

## **BAY COUNTY BOARD OF COMMISSIONERS**

**FEBRUARY 9, 2016**

THE BAY COUNTY BOARD OF COMMISSIONERS MET FOR A REGULAR SESSION ON TUESDAY, FEBRUARY 9, 2016, IN THE FOURTH FLOOR COMMISSION CHAMBERS OF THE BAY COUNTY BUILDING. THE MEETING WAS CALLED TO ORDER BY CHAIRMAN ERNIE KRYGIER AT 4:00 P.M. WITH THE FOLLOWING MEMBERS AND GUESTS PRESENT.

ROLL CALL: COMMISSIONERS MICHAEL DURANCZYK, VAUGHN BEGICK, KIM COONAN, THOMAS HEREK, DONALD J. TILLEY, MICHAEL LUTZ AND CHAIRMAN ERNIE KRYGIER

OTHER MEMBERS: CYNTHIA A. LUCZAK, BAY COUNTY CLERK  
DIANE YAWORSKI, SECRETARY TO THE COUNTY CLERK  
ROBERT J. REDMOND, FINANCIAL ANALYST  
DEANNE C. BERGER, BOARD COORDINATOR

ALSO PRESENT: TIFFANY JERRY, PERSONNEL AND EMPLOYEE RELATIONS DIRECTOR  
DEBRA RUSSELL, ADMINISTRATIVE SERVICES DIRECTOR  
CRYSTAL HEBERT, FINANCE OFFICER  
AMBER DAVIS-JOHNSON, CORPORATION COUNSEL  
CRISTEN GIGNAC, RECREATION & FACILITIES DIRECTOR  
MARY MCCARRY, BIOLOGIST, BAY COUNTY MOSQUITO CONTROL  
JODI SCHULTZ, MSU EXTENSION  
MARK MCFARLIN  
JEFFREY MARTIN  
SHERIFF JOHN MILLER  
UNDERSHERIFF TROY CUNNINGHAM  
DEPUTY BEN LATOCKI  
VARIOUS ELECTED OFFICIALS  
VARIOUS DEPARTMENT HEADS  
NEWS MEDIA

INVOCATION: THE INVOCATION WAS GIVEN BY THE BAY COUNTY CLERK, CYNTHIA A. LUCZAK.

PLEDGE OF ALLEGIANCE:

### **MINUTES**

MOTION 17: COMM. DURANCZYK MOVED TO APPROVE THE REGULAR BOARD SESSION MINUTES FROM THE JANUARY 12, 2016 BOARD MEETING

AS PRESENTED. IT WAS SUPPORTED BY COMM. LUTZ AND PASSED BY A VOICE VOTE OF: 7 YEAS, 0 NAYS.

### **CITIZENS INPUT**

MARY MCCARRY: BIOLOGIST, BAY COUNTY MOSQUITO CONTROL. AS MANY OF YOU HAVE BEEN HEARING ON THE NEWS, THE ZIKA VIRUS HAS BECOME A MAJOR NEWS STORY, WE HAVE BEEN ASKED TO GIVE AN OVERVIEW FOR THE COMMISSIONERS. THE ZIKA VIRUS, IS ORIGINALLY FROM AFRICA AND FIRST APPEARED IN THE WESTERN HEMISPHERE IN BRAZIL IN APRIL 2015. SINCE THEN ITS BEEN SPREADING RAPIDLY THROUGHOUT CENTRAL AMERICA. NO DEATHS SO FAR ARE ATTRIBUTED TO ZIKA. THE VIRUS CAN BE TRANSFERRED FROM MOSQUITO TO HUMAN, THEN FROM HUMAN BACK TO MOSQUITO. ONLY ABOUT 1 IN 5 PEOPLE INFECTED WITH ZIKA HAVE SYMPTOMS AND THOSE ARE USUALLY MILD INCLUDING LOW-GRADE FEVER, RASH, JOINT PAIN, BODY ACHES, CONJUNCTIVITIS, HEAD-ACHE, AND VOMITING. SYMPTOMS LAST SEVERAL DAYS TO ONE WEEK. THERE IS CURRENTLY NO VACCINE OR MEDICATION TO PREVENT ZIKA VIRUS INFECTION, ALTHOUGH, HOSPITALIZATION IS UNCOMMON AND FATALITIES ARE RARE. TO DATE, ONLY IMPORTED CASES HAVE BEEN FOUND IN THE U.S. ALTHOUGH A NEW CASE IN DALLAS, TEXAS APPEARS TO SHOW THE ZIKA VIRUS CAN BE TRANSMITTED SEXUALLY. THE MOST EFFECTIVE WAY OF CONTROLLING ZIKA IS TO ELIMINATE MOSQUITOES. THE NUMBER OF MOSQUITOES IN AND AROUND HOMES CAN BE REDUCED BY EMPTYING STANDING WATER FROM CONTAINERS, THE PRIMARY HABITATS OF ZIKA VECTORS. TRAVEL-ASSOCIATED CASES HAVE BEEN REPORTED IN THE U.S., WHICH MAY RESULT IN LOCAL TRANSMISSION AND OUTBREAKS. WITH MANY UNKNOWNNS REGARDING THE POTENTIAL FOR LOCAL MOSQUITO SPECIES TO ACT AS VECTORS, SURVEILLANCE WILL BE STRESSED. BAY COUNTY MOSQUITO CONTROL WILL BE IMPLEMENTING NEW TRAPS TO LOOK FOR THIS SPECIES. THEY ARE CONTAINER BREEDERS SO STANDING WATER MAY BE AN ISSUE, AT THIS POINT NO MOSQUITO'S WITH ZIKA VIRUS HAVE BEEN CAPTURED IN MICHIGAN. THESE MOSQUITOES BITE MOSTLY DURING DAYLIGHT HOURS SO PROTECTION FROM BITES IS RECOMMENDED EVEN DURING THE DAY. WHILE TRANSMISSION VIA MOSQUITOES IS THE PRIMARY MEANS, IT IS ALSO POSSIBLE FOR THE VIRUS TO BE TRANSMITTED FROM MOTHER TO FETUS (INTRAUTERINE), SEXUALLY, THROUGH BLOOD TRANSFUSION, OR LAB EXPOSURE. ALL TRAVELERS TO OR RESIDENTS OF AREAS WITH ONGOING ZIKA VIRUS TRANSMISSION SHOULD BE ADVISED TO STRICTLY FOLLOW STEPS TO AVOID MOSQUITO BITES.

