything ready for us to convene a special meeting for not next week, but the following week which would be the week of --

MS. DeHART: The week of the 14th.

CHAIRMAN FORD: The 14th.

MR. CLARK: Absolutely. We can be ready for that.

CHAIRMAN FORD: Okay. So let's tentatively say the 17th? November 17th depending on if you can get everything together in a timely fashion so that we can get the package and review it, we can do it that

November 17th in a special meeting.

MS. DeHART: I had planned to be out of town that day.

CHAIRMAN FORD: We can do the 16th, is that Wednesday?

MS. DeHART: The 15th would really work well.

CHAIRMAN FORD: Okay. You want to push it up? I think the 15th works. I think you can just tell that this board is making itself available to make sure this project --

MR. CLARK: We very much appreciate it.

CHAIRMAN FORD: And I'd just like to commend my board members for making and availing themselves to that.

MR. SAROS: Even, by the way, if it is a special meeting that is literally for one item, but it's an important item, that you've got the push, we'll get down here. And if it's a ten-minute meeting, I mean as long as it's, you know, everyone is appropriately notified, we'll make ourselves available.

CHAIRMAN FORD: Right. And we'll make sure Jim is here on time too.

MS. DeHART: He's been pretty good, though, lately, hasn't he, though?

MR. SAROS: I want to say too -- I want to say, too, because in several of the minutes I should have commented, it said that I was absent from a meeting. I want to note for the record, I've missed one meeting.

CHAIRMAN FORD: I made sure that you were excused.

MR. SAROS: And it was while my wife was getting operated on. And she called me -- Mr. Collins called me while I'm in the waiting room while my wife was dying in the other room. So that's the only meeting I've missed.

CHAIRMAN FORD: It was excused.

MR. SAROS: It was referred to a few times.

CHAIRMAN FORD: Let the record reflect how important I think Jim Saros is.

So we can't do the 15th, at two o'clock. Do you want to do it in the morning?

MS. DeHART: I will let you know the time.

CHAIRMAN FORD: I like to do them in the morning.

MS. DeHART: I like morning too.

CHAIRMAN FORD: I'd like to do it about ten o'clock. If we can do that in the afternoon, because I can guarantee when I get back to the office, I got

ten people waiting for me, so the mornings are the best. We'll work that out. Just to note Francine isn't here, but I just wanted to say that Francine is doing an absolutely fabulous job. I don't know if the board received -- I sent -- afforded to you the information regarding the community outreach. I would encourage -- I think the one pass was this past Wednesday. The one is -- there is one next week in Detroit at the Wayne County Community College campus, so if we could make ourselves available just to pop in and show our support, that would be great. But if we can make just one -- three, that would be great. She's going a great job. All right, anything else?

MS. DeHART: Next week is an election week for me, I'm going to be tied up.

CHAIRMAN FORD: All right. If there's nothing else at this time, we're going to call for a public comment. Is there any public comment? Is there any public comment? Being no public comment, a motion is ordered for --

MS. ~~GRANDISON:~~ I'd like to move to adjourn the meeting.

CHAIRMAN FORD: It's so moved. It's been properly moved and supported. Is there a discussion? Question being called for, all of those in favor

signify by signing aye.

(In Unison): Aye.

CHAIRMAN FORD: All those opposed? Motion the carries. Thank you very much, we're adjourned.

(Whereupon meeting were adjourned.)

STATE OF MICHIGAN)

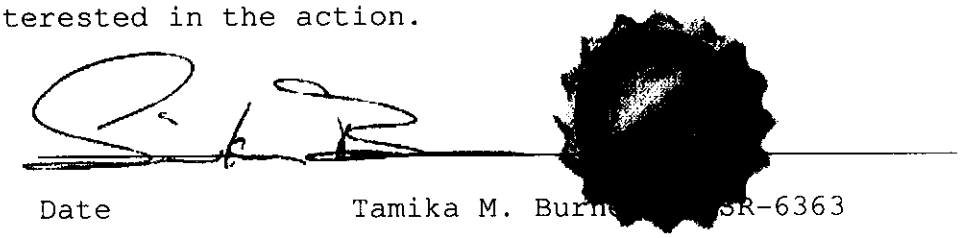
)

COUNTY OF WAYNE)

I, Tamika Burnette, certify that this transcript consisting of 67 pages is a complete, true and correct record of the meeting held in for the Wayne County Building Authority on Thursday, November 3, 2011.

I further certify that I am not responsible for any copies of this transcript not made under my direction or control and bearing my original signature.

I also certify that I am not a relative or employee of or an attorney for a party, or a relative or employee of an attorney for a party or financially interested in the action.



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WAYNE COUNTY

BUILDING AUTHORITY

MEETING

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PAGE 1 to 67

Taken at 500 Griswold,

Detroit, Michigan

Commencing at 2:31 p.m.,

Thursday, November 3, 2011,

Before Tamika M. Burnette, CSR-6363

APPEARANCES:

Nathan Ford, Chairman

Eileen DeHart, Member and Secretary-Treasurer

Jim Saros, Member

John Hindo, Member

Steven Collins, Wayne County Corporation Counsel

Valerie Khoury, Office of Management and Budget

Audricka Grandison, Member

ALSO PRESENT:

Ron Moran

Anthony Parcovecchio

Barry Jensen

Kevin Clark

Jessica Mistak

Sohcca Salter

Chandrika Karur

Detroit, Michigan

Thursday, August 3, 2011

2:33 p.m.

CHAIRMAN FORD: All right. Good afternoon and welcome to the Wayne County Building Authority regular meeting November 3rd, 2011, 2:00 p.m. Can we get out the roll call, please, Ms. Grandison.

MS. GRANDISON: Eileen DeHart?

MS. DeHART: Present.

MS. GRANDISON: Nathan Ford?

CHAIRMAN FORD: Present.

MS. GRANDISON: John Hindo?

MR. HINDO: Present.

MS. GRANDISON: James Garth?

MR. GARTH: Present.

MS. GRANDISON: Do we have a quorum?

CHAIRMAN FORD: We do have a quorum present. Moving on to line item two, approval of the October 13th, 2011 and October 18th, 2011 meeting minutes.

MS. GRANDISON: I believe -- do we have an absent on that which -- on the October 13, 2011 minutes?

MR. HINDO: Support.

CHAIRMAN FORD: It's been properly moved and supported. Is there a discussion? The question

being called for, all those in favor signify by the sign of aye.

(In Unison): Aye.

CHAIRMAN FORD: All those opposed? Motion carries. Moving on to the October -- meeting minutes for October 18, 2011.

MR. HINDO: I'll make a motion to approve.

MS. DeHART: Support.

CHAIRMAN FORD: It's been properly moved and supported. Is there a discussion? Question being called for, all those in favor signify by the sign of aye.

(In Unison): Aye.

CHAIRMAN FORD: All those opposed? Motion carried. Approval of the agenda, line item three. Can I have a motion?

MS. DeHART: So moved. Mr. Chairman, I'd like to make sure that everyone knows we're on the same page. Item 5(a), sub (5), should read $5284.73. That's the correct agenda.

CHAIRMAN FORD: Let me just run that back. That's line item 5 --

MS. DeHART: 5(a), sub (5) --

CHAIRMAN: Sub (5).

MS. DeHART: -- should be 5284.73.

CHAIRMAN FORD: Okay. I have that. I've got that. Do you have that?

MR. SAROS: I do.

CHAIRMAN FORD: So noted for the record. Any additional corrections, add-ons, subtractions? Motions?

MR. HINDO: I'll make a motion to approve the agenda as amended.

CHAIRMAN FORD: It's been properly moved. Is there support?

MS. DeHART: Support.

CHAIRMAN FORD: It's been properly moved and supported. Is there discussion? Question being called for, all those in favor signify by the sign of aye.

(In Unison): Aye.

CHAIRMAN FORD: All those opposed? Motion carries. Moving on to old business. Is there any old business? No old business.

Any new business? And we do have plenty of new business and we're going to start with line item 1(a), approval of payment of policy, excuse me, legal liability insurance. And we do have a representative from legal or is that risk management?

MS. SALTER: Risk management.

CHAIRMAN FORD: Excuse me, risk management, Ms. Salter, to talk to us about this policy and it will be open for questions. Ms. Salter.

MS. SALTER: Should I do questions first?

CHAIRMAN FORD: No, we'd like you to do us a little presentation of what we've looked at, what the policy is all about. Just give us a synopsis and we'll get into the questions.

MS. SALTER: Pollution liability would be required --

CHAIRMAN FORD: Speak up just a little bit. There you go.

MS. SALTER: Pollution legal liability coverage is warranted any time that you're doing any type of construction and there's going to be a breach in the soil. We have had under, I think, FRIA and HCON, two phases of soil reporting completed. None of them have been alarming. There are some things that do need to be remediated. We do have remediation policies in place now.

A pollution legal liability policy, though, would be responsible for first and third party claims which would arise out of a breaching of the soil further than the exploration that's taking place, as

well as the disposal of the soil.

So those first and third party claims, both bodily injury and property damage. First, let's select it as the carrier because for a couple of reasons, not the least of which that they are the most comprehensive in terms of coverage and they provide a very broad application of coverage for the county which I think is appropriate.

CHAIRMAN FORD: Okay. Thank you. We can open it up now for questions. Board members refer to a brief synopsis of this insurance policy for the jail. At this time we're going to entertain questions. Thank you, Ms. Salter, for your presentation. Board member DeHart.

MS. DeHART: It mentions that the quote is valid October 16th. Now we're into November. Is that going to be an issue?

MS. SALTER: No, it should not be.

MS. DeHART: Okay. And I also compared the three different quotes on -- the pages aren't numbered. It lists the overages limits, deductibles and terms.

MS. SALTER: Which coverage?

MS. DeHART: For Chartis.

MS. SALTER: For Chartis.

MS. DeHART: I've also earmarked the other coverages. Can you give us a brief description of what the differences are in the three proposals?

MS. SALTER: Briefly, Chartis is by far the most comprehensive to provide you with both known and unknown and that known and unknown location. And again, first and third party coverages as well as terrorism. Ironshore would have been the second contenders, provide some of those same things, however, you would have to purchase additional endorsements in order to equal what it is that Chartis is providing. Navigator, basically, I would reject it out of hand because it does not provide enough coverage, period.

MS. DeHART: And I notice that the difference was about $50,000 between the three premiums; is that right?

MS. SALTER: Right. Since they don't give the same coverage, I wasn't really looking at that as much as qualifying which coverages were appropriate for the job at hand, for the size of the parcel, for the duration of the term.

MS. DeHART: Okay. And I noticed on the last page of the Chartis it does not address terrorism. Do any of them address terrorism?

MS. SALTER: I think we do have terrorism and that would be the reason why the premium that was quoted in the Chartis policy at $2,056,219.54 for the three-year term.

MS. DeHART: Okay. So that would be in addition to the $250,000 that was on the previous page, about $250,000?

MS. SALTER: Addition?

MS. DeHART: Right. The previous page where it says coverages limits, deductibles insurance. It totals right around $250,000. And again, the pages aren't numbered, so I can't tell you where to look.

MS. SALTER: Then you know what, unfortunately, I'm not sure if you're looking at the premium summary page.

MS. DeHART: It's saying -- I assume that's what it is.

CHAIRMAN FORD: Here, you want her to bring it down to you?

MS. SALTER: No, I could bring it to her, if you'd like. That's the application. That's all of -- do you mind if I come down?

