

**WAYS AND MEANS PERSONNEL/HUMAN SERVICES  
COMMITTEE OF THE WHOLE  
AGENDA**

**TUESDAY, MAY 14, 2024**

4:00 PM

**COMMISSION CHAMBERS, FOURTH FLOOR, BAY COUNTY BUILDING**

**PAGE NO.**

- I. CALL TO ORDER**
- II. ROLL CALL**
- III. PLEDGE OF ALLEGIANCE**
- IV. CHANGES TO AGENDA**
- V. APPROVAL OF AGENDA**
- 19-21 **VI. MINUTES (4/9/24)**
- VII. PUBLIC INPUT**
- VIII. PETITIONS AND COMMUNICATIONS**
  - A. (4:00 P.M.) Bay County Community Center Pool Presentation (Receive)**
  - 1 **B. Committee Chair Banaszak - Authorize Personnel Director to Approve Hire at 2-Year Rate for Remainder of 2024 (Seeking Board authorization for Bay County Personnel Director to approve budgeted positions at the higher year rate based on candidate qualifications and experience for the remainder of 2024 so long as no budget adjustments for the position that have already been approved in the 2024 Bay County Budget are required – proposed resolution attached)**
  - 2-4 **C. Community Corrections Manager – Fieldware LLC. Software Contract (Seeking Board authorization for 2-year contract with Fieldware LLC.; authorization for Board Chair to sign; approval of required budget adjustments – proposed resolution attached)**
  - 5-7 **D. Director, Environmental Affairs and Community Development — Notice of Intent for Materials Management Plan (Seeking Board authorization for Board Chair to sign and submit Notice of Intent (NOI) stating that the Bay County Board of Commissioners accepts the role as the County Approval Agency (CAA) and that Bay County will be developing a**

**Materials Management (MM) Plan independently on its own – proposed resolution attached)**

8-9

**E. Recreation & Facilities Director – Daysmart/Card Connect Upgrade for Civic Arena & Community Center & Budget Adjustment \$8,000 (Seeking Board approval of budget adjustment in the amount of \$8,000 from General Fund, Fund Balance; authorization for Board Chair to execute contact with Daysmart and Card Connect; approval of required budget adjustments – proposed resolution attached)**

10-15

**F. Personnel Director – Sexual Harassment Policy (Seeking Board approval of attached policy developed by Personnel and reviewed by Corporation Counsel – proposed resolution attached)**

16-18

**G. Office of Assigned Counsel – March 2024 (Receive)**

**IX. REFERRALS**

**X. UNFINISHED BUSINESS**

**XI. NEW BUSINESS**

**XII. CLOSED SESSION (WHEN REQUIRED)**

**XIII. MISCELLANEOUS**

**XIV. ANNOUNCEMENTS**

**XV. ADJOURNMENT**

PLEASE NOTE: THE COMMITTEE CHAIR HAS REQUESTED THAT ANY ELECTED OFFICIAL DEPARTMENT/DIVISION HEAD PLACING AN ITEM ON THIS AGENDA BE PRESENT OR HAVE A REPRESENTATIVE PRESENT TO SPEAK TO THEIR REQUEST AND/OR ANSWER ANY QUESTIONS POSED BY COMMITTEE MEMBERS.

If any participants plan to be present via Zoom, please contact Nick Paige prior to the meeting ([paigen@baycounty.net](mailto:paigen@baycounty.net)).

Join Zoom Meeting

<https://us02web.zoom.us/j/81694266170>

Meeting ID: 816 9426 6170

Passcode: 547697

One tap mobile

+13126266799,,81694266170#,,,,\*547697# US (Chicago)

+19292056099,,81694266170#,,,,\*547697# US (New York)

The County of Bay will provide necessary and reasonable auxiliary aids and services such as signers for the hearing impaired and audio tapes of printed materials to individuals with disabilities upon 10 days' notice to the County of Bay. Individuals with disabilities requiring auxiliary aids or services should contact the County of Bay by writing or calling:

Amber Davis-Johnson, ADA Coordinator

Corporation Counsel

515 Center Avenue

Fourth Floor, Bay County Building

Bay City, MI 48708

989-895-4131

BAY COUNTY BOARD OF COMMISSIONERS

MAY 21, 2024

RESOLUTION

BY: COMMITTEE OF THE WHOLE (5/14/2024)

WHEREAS, Due to current hiring challenges and labor shortages it has been difficult to find qualified candidates for vacant positions at Bay County; and

WHEREAS, In an effort to streamline the hiring process, the Bay County Board of Commissioners authorizes the Bay County Personnel Director to approve budgeted positions at the higher year rate for qualified candidates; Therefore, Be It

RESOLVED That the Bay County Board of Commissioners authorizes the Bay County Personnel Director to approve budgeted positions at the higher year rate based on candidate qualifications and experience for the remainder of the year 2024 so long as no budget adjustments for the position that have already been approved in the 2024 Bay County Budget are required.

TIM BANASZAK, CHAIR  
AND COMMITTEE

Committee Chair Banaszak – Authorize Personnel Director to Approve Hire at 2-Year Rate for 2024

MOVED BY COMM. \_\_\_\_\_

SUPPORTED BY COMM. \_\_\_\_\_

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
KATHY NIEMIEC				COLLEEN M. MAILLETTE				DENNIS R. POIRIER			
TIM BANASZAK				THOMAS M. HEREK							
VAUGHN J. BEGICK				KAYSEY L. RADTKE							

VOTE TOTALS:

ROLL CALL: YEAS \_\_\_\_\_ NAYS \_\_\_\_\_ EXCUSED \_\_\_\_\_

VOICE: YEAS \_\_\_\_\_ NAYS \_\_\_\_\_ EXCUSED \_\_\_\_\_

DISPOSITION: ADOPTED \_\_\_\_\_ DEFEATED \_\_\_\_\_ WITHDRAWN- \_\_\_\_\_  
AMENDED \_\_\_\_\_ CORRECTED \_\_\_\_\_ REFERRED \_\_\_\_\_ NO ACTION TAKEN \_\_\_\_\_

**To:** Tim Banaszak, Chair – Committee of the Whole  
**From:** Dujana Solomon, Community Corrections  
**Date:** May 6, 2024  
**Re:** Community Corrections Vendor/Contract Agreements - Fieldware

### **Background Information**

Each year, the Community Corrections Department requests grant funding from the Michigan Department of Corrections for the purpose of providing services to defendants and offenders in the community in lieu of jail and prison. In 2024, we were awarded funding for a software platform through Fieldware to support our pretrial services department. This software is a case management system that will not only help keep track of bond cases, but will send out court reminders and assist with Key Performance Measures as well.