JODI SCHULTZ: MSU EXTENSION EDUCATOR, WOULD LIKE TO INTRODUCED DIANE SMITH, THE NEW MSU EXTENSION DISTRICT 9 COORDINATOR. DIANE WILL BE COVERING BAY, MIDLAND AND SHIAWASSEE COUNTY. SHE HAS BEEN WORKING WITH THE MSU EXTENSION IN MANY DIFFERENT CAPACITY'S FOR OVER 25 YEARS. SHE HAS A BUSINESS MIND AND WANTS TO STRESS WHAT THEY ARE DOING WITH YOUR TAX DOLLARS. SHE LOOKS FORWARD TO WORKING WITH EVERYONE AND GETTING TO KNOW THEM IN HER NEW POSITION.

MARK MCFARLIN: DEMOCRATIC CANDIDATE FOR COUNTY EXECUTIVE. HE BELIEVES IT IS A TIME FOR A CHANGE IN BAY COUNTY GOVERNMENT. TOM HICKNER HAS BEEN IN COUNTY GOVERNMENT FOR OVER 6 TERMS. HE WAS FIRST VOTED IN 1992 UNDER QUESTIONABLE CIRCUMSTANCES. HE SUBMITS THAT THE DEMOCRATIC PARTY HAS BEEN RECKLESS. MICHIGAN STATE LEGISLATOR HAS DECIDED TO CHANGE THE VOTE DURING A GUBERNATORIAL ELECTION CYCLE WHICH WOULD MEAN THAT THE NEXT ELECTED COUNTY EXECUTIVE WOULD ONLY SERVE A 2 YEAR TERM, THEN NEED TO RUN AGAIN FOR A 4 YEAR TERM. HE IS ASKING THAT THEY BAY COUNTY COMMISSIONERS VOTE FOR THIS CHANGE. MR. HICKNER HAS VOTED HIMSELF CONTINUED RAISES AND NOW EARNS \$105,000.00 WHICH IS A CONCERN OF MR. MCFARLIN, WHILE THE LOCAL BAY COUNTY WORKER HAS NOT HAD THE SAME RATE OF RAISE THAT MR. HICKNER HAS HAD.

JEFFREY MARTIN: PARTNER IN MARTIN & FOLDIE, LAW PLLC SPEAKING FOR HIMSELF AND SCOTT SCHISLER FOR SCHISLER LAW. THEY ARE CURRENTLY THE CONTRACTED ATTORNEYS UNDER THE INDIGENT REPRESENTATION CONTRACT SINCE 2007. WOULD LIKE TO SPEAK IN REGARD TO RES 2016-56. HE HAS CONCERNS IN REGARD TO THE DEFENSE COMMISSION AND INDIGENT DEFENSE. THE MICHIGAN SUPREME COURT HAS NOT YET ADOPTED STANDARDS. BAY COUNTY CURRENTLY CONTRACTS WITH SCHISLER LAW TO REPRESENT INDIGENT DEFENDANTS. DEFENDANT REPRESENTATION IS NOT FOLLOWING POSSIBLE CHANGES WHICH ARE CURRENTLY BEING DISCUSSED. HE WOULD FOLLOW ALL STANDARDS WHEN THEY ARE ISSUED. THIS RESOLUTION IS PREMATURE, YOU ARE GOING TO HAVE TO PAY OVER \$50,000 PER YEAR AT A MINIMUM, MANY ISSUES ARE NOT BEING ADDRESSED PER THE MIDC STANDARDS. CURRENTLY DISCUSSING TWO (2) ADDITIONAL ATTORNEYS WHICH ARE NOT GOING TO BE ENOUGH. THERE IS ONLY SO MANY CASES ONE ATTORNEY CAN HANDLE, BAY

COUNTY WILL HAVE TO HIRE MANY OTHER ATTORNEYS. THIS DISCUSSION IS JUST IN THE BEGINNING STAGES, WE DO NOT KNOW WHAT STANDARDS WILL NEED TO BE FOLLOWED. THERE WILL BE MANY CONFLICT OF ISSUES, AND WE DO NOT HAVE THE STANDARDS YET. SCHISLER AND MARTIN WOULD LIKE TO BE GIVEN A CHANCE TO MATCH WHAT CHANGES NEEDED TO BE MADE