MS. DeHART: Please. Not at all. And I just kind of roughly did this. It's about a quarter of a million dollars. So this would be in addition to

the --

MS. SALTER: No, that is the total premium for three years, it's $56,219.54 with terrorism.

MS. DeHART: With terrorism.

MS. SALTER: This is not the $5 million, it's the $2 million that Mr. Parcovecchio and I went over. And on behalf of the county made the $2 million selection based upon the soil information that we have. These different values, these would not be added together, these are for different amounts of coverage.

MS. DeHART: Got you. Okay. Thank you.

MS. SALTER: You're welcome.

CHAIRMAN FORD: Does that answer your question?

MS. DeHART: It does.

CHAIRMAN FORD: Ms. Salter, could you just talk about the timing of this? You said that this policy was moving forward. Obviously, today on the policy there is a little overlap. Is that going to --

MS. SALTER: Do you mean with the existing remediation policy?

CHAIRMAN FORD: Correct.

MS. SALTER: The remediation policy does not respond to the same sorts of claims or potential

lawsuits that legal liability relates to.

CHAIRMAN FORD: Okay.

MS. SALTER: The remediation policy only refers to work that's done within a few feet from the surface itself. It does not cover the county or the building authority or other persons once the ground is breached lower than it is right now for the installation of the caissons and the water line. '

Since you have to go much deeper, you have the opportunity to be introduced to unknown factors. So this covers the county for things that are unknown or things that we suspect.

CHAIRMAN FORD: Got you. Okay. Thank you.

MS. SALTER: You're welcome.

CHAIRMAN FORD: Any additional questions?

MR. COLLINS: I just want to clarify that this was bid out. We got several quotes and reviewed them thoroughly and then decided on who we would prefer to go with. Is that -- is my assumption correct?

MS. SALTER: Your assumption is correct that the three insurers that were contacted were Chartis, Ironshore and Navigator.

MS. COLLINS: Okay. Thank you. I just wanted to make clear.

CHAIRMAN FORD: Thank you. All right. Any additional questions?

MR. SAROS: Ms. Salter, I noticed that this is a claims made policy?

MS. SALTER: Yes.

MR. SAROS: So is there anything put in place for when this policy is no longer in place that we have some kind of a trailer policy or at least can we have a note, you know, to follow up. Because if, you know, my understanding of the claims made insurance policies are -- is if this expires and we think we're all done and then a year later someone makes a claim, we wouldn't be insured because it's only -- you're only insured green if the policy is in effect when the claim is made.

MS. SALTER: There is an opportunity to purchase continuous claims coverage or tail coverage --

MR. SAROS: Yes, tail.

MS. SALTER: -- is that what you're referring to --

MR. SAROS: Yes.

MS. SALTER: -- for three to six years? It wouldn't be my expectation that we would need it necessarily beyond a year and also I would prefer to

investigate the possibility of having a claims made coverage or continuous coverage on the contractor who is actually doing the work, not necessarily the county.

MR. SAROS: Which I would agree with completely.

MS. SALTER: Absolutely.

MR. SAROS: However, you've answered my question. I think it's important for the board members to know that at that time, as far away as it may seem, it's a scenario we should address about buying, what I refer to as a tail --

MS. SALTER: Uh-huh.

MR. SAROS: -- policy. So good, you're aware of that and thank you very much for your answer.

MS. SALTER: You're welcome.

CHAIRMAN FORD: Any additional questions? Just to follow up. So now moving forward -- going forward, obviously, the caissons are about to be deployed. Is there -- how far down does this insurance policy cover?

I mean, is it -- do you deal with linear feet or anything like that? Because if we get down deep and then there's still some mess down there and all of that, then the policy kicks in. What if it goes

deeper than what the policy covers, if you will?

MS. SALTER: The policy premium that was provided and the coverage is predicated on the base report that was provided to us from them. And so I would be outside of my knowledge base.

CHAIRMAN FORD: Understood.

MS. SALTER: But I told you exactly many feet. I would say to you, however, that in order for a carrier to bid on a project, they have to know where you're going and so they have an understanding of just how far it needs to be.

CHAIRMAN FORD: I appreciate that and I'll bring that up to these two guys here. Thank you very much, Ms. Salter. Great. Board members, if there are no additional questions, comments at this time. A motion is in order to accept this proposal.

MS. DeHART: Mr. Chairman, I'd like to make a motion to accept the proposal to have Chartis the air pollution legal liability insurance company carrier at a premium cost of $56,219.54.

CHAIRMAN FORD: It's been properly moved. Is there support?

MR. HINDO: I'll support.

CHAIRMAN FORD: It's been properly moved and supported, is there a discussion? The question being

called for, all those in favor signify by the sign of aye.

(In Unison): Aye.

CHAIRMAN FORD: All those opposed? Motion carried. Thank you very much. Moving on to line item two, update of jail presentation. We have Mr. Ron Moran and Mr. Tony Parcovecchio here to give us an update on where we are.

MR. MORAN: I don't know if this sight claim is in the right position so if you want us to move it, let us know.

MR. PARCOVECCHIO: This is a rendering of the site plan and I'm going bring up this drawing right here because this is worth 2000 words.

MR. MORAN: This is what it looks like today and the other one is the one we hope it looks like in three years.

MR. PARCOVECCHIO: In the future. This is Mullett Street right here. And what you just approved was the insurance policy, pollution insurance policy to start the water line. There's three things. We have a gas line that's been relocated already.

We got a water line that we've got a contract with Blaze Contracting. It was competitively bid and we're ready to start that. The pipe has been ordered,

it's on the job, actually, it's been delivered and it's on the job. And within four or five days we should have this insurance policy in place and they're ready to hit the ground running. So that's what's going on Mullett Street. And that's very important that you did pass that today.

The site remediation has been completed. I'm going to go over the process that we did -- that we took to do the remediation. And then Ron's going to go over the numbers on how we got there. So I did probably, in my 40 years of experience, did more testing on this site than any site I've ever done. And if you look at it, there's all these locations here that were done by aerials and we located them. And this area right here was the most prevalent with underground material. And we went -- in this area here, the east end, we went as far as 18 to 20 foot deep that we found unsuitable soil and concrete and basements and things like that.

MR. MORAN: Tony, there's a list if you want to read off of --

MR. PARCOVECCHIO: Sure.

MR. MORAN: -- what was there.

MR. PARCOVECCHIO: Number one, is right here. That was the Detroit School of Medicine. And

number two, the female hospital. Number three, was the Lithuanian Church right here. Number four was a bakery which is right here. And number five was St. Mary's Hospital which is right here. Number six was Wayne State structure. Number seven was another church.

And number eight was just miscellaneous structures that were on the site. So the site -- most of the site we dug down five to six feet. We got down -- that's down to virgin ground, clay, hard pack, so we know we're solid with that. And the rest of the site we had go in a lot of areas down 18 to 20 feet. We did hit some things that we didn't anticipate that we had to go down 18 to 20 feet on. So Ron will go into that. We did also -- we did over 20 test bores on the site and then I asked -- I just took a backhoe and I went through and took a splice across here just to see what was there because these were historical homes that were on the site earlier. So we just wanted to see what was there. So as you can see it looks like we hit it with a pretty well shotgun with our tests. So the remediation is done. It's back filled with engineered fill. We're ready to go. The nice thing about this is we've taken it down, we've removed all the obstructions and when we start the

caisson package -- caisson, if you hold up a caisson contract, it's over $1500 an hour. And if we were to hit one of these obstructions, it could shut us down.

So now we've got the site cleaned, ready to go and I feel very good about it. And it puts us five months ahead of schedule, actually, by doing all this ahead of time before we ever see them on board. As you know, Ron will tell you the cost of that, but it's $30,000 a day, but he's going to go over that. What else? And I think -- oh, within the next four weeks we're going to be going up for bids for the precast which is very critical for the project. And if we can get those on board and start fabricating them ahead of time, they'll electrify the schedule. I feel really good about where we are right now in the project. It's moving along very, very fast.

CHAIRMAN FORD: So, Tony, you did three phases of due diligence of testing?

MR. PARCOVECCHIO: Yes.

CHAIRMAN FORD: So one is the aerials. So explain that to us where you go back ten years, you do snap shots of --

MR. PARCOVECCHIO: Actually, we went back like 60 years.

CHAIRMAN FORD: About sixty years.

MR. PARCOVECCHIO: Yes.

CHAIRMAN FORD: Okay. Every ten-year intervals. 60 years. You did aerials, did you 20 tests that's -- is that -- the 20 tests that's on a seven-acre site, is that about what the norm is? Is that, you know -- how do you make that equation on how many tests that you're doing and then talk a little bit more about the --

MR. PARCOVECCHIO: Well, let me just say this. The 20 tests were those holes that were drilled, we actually went down and excavate -- and over and above that we went down and we excavated all the way around the perimeters of these. We had a surveyor out there surveying what the amount, the volume. And then I also went out for unit prices and I knew ahead of time what it was going to cost us to remove unsuitable soils. Thank God we didn't hit any hazardous soils on the site. So over and above the 20, we did all of these -- we cut all of these old things out and then excavated along with the trenches. So it was even more than you would normally do on any site.

MR. MORAN: And I would add to that, as those test pits were being done, if we hit something, we kept going. We didn't just find something in that one

place and say, oh, there's something there, we move to another place. We would follow, if it was a foundation, we would follow that foundation until it got to an end so we knew where the end of that foundation was.

So even though we did over 20 test pits, we did bigger areas if we found things when we were doing those test pits.

CHAIRMAN FORD: So this is about right for a seven acre site. I mean, this is more than --

MR. MORAN: I would say it's more than anybody would normally do. I just wanted to make sure that we didn't leave any stones uncovered. No pun intended.

MR. PARCOVECCHIO: If this site wasn't in downtown Detroit, we probably would have a third of this done.

MR. MORAN: And as you can see, we -- from the aerials we knew where these were, where the sites were that we had to remove. We also hit all these other areas just for precaution. And it worked out well because we knew what we were up against, pretty much.

CHAIRMAN FORD: So then there were some areas where you went down as far as 20 feet?

MR. MORAN: We did. A lot of this area right up in here, we had to go down as much as 20 feet.

CHAIRMAN FORD: Okay, Ron, what you got?

MR. MORAN: As Tony mentioned, it was during our due diligence we estimated using all the information that we had from our consultants that we were going to do about five to six feet on the entire site. Because as we got into the north and southwest part of the property, we decided that when we ran into, and I'll call it junk, we were just going to keep digging that junk out until we came to virgin soil.

So obviously, the deeper you have to dig, the more dirt you have to bring -- or engineered fill you have to bring back into the site. So because of that and as Tony has mentioned, we did do this on a unit price. But because we had to go 18 to 20 feet in some areas, we obviously spent more money than we originally thought when we were only going to go through the entire the site and do five to six feet.

So before you today are a number of change orders that really deal with all of the activities that were going on at the site during the site due diligence. So, Mr. Chairman, I don't know if you want to follow these or do these one at a time or you want

me to explain.

CHAIRMAN FORD: Let's just do your -- you know, do your presentation and then we'll come back and just go over them one at a time.

MR. PARCOVECCHIO: Okay. I'm going to flip this back around to the other side. As Tony had mentioned we had a water line that was crossing the property and the relocation is down the freeway service drive, down Clinton, and back up San Antonio.

So you've got the water lines here and water lines here and that just runs across. What we're doing is taking it down and back up. So that's the connection.