In April 2023, the Bay County Board of Commissioners, pursuant to Resolution 2023-52, authorized the execution of the Community Correction grant documents including the application and award documents. Bay County Community Corrections was awarded \$12,000 for the 2024 Michigan Office of Community Corrections Grant Program to contract with this service provider for the remainder of 2024. Dependent on funding availability, Bay County Community Corrections also seeking to enter into contract with Fieldware for 2025. The contract amount for 2025 is \$36,000.

Pursuant to the terms and conditions of the grant agreement, the Department of Community Corrections is seeking authorization to enter into the following service agreements with Fieldware LLC. 159 N Sangamon St Suite 200, Chicago, IL 60607

### **Financial Impact**

There is no financial impact to Bay County because the service contracts are paid for entirely with grant funds. No service contracts will be entered into unless the grant funding is awarded to Bay County. Further, the service contracts provide for contract termination if there is no available grant funding.

### **Request:**

I am requesting that Bay County Board of Commissioners authorize and approve the above-mentioned service contract and agreement with the Fieldware for a two year term, subject to the legal review by the Office of Corporation Counsel.

CC: Christopher Mausolf, Undersheriff  
Troy Stewart, Captain  
Lindsey Arsenault, BOC  
Heather Pitcher, Corporation Counsel  
Shawna Walraven, Finance  
Kim Priessnitz, Finance  
Travis Schumann, Finance  
File Copy

BAY COUNTY BOARD OF COMMISSIONERS

MAY 21, 2024

RESOLUTION

- BY: COMMITTEE OF THE WHOLE (5/14/2024)
- WHEREAS, Each year, the Bay County Community Corrections Department requests grant funding from the Michigan Department of Corrections for the purpose of providing services to defendants and offenders in the community in lieu of jail and prison; and
- WHEREAS, In 2024, Community Corrections was awarded funding for a software platform through Fieldware to support its pretrial services department; and
- WHEREAS, This software is a case management system that will not only help keep track of bond cases, but will send out court reminders and assist with Key Performance Measures as well; and
- WHEREAS, Pursuant to Resolution 2023-52, The Bay County Board of Commissioners authorized the execution of the Community Correction grant documents including the application and award documents; and
- WHEREAS, Bay County Community Corrections has been awarded \$12,000 for the 2024 Michigan Office of Community Corrections Grant Program to contract with this service provider for the remainder of 2024; and
- WHEREAS, Dependent on funding availability, Bay County Community Corrections also wishes to enter into contract with Fieldware for 2025. The contract amount for 2025 is \$36,000; and
- WHEREAS, There is no financial impact to Bay County as the service contracts are paid for entirely with grant funds. No service contracts will be entered into unless the grant funding is awarded to Bay County. Further, the service contracts provide for contract termination if there is no available grant funding; Therefore, Be It
- RESOLVED That the Bay County Board of Commissioners approves a two (2) year contract with Fieldware LLC. and authorizes the Chairman of the Board to sign all required documents on behalf of Bay County (Community Corrections) following Finance and Corporation Counsel review and approval; Be It Further
- RESOLVED That the grant applicant/recipient departments are required to work simultaneously with the Finance Department whose staff will provide financial oversight of said grant; Be It Further
- RESOLVED That it is clearly understood that if these grant funds are terminated, any position(s) funded by this grant shall be terminated and will be not absorbed by the County; Be It Finally
- RESOLVED That related budget adjustments, if required, are approved.

TIM BANASZAK, CHAIR  
AND COMMITTEE

Community Corrections – Fieldware LLC. Software Contract

MOVED BY COMM. \_\_\_\_\_

SUPPORTED BY COMM. \_\_\_\_\_

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
KATHY NIEMIEC				COLLEEN M. MAILLETTE				DENNIS R. POIRIER			
TIM BANASZAK				THOMAS M. HEREK							
VAUGHN J. BEGICK				KAYSEY L. RADTKE							

VOTE TOTALS:

ROLL CALL: YEAS \_\_\_ NAYS \_\_\_ EXCUSED \_\_\_

VOICE: YEAS \_\_\_ NAYS \_\_\_ EXCUSED \_\_\_

DISPOSITION: ADOPTED \_\_\_ DEFEATED \_\_\_ WITHDRAWN \_\_\_

AMENDED \_\_\_ CORRECTED \_\_\_ REFERRED \_\_\_ NO ACTION TAKEN \_\_\_

**BAY COUNTY DEPARTMENT OF  
ENVIRONMENTAL AFFAIRS  
& COMMUNITY DEVELOPMENT**

515 Center Avenue, Suite 501  
Bay City, Michigan 48708

Phone 989-895-4135  
Fax 989-895-4068  
TDD 989-895-4049  
<http://www.baycounty-mi.gov>



**JAMES A. BARCIA**  
County Executive

**LAURA OGAR, DIRECTOR**  
ogarl@baycounty.net

Community Initiatives  
Geographic Information Systems  
Gypsy Moth Suppression Program  
Mosquito Control  
Saginaw Bay Restoration  
Transportation Planning

## MEMORANDUM

**DATE:** May 7, 2024  
**TO:** Commissioner Tim Banaszak, Chair, Committee of the Whole  
**FROM:** Laura Ogar, Director, Environmental Affairs & Community Development  
**RE:** Authorization to Submit Materials Management Plan – Notice of Intent

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**Background:** The new Solid Waste Management legislation requiring each Michigan County to update their Solid Waste Management Plan, now called Materials Management (MM) Plans have a new focus on recycling and reuse of waste materials. The Michigan Environment, Great Lakes and Energy (EGLE) department administering the MMP Program encourages counties to explore regional opportunities to coordinate and work together for larger recycling efforts.

