

## **BAY COUNTY BOARD OF COMMISSIONERS**

**MAY 3, 2016**

THE BAY COUNTY BOARD OF COMMISSIONERS MET FOR A SPECIAL MEETING SESSION ON TUESDAY, MAY 3, 2016, IN THE FOURTH FLOOR COMMISSION CHAMBERS OF THE BAY COUNTY BUILDING. THE MEETING WAS CALLED TO ORDER BY CHAIRMAN ERNIE KRYGIER AT 4:50 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  
CHARLENE HOGAN, BAY COUNTY DEPUTY CLERK  
DIANE YAWORSKI, SECRETARY TO THE COUNTY CLERK  
ROBERT J. REDMOND, FINANCIAL ANALYST  
DEANNE C. BERGER, BOARD COORDINATOR

ALSO PRESENT: THOMAS J. HICKNER, COUNTY EXECUTIVE  
TIFFANY JERRY, PERSONNEL AND EMPLOYEE RELATIONS DIRECTOR  
DEBRA RUSSELL, ADMINISTRATIVE SERVICES DIRECTOR  
KIM PRIESSNITZ, FINANCE OFFICER  
AMBER DAVIS-JOHNSON, CORPORATION COUNSEL  
CRISTEN GIGNAC, RECREATION & FACILITIES DIRECTOR  
LAURA OGAR, DIRECTOR OF ENVIRONMENTAL AFFAIRS & COMMUNITY DEVELOPMENT  
VARIOUS ELECTED OFFICIALS  
VARIOUS DEPARTMENT HEADS  
NEWS MEDIA

INVOCATION: THE INVOCATION WAS GIVEN BY THE BAY COUNTY DEPUTY CLERK, CHARLENE HOGAN.

PLEDGE OF ALLEGIANCE:

### **CITIZENS INPUT**

LAURA OGAR: DIRECTOR OF ENVIRONMENTAL AFFAIRS AND COMMUNITY DEVELOPMENT. HERE TO REPORT THAT THE PUBLIC NOTICE FOR THE ARMY CORP OF ENGINEERS PERMIT APPLICATION FOR THE BOARDWALK TO THE BEACH AT THE BAY CITY RECREATION AREA

IS OUT FOR PUBLIC COMMENT ON APRIL 26, 2016. THIS IS A 30 DAY PUBLIC COMMENT PERIOD. THIS IS FOR THE BOARDWALK ONLY, GETTING IT BUILT AND INSTALLED. THEY ARE SHOOTING FOR MEMORIAL DAY WEEKEND. THE DEPARTMENT OF NATURAL RESOURCES IS BUILDING THE BOARDWALK. THIS WILL BE A SEMI-PERMANENT STRUCTURE. IT WILL BE INSTALLED SEASONALLY.

COMM. KRYGIER: MONDAY, MAY 9, 2016, VOLUNTEERS WILL BE WORKING AT THE BEACH. PEOPLE CAN LET THE ARMY CORP OF ENGINEERS KNOW WHAT YOU THINK OF THE BEACH CLEAN UP PROJECTS.

### **ITEMS FOR CONSIDERATION**

RES. 2016-103: COMM. TILLEY MOVED TO ADOPT RES. 2016-103 RECOGNITION OF YWCA GREAT LAKES BAY REGION. IT WAS SUPPORTED BY COMM. HEREK AND PASSED BY A VOICE VOTE OF: 7 YEAS, 0 NAYS.

RES. 2016-104: COMM. TILLEY MOVED TO ADOPT RES. 2016-104 ACCEPTANCE OF DNR PHRAGMITIES GRANT (ENVIRONMENTAL AFFAIRS). IT WAS SUPPORTED BY COMM. DURANCZYK AND PASSED BY A VOICE VOTE OF: 7 YEAS, 0 NAYS.

RES. 2016-105: COMM. TILLEY MOVED TO ADOPT RES. 2016-105 ADMINISTRATIVE SERVICES - MCTV EQUIPMENT AUCTION APPROVED \$2,000.00 TO TAKE FORWARD ON BEHALF OF BAY COUNTY (BAY 3 TV). IT WAS SUPPORTED BY COMM. DURANCZYK AND PASSED BY A VOICE VOTE OF: 7 YEAS, 0 NAYS.

MOTION 39: COMM. TILLEY MOVED THE MOTION TO INTERVIEW AND FILL THE ATTORNEY VACANCY(S) IN THE PUBLIC DEFENDER'S OFFICE THAT WERE PREVIOUSLY APPROVED TO BE POSTED BY THE BAY COUNTY BOARD OF COMMISSIONERS ON FEBRUARY 16, 2016 (RES. NO 2016-56). IT WAS SUPPORTED BY COMM. DURANCZYK AND PASSED BY A VOICE VOTE OF: 7 YEAS, 0 NAYS.

### **UNFINISHED BUSINESS**

THERE WAS NO UNFINISHED BUSINESS

### **NEW BUSINESS**

THERE WAS NO NEW BUSINESS

### **MISCELLANEOUS**

THERE WAS NO MISCELLANEOUS ITEMS

### **ANNOUNCEMENTS**

COMM. COONAN: JUNE 25, 2016, SATURDAY, THE 10<sup>TH</sup> ANNUAL BEACH WELLNESS, 5K AND 10 K RUN AND WALK. WE HAVE RAISED OVER \$100,000 OVER THE PAST TEN YEARS.

### **CLOSED SESSION**

MOTION 40: COMM. COONAN MOVED TO GO INTO CLOSED SESSION PURSUANT TO MCL 15.268, SEC. 8 (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 AND PURSUANT TO MCL 15.268 (h): TO CONSIDER MATERIAL EXEMPT FROM DISCUSSION OR DISCLOSURE BY STATE OR FEDERAL STATUTE, SPECIFICALLY A WRITTEN LEGAL OPINION, EXEMPTED UNDER MCL 15.243 (l) (g). 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.

MOTION 41: COMM. DURANCZYK MOVED TO GO BACK TO REGULAR SESSION FOLLOWING CLOSED SESSION 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 PASSED BY A VOICE VOTE OF: 7 YEAS, 0 NAYS.

MOTION 42: COMM. COONAN MOVED TO PROCEED WITH THE RECOMMENDATION OF CONTRACTUAL, OUTSIDE COUNSEL ALEX BOMMARITO AND AUTHORIZING HIM TO PROCEED AS DISCUSSED IN THE CLOSED SESSION FOLLOWING COMMENTS MADE BY BAY COUNTY LEGAL COUNSEL AMBER DAVIS-JOHNSON. SUPPORTED BY COMM. DURANCZYK AND PASSED BY A VOICE VOTE OF: 7 YEAS, 0 NAYS.

**RECESS/ADJOURNMENT**

MOTION 43: COMM. DURANCZYK MOVED TO ADJOURN THE SPECIAL BOARD SESSION OF MAY 3, 2016. IT WAS SUPPORTED BY COMM. COONAN. THE MEETING CONCLUDED AT 5:35 P.M. BY A VOICE VOTE OF: 7 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 YAWORSKI  
SECRETARY TO THE CLERK  
BOARD OF COMMISSIONERS