Now when the contractor was out there doing his due diligence and they had done a lot of due diligence before the line work. The field engineer or DWSD told the contractor, by the way, did anyone tell you that there's a 12-inch water line running from Mullett Street down to Clinton that was installed for the Super Bowl? Well, nobody had a record of any drawings or anything that there was a water line that was installed along the service drive there. So one of the items before you today is a cost that -- what the contractor has to do is cut out a length of 12-inch pipe from Mullett down to Clinton. Pull that

out, put the new 30-inch line in and then put that 12-inch line back in. And again, that was not discovered because any of the drawings that any of the consultants had looked at did not show that because DWSD really didn't have any drawings. It was told to us by the field engineer. So that's one of the items.

One of the other items --

MS. DeHART: Ron, if I may interrupt. Why did you have to pull out the 12-inch and put it back in?

MR. PARCOVECCHIO: Because there was not enough room. The 30-inch pipe is a huge pipe. So in order to get that in, you had to move the 12-inch out of the way, put the 30-inch and then bring back the 12-inch.

One of the other items is during the due diligence -- I'm sorry, during the site remediation, we had discovered that there were two heating tanks, fuel heating tanks, on site that had fuel heat in them. So one of the items is we had to get an environmental company to come pump out the fluids that were in there and dispose of it in the right way.

The third item was, there was an elevator pit on the south side of the property. And again, that had fluid in it that had to be pumped out and taken to

a correct disposal site.

Also within the Mullett Street right-of-away it was also known that there was a steam line there and that was going to have to be removed. And anticipation was we would just dig it out and dispose of it in the normal way that we would typically do that. During the site remediation we were able to uncover one spot of the steam line. And it was indicated by our consultant that there may be -- the line may be wrapped in asbestos. And that has to be removed and handled in a certain way other than just breaking up the pipe and taking it to the proper dump site.

So one of the items is for ATC to do the correct environmental consulting as it relates to the removal of that asbestos. And in one of your future meetings, hopefully very soon, we will be bringing to you a contract or a contractor to actually remove the asbestos wrapped pipe that's in Mullett Street. And again, we bid that on a unit basis because it's buried, we're not going to dig it up until we're ready to remove it.

So we're using our best guesstimate of the amount of lineal feet that's buried and that's covered with asbestos. So the good news may be it may cost us

$50,000, but we got -- we're going to be bringing you a contract for $100,000 because that's what our consultant is giving us as the best guess of what is there.

So a lot of these things are underground, they're unknowns, and that's sort of the nature of the business when you do a site like this. They're -- you do your due diligence the best you can and once you get into the project you start discovering that there are things that you didn't know were there once you started digging.

And then the last item, the S&E change order. Because of the additional depth that we had to go for a site remediation, Blaze, our contractor at the site, was just there longer than anyone anticipated and S&E's contract is on a -- it's an hourly basis for a day's worth of work. And because everyone was trying to get this done in the -- in as quickly a manner as they could between good weather, they would work 10-and 12-hour days. So their sort of normal 8-hour day expanded to a 10-or a 12-hour day because of the good weather that we were working in.

So there is a change order before you to -- what we have haven't done, obviously, is we haven't done a clean-up on Mullett. We've done everything

north of Mullett and south of Mullett, but until the water line gets relocated, we can't -- that is just going to stay where it is. So we've got some more site remediation work that has to happen, but it can't happen until that water line is relocated.

CHAIRMAN FORD: Okay. Thank you. Thank you very much. Cottsanter.

MR. CLARK: Yes. Kevin Clark and Barry Jensen.

CHAIRMAN FORD: Hi, Kevin. Hi, Barry. You've had an opportunity to review the change orders that we're looking at today?

MR. CLARK: We did. The change orders were put together on a form that we prepared for check to be used for Barry. Barry to be used for any contract and they're fairly basic and straightforward change orders.

CHAIRMAN FORD: All right. Thank you. Board members -- go ahead, Ron.

MR. MORAN: Mr. Chairman, can I add a couple more things? Just because of the due diligence that we did we had estimated that this water line was going to cost us roughly a million and a half dollars. And the relocation of other utilities as part of that was going to be about another 300,000. So we had

estimated in our original due diligence that to relocate that water line was going to be about a million and seven. But because of the due diligence that we did, the water line right now that you've approved is for 933,000 and the re -- and the moving of this 12-inch line is another 78. So we're right at about a million dollars where we originally thought it was going to be a million, seven.

So from that standpoint, you know, we think we've done a good job in doing our due diligence and were able to do that at a much cheaper rate.

The other thing that we've done and this was really because of -- at the direction of our owner rep Mr. Parcovecchio. He's been pushing us to get the caissons in while we're trying to deal with getting the CM on board who has to submit a GNP that's actually on the board. So during that time, we all know that there's interest accumulating for the bonds and so we're trying to push ahead.

And again, Mr. Parcovecchio was pushing us hard to get this work done. And we have bid out the caisson work. We do have a permit from the city of Detroit to install the caisson. So as soon as we review the bids, we find our low bidder, our lowest qualified bidder, who can meet our schedule, we will

be bringing that before you. And we hope to get that started sometime around the beginning of December.

Now, because of some of these delays with relocating that water line, that may be pushed back a little bit, but we can continue to work on Mullett Street and start the caisson at the north end and start the caisson at the south end and kind of collapse towards Mullett Street. So by the time the work on Mullett Street is done, hopefully the two caissons -- there's two different caisson contractors -- sort of meet in the middle and we'll either be on schedule or ahead of schedule because of that.

MS. DeHART: I have a question.

CHAIRMAN FORD: Absolutely.

MS. DeHART: Ron, on the vacation of the service drive, is there any progress on that or is that going to be down the line?

MR. MORAN: No, we have submitted the official direction as you write a letter to the city council to ask them to vacate. So that letter has went in to vacate the service drive. And we would like to close Clinton about halfway to the juvenile delinquent facility because they have two driveways on the west end. They really don't have any driveways on

the east end. So we're -- our petition is to close this and to close that half way. And we've coordinated this all with Paul Anderson who basically runs the operation and maintenance of the Wayne County facilities. And we're hoping that the final approval for this site and the closing of those streets will reach the city council at the same time. And with your chairman's help, he's been just great to work with, we are on schedule to do that, but as you know the political process sometimes doesn't always work the way we'd like it to.

MR. PARCOVECCHIO: Ron, one other thing to add is that we do have -- we do have caisson equipment now which is amazing. Thank you, Nate. But we do have the caisson permit and we're ready to hit the ground running. And I was given just a sheet of paper that gave me some caisson prices that came in and it appears that we're going to be under budget on the caisson. So I love starting a project off that way. So we'll be able to present those to you once I've evaluated them.

CHAIRMAN FORD: Okay. All right, Board Members, questions?

MR. SAROS: In a previous meeting, Mr. Moran had mentioned this 5 to 6-foot threshold, but that

there would be a -- a great chance that in certain areas, because there were different foundations and different buildings, there could be greater. So thank you for that because that -- there is no surprises for that. And the fact that there happens to be savings beyond what was anticipated, just I think compliments your due diligence.

My one question is, did you mention, Mr. Parcovecchio, earlier that one of the structures that was torn down was a Lithuanian Church -- that originally came -- was on that original plan?

MR. MORAN: Lutheran Church.

MR. SAROS: Okay. Lutheran. I was worried about some of my Greek -- I'm thinking I couldn't go to sleep tonight.

MR. MORAN: I didn't remember saying that.

MR. SAROS: Okay. I'm good with it Lutheran. I'm done. Take it out. Thank you.

CHAIRMAN FORD: Questions? Questions? All right. If there are no questions, Board Members, we're going to continue with our agenda. Moving on to line item 5(a) 3, approval of the Blaze contract -- of Blaze contract with change order number one for $78,416. And this is the change order for the removal and replacement of 338 lineal feet of 12-inch water

main. Board member DeHart.

MS. DeHART: I'll make that motion, Mr. Chairman.

CHAIRMAN FORD: It's been properly moved, is there support?

MR. HINDO: There's support.

CHAIRMAN FORD: It's been properly moved and supported, is there a discussion? Question being called for all those in favor signify by the sign of aye.

(In Unison): Aye.

CHAIRMAN FORD: All of those opposed. Motion carries. Moving on to line item to 5 (a) through 4 approval of the Blaze contracting change order number one for $1,295,777.74. This was for the change order -- the change order --

MS. DeHART: The security fence because of the water main.

CHAIRMAN FORD: Thank you very much. Thank you very much, Board Member DeHart. A motion is in order.

MR. HINDO: I'll make a motion to approve.

CHAIRMAN FORD: It's been properly moved, is there support?

MR. SAROS: I'll support.

CHAIRMAN FORD: It's been properly moved and supported. Is there discussion? Question being called for, all of those in favor signify by the sign of aye.

(In Unison): Aye.

CHAIRMAN FORD: All of those opposed? Motion carries. Moving on to line item 5(a) 5 approval of the ATC Associates, Inc., change order number one in the amount of $5,284.73. A motion is in order.

MS. DeHART: I'll make that motion and this covers the disposal of the two meetings?

CHAIRMAN FORD: That is correct. It's been properly moved. Is there support?

MS. DeHART: I'm sorry, and the validating vote for both.

CHAIRMAN FORD: Thank you. It's been properly moved. Do we have support?

MR. HINDO: Supported.

CHAIRMAN FORD: Is there discussion? Question being called for. All those in favor signify by the sign of aye.

(In Unison): Aye.

CHAIRMAN FORD: All those opposed? Motion carries. Moving on to line item 5(a) 6, approval of the S&E change order for $12,000. And this is for a

delay for the -- this is for the additional days of geotech monitoring associated with the Blaze contract. Board Member --

MR. HINDO: I'll make a motion to approve.

MS. DeHART: It says S&E contract.

CHAIRMAN FORD: This is approval of the S&E change order number one for $12,000. It's been properly moved. Is there support?

MS. DeHART: There is support.

CHAIRMAN FORD: It's been properly moved and supported. Is there discussion? Question being called for, all those in favor signify by the sign of aye.

(In Unison): Aye.

CHAIRMAN FORD: All those opposed? Motion carries. Thank you very much Mr. Parcovecchio and Mr. Moran. Moving on to line item 5(a) 7, approval of the payment policy. Valerie, would you give us a brief on this?

MS. KHOURY: Valerie Khoury, management and budget. I believe it was at the last meeting that the two financial officers told you they were in the process of working with the treasurer to open up a bank account, a checking account, for the building authority, for purposes of making disbursements. That has -- that checking account has been opened by the

treasurer and we are bringing forward to you a recommendation for the payment and procedure policy.

Basically, we worked with the treasurer's office to make sure they've reviewed it to make sure everything has been placed and we've set up a process. By which, in short, once an invoice is received, we will prepare a voucher that the CFO will sign off on and then that gets sent over to the treasurer and the treasurer will make the payment, whether they be checks or fund to fund transfers.

CHAIRMAN FORD: Okay. Thank you. Thank you very much. Questions, Board Members? Board Member Hindo.

MR. HINDO: Not really a question, but more of a comment. Obviously, we're in the process of finalizing the procurement policy. There have been some changes or revisions that have been submitted to Steve Collins and Carlos Sledge were working those out. The only comment I would make is that if for some reason we finalize that document and there's any inconsistencies in this policy in relation to the procurement policy, that this document would be amended to be consistent with the final procurement policy.

CHAIRMAN FORD: Thank you. So noted for the

record. Board Member DeHart.

MS. DeHART: With city vouchers they are approved via the legislative body, which, of course, is the city council. Now, in this instance, is the commission the legislative body and will the commission be able to see these vouchers?

MS. KHOURY: No, that's not how this is set up. And I might look to legal counsel if I'm not understanding it right.