SHERIFF MILLER: WITH UNDERSHERIFF TROY CUNNINGHAM AND DEPUTY BEN LATOCKI; GAVE A PRESENTATION ON THE NEW BODY ARMOR PURCHASED FOR BAY COUNTY SHERIFF DEPARTMENT. THE BAY COUNTY SHERIFF OFFICE WAS THE RECIPIENT OF OVER \$14,000 IN GRANT FUNDING FOR SPECIAL ACTIVE-SHOOTER EQUIPMENT. THEY RECEIVED A \$7,500 GRANT FROM THE JUSTICE ASSISTANCE GRANT AND \$6,751 GRANT FROM THE BAY AREA COMMUNITY FOUNDATION TO PURCHASE THE EQUIPMENT. THE VESTS HAVE PLATES IN THE NEW BODY ARMOR WHICH CAN WITHSTAND THE NEW HIGHER POWER CALIBER WEAPONS. EACH PLATE IN THE FRONT AND BACK OF THE VESTS WEIGHS IN AT 6.6 POUNDS EACH. REGULATION BULLET PROOF VESTS CAN STOP SMALLER ROUNDS BUT ARE NOT ADEQUATE FOR NEWER, HIGHER POWERED WEAPONS. THE BAY COUNTY SHERIFF DEPARTMENT HAS ALSO RECEIVED HELMETS FROM AN AGREEMENT WITH THE MILITARY AND PLANS TO HAVE A HELMET AND THE NEW BODY ARMOR VESTS IN EACH OF THEIR VEHICLES.

### **PETITIONS AND COMMUNICATIONS**

RES. 2016-25 COMM. COONAN MOVED TO RECOGNIZE BRUCE J. DOUGLAS ON HIS RETIREMENT FROM THE SOLDIERS RELIEF COMMISSION. IT WAS SUPPORTED BY COMM. TILLY AND PASSED BY A VOICE VOTE OF: 7 YEAS, 0 NAYS.

CLERK LUCZAK: READ RESOLUTION 2016-25 HONORING BRUCE J. DOUGLAS, INTO THE RECORD.

COMM. BEGICK: BRUCE J. DOUGLAS HAS BEEN WORKING AND VOLUNTEERING FOR 25 YEARS IN BAY COUNTY. HE HAS BEEN VERY BUSY. WE WANT TO GIVE HIM THANKS AND WISH HIM A HEALTHY AND ENJOYABLE RETIREMENT.

B. KRAUSE: UPDATE ON THE REGISTER OF DEEDS OFFICE. IN 2015 THE REGISTER OF DEEDS OFFICE IMPLEMENTED THE SOFTWARE TO

ALLOW E-FILING OF DOCUMENTS. THEY RECEIVED 18,487 E-RECORDED DOCUMENTS IN THE YEAR. THIS WOULD BE 9.6% OF THE DOCUMENTS THAT WERE E-FILED IN THE FIRST YEAR. THEIR GOAL FOR 2016 IS TO HAVE 20% OF THEIR DOCUMENTS E-FILED. THE FIVE (5) YEAR GOAL IS TO HAVE 40-50% OF THEIR DOCUMENTS E-FILED. THE REGISTER OF DEEDS OFFICE HAS ALSO PURCHASED A TV MONITOR TO DISPLAY CURRENT BAY COUNTY EVENTS IN THEIR OFFICE. THE OFFICE WOULD LIKE TO GRANT ACCESS TO OTHER COUNTY OFFICE IF THEY WISH TO EITHER USE THE SOFTWARE THE REGISTER OF DEEDS IS CURRENTLY USING OR IF ANOTHER OFFICE WOULD LIKE TO DISPLAY SOMETHING THEY ARE CURRENTLY DOING ON THE TELEVISION, PLEASE CONTACT BRANDON KRAUSE TO DISCUSS IT. THE DEEDS OFFICE HAS RECEIVED LOTS OF COMPLIMENTS ON THE DISPLAY.

MOTION 18: COMM. DURANCZYK MOVED TO RECEIVE VERBAL PRESENTATION FROM BRANDON KRAUSE, REGISTER OF DEEDS. IT WAS SUPPORTED BY COMM. BEGICK AND PASSED BY A VOICE VOTE OF: 7 YEAS, 0 NAYS.

MOTION 19: COMM. COONAN MOVED TO RECEIVE AND CONCUR WITH PROBATE JUDGE KEUVELAAR'S APPOINTMENT OF JONATHAN VANTOL TO A THREE (3) YEAR TERM ON THE SOLDIERS RELIEF COMMISSION, PURSUANT TO THE PROVISIONS OF ACT. NO. 53 OF THE PUBLIC ACTS OF 1969. IT WAS SUPPORTED BY COMM. HEREK AND PASSED BY A VOICE VOTE OF : 7 YEAS, 0 NAYS.

#### **REPORTS/RESOLUTIONS OF COMMITTEES**

#### **WAYS AND MEANS (KIM J. COONAN, CHAIR; DONALD J. TILLEY, VICE CHAIR)**

RES. 2016-26 : COMM. COONAN MOVED TO ADOPT RES. 2016-26 FINANCIAL SUPPORT FOR PROPOSED TENNIS COURTS. IT WAS SUPPORTED BY COMM. BEGICK AND PASSED BY A VOICE VOTE OF: 7 YEAS, 0 NAYS.