As part of the first step to begin MM planning, each County is required to submit a Notice of Intent (NOI) by July 6, 2024 indicating whether they intend to conduct their required MM planning in coordination with another County through an Interlocal Agreement or develop their MM Plan on their own. The County must also accept or decline to be the County Approval Agency (CAA) that will have the authority to develop and approve the MMP. If the County declines to accept the role as Bay County CAA, Michigan EGLE will prepare an enforceable MMP on our behalf and Bay County will be bound to comply and enforce that MMP.

In my role as the Designated Planning Agent (DPA) for Bay County Solid Waste Planning, I recently completed a MM Community Engagement effort funded by a grant from EGLE which explored neighboring recycling efforts and regional recycling facilities. That effort identified that Bay County has critical needs to establish Household Hazardous Waste collection and encourage local programs to increase recycling rates as a priority in our MM Planning effort. This analysis was shared with the Board of Commissioners and will be available online on our website.

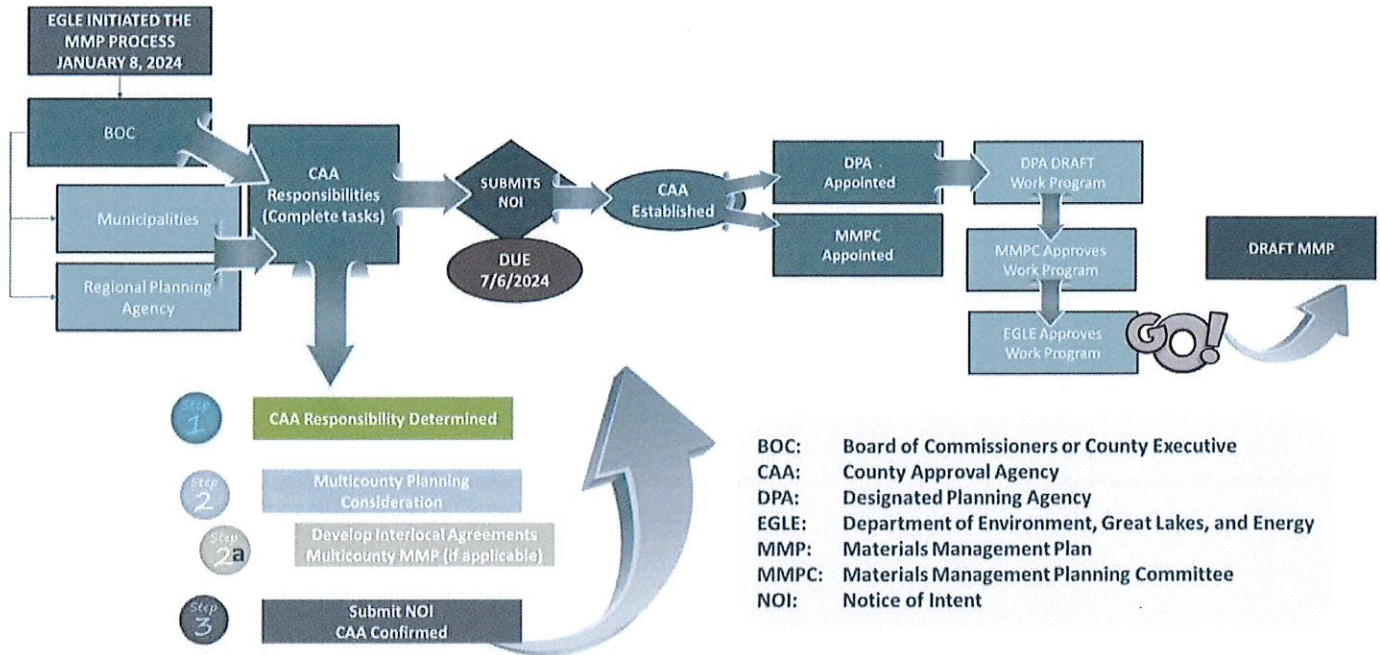
After internal discussions and in recognition of these priorities and the significant work required to update and develop a new MM Plan, it is recommended that Bay County file a NOI indicating that we will focus our planning effort independently on Bay County alone. We will need to send letters to our adjacent County neighbors asking if they are interested in working together on a MM Plan however, we have heard from several who also intend to develop their own MM Plan as well. This will be a significant effort and there will be opportunities in the future to coordinate with neighboring communities and regional facilities. Our first task must be to meet the EGLE requirements for MM Planning which are complex and expected to take three (3) years to complete.

**Finance/Economics:** EGLE has pledged funding support (\$60,000) to each County to take on this significant work task and with minor additional support (\$10,000) for those counties that work together. For the first three years EGLE will also provide an additional \$0.50/capita of the County. The process for requesting this funding is still being worked out at EGLE.

**Recommendation:** Recommend the Board Chair be authorized to sign and submit the NOI stating Bay County Board of Commissioners accepts the role as the County Approval Agency (CAA) and that Bay County will be developing a MM Plan independently on our own, with all documentation to be reviewed by Corporation Counsel. We will have some time prior to the next required step to form a MM Planning Committee.

cc: James Barcia, Amber Davis-Johnson, Lindsey Arsenault, Hailey Wentz





BAY COUNTY BOARD OF COMMISSIONERS

MAY 21, 2024

RESOLUTION

BY: COMMITTEE OF THE WHOLE (5/14/2024)

WHEREAS, The new Solid Waste Management legislation requiring each Michigan County to update their Solid Waste Management Plan, now called Materials Management (MM) Plans have a new focus on recycling and reuse of waste materials; and

WHEREAS, The Michigan Environment, Great Lakes and Energy (EGLE) department administrating the MMP Program encourages counties to explore regional opportunities to coordinate and work together for larger recycling efforts; and

WHEREAS, As part of the first step to begin MM planning, each County is required to submit a Notice of Intent (NOI) by July 6, 2024 indicating whether they intend to conduct their required MM planning in coordination with another County through an Interlocal Agreement or develop their MM Plan on their own. The County must also accept or decline to be the County Approval Agency (CAA) that will have the authority to develop and approve the MMP. If the County declines to accept the role as Bay County CAA, Michigan EGLE will prepare an enforceable MMP on our behalf and Bay County will be bound to comply and enforce that MMP; and