MR. COLLINS: Steven Collins, Wayne County Corporation Counsel. Just a point of clarification, are you talking about the authority commission or the county commission?

MS. DeHART: The county commission.

MR. COLLINS: All right. And now I would have to go back because now you're asking a question. I know that our Wayne County Commissioners have access to your JDF roof system. How much access they have to the JDF roof system, I'm not sure I can answer that.

MS. KHOURY: And this is my understanding when the -- and you can tell me if I'm wrong, but when the Wayne County Commission entered into the contract of lease with the building authority, there were certain items that were required to go before the commission, for example, the construction manager at

risk. But then everything else is left to the authority through the construction manager at risk to contract for the service and everything that's needed to build the jail. So it will not require approval of each item by the Wayne County Commission. However, the CFO will have to sign off on each item once an invoice is received.

MS. DeHART: This board from day one has been interested in transparency. I would like to at least have the commission receive copies of these invoices, just an FYI, if necessary, so they know what's going on.

I think the more people who know what's going on the better for everybody involved. I haven't talked to the rest of the board members about that issue or not, if they agree, but I would feel comfortable doing that.

MS. KHOURY: Well, I understand the need for transparency. I'm not sure how practical sharing the invoices would be. We have Pierce Monroe, the accounting firm, here and we've tried to look at process and maybe --

CHAIRMAN FORD: Before we do that, let me just -- Attorney Collins.

MR. COLLINS: If I could, yes. Again,

assistant corporation counsel. Yes, I think, if I'm understanding Commissioner's DeHart's concerns, the invoice is only actually be going -- are going to be like this. I mean, you're going to have statutes over the invoices.

However, what I think that you're asking for and certainty is also already a financial report.

MS. KHOURY: Yes.

MR. Collins: We will be going back to the commission on a regular basis with financial reports in regards to here's where we are in the budget, here's how much we've spent. And certainly those financial reports are going to be broken down into several line items, if that was the intent of your report. If that was the intent of your question, then I think it's more than appropriate because that has been the intent of the PO Box office to make sure those type of reporting.

MS. KHOURY: Yes.

MR. COLLINS: The Wayne County Commission certainly as the legislative body has a lot to do and the idea that we give him a stack of these, I would not want to open them in saying that we have given them that.

CHAIRMAN FORD: Absolutely. I think to Board

Member DeHart's comment, I think that there are other vehicles in which we can inform the Wayne County Commission and bodies at large. You know, this is what we're doing. Again, you know, in the spirit of transparency and we just need to look at how we -- whether it's a quarter financial report or if it's a bi-annual financial report to the commission. You know, a progress report. This is what we've done, this is where we are. And this is, you know --

MS. DeHART: And if it's done in QuickBooks, I mean, you can print out a QuickBooks page.

MR. COLLINS: Well, we have all that. That's one of the things we have. I would have to go back -- I'm going to have to go back to management budget on that and policy. But certainly it is the intent of the CEO office that with the permission of this board, that regular financial reporting on this project will occur.

Now, I cannot answer to you whether they would do that every 30 to 45 days depending on how we do payment. All right. Because we're not finished up with our CMAR yet, but it's certainly more likely to be on that schedule than a six to eight month is what we were intending. As we get the monthly reporting on the projects put on construction, it has to include

the financial.

CHAIRMAN FORD: Absolutely. And I just think that -- thank you, Attorney Collins. I think that we need to come up with a system that reflects the transparency of the board and just basically this is a progress report. Again, quarterly, bi-annually, it doesn't matter. But just bring it back to the board on how we would be communicating the board's effort to -- what the board is doing to the commission and to the public at large.

MR. COLLINS: Absolutely.

CHAIRMAN FORD: Thank you. Thank you very much. Thank you, Board Member DeHart. Any other questions on the payment policy? Okay. If we have no questions on the payment policy, a motion would be in order.

MS. DeHART: Just to amend it briefly.

CHAIRMAN FORD: Sure.

MS. DeHART: Under the WPBA Administration, it should probably read as we talked to Valerie, for purposes of this policy, the chief financial officer and so forth. And to also reflect that once a procurement policy is in place, that they both be compatible.

CHAIRMAN FORD: All right. It's been

properly moved. Is there support?

MR. GARTH: I'll support.

CHAIRMAN FORD: It's been properly moved and supported. Is there a discussion? Question being called for, all those in favor signify by the sign of aye.

(In Unison): Aye.

CHAIRMAN FORD: All of those opposed? Motion carries. Thank you very much. Moving on to line item 5(b), owner's representative contract. Can I have --

MR. CLARK: Yes. Kevin Clark --

CHAIRMAN FORD: And what I'd like to do just so you know, because I'm sure we'll be spending some time together. Open it up to you just to give, you know, because we're all going this way and that way, just kind of give us an overview and then we'll get into the questions.

MR. CLARK: Owner representative contract directly with the board, the building authority and part of the building, I would say that this is a very owner-friendly contract. One of the things that this establishes is a fiduciary relationship that is not something that you would normally see in a owner's contract.

A fiduciary relationship is one of trust and

confidence. It places a large amount of responsibility and burden on the owner's rep. It's a very owner-friendly form. It contains indemnification, insurance, fiduciary duties. The compensation is for the term that the contract -- and I believe it's 38 months. There's a copy of services that's attached as Exhibit A, but also there is a general catchall. Any other services that are reasonably required to complete the project. It is based on a percentage .75 of project cost. That's the compensation that's set forth in Exhibit B and it's based upon an estimated budget. You'll note that if the estimated budget goes down, the compensation would go down. If the estimated budget goes up, the compensation does not go up. So it is capped in that regard. It requires monthly invoices, it allows for an IT specialist sub-consultant. A very comprehensive contract though.

CHAIRMAN FORD: So let me ask you this: You've been doing these, I'm sure, for quite some time?

MR. CLARK: Correct, yes.

CHAIRMAN FORD: Talk to the board. Is this contract, obviously it's a very owner-friendly contract?

MR. CLARK: Correct.

CHAIRMAN FORD: Is this normal? I mean, in terms of the pay, the fee structure, is this normal? Is it above, below, commensurate with standard, industry standard?

MR. CLARK: The pay structure is slightly below what our experience is or industry standard for an owner's representative. This is a -- the overall contract for the construction of this project is -- it contains elements of an integrated delivery system which is a fairly new type of construction methodology. And so there's not a lot to compare on this type of contract to because it's fairly new and it's not that common. We just don't have 50 years or a hundred years or use of this type of a system to compare against. But in our experience where we've seen the owner rep contracts, the three-quarter of a percent is somewhat lower than the norm.

CHAIRMAN FORD: Thank you. Thank you very

MS. DeHART: I have a couple of questions, if I may.

CHAIRMAN FORD: Board Member DeHart?

MS. DeHART: On page three it talks -- I'm sorry. I guess I'll start at the beginning. On page two under item three, special services, it goes to B

and then B1. And this is kind of I guess I'm kind of the picky one on the authority as far as these kind of things. But shouldn't it be B1 and shouldn't two be A and three be B and four be two and five be three? because two and three are kind of subsets of one.

MR. CLARK: I think it maybe goes sequentially. But it could go as a subset also. It's somewhat of my odd drafting style, I guess.

MS. DeHART: Okay.

MR. CLARK: It was made to be steps that they would take, but there could be subsets.

MS. DeHART: Well, then number one is not a complete sentence then. That needs to be addressed. It's the English major in me coming out.

MR. CLARK: I love it. Another byproduct of my odd drafting. Yes, we can change that to make that -- and there also is a typo there. So I apologize for that.

MS. DeHART: On page three under section five, composition of document. It does not address the architect engineer. Are they also included in this clause as far as the confidentiality? This is just the OR's contract.

MR. CLARK: This is just the OR's contract. There is a separate contract with AE COM which we did

review in drafting this and it contains a similar type of clause.

MS. DeHART: On section six of that same page, it addresses sexual orientation. However, in subsection one on the next page, it does not address sexual orientation. It addresses the rest of the issue, but not sexual orientation. It probably should be in -- included in lines three and then further down.

MR. CLARK: It does reference sex at the top of page four.

MS. DeHART: But I think sex means gender, not sexual orientation.

MR. CLARK: Yes. Also another --

MS. DeHART: Okay. And on page five, under termination of contract.

MR. CLARK: Yes.

MS. DeHART: I think most contracts have termination for unethical reasons. And I just would feel comfortable if that was added in there. Not that Tony's going to be unethical, but it's part of a standard contract.

MR. CLARK: You know what, I would agree. Some contracts have termination clauses and some contracts have termination for convenience. We'd also

like to draft a contract to give you the broadest termination rights as possible.

Sometimes if you have a termination for cause, you have to prove what the cause is. For a termination for convenience this clause is simply a termination at will.

MS. DeHART: So it's all encompassing?

MR. CLARK: Correct. It's more broad than a termination for cause.

MS. DeHART: Okay. And then on Exhibit A, there's another typo. Item number four.

MR. CLARK: Yes, that should read together with architect.

MS. DeHART: Right. And another the typo on page nine, second paragraph one, two, three, four, five, six, seventh line down, I don't think it shall change. I think it should be should change, based on --

MR. CLARK: For the record, could you read that sentence?

MS. DeHART: Certainty. It's the second paragraph where it starts the OR agrees. One, two, three, four, five, six, the seventh line down of that -- actually, sorry, the sixth line down. Upon competition of the OR shall changed based on -- shall

change?

MR. CLARK: Shall be changed.

MS. DeHART: Or shall be changed. That's all I have, Mr. Chairman.

CHAIRMAN FORD: Thank you very much, Board Member DeHart. Any additional questions?

MR. SAROS: I hope you gentlemen are appropriately embarrassed by an English professor over here because we are. I do have a question. And I'd like to profess that. I don't think we could be more pleased with the work that Carl Construction has been doing from day one.

MR. PARCOVECCHIO: Thank you.

MR. SAROS: And particularly in light of Mr. Moran's continual compliments as to -- as to the -- I mean, he's there every day. As to the, you know, how you have gone after this job. So this is not a -- you know this is not a personal issue. I'd like to put on the record that much prior to everything that's been going on lately because I think we're foolish to not to, you know, acknowledge that we all know that there's some crazy stuff going on.

Before that, in our meeting on the approval of the general contractor at risk, there was a clause that talked about compensation, excuse me, for

bringing in the other project under budget on time, et cetera, in a sentence. Very normal contract, in my experience, for the, you know, construction -- the people that are doing the construction. You happened, Tony, to not be at that meeting. And so what we had -- what we did at that time is we brought up the point that started, I think, by Commissioner Hindo that we're a little uncomfortable about that. Not in the fact that in any way, shape, or form, I want to make this clear, of your position, just the fact that in writing, you're watching, you know, these guys as our representatives and that in those incentives there was a small percentage that you would share in. I'd like you to speak to that for a moment. I think as a board, what we did is we voted on the -- through -- I don't want to say recommendation of counsel, but the clarification by counsel, we voted to approve that, you know, the contract for the GC, so as not to hold up the process. But that we would like to have revisited this one small issue of your, I'll say sharing in that.

I don't even know if you were aware of it or if you were in any way, shape, or form thought that that was something that, you know, that you were comfortable with. But I think this is a good time to

revisit that to see, you know, what your position is on that. I think we were, you know, more the comfortable if that was not in your contract, but that doesn't mean that, you know, good reasoning wouldn't make us change our mind to that. And lastly I think that it's difficult when you're dealing with public funds, I know, because we know you're working harder than probably what you're being paid for. I do believe that you're being paid below the industry standard and I respect counsel's opinion earlier, but in my experience, I think that your percentage is below what the normal would be.