RES. 2016-27: COMM. COONAN MOVED TO ADOPT RES. 2016-27 ACCEPTANCE OF BAY AREA COMMUNITY FOUNDATION GRANT FUNDING (SHERIFF DEPT.) IT WAS SUPPORTED BY COMM. BEGICK AND PASSED BY A VOICE VOTE OF: 7 YEAS, 0 NAYS.

RES. 2016-28: COMM. COONAN MOVED TO ADOPT RES. 2016-28 RENEWAL OF B.A.Y.A.N.E.T. GRANT AGREEMENT (PROSECUTOR). IT WAS

SUPPORTED BY COMM. DURANCZYK AND PASSED BY A VOICE VOTE OF: 7 YEAS, 0 NAYS.

RES. 2016-29: COMM. COONAN MOVED TO ADOPT RES. 2016-29 RESCISSION OF RES. NO. 2010-262 ROAD COMMISSIONER' HEALTH INSURANCE (ROAD COMMISSION). IT WAS SUPPORTED BY COMM. LUTZ AND PASSED BY A VOICE VOTE OF: 7 YEAS, 0 NAYS.

RES. 2016-30: COMM. COONAN MOVED TO ADOPT RES. 2016-30 ARCHITECTURAL SERVICES FOR ROOFING SYSTEM FOR HEALTH DEPARTMENT AND COUNTY FACILITY (BUILDINGS AND GROUNDS). IT WAS SUPPORTED BY COMM. TILLEY AND PASSED BY A VOICE VOTE OF: 7 YEAS, 0 NAYS.

RES. 2016-31: COMM. COONAN MOVED TO ADOPT RES. 2016-31 FARMERS MARKET CANOPY REPAIR (BUILDINGS AND GROUNDS). IT WAS SUPPORTED BY COMM. LUTZ AND PASSED BY A VOICE VOTE OF: 7 YEAS, 0 NAYS.

RES. 2016-32: COMM. COONAN MOVED TO ADOPT RES. 2016-32 SENIOR DINING CENTER AGREEMENTS (DIVISION ON AGING). IT WAS SUPPORTED BY COMM. DURANCZYK AND PASSED BY A VOICE VOTE OF: 7 YEAS, 0 NAYS.

RES. 2016-33: COMM. COONAN MOVED TO ADOPT RES. 2016-33 REGION VII AREA AGENCY WAIVER CONTRACT (DIVISION ON AGING). IT WAS SUPPORTED BY COMM. HEREK AND PASSED BY A VOICE VOTE OF: 7 YEAS, 0 NAYS.

RES. 2016-34: COMM. COONAN MOVED TO ADOPT RES. 2016-34 CONTROL MATERIAL BIDS (MOSQUITO CONTROL). IT WAS SUPPORTED BY COMM. TILLEY AND PASSED BY A VOICE VOTE OF: 7 YEAS, 0 NAYS.

RES. 2016-35: COMM. COONAN MOVED TO ADOPT RES. 2016-35 LIGHT TRAP CONTRACTS (MOSQUITO CONTROL). IT WAS SUPPORTED BY COMM. HEREK AND PASSED BY A VOICE VOTE OF: 7 YEAS, 0 NAYS.

RES. 2016-36: COMM. COONAN MOVED TO ADOPT RES. 2016-36 SCRAP TIRE DISPOSAL PROJECT/AGREEMENT (MOSQUITO CONTROL). IT WAS SUPPORTED BY COMM. BEGICK AND PASSED BY A VOICE VOTE OF: 7 YEAS, 0 NAYS.

RES. 2016-37: COMM. COONAN MOVED TO ADOPT RES. 2016-37 LETTER OF UNDERSTANDING WITH REGISTERED NURSES ORGANIZATION

(PERSONNEL DEPT.). IT WAS SUPPORTED BY COMM. TILLEY AND PASSED BY A VOICE VOTE OF: 7 YEAS, 0 NAYS.

RES. 2016-38: COMM. COONAN MOVED TO ADOPT RES. 2016-38, 85/15 SPLIT FOR EMPLOYEE HEALTH CARE 2016 (PERSONNEL DEPT.). IT WAS SUPPORTED BY COMM. LUTZ AND PASSED BY A VOICE VOTE OF: 7 YEAS, 0 NAYS.

RES. 2016-39: COMM. COONAN MOVED TO ADOPT RES. 2016-39 RECLASSIFICATION - RECREATION COORDINATOR (PERSONNEL DEPT.) IT WAS SUPPORTED BY COMM. BEGICK AND PASSED BY A VOICE VOTE OF: 7 YEAS, 0 NAYS.

RES. 2016-40: COMM. COONAN MOVED TO ADOPT RES. 2016-40 GOLF COURSE FEE SCHEDULE (RECREATION AND FACILITIES). IT WAS SUPPORTED BY COMM. TILLEY AND PASSED BY A VOICE VOTE OF: 7 YEAS, 0 NAYS.

RES. 2016-41: COMM. COONAN MOVED TO ADOPT RES. 2016-41 BUBBLE BALL SOCCER (RECREATION AND FACILITIES). IT WAS SUPPORTED BY COMM. TILLEY AND PASSED BY A VOICE VOTE OF: 7 YEAS, 0 NAYS.

RES. 2016-42: COMM. COONAN MOVED TO ADOPT RES. 2016-42 AMENDMENT #1 TO COMPREHENSIVE PLANNING, BUDGETING AND CONTRACTING (CPBC) AGREEMENT (HEALTH DEPT.). IT WAS SUPPORTED BY COMM. LUTZ AND PASSED BY A VOICE VOTE OF: 7 YEAS, 0 NAYS.