WHEREAS, Director of Environmental Affairs and Community Development has been appointed Designated Planning Agent (DPA) for Bay County Solid Waste Planning, and recently completed a MM Community Engagement effort funded by a grant from EGLE which explored neighboring recycling efforts and regional recycling facilities. That effort identified that Bay County has critical needs to establish Household Hazardous Waste collection and encourage local programs to increase recycling rates as a priority in our MM Planning effort. This analysis was shared with the Board of Commissioners and will be available on the Bay County website; and

WHEREAS, After internal discussions and in recognition of these priorities and the significant work required to update and develop a new MM Plan, it is recommended that Bay County file a Notice of Intent (NOI) indicating that Bay County will focus its planning effort independently on Bay County alone; and

WHEREAS, Additionally, letters will need to be sent to Bay County's adjacent County neighbors asking if they are interested in working together on a MM Plan. However, others may also intend to develop their own Plan as well; and

WHEREAS, This will be a significant effort and there will be opportunities in the future to coordinate with neighboring communities and regional facilities; and

WHEREAS, Bay County's first task must be to meet the EGLE requirements for MM Planning which are complex and expected to take three (3) years to complete; and

WHEREAS, No General Funds are requested at this time; Therefore, Be It

RESOLVED That the Bay County Board of Commissioners authorizes the Chairman of the Board, following review and approval by Corporation Counsel, to sign and submit the Notice of Intent (NOI) stating that the Bay County Board of Commissioners accepts the role as the County Approval Agency (CAA) and that Bay County will be developing a Materials Management (MM) Plan independently on its own.

TIM BANASZAK, CHAIR  
AND COMMITTEE

Environmental Affairs – Notice of Intent for Materials Management Plan

MOVED BY COMM. \_\_\_\_\_

SUPPORTED BY COMM. \_\_\_\_\_

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
KATHY NIEMIEC				COLLEEN M. MAILLETTE				DENNIS R. POIRIER			
TIM BANASZAK				THOMAS M. HEREK							
VAUGHN J. BEGICK				KAYSEY L. RADTKE							

VOTE TOTALS: ROLL CALL: YEAS \_\_\_ NAYS \_\_\_ EXCUSED \_\_\_

VOICE: YEAS \_\_\_ NAYS \_\_\_ EXCUSED \_\_\_

DISPOSITION: ADOPTED \_\_\_ DEFEATED \_\_\_ WITHDRAWN- \_\_\_

AMENDED \_\_\_ CORRECTED \_\_\_ REFERRED \_\_\_ NO ACTION TAKEN \_\_\_

## RECREATION & FACILITIES

**CRISTEN GIGNAC, DIRECTOR**  
gignacc@baycounty.net

**Jon Morse, Buildings & Grounds Supervisor**  
morsej@baycounty.net

**Brad Moses, Civic Arena Manager**  
mosesb@baycounty.net

**Daniel Neering, Recreation Manager**  
neeringd@baycounty.net

**Dan Tomczak, Pinconning Park Manager**  
tomczakd@baycounty.net

**Beth Trahan, Recreation Coordinator**  
trahanb@baycounty.net



## BAY COUNTY

**JAMES A. BARCIA**  
County Executive

Tel: (989) 895-4132  
Fax: (989) 895-2094

To: Tim Banaszak, Chairman of the Committee of the Whole  
From: Cristen Gignac, Director of Recreation & Facilities  
Date: April 29, 2024  
Subject: Recreation Software for the Civic Arena and Community Center

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**Request:** To gain approval from the Board of Commissioners sign documents related to switching recreation software to Daysmart at the Community Center and Civic Arena. This also includes a requirement to change our credit card processor that directly connects to the software.

**Background:** The Civic Arena and Community Center have been utilizing RecPro software for many years now. This company was purchased and absorbed by Daysmart. Due to this, it is necessary to upgrade to the Daysmart recreation software platform. This software connects directly with Card Connect for credit card processing, and with a lower rate than what we are currently paying, is expected to save Bay County up to \$1700 per year in processing fees if credit card sales remain the same. We will be required to purchase new credit card machines as well.

**Economics:** A budget adjustment of \$8,000 from the general fund will be necessary. This will be for up to 6 months of service with Daysmart and the purchase of new credit card machines for both locations.

**Recommendation:** It is recommended the Board approve the chairman to sign documents related to this software switch, from Daysmart and Card Connect, after review from Corporation Counsel and approve the budget adjustment necessary for this change in software.

cc: Jim Barcia, ISD, Finance, Civic Arena, Community Center

BAY COUNTY BOARD OF COMMISSIONERS

MAY 21, 2024

RESOLUTION

**BY:** COMMITTEE OF THE WHOLE (5/14/2024)

**WHEREAS,** The Bay County Civic Arena and Bay County Community Center have been utilizing RecPro software for many years. However, the company was purchased and absorbed by Daysmart; and

**WHEREAS,** Accordingly, it is necessary to upgrade to the Daysmart recreation software platform and purchase new credit card machines; and

**WHEREAS,** This software is used to connect directly with Card Connect for credit card processing, and with a lower rate than what Bay County is currently paying it is expected to save up to \$1,700 per year in processing fees if credit card sales remain the same; and

**WHEREAS,** A budget adjustment of \$8,000 from the General Fund for up to 6 months of service with Daysmart and the purchase of new credit card machines for both locations is necessary; Therefore, Be It

**RESOLVED** That the Bay County Board of Commissioners approves the budget adjustment in the amount of \$8,000 from General Fund, Fund Balance to be used for the Daysmart recreation software platform and purchase of new credit card machines; Be It Further

**RESOLVED** That the Chairman of the Board is authorized to execute the Contract with Daysmart recreation software platform and Card Connect as a credit card processor and any related documents on behalf of Bay County (Recreation & Facilities) following Corporation Counsel review and approval; Be It Finally