With that being said, strictly addressing the part of the -- where you would receive a portion of any, I'll call it savings, from the original bid. Can you comment on that for us?

MR. COLLINS: Excuse me. I'm sorry. Before the owner's rep speaks, there's a few points of clarification I want to make sure that is on the record before we go forward.

MR. SAROS: Uh-huh.

MR. COLLINS: Number one is, you have a contract before you and I want the record to reflect it does not have an incentive program in it. The owner's rep does not have an incentive. Second of all,

I think it's important to reflect and I don't think I accurately reflected this the last time. The incentive program was included within the Walbridge contract. It was a negotiation that occurred with county executives, counsel, Walbridge without the owner's rep or without the program managers involved. It had become a point for the construction management firm. And so those negotiations occurred here in the Guardian building and neither the program manager nor the owner's rep were involved in that one piece of negotiations. I don't believe I ever clarified that with you or your questions came up last time, I certainly will let the owners now speak with regards to your concerns.

MR. SAROS: And thank you for that clarification, Counselor. The -- my issue -- our issue was that it is not in this contract. It's not in the owner rep's contract. But it is in the -- what is it, the construction manager at risk's contract which to me creates, and I said it in that meeting, creates a contradiction. If it is to be in there and we approve of it then let's put it in this contract. If it's not then I think that it should be removed from the CMAR contract. Because right now we've got -- I'll just call it two different deals. I mean,

it's not exactly clear, that's probably not exactly, but it makes the point. So --

MR. PARCOVECCHIO: I should clarify that if you don't mind. So certainly at the time that the executives of the county on behalf of the authority and on behalf of the county negotiated the construction management agreement, I don't want to mislead you, there was an intent that the people working on this project, specifically the program manager, the owner's rep and construction manager would have an incentive program. Based on the concerns this board raised at the previous meeting, we have not amended this contract until those concerns are addressed.

If this board makes a decision in regards to such an incentive program, you are correct, we will need to revisit the CMAR contract, the percentages that have been allocated to that CMAR contract, and make a decision and negotiate that out because there are certain percentages -- and certainly if -- one of the things we'll have to look at is if a -- one entity isn't getting a percentage, are we increasing the percentage of the others or are we lowering the percentages. And it gets into a layer of math that I may not be, you know, qualified, but we certainly will

have to look at that. But I do agree with you, there is an inconsistency. We haven't ignored your concerns, but we have signed it to the point that we felt that you wanted to address it.

MR. SAROS: And I appreciate that. And I also don't think that as I previously stated that it's unwarranted as far as performance is concerned. The problem I have is one of perception, if you will. You're our representative watching the work that's being done and making sure it's being done to standard. And that I just think overall if there's any incentive to save that -- you know, I don't want to use the wrong word. It just doesn't fly right to me as far as the way it looks.

Now, I don't think any of us had ever met you before you gave your presentation to us. And at this stage, quite frankly, I'm so comfortable that you would do exactly what you're supposed to do, no matter what the situation is. I can't tell you how comfortable I am.

However, in the contract itself to me there's still a contradiction and I think this board, I won't speak at hope, but this board's a little uncomfortable with that. So with counsel's review or approval, if -- I'd just like to have your opinion on it. I mean,

what do you think? I mean, is it?

MR. PARCOVECCHIO: Chair?

CHAIRMAN FORD: Absolutely.

MR. PARCOVECCHIO: I would not handle this project any differently if I had an incentive or I didn't have an incentive. Please believe that. I'm perfectly happy not to get an incentive. I want to prove to you, the commission, to everybody, that I'm going to bring this project in under schedule -- under budget, on schedule, and that's my incentive alone. I love what I do. You know, I really do. So I'm happy with it.

MS. DeHART: If I may, Mr. Chairman.

CHAIRMAN FORD: Thank you, Mr. Parcovecchio.

MS. DeHART: Tony, I think you've already proved to yourself that you are doing -- proved to all of us that you're doing a wonderful job and I appreciate that you don't need the incentive. It makes people very comfortable. Thank you.

MR. PARCOVECCHIO: And I'd just like to -- not to toot my own horn, but I'm going to a little bit, if you don't mind. Normally, on a project like this, you would not have even started the remediation until you had a CM on board. And with my expertise, I pushed to get this remediation done, the caissons

done. And if you just take the $30,000 a day for the five months we've been on the project, that's a four and a half million dollar savings that we -- you know.

MR. SAROS: That's why --

MR. PARCOVECCHIO: Trust me, I'm not trying to --

MR. SAROS: You're fine. In response to that we'll tell you that -- I think I can speak for all of us and say that we couldn't agree with that more. And that is why this is very hard for us because it's not a private deal. If this was a private deal where I'm the owner of it, I have no problem with this because you've proven that, zero.

The problem is that it's not a private deal. So I have a question, Counselor, at some point near the deadline of this project and it is -- you know, we're finishing up and there is a -- there is a great savings based on, you know, projections, is it improper for this authority, at that point in time, to check back with Mr. Parcovecchio and say do you feel that the compensation that you received for your work was appropriate or if you had to bid it over, would you not have bid three-quarters of one percent, let's just say, would you have bid one or one and a quarter, and if so, why do you not submit something for this

authority to review as to what you felt, if you in hindsight, could have bid it correctly going in, what you would have done, is it appropriate for us to consider at that point something to say, you know, we've saved $20 million here, we think that an appropriate, you know, amount to our owner's rep would be X. Is that something, using the funds that we're using, that can be entertained or not?

MR. MORAN: I don't think I can answer that yes or no, but I think I can answer it. Number one is, certainly, at any point and I'm going to -- we have an understanding that you're going to be speaking to Mr. Parcovecchio's counsel throughout the project.

MR. SAROS: Right.

MR. MORAN: So you're going to have a consistent amount of feedback in terms of performance and cost. We spoke earlier based on Commissioner DeHart's concerns about making sure financial reporting is consistent with the facts. So you're going to have a very clear understanding, if not we're probably going to have a few more height and have a real clear understanding of your budget. At some point you're going to have a GNP that's going to come back soon here, I hope, from Walbridge. And then you're going to have -- you know, begin to see where your

budget is leading you. And as you continue to assimilate all of that information and you get to a certain point because you also have what's known as a rep contract that says that if it comes down for low price, his compensation is coming down too.

MR. PARCOVECCHIO: Correct.

MR. MORAN: So at some point during that time, yes, you can entertain, do you want to adjust his compensation. I'm not saying as an incentive because you've already made those adjustments, I believe, before that time to the CMAR and the construction manager, but you can certainly look at the compensation level that's going on and the work that's going on and the duties that are going on and make a determination on whether you want to adjust it.

And I think that when you're saying incentive, I'm saying that you can look at it in that manner and make a business decision based on the information you have.

MR. SAROS: Because I think that that is based on the quality of your work, your absolute due diligence of saving us, you know, hundreds of thousands of dollars already. The last thing I'd want to do is disincentives you in working along those

lines.

But I think we'd all be very naive if we didn't sit around this table and say this is a bunch of craziness that's going on out there right now and why give food for thought when we know how -- everyone on this authority knows how hard you work and how pleased we are and there's certainly checks and balances in place. And I'd like to leave it up to the good judgment of this authority at the point of at the end of this project, after weighing everything in, to make those kind of decisions. That would be my recommendation as far as -- as long was you are willing to take that portion out of the CMAR contract because it's not in yours. As long as that is acceptable to you.

MR. PARCOVECCHIO: Totally acceptable.

MR. SAROS: Thank you.

CHAIRMAN FORD: Thank you. Thank you very much. Are you concluded? Board Member Hindo.

MR. HINDO: The one comment I have and I brought this up at a prior meeting and, Tony, you're doing a great job and it's actually kind of a hindrance to the point I'm going to make right now which I've made before which is you're doing such a great job and we're saving a ton of money. For

example, Ron mentioned the water main contract. We budgeted 1.7 million and even with a change order we're only at around a million.

At some point in time, the conversation, in my mind is, did we over budget this knowing that we're going to come in under budget. I mean, from day one I've heard we're going to be under budget. We're going to be under budget. So there's that contrast, you know, you have this incentive here. Is this really an incentive for people to work hard and come in under budget?

Technically, that's all I'm hearing is we're going to be under budget, we're going to be under budget. And that's to your credit, you're doing a wonderful job, but that's really, really a concern of mine, that people are going to be viewing this contract and thinking that this was over budgeted and these incentives are really a gift. And I've asked Attorney Collins before and I'm going to ask it again just to be clear. Did we under budget, over budget or is our proposed budget in line for this budget for the way it was viewed at from day one?

MR. MORAN: You have a budget right now of $300 million and you've certainly seen that you have simply agreed to a team that has done a phenomenal

job. And as you've done, some of these issue of 700,000, it's not done yet. But you've seen that you have $300 million worth of project to finish yet. So we've looked -- we've looked at what we need to issue in the second go around, we've looked at were that 300 million.

I mean, we're concerned that we don't go over that 300 million. We have those concerns based on everything we've seen. So by no means have we seen anything that I would tell you that you're under budget. But we still, with all due respect to those sitting around this table, they still work for us and we still have an expectation for them to come in under budget. We want them to continue with that mantra to try to do everything they can to bring it in under budget.

CHAIRMAN FORD: And let me just add, you know, we got a long way to go.

MR. MORAN: Yes.

CHAIRMAN FORD: A long way to go.

MR. MORAN: Yes.

CHAIRMAN FORD: As I'd like to -- Mr.. Moran said something earlier that couldn't be truer in his presentation and my experience is when you're doing a project like this, no matter if it's the -- what we've

already done, and what we're going to do. You're going to run into some pleasant surprises and you're also going to run into some absolute things that all so I think that all you can do at this time is do what you have done and that is to budget what this project should cost if it were all going up today. It's not all going up today, it's going up over a period of time.

So I like the incentive clause, it's very normal. I mean, it's what should be in a contract. You want to come in on time. You want it to come in under budget, but the lion's share of that savings comes to us. My only part of concern was what I've already stated. That I'd like someone in the room to make sure that a -- you know, the two by eight going in is a two by eight, not a two by six. The quality of the carpeting that's going in is $50 a yard carpeting, not $8 a yard carpeting just for the purpose of saving. So that's where I think that you have such great value as being our -- exactly what it's called, owner's rep. That doesn't mean everyone else in the equation isn't honest and does what they do and do it very well, but we're really comfortable, you looking out for us and nobody else but us. So that's the reason of the -- for the comments -- John's

comments, you know, as well.

MR. HINDO: Thank you.

CHAIRMAN FORD: Any additional questions, comments, at this time? I believe a motion is in order to allow to direct staff to go back and revisit and bring back to us an amended CMAR contract, I believe excluding the incentive piece from the overdraft. And you can jump in here and add.

MR. COLLINS: If I may --

CHAIRMAN FORD: Attorney Collins.

MR. COLLINS: Yes, I'm sorry, if we could hold off doing that until we bring you the CMAR with the GNP which probably won't be until December or January.

CHAIRMAN FORD: Absolutely. We're not -- we just need to make a motion so that -- for this body so that, you know, we can, you know, obviously understand where we're coming from and understand what our directive is to go back, revisit the CMAR contract, obviously revisiting the specific portion of the owner's rep incentive fees excluding that and bringing it back to us for a final. So --

MR. COLLINS: That's not a problem.

MR. SAROS: I'd like to make that motion that we revisit the CMAR contract when it's brought back,

that the percentage that was assigned to Parcovecchio Construction per conversation be removed and that we will review it at that point in time and that Mr. Collins back the CMAR contract.