RES. 2016-43: COMM. COONAN MOVED TO ADOPT RES. 2016-43 PAYABLES (GENERAL; BAYANET; CENTER RIDGE ARMS). IT WAS SUPPORTED BY COMM. TILLEY AND PASSED BY A VOICE VOTE OF: 7 YEAS, 0 NAYS.

RES. 2016-44: COMM. COONAN MOVED TO ADOPT RES. 2016-44 BUDGET ADJUSTMENTS (VARIOUS) (FINANCE DEPT.). IT WAS SUPPORTED BY COMM. LUTZ AND PASSED BY A VOICE VOTE OF: 7 YEAS, 0 NAYS.

RES. 2016-45: COMM. COONAN MOVED TO ADOPT RES. 2016-45 REP FOR WASTE REMOVAL SERVICES (FINANCE DEPT.). IT WAS SUPPORTED BY COMM. DURANCZYK AND PASSED BY A VOICE VOTE OF: 7 YEAS, 0 NAYS.

RES. 2016-46: COMM. COONAN MOVED TO ADOPT RES. 2016-46 RENEWAL OF B.A.Y.A.N.E.T. GRANT AGREEMENT (SHERIFF DEPT.). IT WAS SUPPORTED BY COMM. TILLEY AND PASSED BY A VOICE VOTE OF: 7 YEAS, 0 NAYS.

RES. 2016-47: COMM. COONAN MOVED TO ADOPT RES. 2016-47 PREPAID DEBT INMATE RELEASE PROGRAM AGENT AGREEMENT WITH RAPID FINANCIAL SOLUTIONS (SHERIFF DEPT.). IT WAS SUPPORTED BY COMM. TILLEY AND REFERRED BACK TO A SPECIAL MEETING.

RES. 2016-48: COMM. COONAN MOVED TO ADOPT RES. 2016-48 AMENDMENT TO AGREEMENT WITH DEPARTMENT OF HEALTH AND HUMAN SERVICES RE: ELIGIBILITY SPECIALIST. IT WAS SUPPORTED BY COMM. BEGICK AND PASSED BY A VOICE VOTE OF: 7 YEAS, 0 NAYS.

RES. 2016-49: COMM. COONAN MOVED TO ADOPT RES. 2016-49 DIRECTION ON PENDING LITIGATION. IT WAS SUPPORTED BY COMM. HEREK AND PASSED BY A VOICE VOTE OF: 7 YEAS, 0 NAYS.

**PERSONNEL/HUMAN SERVICES (MICHAEL LUTZ, CHAIR;  
DONALD J. TILLEY, VICE CHAIR)**

RES. 2016-50: COMM. LUTZ MOVED TO ADOPT RES. 2016-50 BLUE CROSS BLUE SHIELDS INMATE SERVICES CONTRACT 2016-2017 (SHERIFF DEPT.). IT WAS SUPPORTED BY COMM. HEREK AND PASSED BY A VOICE VOTE OF: 7 YEAS, 0 NAYS.

RES. 2016-51: COMM. LUTZ MOVED TO ADOPT RES. 2016-51 FAIRGROUNDS USE BY FAIR BOARD IN 2016, 2017 AND 2018. IT WAS SUPPORTED BY COMM. DURANCZYK AND PASSED BY A VOICE VOTE OF: 7 YEAS, 0 NAYS.

RES. 2016-52: COMM. LUTZ MOVED TO ADOPT RES. 2016-52 ALTARUM INSTITUTE AND MCEITA AGREEMENT (HEALTH DEPT.). IT WAS SUPPORTED BY COMM. COONAN AND PASSED BY A VOICE VOTE OF: 7 YEAS, 0 NAYS.

RES. 2016-53: COMM. LUTZ MOVED TO ADOPT RES. 2016-53 AGREEMENTS WITH DOCTORS PLUS (HEALTH DEPT.). IT WAS SUPPORTED BY COMM. BEGICK AND PASSED BY A VOICE VOTE OF: 7 YEAS, 0 NAYS.

RES. 2016-54: COMM. LUTZ MOVED TO ADOPT RES. 2016-54 AGREEMENT WITH BARBARA MACGREGOR (HEALTH DEPT.). IT WAS SUPPORTED BY COMM. BEGICK AND PASSED BY A VOICE VOTE OF: 7 YEAS, 0 NAYS.

RES. 2016-55: COMM. LUTZ MOVED TO ADOPT RES. 2016-55 VACANCIES: HEALTH DEPT.; DIVISION ON AGING: SHERIFF DEPT. MARINE DIVISION; 9-1-1 CENTRAL DISPATCH; PERSONNEL DEPT. IT WAS SUPPORTED BY COMM. TILLEY AND PASSED BY A VOICE VOTE OF: 7 YEAS, 0 NAYS.

RES. 2016-56: COMM. LUTZ MOVED TO ADOPT RES. 2016-56 REORGANIZATION AND CONSOLIDATION OF RESPONSIBILITY OF DEPARTMENT OF PUBLIC DEFENDER AND CORPORATION COUNSEL (COUNTY EXECUTIVE).

COMM. KRYGIER: AT THIS TIME I WOULD LIKE TO GIVE THE OPPORTUNITY TO THE PUBLIC TO SPEAK.