**RESOLVED** That related budget adjustments, if required, are approved.

TIM BANASZAK, CHAIR  
AND COMMITTEE

**Rec & Facilities – Daysmart/Card Connect Upgrade for Civic Arena & Community Center & Budget Adjustment \$8,000**

MOVED BY COMM. \_\_\_\_\_

SUPPORTED BY COMM. \_\_\_\_\_

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
KATHY NIEMIEC				COLLEEN M. MAILLETTE				DENNIS R. POIRIER			
TIM BANASZAK				THOMAS M. HEREK							
VAUGHN J. BEGICK				KAYSEY L. RADTKE							

VOTE TOTALS:

ROLL CALL: YEAS \_\_\_ NAYS \_\_\_ EXCUSED \_\_\_

VOICE: YEAS \_\_\_ NAYS \_\_\_ EXCUSED \_\_\_

DISPOSITION: ADOPTED \_\_\_ DEFEATED \_\_\_ WITHDRAWN-\_\_\_

AMENDED \_\_\_ CORRECTED \_\_\_ REFERRED \_\_\_ NO ACTION TAKEN \_\_\_



**BAY COUNTY  
PERSONNEL & EMPLOYEE RELATIONS**

**James A. Barcia**  
County Executive

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**Tiffany Jerry**  
Director  
[jerryt@baycounty.net](mailto:jerryt@baycounty.net)

To: Timothy Banaszak, Chair, Committee of the Whole  
From: Tiffany Jerry, Director of Personnel and Employee Relations  
Date: May 7, 2024  
Re: **Committee of the Whole Agenda**

Please consider the following items for the agenda of your committee meeting scheduled for May 14, 2024.

**Request:**

Approve the attached updated Sexual Harassment Policy.

**Background:**

Bay County is committed to maintaining a safe workplace free of sexual harassment. A periodic review of policies determined the need for an updated Sexual Harassment policy. Sexual Harassment in the workplace is a violation of law and the updated policy identifies behaviors that would constitute harassment and provides employees with methods by which they can report harassment.

**Finance/Economics:**

The policy was developed by Personnel and reviewed by Corporation Counsel; therefore, no additional funds are required.

**Recommendation:**

Approve the updated Sexual Harassment policy.

Cc: Jim Barcia  
Amber Davis-Johnson

BAY COUNTY BOARD OF COMMISSIONERS

MAY 21, 2024

RESOLUTION

BY: COMMITTEE OF THE WHOLE (5/14/2024)  
 WHEREAS, Bay County is committed to maintaining a safe workplace free of sexual harassment; and  
 WHEREAS, A periodic review of polices determined the need for an updated Sexual Harassment policy; and  
 WHEREAS, Sexual Harassment in the workplace is a violation of law and the updated policy identifies behaviors that would constitute harassment and provides employees with methods by which they can report harassment; and  
 WHEREAS, This policy was developed by Personnel and reviewed by Corporation Counsel; Therefore, Be It  
 RESOLVED That the Bay County Board of Commissioners approves the attached Sexual Harassment Policy.

TIM BANASZAK, CHAIR  
 AND COMMITTEE

Personnel – Sexual Harassment Policy

MOVED BY COMM. \_\_\_\_\_

SUPPORTED BY COMM. \_\_\_\_\_

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
KATHY NIEMIEC				COLLEEN M. MAILLETTE				DENNIS R. POIRIER			
TIM BANASZAK				THOMAS M. HEREK							
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VOTE TOTALS:

ROLL CALL: YEAS \_\_\_ NAYS \_\_\_ EXCUSED \_\_\_

VOICE: YEAS \_\_\_ NAYS \_\_\_ EXCUSED \_\_\_

DISPOSITION: ADOPTED \_\_\_ DEFEATED \_\_\_ WITHDRAWN-\_\_\_

AMENDED \_\_\_ CORRECTED \_\_\_ REFERRED \_\_\_ NO ACTION TAKEN \_\_\_

## **Sexual Harassment Policy and Complaint/Investigation Procedure**

### **Objective**

The objective of this policy is to define workplace sexual harassment and to outline procedures for filing complaints, investigating sexual harassment claims and issuing appropriate disciplinary measures in the case of violations.

### **Scope**

This policy applies to all employees of Bay County at all locations. All employees, at every level, will be subject to discipline, up to and including discharge, for any violation of this policy. Employees are prohibited from harassing others both on and off the employer premises and during or outside of work hours.

### **Defining Sexual Harassment**

Sexual harassment is unwelcome conduct of a sexual nature that is persistent or offensive and interferes with an employee's job performance or creates an intimidating, hostile or offensive work environment. Sexual harassment is defined by the Federal Equal Employment Opportunity Commission as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when, for example: (a) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, (b) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or (c) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Sexual harassment can be physical and/or psychological in nature. An aggregation of incidents can constitute sexual harassment even if one of the incidents considered on its own would not be harassing.

### ***Examples of prohibited conduct***

Though sexual harassment encompasses a wide range of conduct, some examples of specifically prohibited conduct include the following:

- Physical assaults of a sexual nature, such as rape, sexual battery, molestation or attempts to commit these assaults, and intentional physical conduct that is sexual in nature, such as touching, pinching, patting, grabbing, brushing against another employee's body or poking another employee's body.
- Unwelcome sexual advances, propositions or other sexual comments, such as sexually oriented gestures, noises, remarks, jokes, or comments about a person's sexuality or sexual experience.

- Preferential treatment or promises of preferential treatment to an employee for submitting to sexual conduct, including soliciting or attempting to solicit any employee to engage in sexual activity for compensation or reward.
- Subjecting, or threats of subjecting, an employee to unwelcome sexual attention or conduct or intentionally making performance of the employee's job more difficult because of that employee's sex.
- Sexual or discriminatory displays or publications anywhere in Bay County's workplace by the Bay County employees.
- Retaliation for sexual harassment complaints.

## **Responding to Conduct in Violation of Policy**

### ***Employees***

If an employee feels that he or she is being subjected to sexual harassment he or she may immediately inform the harasser that the conduct is unwelcome and needs to stop. If the inappropriate conduct does not cease, or if the employee is unable to or uncomfortable with addressing the alleged harasser directly, he or she should report the incident to his or her own supervisor or to the personnel director. It is helpful, but not required, to provide a written record of the date, time and nature of the incident(s) and the names of any witnesses.