MR. PARCOVECCHIO: Okay.

MS. DeHart: I support that motion.

CHAIRMAN FORD: It's been properly moved and supported. Is there any discussion? Question being called for, all those in favor signify by the sign of aye.

(In Unison): Aye.

CHAIRMAN FORD: Thank you very much. Moving on. I know we didn't do any add-ons at this time. Do you have anything?

MR. MORAN: No, thank you.

CHAIRMAN FORD: Valerie? Ron?

MR. MORAN: Mr. Chairman, we had spoke --

CHAIRMAN FORD: It's all good.

MR. MORAN: We had spoke earlier that we are going of the an asbestos statement contractor that is going to need a contract and sort of the sooner the better. And then we are also going to have a recommendation for a caisson contractor as well. Any idea when your next meeting might be?

CHAIRMAN FORD: Well, the sooner --

obviously, the sooner you can get all of that wrapped up, our next meeting is December the 4th.

MS. DeHART: 1st.

MR. MORAN: That's where I'm going. Did we the call for an established meeting, chair?

MS. DeHART: Mr. Chairman, just let the record reflect I'm going to be out of town November 29 through December 2nd.

CHAIRMAN FORD: Right. Can you get that? What's the likelihood that you can get that not next week, but the following week?

MR. CLARK: At least one of them were sent this morning so I know that one is ready to go.

CHAIRMAN FORD: Okay. So the likelihood that you can have everything ready for us to convene a special meeting for not next week, but the following week which would be the week of --

MS. DeHART: The week of the 14th.

CHAIRMAN FORD: The 14th.

MR. CLARK: Absolutely. We can be ready for that.

CHAIRMAN FORD: Okay. So let's tentatively say the 17th? November 17th depending on if you can get everything together in a timely fashion so that we can get the package and review it, we can do it that

November 17th in a special meeting.

MS. DeHART: I had planned to be out of town that day.

CHAIRMAN FORD: We can do the 16th, is that Wednesday?

MS. DeHART: The 15th would really work well.

CHAIRMAN FORD: Okay. You want to push it up? I think the 15th works. I think you can just tell that this board is making itself available to make sure this project --

MR. CLARK: We very much appreciate it.

CHAIRMAN FORD: And I'd just like to commend my board members for making and availing themselves to that.

MR. SAROS: Even, by the way, if it is a special meeting that is literally for one item, but it's an important item, that you've got the push, we'll get down here. And if it's a ten-minute meeting, I mean as long as it's, you know, everyone is appropriately notified, we'll make ourselves available.

CHAIRMAN FORD: Right. And we'll make sure Jim is here on time too.

MS. DeHART: He's been pretty good, though, lately, hasn't he, though?

MR. SAROS: I want to say too -- I want to say, too, because in several of the minutes I should have commented, it said that I was absent from a meeting. I want to note for the record, I've missed one meeting.

CHAIRMAN FORD: I made sure that you were excused.

MR. SAROS: And it was while my wife was getting operated on. And she called me -- Mr. Collins called me while I'm in the waiting room while my wife was dying in the other room. So that's the only meeting I've missed.

CHAIRMAN FORD: It was excused.

MR. SAROS: It was referred to a few times.

CHAIRMAN FORD: Let the record reflect how important I think Jim Saros is.

So we can't do the 15th, at two o'clock. Do you want to do it in the morning?

MS. DeHART: I will let you know the time.

CHAIRMAN FORD: I like to do them in the morning.

MS. DeHART: I like morning too.

CHAIRMAN FORD: I'd like to do it about ten o'clock. If we can do that in the afternoon, because I can guarantee when I get back to the office, I got

ten people waiting for me, so the mornings are the best. We'll work that out. Just to note Francine isn't here, but I just wanted to say that Francine is doing an absolutely fabulous job. I don't know if the board received -- I sent -- afforded to you the information regarding the community outreach. I would encourage -- I think the one pass was this past Wednesday. The one is -- there is one next week in Detroit at the Wayne County Community College campus, so if we could make ourselves available just to pop in and show our support, that would be great. But if we can make just one -- three, that would be great. She's going a great job. All right, anything else?

MS. DeHART: Next week is an election week for me, I'm going to be tied up.

CHAIRMAN FORD: All right. If there's nothing else at this time, we're going to call for a public comment. Is there any public comment? Is there any public comment? Being no public comment, a motion is ordered for --

MS. GRANDISON: I'd like to move to adjourn the meeting.

CHAIRMAN FORD: It's so moved. It's been properly moved and supported. Is there a discussion? Question being called for, all of those in favor

signify by signing aye.

(In Unison): Aye.

CHAIRMAN FORD: All those opposed? Motion the carries. Thank you very much, we're adjourned.

(Whereupon meeting were adjourned.)

STATE OF MICHIGAN)

)

COUNTY OF WAYNE)

I, Tamika Burnette, certify that this transcript consisting of 67 pages is a complete, true and correct record of the meeting held in for the Wayne County Building Authority on Thursday, November 3, 2011.

I further certify that I am not responsible for any copies of this transcript not made under my direction or control and bearing my original signature.

I also certify that I am not a relative or employee of or an attorney for a party, or a relative or employee of an attorney for a party or financially interested in the action.



Date Tamika M. Burnette CSR-6363

Notary Public, Wayne County, MI

My Commission Expires: 10-19-2016

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WAYNE COUNTY

BUILDING AUTHORITY

REGULAR MEETING

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PAGE 1 TO 34

Taken at 500 Griswold,

Detroit, Michigan,

Commencing at 2:09 p.m.,

Thursday, December 1, 2011,

Before Laurel A. Frogner, RMR, CRR, CSR-2495

APPEARANCES:

Nathan Ford, Chairman

John Hindo, Member

James Saros, Member

Steven Collins, Wayne County Corporation Counsel

Valerie Khoury, Office of Management & Budget

Audricka Grandison

ALSO PRESENT (In Order of Appearance):

Andrew Cupples

Bill Lorelli

Francine Pegues

Ron Moran

John Lauve

Barry Jensen, Kotz Sangster

Mark Gerardo

Paula Anderson

* * * * * * *

Detroit, Michigan

Thursday, December 1, 2011

About 2:09 p.m.

CHAIRMAN FORD: All right. Good afternoon and welcome to the Wayne County Building Authority meeting this December 1st, 2011, 2 p.m. If we could call this meeting to order and if we could have a roll call at this time.

MS. GRANDISON: Eileen DeHart? She's absent.

Nathan Ford?

CHAIRMAN FORD: Present.

MS. GRANDISON: John Hindo?

MR. HINDO: Present.

MS. GRANDISON: James Saros?

MR. SAROS: Present.

MS. GRANDISON: We have a quorum.

CHAIRMAN FORD: Seeing that there is a quorum present, moving on to Line Item 2, Approval of the November 3rd, 2011 minutes.

Board Member Hindo?

MR. HINDO: Mr. Chairman, I've had an opportunity to review the minutes. There are a lot of mistakes in the minutes that need to be corrected. My understanding is the court reporter servicing company has acknowledged that, and they will be providing us new

minutes at no additional cost to us. So at this time I would make a motion that we do not approve the minutes until we receive the corrected version, because there are a lot of errors in the minutes from the last meeting.

CHAIRMAN FORD: It's been properly moved. Is there support?

MR. SAROS: I read the minutes as well, and I support that there is a lot of miscommunication and has the wrong people stating, you know, facts in that meeting, et cetera, so I second that.

CHAIRMAN FORD: It's been properly moved and supported. Is there discussion?

Question being called for, all those in favor signify by the sound of aye.

(In Unison): Aye.

CHAIRMAN FORD: All those opposed? Motion carries.

Moving on to Line Item 3, Approval of the Agenda. And before we do that, to the Board I'm just going to make a motion to shift the agenda around a little bit, if we could go to under New Business, Line Item (a), the Owner's Rep Contract, we can move Informational Items to (b), and then (c) will be Approval of the ATC Contract, (C) 1, 2, 3, 4, Approval

of the Environmental, 3, Authorization for the Walbridge/DCK, and Resolution to Delegate Authority to the CFO and Designate an Oversight Committee.

So with those changes, recommend that we make a motion to approve the agenda.

MR. HINDO: Mr. Chairman, I'll make a motion to approve the agenda as amended.

CHAIRMAN FORD: It's been moved and --

MR. SAROS: I will support.

CHAIRMAN FORD: -- supported. Is there discussion?

Question being called for, all those in favor signify by the sound of aye.

MR. SAROS: Aye.

MR. HINDO: Aye.

CHAIRMAN FORD: Aye.

All those opposed? Motion carries.

Is there any Old Business? Attorney Collins?

MR. COLLINS: I have no old business today. Thank you.

CHAIRMAN FORD: All right. Under New Business, Line Item (a), Action Items, Owner's Rep Contract. And for the record, let me just state on the record this body has received a communication from the CEO's office asking that this Board take action in

sending out a new RFP for the owner's rep contract, thus, terminating the current owner's rep contract, that of Parlovecchio Building Company. This communication has come in a spirit of transparency, and we'll look forward to making a motion on that, if you will.

MR. HINDO: Mr. Chairman, I will make a motion to terminate the owner's rep contract with Parlovecchio Construction and to have an RFP issued for a new owner's rep.

CHAIRMAN FORD: It's been properly moved. Is there support?

MR. SAROS: I support that.

CHAIRMAN FORD: Is there discussion?

MR. SAROS: Yes.

CHAIRMAN FORD: Under discussion, Board Member Saros.

MR. SAROS: For the new RFP, Attorney Collins, would Parlovecchio Building Company be eligible to bid on the new RFP?

MR. COLLINS: Yes, the RFP, it has not -- for the record, Steven Collins, Assistant Corporation Counsel. The RFP has not been created. The RFP will be an open bid, and it is my understanding that the qualifications within the RFP would include, of course, someone like Mr. Parlovecchio, so anyone and everyone

would be able to bid on such an RFP.

MR. SAROS: And that basically the reason of this action, it's a clarification, my understanding is just that the RFP is to go out so that it can be bid as the administration wants all contracts to be, and that the previous contract was not bid, is that the reason, because certainly not a problem with his work. The work of Parlovecchio Building Company, I think, for the record, was very good. So is that correct in the reasoning?

MR. COLLINS: Yes. Board Member Saros' statements are correct. The CEO's office is very clear about the transparency they expect within all of the component units including the Authority, and they are requesting that to ensure that all contracts are competitively bid.

MR. SAROS: Thank you.

CHAIRMAN FORD: Any discussion? Further discussion? No further discussion.

It's been properly moved and supported. All those in favor signify by the sound of aye.

MR. SAROS: Aye.

MR. HINDO: Aye.

CHAIRMAN FORD: Aye.

All those opposed? Motion carries.

Moving on to Line Item (b), Informational Items, (b)1, Subcontractor Prequalification Process For Bid Selection. Attorney Collins?

MR. COLLINS: Yes. There are four informational items here for your review, and, again, I would note for you that these are informational items. These are actions that are being taken either by Walbridge, who is your construction manager at risk or the fourth item as you will note is for the procurement policy. So these are more just again informational items.

In regard to the Prequalification Process for the Bid Selection, I'm going to turn it over to our program manager and design team, Ghafari and AECOM, to give an explanation and overview in regards to what that entails.

MR. CUPPLES: We have asked Ghafari --

CHAIRMAN FORD: State your name for the record.