JUDGE KLIDA: ON BEHALF OF THE COURT SYSTEM, I WOULD LIKE TO STATE THAT I AGREE WITH JEFF MARTIN IN REGARD TO THE FACT THAT THE JUDGE'S HAVE NOT RECEIVED ANY COMPLAINTS AS FAR AS THE REPRESENTATION OF SCHISLER LAW AND JEFF MARTIN FROM INDIGENT DEFENDANTS. WE ARE ALL AWARE THAT CHANGE IS COMING, FROM THE NEW MICHIGAN INDIGENT COMMISSION. WE HAVE BEEN HEARING ABOUT THE CHANGES FOR OVER A YEAR AND A HALF. THERE IS SO MUCH INVOLVED, WE HAVE BEEN INUNDATED WITH PROPOSALS ABOUT HOW TO ROLL THE CHANGES OUT. SHE IS CONCERNED WITH THE CHANGES BEING DISCUSSED AND THE FACT THAT AS OF TODAY'S DATE NO ONE HAS THOUGHT TO BRING THE JUDGE'S, PROSECUTOR'S OR VICTIM RIGHTS PEOPLE INTO THE DISCUSSION. SHE FEELS IT WOULD BE IN EVERYONE'S BEST INTEREST TO HAVE THE STAKEHOLDERS INTO THIS DISCUSSION, SO SHE IS HERE TO REQUEST THAT THEY PLEASE BRING US IN AND KEEP US INVOLVED. THERE ARE MANY CONFLICT OF ISSUES THAT MAY HAVE NOT EVEN BEEN CONSIDERED, AS AN EXAMPLE, APPEAL ISSUES. WE ALL MUST ACT UNDER COURT RULES, YOU NEED TO INVOLVE US, AT THIS POINT THINGS ARE JUST PROPOSALS AND ARE STILL OPEN FOR COMMENT. WE ALL KNOW THAT WHAT IT LOOKS LIKE NOW AND WHAT IT WILL BE IN THE END IS TYPICALLY DRASTICALLY DIFFERENT.

BARB KLIMASZEWSKI: REGIONAL CONSULTANT FOR MICHIGAN INDIGENT DEFENSE COMMISSION, SHE IS VERY INVOLVED WITH THE ADOPTION OF STANDARDS. THEY ARE CURRENTLY IN FRONT OF THE MICHIGAN SUPREME COURT. TO ADDRESS ADMINISTRATION QUESTION, THERE WILL NEED TO BE A LOT MORE TO MEET COMPLIANCE STANDARDS. CURRENTLY EVERY INDIGENT DEFENDANT WILL HAVE TO HAVE COUNSEL AT EVERY ARRAIGNMENT. YOU WILL NEED TO LOOK AT RESTRUCTURING AT EACH STEP ALONG THE PATH. SHE STATED THAT SHE IS AVAILABLE AND HAPPY TO WORK WITH ANYONE AS WE MOVE ALONG THIS ROAD.

COMM. TILLEY: WE HAVE A RESOLUTION BEFORE US AND NEED TO MOVE ALONG WITH A PLAN.

BARB KLIMASZEWSKI: SHE UNDERSTANDS THAT IT IS UP TO THE COMMISSIONERS TO DECIDE AND WITH LOCAL CONTROL, ESSENTIALLY WHAT THE BOUNDARIES ARE (AND THE RULES ARE VERY CLEAR) YOU HAVE MORE CONTROL WHEN ATTORNEYS ARE IN HOUSE.

JUDGE KLIDA: IF THERE ARE CO-DEFENDANT'S IN A CASE, THEY CANNOT BE HANDLED IN ONE OFFICE, WILL NOT BE KEPT IN-HOUSE, WILL STILL NEED TO HAVE A CONTRACT WITH OUT SIDE COUNSEL.

BARB KLIMASZEWSKI: WANTS TO BE VERY CLEAR, WHILE SHE IS SUPPORTIVE OF DEFENSE COUNSEL, SHE WANTS TO MAKE SURE TO STRESS TWO MORE ATTORNEYS WILL NOT BE ADEQUATE AND DOES NOT COME CLOSE TO COMPLIANCE.

COMM. COONAN: IN REGARD TO THE ADDITIONAL STANDARDS, NEITHER ONE WILL BE ADEQUATE. CURRENTLY WE HAVE TWO PEOPLE AND BY PRESENT STANDARDS WE ARE NOT COMPLIANT.

BARB KLIMASZEWSKI: YOU HAVE A MIXED SYSTEM HERE, AND YOU NEED TO DECIDE WHAT WILL WORK HERE FOR YOU. I CAN ONLY TELL YOU THAT WITH THE CURRENT STANDARDS, TWO IN-HOUSE ATTORNEYS WILL NOT MEET THE ON COMING STANDARDS.

COMM. KRYGIER: WHAT WE ARE TALKING ABOUT ADOPTING IS A GRANT POSITION, IF THE MONEY IS HERE, THE POSITIONS ARE HERE. IF THE MONEY IS REMOVED, THE POSITIONS WILL BE REMOVED.

AMBER DAVIS-JOHNSON: THIS IS NOT A COMPLIANCE PLAN, WE WILL BE WORKING WITH THE COURT. WE ARE TRYING TO REORGANIZE AND RESTRUCTURE WHAT WE ARE CURRENTLY DOING WITH WHAT WE MAY BE MOVING TOWARD. IT IS AN EVOLVING PLAN.