It is important to report all concerns of sexual harassment or inappropriate sexual conduct to the personnel director or a supervisor/manager as soon as possible. Management must be made aware of the situation so that it can conduct an immediate and impartial investigation and take appropriate action to remediate or prevent the prohibited conduct from continuing.

### ***Managers and supervisors***

Managers and supervisors must deal expeditiously and fairly when they have any knowledge of sexual harassment within their departments, whether or not there has been a written or formal complaint. They must:

- Take all complaints or concerns of alleged or possible harassment seriously no matter how minor or who is involved.
- Report all incidents to personnel immediately so that a prompt investigation can occur.
- Take any appropriate action to prevent retaliation or prohibited conduct from recurring during and after any investigations or complaints.

Managers and supervisors who knowingly allow or tolerate sexual harassment or retaliation, including the failure to immediately report such misconduct to personnel, are in violation of this policy and subject to discipline.



## **Personnel**

The personnel director is responsible for:

1. Ensuring that both the individual filing the complaint (complainant) and the accused individual (respondent) are aware of the seriousness of a sexual harassment complaint.
2. Explaining Bay County's sexual harassment policy and investigation procedures to all parties involved.
3. Exploring informal means of resolving sexual harassment complaints.
4. Notifying the police if criminal activities are alleged.
5. Arranging for an investigation of the alleged harassment and the preparation of a written report.
6. Submitting a written report summarizing the results of the investigation and making recommendations to designated county officials.
7. Notifying the complainant and the respondent of the corrective actions to be taken, if any, and administering those actions.

The personnel director will determine if an in-house investigation will be conducted or if a third party will be contracted to complete the investigation.

### **Complaint Resolution Procedures**

Complaints should be submitted as soon as possible after an incident has occurred, preferably in writing. The personnel director may assist the complainant in completing a written statement or, in the event an employee refuses to provide information in writing, the personnel director will dictate the verbal complaint.

To ensure the prompt and thorough investigation of a sexual harassment complaint, the complainant should provide as much of the following information as is possible:

1. The name, department and position of the person or persons allegedly committing harassment.
2. A description of the incident(s), including the date(s), location(s) and the presence of any witnesses.
3. The effect of the incident(s) on the complainant's ability to perform his or her job, or on other terms or conditions of his or her employment.
4. The names of other individuals who might have been subject to the same or similar harassment.
5. What, if any, steps the complainant has taken to try to stop the harassment.
6. Any other information the complainant believes to be relevant to the harassment complaint.

## **Discipline**

Employees who violate this policy are subject to appropriate discipline. If an investigation results in a finding that this policy has been violated, the mandatory minimum discipline is a written reprimand. The discipline for very serious or repeat violations is termination of employment. Persons who violate this policy may also be subject to civil damages or criminal penalties.

## **Confidentiality**

All complaints and investigations are treated confidentially to the extent possible and information is disclosed strictly on a need-to-know basis. The identity of the complainant is usually revealed to the parties involved during the investigation and the personnel director takes adequate steps to ensure that the complainant is protected from retaliation during and after the investigation. All information pertaining to a sexual harassment complaint or investigation is maintained in secure files within the personnel department.

## **Other Available Procedures**

The procedures available under this policy do not preempt or supersede any legal procedures or remedies otherwise available to a victim of sexual harassment under local, state or federal law.

## **Administration**

This policy will be administered through Bay County's personnel office.

**OFFICE OF ASSIGNED COUNSEL  
MONTHLY REPORT  
MARCH, 2024**

				<u>Mar. 2022</u>	<u>Mar. 2023</u>	<u>Mar. 2024</u>
<b>Total Number of Arraignments:</b> .....				<b>197</b>	<b>285</b>	<b>296</b>
C.C. FEL/VOP/PPO	19	Felony	52	Traffic	55	
C.C. VOB/FTA/OSC	5	Misdemeanors	68			
Arraign. Only	15	Arraign. in DC by Retained	5	Arraign. in DC by Assign.	3	
D.C. VOB/FTA/OSC/FTP	74	Arraign. in DC IPP	0			
<b>Total Number of Referrals:</b> .....				<b>178</b>	<b>236</b>	<b>202</b>
C.C. FEL/VOP/PPO	20	Misd.	66			
Felony	53	Traffic	59			
<b>Total Number of Assignments:</b> .....				<b>178</b>	<b>235</b>	<b>198</b>
C.C. FEL/VOP/PPO	20	Misd.	66			
Felony	53	Traffic	59			
<b>Total Number of Defendants denied Court Appointed Counsel:</b> .....				<b>0</b>	<b>1</b>	<b>4</b>
C.C. FEL/VOP/PPO	0	Misd.	3			
Felony	0	Traffic	1			

**ARRAIGNMENTS**

**JEFF MARTIN**

				<u>Mar. 2022</u>	<u>Mar. 2023</u>	<u>Mar. 2024</u>
<b>Total Arraignments:</b> .....				<b>84</b>	<b>92</b>	<b>133</b>
Felonies	24					
Misd.	31					
Traffic	27					
Arraign. Only	11	Settled at Arraignment	5			
VOB/FTA/OSC/FTP	40					

**GARSKE/HEWITT**

				<u>Mar. 2022</u>	<u>Mar. 2023</u>	<u>Mar. 2024</u>
<b>Total Arraignments:</b> .....				<b>90</b>	<b>160</b>	<b>131</b>
Felonies	28					
Misd.	37					
Traffic	28					
Arraign. Only	4	Settled at Arraignment	0			
VOB/FTA/OSC/FTP	34					

**CIRCUIT COURT**

				<u>Mar. 2022</u>	<u>Mar. 2023</u>	<u>Mar. 2024</u>
<b>Total Arraignments:</b> .....				<b>7</b>	<b>22</b>	<b>24</b>
		<b>Arraigned by Assigned Attorney</b>		<b>Arraigned by Retained Attorney or IPP</b>		<b>Assigned without an Arraignment</b>
C.C. FEL/VOP/PPO	19	19		0		1
C.C. VOB/FTA/OSC	5	5		0		

**ASSIGNMENTS**

There were a total of **198** defendants assigned

**ANDREA LABEAN**

Mar. 2022	Mar. 2023	Mar. 2024
21	3	4

Assignments: .....