MR. CUPPLES: My name is Andrew Cupples. I'm principal for AECOM responsible for the services we're providing the Authority and the County. With me today is Ron Moran from Ghafari and Mark Gerardo, who's our program project manager, and next to Mark is Bill Lorelli from Walbridge, who will be part of this

discussion.

We had asked that Walbridge put together an approach as to how they are a prequalified contractor to go to bidding to competitive procurement and then what their approach will be to make that award.

Today we are going to talk to you specifically about an early package for the caissons, the foundations for the new jail. Also, after -- Bill's going to give us an overview of what was distributed to the Authority and what their process and procedure is, and how they complied with the caissons. And then we've asked Barry Jensen, who's with us today from Kotz Sangster, to render their opinion about how that policy reflects County policy procurement. And we also have a memo for your auditor regarding compliance with ARRA, under which this project is being financed.

CHAIRMAN FORD: Has that been submitted?

MR. CUPPLES: Has that been submitted, Steven? Attorney Collins?

Barry has it with him, I know.

CHAIRMAN FORD: Okay.

MR. CUPPLES: So with that, I'd like Bill just to give us a brief overview of the two policies and how they've been applied to the caissons, which we will talk about under the next agenda item.

CHAIRMAN FORD: Bill?

MR. LORELLI: Yes. My name is Bill Lorelli. I'm the project manager for Walbridge/DCK for the Wayne County Jail project. The prequalification process that we've established is really a consolidation and combination of information that we have as Walbridge and as well as information that has been given to us by Dan Teak, who is the County's outreach consultant. We take information that we get from Francine's list of interested parties, interested contractors in the work, we combine that with a list of contractors that we have under our prequalification database, and then we go through an analysis and review to see who and how best to go out and solicit for particular packages.

And that evaluation is based on contractor's experience, recent work references, financial capability, there's a lot of things that go into that evaluation.

The end result is that we produce a recommended list of bidders that goes to our team, AECOM, Ghafari, and the owner's rep, it goes to the team for review. If there's any changes that need to be made, additions, deletions, those are given to us, and then it's authorized to go out and solicit for the work.

Included in that recommended bidders list we

also indicate if there are opportunities for second and third tier, lower level subcontractors below the prime bidder, if you will, lower level contractors that can participate in the work, not necessarily as the prime bidder but as a sub subcontractor. So we indicate areas of availability for those firms as well as indication on our bidders list as to whether the prime bidders are Wayne County based or whether they also have registration certification for minority, veteran, small business, et cetera. So that list is what is submitted to the owner's team for review and approval. Once we get that reviewed, it goes out for bid.

Bids are received and opened up in the presence of our team, AECOM, Ghafari, owner's rep, and Walbridge. Each bid is opened, initialed, and reviewed, a cursory review at the opening is done, and then a more in-depth review is done afterwards.

Walbridge will then select certain contractors, it may be one, it may be two or three, to review the proposals, make sure the proposals are in line with what the documents call for, make sure it's in line with the schedule requirements, the quality requirements, reviewing the proposal in all its form.

We also ask that each bidder identify the participation of Wayne County firms as well as other

registered certified firms that we just talked about, we ask them to produce that information with their proposal. So our evaluation then takes into account all of those issues.

We then make a recommendation to the team based on the evaluation. At these meetings that we have all of our team members are invited to those meetings as well with the subcontractors. A recommendation is then put forward to the group for approval, and if it passes approval, then they will authorize the work to be awarded and contracted.

CHAIRMAN FORD: Any questions?

Francine, anything you want to add to that?

MS. PEGUES: If you gentlemen would like a list of the listings that they've solicited for our database, I have that available for you and a copy of the database.

CHAIRMAN FORD: Yes.

Question, Board Members?

MR. HINDO: I just have one question. I'd like to know what safeguards are in place to ensure that there's transparency and full disclosure in terms of whether any of these companies that are bidding or hired have any staff members or owners that in any way, shape, or form are employed by the County? What is in place to

ensure that we have full transparency and full disclosure here?

MR. LORELLI: I do not believe our proposal form includes any request for that information. When we get companies' information in our database, it generally lists the principals of the company in a general form. I do not believe it asks for -- because they're with a firm, I'm assuming they're with a firm and they are not with the County.

MR. COLLINS: If I may, Steve Collins, Assistant Corporation Counsel. One of the items you have under your actions is the resolution of the Oversight Committee. And let me explain to you, and, also, you have your Procurement Policy. Let me explain to you the checks and balances that we have in place that will be recommended to you at some point they be in place.

At some point Walbridge, your construction manager, along with the direct contracts you do end up in the staff members of the Authority or the County. At that point we do a conflict check. There are ethics forms and there are ethics policies that must be filled out, and we do a conflict check to ensure and to be able to determine are there relatives of employees working in positions. And as our ethics policies say, it's not

that it's prohibited, if you are someone who's providing maintenance services to a company, it's only if there is some sort of dominion or control, if you're a contract manager, someone who can influence, then we would have to bring it to everyone's attention.

CHAIRMAN FORD: It must be disclosed.

MR. COLLINS: It must be disclosed, but we would bring it to your attention if we thought that there was dominion or control or a contract manager --

MR. CUPPLES: We will make a note of that going forward.

CHAIRMAN FORD: Any additional questions, Board Members? Thank you very much, Bill.

MR. MORAN: I'd like to add one thing to Bill's comments is that that procedure that he explained was also explained at all three of the outreach programs or forums that we had. So there was over I think 130 or 140 people that attended.

CHAIRMAN FORD: Each or all together?

MS. PEGUES: All together close to 200.

MR. MORAN: So that procedure was described to all of those people that attended.

CHAIRMAN FORD: Thanks.

MR. CUPPLES: Again, one other comment, if I may, for the Authority, it is set up as a best value

approach to ensure we get the best value for the County, and all the awards have to fit within the guaranteed maximum price once it's been established.

MR. SAROS: As a comment, I think we are all naive if we don't appreciate, you know, what's going on, and I think it's important that we don't go overboard on -- you know, an athlete can't play a game tentatively. You guys have a job to do, it's to build a jail. And I think that, you know, you've been hired because you're the best at what you do, and that's all transparent. And I think that, you know, you can't -- you can't be too tentative in the decisions that you make, it's got to be business as usual. We want it to be fair, we want it to be transparent, but we don't want you to take 10 times longer than you would normally take because there's some feeling like, well, this wasn't fair or this wasn't, you know, correct. My overall point is that we've got a job to do here, and the job is to build the jail, and we're confident that the people that are hired, AECOM and Ghafari and Walbridge, are great at what they do. And what we want to make sure is that you aren't slowing down the process, kind of the reverse of what you would think. It's got to be business as usual with the transparency that we all asked for from the beginning.

CHAIRMAN FORD: Thank you very much. Thank you.

Moving on to Line Item (b)2, Subcontractor Procurement Process, I think we went over that a little bit.

Line Item (b)3, Notification of the Low Bidder For the Caisson Work.

Mr. Collins, do you want to --

MR. COLLINS: If I could, and this may be somewhat out of procedure, I'd like to request of the Board to change your agenda. I don't know if you've noticed, I've had some conversations as we go around trying to clarify some of the items that are on the agenda, and this will go directly to your informational item. In what is now your number (c), your Action Items, I would like to have you remove 2, 3, and 4 as informational items, not as actions that we are going to ask that you take today.

CHAIRMAN FORD: So you're asking that we remove Approval of the Environmental Specialty Services?

MR. COLLINS: Yes.

CHAIRMAN FORD: Contract Monitoring of the Asbestos Abatement, that would be 2(b) or actually 2(c) or (c)2.

MR. COLLINS: (C)2.

CHAIRMAN FORD: (C)3, Authorization For Walbridge/DCK to Proceed With the Caisson Portion of the Construction Contract, and, also, the Resolution to Delegate the Authority to the CFO and Designee of the Oversight Committee. Are you asking --

MR. COLLINS: Yes.

CHAIRMAN FORD: -- to remove those three items?

MR. COLLINS: I am.

CHAIRMAN FORD: From the agenda?

MR. COLLINS: I'm asking you to remove them. If you move them to informational items, I will give you an explanation --

CHAIRMAN FORD: So move them to informational items, okay, I got you.

Have a motion, Board?

MR. SAROS: I make the motion to honor that request that Counsel Collins just requested.

MR. HINDO: Support.

CHAIRMAN FORD: It's been properly moved and supported. Is there discussion?

Question being called for, all those in favor signify by the sound of aye.

CHAIRMAN FORD: Aye.

MR. SAROS: Aye.

MR. HINDO: Aye.

CHAIRMAN FORD: All those opposed? Motion carries. With that --

MR. COLLINS: Thank you for recognizing me again, Steven Collins, Assistant Corporation Counsel. I'd like to give you some explanation as to why I've asked you to move these three. It's easiest to go to number 4 first, which is the Resolution to Delegate Authority. It has come to my attention that that resolution was not placed in your packet. It is a very lengthy resolution going over the procedures that would be necessary. Therefore, it is inappropriate to ask you to pass that resolution without you first having had time to review it.

In regards to Items Number 2 and 3, the approval of the contracts, as you may have noticed, I've had some discussion with other members. I am not willing as the board's attorney to recommend that you approve both of these contracts based on some language that I've seen in each of the contracts. I am very sensitive, have been very sensitive since the onset that this board must comply with the American Recovery & Reinvestment Act. It is a very lengthy act and there are lots of different interpretations on what must be in a contract with that. Our bonds were sold based on the

basis of that. So until counsel and I from Kotz Sangster have had time to review a couple of those provisions, I'm not comfortable with asking either Walbridge or this Board to go forward with this contract, nor would I be comfortable with asking Environmental Specialty Services to go forward until we've reviewed that. We hope to have that decision by tomorrow, which means that we will probably be requesting at some point for a special meeting early to get these things going.

CHAIRMAN FORD: Okay. So would you like to table these line items?

MR. COLLINS: Yes.

CHAIRMAN FORD: And, again, let's just for clarity, just go over those line items being -- since we made an amendment to the agenda, Line Item (c)2, (c)3, and (c)4, Approval of the Environmental Specialty Services Contract, the Walbridge/DCK, and Resolution to Delegate Authority.

MR. COLLINS: Yes.

CHAIRMAN FORD: Okay.

MR. SAROS: I will make a motion to table Line Items (c)2, (c)3, and (c)4 until a later meeting when our Corporation Counsel is comfortable with the information given to us.

MR. HINDO: Just for clarity, Mr. Chairman, do we need to table them since they've been moved to informational items and not action items?

MR. COLLINS: And if I have misguided this Board, I apologize. I certainly wanted them as informational items so that I could give you an explanation. You certainly have within your packet a contract. That contract may change, and we may be giving you a new contract, so I believe it's probably better to leave them as informational items if we --

CHAIRMAN FORD: So no action required?

MR. COLLINS: Correct.

CHAIRMAN FORD: Okay.

MR. COLLINS: I have no problem in information being provided to you on the caisson work and the bidder that Walbridge has been able to secure on your behalf. I just don't want you to have to take any action at this point until I can comfortably recommend them to you.

CHAIRMAN FORD: Okay.

MR. SAROS: So then I will withdraw my motion.

CHAIRMAN FORD: So moved.

MR. HINDO: Support.

CHAIRMAN FORD: It's been properly moved and supported. Is there discussion?

Question being called for, all those in favor

signify by the sound of aye.

(In unison): Aye.

CHAIRMAN FORD: All those opposed? Motion carries. Your motion is withdrawn. We have just now moved those to informational items. So you will report back to the Board once you've had an opportunity to dig a little deeper.