JUDGE KLIDA: YOU ARE TALKING ABOUT HIRING TWO IN-HOUSE ATTORNEYS, WHERE WOULD THEY WORK? YOU HAVE NO OFFICE FOR THEM AND NO HEAD OF THAT OFFICE. YOU NEED A STRUCTURED WALL TO SEPARATE WHICH DIVISION WOULD BE WORKING WITH A DEFENDANT. THIS WOULD NOT MEET THE COMPLIANCE STANDARDS.

COMM. LUTZ: IF WE USE IN-HOUSE OR OUT-OF-COUNTY WORKERS TO WORK WITH CURRENT LEGISLATION; EVERYONE DESERVES A DEFENSE

ATTORNEY. WE NEED TO GET JUDGE'S, PROSECUTOR AND COURT TO ALL WORK ON THIS. THIS VOTE MAYBE PREMATURE, WE HAVE NOTHING IN PLACE TO OFFER A JOB TO, BUT IT COULD TAKE WEEKS TO FILL A POSITION.

COMM. TILLEY: WE HAVE GOT TO COME TO AN AGREEMENT. IT COULD TAKE 30 TO 60 DAYS TO FILL A POSITION TO HIRE AN ATTORNEY. WE NEED SOME SORT OF DIRECTION, TO BRING THEM IN-HOUSE OR NOT.

COMM. COONAN: NEED TO GET ROLLING ON THIS. WE MAY HAVE TO HIRE ADDITIONAL ATTORNEY IN-HOUSE AND STILL NEED TO SEND WORK OUT SIDE; IT IS JUST THE WAY IT IS.

COMM. HEREK: WE NEED TO HIRE TWO PEOPLE, THEY WANT AUTHORIZATION TO HIRE AND POST THESE POSITIONS. WE NEED TO KNOW WHICH WAY WE WILL BE MOVING.

COMM. DURANCZYK: HOW CAN WE APPROVE A MOTION TO HIRE TWO PEOPLE, TO DO WHAT? WE ARE NOW HEARING THE CHIEF JUDGE HAS NOT EVEN BEEN INCLUDED IN DISCUSSIONS.

COMM. BEGICK: I MAKE A MOTION TO REFER THIS RESOLUTION BACK TO CORPORATION COUNSEL.

COMM. DURANCZYK: I SECOND

BARB KLIMASZEWSKI: I FEEL THAT THE STATE BAR ETHICS OPINION IS STILL ABOUT FOUR MONTHS OUT.

COMM. TILLEY: IF WE MOVE THIS, CAN WE GET EVERYONE ON BOARD.

COMM. COONAN: I AGREE WITH COMM. TILLEY.

BARB KLIMASZEWSKI: JUST A LITTLE BACK GROUND ON WHERE THIS ALL CAME FROM, THE STATE OF MICHIGAN CAME IN 44<sup>TH</sup> IN THE COUNTRY FOR INDIGENT DEFENSE, WHICH HONESTLY, SHOCKED EVERYONE.

COMM. BEGICK: THESE RULES MAY COME OUT IN THE MONTH OF MAY OR LATER, THEN WE HAVE ANOTHER 180 DAYS TO BECOME COMPLIANT. WE HAVE TIME TO DISCUSS THIS.

AMBER DAVIS-JOHNSON: WE NEED TO MOVE FORWARD IN SOME WAY, THAT IS WHY WE REQUESTED THE RESOLUTION.

COMM. LUTZ: I WOULD LIKE TO ASK THE MAKER OF THE MOTION TO MOVE THE DISCUSSION TO NEXT WEEKS SPECIAL BOARD MEETING.

COMM. COONAN: CAN WE DO A BETTER JOB IN DEFENSE IF WE HAVE THE ATTORNEYS IN-HOUSE?

AMBER  
DAVIS-JOHNSON: WE WILL HAVE MORE OVERSIGHT, IN A WAY, THAT CAN ONLY BE DONE IN HOUSE. WE CAN THEN PLAN OUR NEXT STEP, BE IT PHASING OUT THE CURRENT CONTRACTS IN A RESPONSIBLE WAY.

JUDGE KLIDA: I UNDERSTAND THAT YOU HAD A MEETING LAST WEEK, WITH ALL DO RESPECT, WE SHOULD HAVE BEEN INVOLVED. WE HAVE NOT BEEN INVOLVED, AT ALL. LAST TIME WE CONTRACTED OUTSIDE DEFENSE, IT WAS TO SAVE MONEY. NOW WE WILL HAVE NEW RULES, AND NEW PLAYERS. THE CONTRACTED MISDEMEANOR ATTORNEYS HAVE NOT EVEN BEEN TOLD WHAT WAS COMING, AND THAT IS NOT VERY PROFESSIONAL.

COMM. TILLEY: I ASK THE MAKER OF THE MOTION TO MOVE THIS DISCUSSION ONE WEEK DOWN THE ROAD. THEN THE ADMINISTRATION, JUDGES AND CORPORATE COUNSEL, CAN HAVE A DISCUSSION AND LET US KNOW IF THEY ARE IN FAVOR OF A COMPROMISE.

MOTION 20: COMM. BEGICK MOVED TO REFER RES 2016-56 REORGANIZATION AND CONSIDERATION OF RESPONSIBILITY OF DEPARTMENT OF PUBLIC DEFENDER AND CORPORATION COUNSEL (COUNTY EXECUTIVE) TO BAY COUNTY BOARD OF COMMISSIONERS SPECIAL MEETING SET ON FEBRUARY 16, 2016 AT 4:00 PM, FOR FURTHER CONSIDERATION. IT WAS SUPPORTED BY COMM. DURANCZYK AND PASSED BY A VOICE VOTE OF: 7 YEAS, 0 NAYS.