		Arraigned by LaBean	Arraigned by LaBean on VOB/FTA/OSC	Assigned without an Arraignment
C.C. FEL/VOP/PPO	2	2	1	
Felonies	2			
Misd.	0			
Traffic	0			

There were a total of **198** assignments on felonies, misdemeanors, traffic & violations of probation, which the **Andrea LaBean** was assigned. **4** or **2%**

**CHRISTOPHER JOHNSON**

Mar. 2022	Mar. 2023	Mar. 2024
0	20	17

Assignments: .....

		Arraigned by Johnson	Arraigned by Johnson on VOB/FTA/OSC	Assigned without an Arraignment
C.C. FEL/VOP/PPO	5	4		1
Felonies	10			
Misd.	1			
Traffic	1			

There were a total of **198** assignments on felonies, misdemeanors, traffic & violations of probation, which the **Christopher Johnson** was assigned. **17** or **9%**

**MICHAEL KANUSZEWSKI**

Mar. 2022	Mar. 2023	Mar. 2024
45	53	47

Assignments: .....

		Arraigned by Kanuszewski	Arraigned by Kanuszewski on VOB/FTA/OSC	Assigned without an Arraignment
C.C. FEL/VOP/PPO	0			
Felonies	0			
Misd.	27	1		
Traffic	20			1

There were a total of **198** assignments on felonies, misdemeanors, traffic & violations of probation, which the **Michael Kanuszewski** was assigned. **47** or **24%**

**MICHAEL HUBER**

Mar. 2022	Mar. 2023	Mar. 2024
19	8	11

Assignments: .....

		Arraigned by Huber	Arraigned by Huber on VOB/FTA/OSC	Assigned without an Arraignment
C.C. FEL/VOP/PPO	0			
Felonies	8			
Misd.	3			
Traffic	0			

There were a total of **198** assignments on felonies, misdemeanors, traffic & violations of probation, which the **Michael Huber** was assigned. **11** or **6%**

**AARON HETHERINGTON**

Mar. 2022	Mar. 2023	Mar. 2024

Assignments: ..... 16 11 24

		Arraigned by Hetherington	Arraigned by Hetherington on VOB/FTA/OSC	Assigned without an Arraignment
C.C. FEL/VOP/PPO	3	3	2	
Felonies	13			
Misd.	5			
Traffic	3			1

There were a total of 198 assignments on felonies, misdemeanors, traffic & violations of probation, which the Aaron Hetherington was assigned 24 or 12%.

**ANDREW BONNELL**

Mar. 2022 51 Mar. 2023 43 Mar. 2024 36

Assignments: ..... 51 43 36

		Arraigned by Bonnell	Arraigned by Bonnell on VOB/FTA/OSC	Assigned without an Arraignment
C.C. FEL/VOP/PPO	0			
Felonies	1			
Misd.	17			
Traffic	18	2		

There were a total of 198 assignments on felonies, misdemeanors, traffic & violations of probation, which the Andrew Bonnell was assigned 36 or 18%.

**ROSTER ATTORNEYS**

Mar. 2022 26 Mar. 2023 97 Mar. 2024 59

Assignments: ..... 26 97 59

		Arraigned by Assigned Attorney	Arraigned by Assigned Attorney on VOB/FTA/OSC	Assigned without an Arraignment
C.C. FEL/VOP/PPO	10	10	2	
Felonies	19			2
Misd.	13			1
Traffic	17			

There were a total of 198 assignments on felonies, misdemeanors, traffic & violations of probation, which the Roster Attorneys were assigned 59 or 30%.

**RETAINED ATTYS.**

**IPP**

**DENIED**

**ASSIGNED W/OUT ARRAIGN**

C.C. FEL/VOP/PPO	
C.C. VOB/FTA/OSC	
Felonies	4
Misd.	1
Traffic	
D.C. VOB/FTA/OSC	

C.C. FEL/VOP/PPO	
C.C. VOB/FTA/OSC	
Felonies	
Misd.	
Traffic	
D.C. VOB/FTA/OSC	

C.C. FEL/VOP/PPO	
Felonies	
Misd.	3
Traffic	1
<b>Total Denied</b>	<b>4</b>

Assigned w/o Arraign. C.C.	1
Assigned w/o Arraign. D.C.	5
<b>WAIVED ATTORNEY</b>	<b>1</b>

<b>Total Arraignments in Dist. Crt. By Retained</b>	<b>5</b>
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<b>Total Arraignments in Dist. Court IPP</b>	<b>0</b>
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**COMMITTEE OF THE WHOLE  
MINUTES**

MEETING OF THE BAY COUNTY COMMITTEE OF THE WHOLE HELD ON WEDNESDAY, APRIL 9, 2024, FOURTH FLOOR, BAY COUNTY BUILDING.

CALL TO ORDER BY CHAIR BANASZAK AT 4:01 P.M.

**MOTION NO.**

COMMISSIONERS PRESENT:		1	2	3	4	5	6	7	8	9	10	11	12
TIM BANASZAK, CHAIR	p	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
KAYSEY L. RADTKE, V. CHAIR	P	Y	Y	Y	S/Y	Y	S/Y	S/Y	S/Y	S/Y	S/Y	S/Y	S/Y
KATHY NIEMIEC	P	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
COLLEEN MAILLETTE	E	X	C	U	S	E	D						
THOMAS M. HEREK	P	M/Y	S/Y	S/Y	M/Y	S/Y	M/Y	M/Y	M/Y	M/Y	M/Y	S/Y	M/Y
DENNIS R. POIRIER	E	X	C	U	S	E	D						
VAUGHN J. BEGICK, EX OFFICIO	P	S/Y	M/Y	M/Y	Y	M/Y	Y	Y	Y	Y	Y	Y	Y

**MOTION NO.**

COMMISSIONERS PRESENT:		13	14	15	16	17	18	19	20	21	22	23	24
TIM BANASZAK, CHAIR		Y	Y	Y									
KAYSEY L. RADTKE, V. CHAIR		S/Y	M/Y	Y									
KATHY NIEMIEC		Y	Y	Y									
COLLEEN MAILLETTE		E	X	C	U	S	E	D					
THOMAS M. HEREK		M/Y	S/Y	S/Y									
DENNIS R. POIRIER		E	X	C	U	S	E	D					
VAUGHN J. BEGICK, EX OFFICIO		Y	Y	M/Y									