MR. COLLINS: Yes, once we are able to give you a definitive contract for your approval, then we will request a meeting for each of such contracts.

CHAIRMAN FORD: All right. Well, then that takes us to Line Item 4. What would that be now? (C)4 -- no, (b)4, Wayne County Building Authority Procurement Policy.

Attorney Collins, just give us some information on that, where we are and --

MR. COLLINS: Yes. We have reviewed the revisions that the board members have given to us in regards to the creation of the procurement policy. We have some comments and discussions we would like to give to you. We have not formalized those yet. We believe the suggestions that were given to us were very good. But one of the things that we want to ensure occurs is that your Procurement Policy must line up with the County's procurement policy, and specifically its ethics

policy. And so there seems to be some inconsistency in that. Unfortunately, the Chief Financial Officer is not able to be here today, so, therefore, I'm going to have to again keep this as an informational item until the Chief Financial Officer is able to sit down and have a conversation with you. Again, until you have your own procurement policy, we will be following the County's procurement policy.

CHAIRMAN FORD: Thank you. And I think that just leaves us with one line item. Is that the Asbestos Abatement For the Steam Line? We did not discuss that. Do you have any information on that? Are we ready to act on that?

MR. COLLINS: If I may, Steven Collins again. So the record does reflect, the asbestos abatement for the steam line, the first contract, it is my understanding this is a professional services agreement, it is not a construction agreement. Our requirements are different.

CHAIRMAN FORD: Okay.

MR. COLLINS: And I am comfortable with how it is written in there. In regards to the scope and such, I'm going to turn it over to Ghafari and AECOM to give you an explanation on that.

CHAIRMAN FORD: Ron?

MR. MORAN: And I'd be happy to do that if at the same time I could give you sort of our update that I've been doing on a monthly basis, and I'd like to use a prop here to help.

CHAIRMAN FORD: If you could move that chair. Thank you. There we go.

MR. MORAN: As we previously discussed, we have been doing the site remediation on the entire seven acres, of which that's now completed except for the Mullett Street which -- and on this, this is north, so Mullett Street basically runs right sort of in the middle of the property, so the site remediation on the north side has been done and on the south side has been done. Under Mullett Street we have discovered that there is a steam line that's underneath Mullett, and our preliminary investigation has indicated that that may be encased with asbestos. So before you at your next meeting will be hopefully a contract to hire the asbestos contractor to remove that asbestos, but what you have before you today is the professional services contract for the environmental company to monitor that as it's going on. We don't have all the information about how much of the pipe is wrapped in asbestos because we haven't been able to dig up that part of the property yet because the waterline is there. We also

have a waterline that runs along the same Mullett Street, and that's in the process of being relocated down the Service Drive, Clinton, and then back up to St. Antoine, because it would connect here and it would connect here. That work has started and is expected to be done on December 29th. So as soon as that work is done, then the asbestos abatement would start. When that is completed, then the contractor would come back and finish the site remediation along Mullett Street. So as Steve had indicated, as soon as those contracts are ready, they'll be back before you.

One of the other things that can happen at the same time is we could also have our caisson contractor working on the north side of Mullett, working on the south side of Mullett. Hopefully by the time they're ready to do the final part of the property in the middle we'll have the waterline relocated, the asbestos abatement done, the site remediation done, and be able to finish the caisson contract. So we're trying to schedule all those things so they happen all sort of at the same time and they can all be completed on schedule.

CHAIRMAN FORD: Okay. Thank you.

Question, Board Members?

Board Member Saros?

MR. SAROS: Mr. Moran, is there still the

substantial savings that you described in our last meeting over what was originally budgeted for this?

MR. MORAN: Yes. As I indicated last time, we had an original estimate of the waterline at around a million 7, and we think we're going to still be around a million, a million and 1 for that work.

MR. SAROS: Great. Thank you.

CHAIRMAN FORD: And what about the caissons, the savings, have we captured any savings with the caisson?

MR. MORAN: I would turn that over to Bill Lorelli and let him answer that.

MR. LORELLI: Based on our original estimate, yes, we did have a savings from the original estimate, but, again, the savings that we got on this one, you need to take that into consideration that that's just the first package, so, yes, we did see a savings based on the original estimate.

CHAIRMAN FORD: We've got a little momentum going?

MR. LORELLI: Yeah, I hope, yeah.

CHAIRMAN FORD: Timelines, Ron, how we looking in terms of are we where we're supposed to be at this projected time?

MR. MORAN: Yes, we are on schedule.

MR. CUPPLES: We are actually advancing the caisson package so that we can actually capture more time and get started sooner. So as soon as we can bring that contract back to you, we'll be having heavy construction on the site.

CHAIRMAN FORD: And as soon as we obviously work out the details, we will be amenable to calling an emergency meeting to get that going. We don't want to lose any momentum.

MR. HINDO: Are we expecting any weather delays, weather issues to kind of slow down any of this work?

MR. MORAN: We hope not, but you're starting to talk like a contractor. It really just depends on the weather whether we run into any delays or not.

CHAIRMAN FORD: All right. Thank you. I think we have a motion.

MR. HINDO: I'll make a motion to approve the ATC Contract - Asbestos Abatement For the Steam Line.

CHAIRMAN FORD: It's been properly moved. Is there support?

MR. SAROS: Support.

CHAIRMAN FORD: It's been properly moved and supported. Is there discussion?

There being no discussion, question being

called for, all those in favor signify by the sound of aye.

(In unison): Aye.

CHAIRMAN FORD: All those opposed? Motion carries. Thank you very much, guys.

All right. Moving on to Public Comment. And this is the Public Comment portion of our agenda today. There will not be any Q and A but public comment. Is there any Public Comment?

MR. LAUVE: Right here.

CHAIRMAN FORD: Under Public Comment, sir?

MR. LAUVE: John Lauve.

CHAIRMAN FORD: John, could you spell your name for the record?

MR. LAUVE: L-a-u-v-e.

My concern with this Jail Project is it's basically flawed because of the new developments that have taken place not only with this court situation that they just approved a settlement today, the fact that the Mound Road jail is closed, they're closing it January 7th, has the equivalent capacity, that it's available. And big is bad, you're just making one big jail, whereas at Jackson their experience has been big jails are bad, they broke them into smaller units. And by simply improving what you have, you could accomplish

this. And if you wanted some capacity, you could use the Mound Road jail for free, walk in January 7th, ready to go.

So this thing is just out of control, it takes an initiative of its own, and once it's okay, it just goes no matter what the new developments are in the environment, and that's a very important consideration, and I just wanted to bring that to your attention. I know basically it's all approved, but it's money that's being sucked out of the City, out of the County, and it's just destroying -- adding to the tax base being destroyed by the economic impact that it is going to place on the entire community. So I think it needs to be re-evaluated. You need to talk to the people at the State that run these corrections systems and get input into this whole program. It just should be put on hold, and it's flawed, and for these reasons, you got a free jail, you can move in there January 7th, and then you could take that money and fix up the ones around here, fix up this plaza in this area down here by Gratiot so it's a nice entryway into the City instead of placing a jail right there at the entryway to downtown from Gratiot Avenue. Those are just some of the aspects, but it needs to be reviewed by some professionals in the correction sector of our economy.

CHAIRMAN FORD: Thank you very much, Mr. Lauve.

Are there any additional comments? Any additional comments? Any additional comments?

MR. MORAN: Mr. Chairman, I just want to go on the record to say that I really appreciate the hard work that Mr. Parlovecchio had done while he was a part of our team. He was a great team member, I enjoyed working with him, I think our whole team enjoyed working with him, and I think he had the best -- he always had Wayne County and the Wayne County Building Authority in mind, and I think his decision making was based on what was best for Wayne County and what was best for the Building Authority. Thank you.

CHAIRMAN FORD: Thank you.

MR. CUPPLES: If I may, Mr. Chairman, I'd echo Ron's sentiments as well, and I'd also like to, as we go through this hiatus while you issue your RFP, we're committed to continue to drive this process forward, to use best practices, to make the right decisions, to make sure it's transparent, but to keep the project moving during this interim period for you.

CHAIRMAN FORD: Thank you.

MS. PEGUES: Mr. Chairman, Francine Pegues with Dan Teak, LLC. I just wanted to give the board

members an update as to what's happening with the outreach program and the database.

As you know, as the outreach coordinator, we've been asked to generate a database from which Walbridge and AECOM have solicited bids. I gave you earlier a listing of all of the data requests that we have received. But to date in terms of the registration, as you see here, 443 businesses are registered on the database. Mr. Chairman, I gave you a listing of those businesses. It is a public database, so as they have talked about prime contractors looking for subcontractors, they can go right into that database and identify those subcontractors, and there's an e-mail address and phone number so that those primes can contact them.

Of the 443 on the database, this data shows that 188 or 26 percent are minority; 10 percent are women-based enterprises; 5 percent are veteran-owned small businesses; and 34 percent are County-based enterprises or County businesses that have been certified by the Wayne County Human Relations Division.

We've looked at our database to get a handle on how many Wayne County residents are currently being employed, because we believe that a business that has a propensity to hire Wayne County employees, historically,

that if given another contract, if they win another contract, that propensity would carry over and they would be likely to hire more Wayne County residents as they have done historically.

When we look at businesses that have less than 500, 500 or more employees skews the database, so we took those major big companies out of it and looked at the smaller Wayne County businesses, of which there are 375. Of that number, 135 of those businesses, work force has more than 50 percent are Wayne County residents. Of those 375 businesses that we have in the database, 5,000 of those employees are Wayne County residents. And of those folks that are on the database, those that have 50 percent or more that are Wayne County employ right now 2,900 employees.

So the concept of using Wayne County businesses to employ Wayne County employees is proven out by the data that we're seeing from those businesses that are registering. So I think that the Commissioners' goal or target, if you will, of having 60 percent, I think that you're well on the way.

There are some graphs at the bottom that show that there are some glitches in -- or there's some glitches in the certification process that is currently operating.

During the outreach meetings we had some businesses come to us and indicate that they were housed in Oakland County, but 75 percent of their work force was in Wayne County, and under the current Authority as listed, the rules of certification, those businesses wouldn't be certified as a Wayne County enterprise. So we're trying to work with Human Relations in order to allow a company that has those numbers of people in Wayne County to be considered as a Wayne County employer for that location in Wayne County as opposed to where their corporate headquarters are. So we're in conversations with the Human Relations Division. They're also very interested in trying to make sure that the applicant pool of businesses, if you will, recognizes the employers of Wayne County residents as opposed to the address, the corporate address. So it's just an update.

CHAIRMAN FORD: Thank you. Thank you very much.

Any questions? Comments?

Thank you, Miss Pegues.

Anything else? Any additional comments? If not, this meeting stands adjourned. Again, Board, be on the lookout for a special meeting notice once we have resolved some outstanding issues. This meeting stands

adjourned. Thank you very much.

(The meeting was concluded at 2:48 p.m.)

CERTIFICATE OF NOTARY

STATE OF MICHIGAN)
) SS
COUNTY OF OAKLAND)

I, Laurel A. Frogner, Certified Shorthand Reporter, a Notary Public in and for the above county and state, do hereby certify that the above meeting was taken before me at the time and place hereinbefore set forth; that the foregoing was duly recorded by me stenographically and reduced to computer transcription; that this is a true, full and correct transcript of my stenographic notes so taken; and that I am not related to, nor of counsel to any party nor interested in the event of this cause.

Laurel A. Frogner, CSR-2495, RMR, CRR
Notary Public,
Oakland County, Michigan
My Commission expires: 4-22-2015



Laurel Frogner

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