**BOARD OF COMMISSIONERS (ERNIE KRYGIER, CHAIR,  
DONALD J. TILLEY, VICE CHAIR)**

RES. 2016-57: COMM. TILLEY MOVED TO ADOPT RES. 2016-57 REPORTS OF COUNTY EXECUTIVE.

RES. 2016-58: OPPOSITION TO SENATE BILL 709, SEC. 519. (AVAILABLE AT MEETING) - THIS WAS AN ERROR ON THE AGENDA - WAS NEVER INTRODUCED.

**REPORTS OF COUNTY OFFICIALS/DEPARTMENTS**

COUNTY EXECUTIVE THOMAS HICKNER - NONE

### **UNFINISHED BUSINESS**

THERE WAS NO UNFINISHED BUSINESS.

### **NEW BUSINESS**

THERE WAS NO NEW BUSINESS.

### **MISCELLANEOUS**

THERE WERE NO MISCELLANEOUS ITEMS.

### **ANNOUNCEMENTS**

CHAIRMAN KRYGIER NOTED THE UPCOMING 2016 APPOINTMENTS AS FOLLOWS:

1. MARCH:

A. BAY ARENAC BEHAVIORAL HEALTH AUTHORITY - THREE 3-YEAR TERMS EXPIRING: THOMAS L. STARKWEATHER; ROBERT PAWLAK; RICHARD BYRNE.

2. JUNE: LIBRARY BOARD - ONE 5-YEAR TERM, DONALD CARLYON.

3. OCTOBER:

A. LAND BAK AUTHORITY - ONE LOCAL UNIT OF GOVERNMENT REPRESENTATIVE, 3-YEAR TERM, RICHARD L. BYRNE.

B. DEPARTMENT OF HEALTH AND HUMAN SERVICES BOARD OF DIRECTORS - ONE 3-YEAR TERM, THOMAS L. STARKWEATHER.

4. DECEMBER: DIVISION ON AGING ADVISORY COMMITTEE - FOUR 2-YEAR TERMS, DISTRICTS 1, 4, & 6 AND AT -LARGE

### **CLOSED SESSION**

MOTION 21:

COMM. KRYGIER MOVED TO GO INTO CLOSED SESSION PURSUANT TO MCL 15.268 (e): TO CONSULT WITH ITS ATTORNEY REGARDING TRIAL OR SETTLEMENT STRATEGY IN CONNECTION WITH SPECIFIC PENDING LITIGATION, BUT ONLY WHEN AN OPEN MEETING WOULD HAVE A DETRIMENTAL FINANCIAL EFFECT ON THE LITIGATING OR SETTLEMENT POSITION OF THE PUBLIC BODY. TO DISCUSS THE ISSUES OF CYNTHIA A. LUCZAK, BAY COUNTY CLERK VS. BAY COUNTY BOARD OF COMMISSIONERS, ET AL 2015-3583-AW.

IT WAS SUPPORTED BY COMM. TILLEY AND ADOPTED BY A ROLL CALL VOTE OF: DURANCZYK, BEGICK, COONAN, TILLEY, LUTZ, KRYGIER, HEREK - 7 YEAS, 0 NAYS.

DURING THE CLOSED SESSION COMM. DURANCZYK WAS CALLED AWAY FOR A EMERGENCY. THIS IS NOTED TO REFLECT THE CHANGE IN COMMISSIONER'S VOTING NUMBER.

MOTION 22: COMM. HEREK MOVED TO GO BACK TO REGULAR SESSION FOLLOWING CLOSED SESSION DISCUSSIONS REGARDING THE ISSUES OF CYNTHIA A. LUCZAK, BAY COUNTY CLERK VS. BAY COUNTY BOARD OF COMMISSIONERS, ET AL 2015-3583-AW. IT WAS SUPPORTED BY COMM. LUTZ AND PASSED BY A VOICE VOTE OF: 6 YEAS, 0 NAYS.

MOTION 23: COMM. TILLEY MOVED TO PROCEED WITH THE RECOMMENDATION OF CONTRACTUAL, OUTSIDE COUNSEL AND AUTHORIZING THEM TO PROCEED AS DISCUSSED IN THE CLOSED SESSION FOLLOWING COMMENTS MADE BY BAY COUNTY LEGAL COUNSEL AMBER DAVIS-JOHNSON. SUPPORTED BY COMM. HEREK AND PASSED BY A VOICE VOTE OF: 6 YEAS, 0 NAYS.

**RECESS/ADJOURNMENT**

MOTION 24: COMM. TILLEY MOVED TO ADJOURN THE REGULAR BOARD SESSION OF FEBRUARY 9, 2016. IT WAS SUPPORTED BY COMM. COONAN. THE MEETING CONCLUDED AT 6:05 P.M. BY A VOICE VOTE OF: 6 YEAS, 0 NAYS.

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ERNIE KRYGIER, CHAIRMAN  
BOARD OF COMMISSIONERS

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CYNTHIA A. LUCZAK, COUNTY CLERK  
BOARD OF COMMISSIONERS

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DIANE K. YAWORSKI  
SECRETARY TO THE CLERK  
BOARD OF COMMISSIONERS