**MOTION NO.**

COMMISSIONERS PRESENT:		25	26	27	28	29	30	31	32	33	34	35	36
TIM BANASZAK, CHAIR													
KAYSEY L. RADTKE, V. CHAIR													
KATHY NIEMIEC													
COLLEEN MAILLETTE													
THOMAS M. HEREK													
DENNIS R. POIRIER													
VAUGHN J. BEGICK, EX OFFICIO													

OTHERS PRESENT: A. Davis-Johnson, J.Barcia, S. Walraven, M. Beaver, T. Jerry, N.Paige, H.Wentz, L.Arsenault, R.Gale, J.Gwizdala, M.Kinsella, R.Charles, K.Bengal, J.Reynolds, M.J. Brandt

ZOOM:

M- MOVED; S-SUPPORTED; Y-YEA; ABS.-ABSTAIN; E-EXCUSED; A-ABSENT; W-WITHDRAWN

**COMMITTEE OF THE WHOLE  
MINUTES  
WEDNESDAY, APRIL 9, 2024  
PAGE 2**

MOTION NO.

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NOTE: In addition to these typed minutes which provide an overview of the meeting and are not verbatim, this Committee meeting was also videotaped and those tapes are available for review in the Executive's Office or can be viewed on Bay County's website [www.baycounty-mi.gov/executive/videos](http://www.baycounty-mi.gov/executive/videos).

1. MOVED, SUPPORTED AND CARRIED TO EXCUSE COMMISSIONER C. MAILLETTE, AND D. POIRIER FROM THIS MEETING.
2. MOVED, SUPPORTED AND CARRIED TO CHANGE APRIL 2, 2024, COMMITTEE OF THE WHOLE AGENDA AS REVISED, WITH THE ADDITION OF THE 2024 EQUALIZATION REPORT UNDER PETITIONS AND COMMUNICATIONS.
3. MOVED, SUPPORTED AND CARRIED TO APPROVE THE APRIL 2, 2024, COMMITTEE OF THE WHOLE AGENDA WITH REVISIONS.

Public input was called with no one wishing to address the Committee.

The first item on the agenda was a presentation given by Keegan Bengel, Bay County Equalization Director, regarding the 2024 Equalization Report findings. County Executive Barcia commended Mr. Bengel's work and praised the employee morale in the Equalization Department. Following a brief question and answer period with commissioners, It was

4. MOVED, SUPPORTED AND CARRIED TO RECEIVE PRESENTATION FOR 2024 EQUALIZATION REPORT (EQUALIZATION).
5. MOVED, SUPPORTED AND CARRIED TO RECEIVE OFFICE REALLOCATION BY ATTRITION (FRIEND OF THE COURT).

Discussion amongst Commissioners and the Bay County Executive thanked the Bay County Fair and Youth Exposition Board on their hard work and dedication to secure grant funds to improve the infrastructure of the Bay County Fairgrounds. It was

6. MOVED, SUPPORTED AND CARRIED TO RECOMMEND BOARD APPROVAL OF THE PROPOSED RESOLUTION RE: FAIRGROUNDS IMPROVEMENTS AND DATE REQUEST (FAIR BOARD).
7. MOVED, SUPPORTED AND CARRIED TO RECOMMEND BOARD APPROVAL OF THE PROPOSED RESOLUTION RE: REPLACEMENT/UPGRADE CELLEBRITE MOBILE FORENSICS UFED TOUCH2 (SHERIFF).
8. MOVED, SUPPORTED AND CARRIED TO RECOMMEND BOARD APPROVAL OF THE PROPOSED RESOLUTION RE: BLUE CROSS BLUE SHIELD (BCBS) INMATE SERVICES CONTRACT (SHERIFF).

At the request of Board Chair Begick, Bay County 9-1-1 Central Dispatch Director Ryan Gale explained the Vertiv maintenance agreement which assists in bridging the gap during a power outage. Mr. Gale stressed the importance of this service as it is critical for public safety. It was

9. **MOVED, SUPPORTED AND CARRIED TO RECOMMEND BOARD APPROVAL OF THE PROPOSED RESOLUTION RE: VERTIV MAINTENANCE AGREEMENT (9-1-1 CENTRAL DISPATCH).**
10. **MOVED, SUPPORTED AND CARRIED TO RECEIVE TUITION REIMBURSEMENT REQUEST FOR TEGAN GRZEGORCZYK (PERSONNEL/CIRCUIT COURT).**

At the request of Board Chair Begick, Bay County Juvenile Home Director Juli Reynolds, explained the hiring challenges the facility faces. It was

11. **MOVED, SUPPORTED AND CARRIED TO RECOMMEND BOARD APPROVAL OF THE PROPOSED RESOLUTION RE: JUVENILE HOME FULL-TIME SUPERVISOR POSITION HIRED AT 2-YEAR RATE (PERSONNEL/JUVENILE HOME).**
12. **MOVED, SUPPORTED AND CARRIED TO RECOMMEND BOARD APPROVAL OF THE PROPOSED RESOLUTION RE: 2025 BUDGET SCHEDULE CALENDAR (FINANCE).**
13. **MOVED, SUPPORTED AND CARRIED TO RECEIVE THE JANUARY 2024 REPORT PROVIDED BY THE OFFICE OF ASSIGNED COUNSEL.**
14. **MOVED, SUPPORTED AND CARRIED TO RECEIVE THE FEBRUARY 2024 REPORT PROVIDED BY THE OFFICE OF ASSIGNED COUNSEL.**

Under Miscellaneous, Bay County Finance Director Shawna Walraven announced that the Bay County Road Commission bonds have been sold. Savings were garnered due to good market conditions and strong credit rating.

There being no further business, it was

15. **MOVED, SUPPORTED AND CARRIED TO ADJOURN (4:35 P.M.).**

**Submitted By:**

**Lindsey Arsenault  
Board Coordinator**