

## **BAY COUNTY BOARD OF COMMISSIONERS**

**MAY 5, 2015**

THE BAY COUNTY BOARD OF COMMISSIONERS MET FOR A SPECIAL SESSION ON TUESDAY, MAY 5, 2015, IN THE FOURTH FLOOR COMMISSION CHAMBERS OF THE BAY COUNTY BUILDING. THE MEETING WAS CALLED TO ORDER BY CHAIRMAN ERNIE KRYGIER AT 4:30 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  
SHEILA E. SHAW, SECRETARY TO THE COUNTY CLERK  
ROBERT J. REDMOND, FINANCIAL ANALYST  
DEANNE C. BERGER, BOARD COORDINATOR

ALSO PRESENT: THOMAS L. HICKNER, COUNTY EXECUTIVE  
DEBRA RUSSELL, ADMINISTRATION SERVICES DIRECTOR  
TIM QUINN, PERSONNEL DIRECTOR  
CRISTEN GIGNAC, RECREATION & FACILITIES DIRECTOR  
AMBER DAVIS-JOHNSON, CORPORATION COUNSEL  
SHAWNA WALRAVEN, CORPORATION COUNSEL  
VARIOUS ELECTED OFFICIALS  
VARIOUS DEPARTMENT HEADS  
NEWS MEDIA

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

PLEDGE OF ALLEGIANCE:

### **CITIZENS INPUT**

THERE WAS NO CITIZEN INPUT.

### **ITEMS FOR CONSIDERATION**

RES. 2015-91: COMM. LUTZ MOVED TO ADOPT RES. 2015-91 CONCURRING TO POST/ADVERTISE/FILL THE FOLLOWING VACANCIES WITH MONIES

FOR SAID POSITIONS TO COME FROM THE RESPECTIVE DEPARTMENTAL BUDGETS:

1. DIVISION ON AGING - COOKS (3), 2 ON-CALL AND 1 TEMPORARY.
2. PROSECUTOR'S OFFICE - LEGAL STENOGRAPHER, FULL TIME \$14.37/HR. ENTRY.

FURTHER, THAT BUDGET ADJUSTMENTS, IF REQUIRED, ARE APPROVED AND IT IS UNDERSTOOD ANY POSITIONS FUNDED THROUGH A GRANT SHALL BE TERMINATED OR HOURS REDUCED IF GRANT FUNDING IS TERMINATED OR REDUCED. IT WAS SUPPORTED BY COMM. HEREK AND PASSED BY A VOICE VOTE OF: 7 YEAS, 0 NAYS.

RES. 2015-92: COMM. COONAN MOVED TO ADOPT RES. 2015-92 CONCURRING TO POST/ADVERTISE/FILL THE FOLLOWING VACANCIES WITH MONIES FOR SAID POSITIONS TO COME FROM THE RESPECTIVE DEPARTMENTAL BUDGETS:

1. REGISTER OF DEEDS - TYPIST CLERK III, FULL TIME, \$13.09/HR. ENTRY.

FURTHER, THAT BUDGET ADJUSTMENTS, IF REQUIRED, ARE APPROVED AND IT IS UNDERSTOOD ANY POSITIONS FUNDED THROUGH A GRANT SHALL BE TERMINATED OR REDUCED. IT WAS SUPPORTED BY COMM. TILLEY AND CARRIED BY A VOICE VOTE OF: 7 YEAS, 0 NAYS.

RES. 2015-93: COMM. COONAN MOVED TO ADOPT RES. 2015-93 APPROVING THE ARCHITECTURAL SERVICES CONTRACT WITH SPICER ENGINEERING AT A COST OF \$1,800.00 FOR ASSISTANCE WITH THE COURT FACILITY AND 911 ROOFING SYSTEM RFP. COUNTY STAFF HAS MADE NUMEROUS REPAIRS TO THE ROOFING SYSTEM ON THE COURT FACILITY AND 911 AND IT HAS BEEN DETERMINED THAT IT IS TIME FOR REPLACEMENT. FUNDS FOR THIS SERVICE HAVE BEEN INCLUDED IN THE 2015 BUILDINGS AND GROUND'S BUDGET. FURTHER, TO AUTHORIZE THE BOARD CHAIR TO EXECUTE THE ARCHITECTURAL SERVICES CONTRACT FOLLOWING LEGAL REVIEW AND THAT RELATED REQUIRED BUDGET ADJUSTMENTS ARE APPROVED. IT WAS SUPPORTED BY COMM. TILLEY AND ADOPTED BY A VOICE VOTE OF: 7 YEAS, 0 NAYS.

RES. 2015-94: COMM. COONAN MOVED TO ADOPT RES. 2015-94 APPROVING THE STRUCTURAL ASSESSMENT CONTRACT FOR THE MARKET CANOPY. CITY OFFICIALS REQUESTED A REVIEW OF THE MARKET COLUMNS AND CONCRETE PIERS FOR SAFETY AND STRUCTURAL INTEGRITY. BUILDINGS AND GROUNDS STAFF HAVE MET WITH TWO (2) STRUCTURAL ENGINEERING COMPANIES ON SITE AND EXPLAINED THE CONCERNS AND WHAT WOULD BE REQUIRED FROM THE ENGINEERING COMPANIES. BIDS WERE RECEIVED FROM TWO (2) COMPANIES AND MACMILLIAN & ASSOCIATES IS THE RECOMMENDED CHOICE FOR THIS PROJECT. THE COST FOR THESE SERVICES IS \$1,750.00 AND FUNDS ARE INCLUDED IN THE RECREATION AND FACILITIES BUDGET TO COVER THIS EXPENSE. FURTHER, TO AUTHORIZE THE BOARD CHAIRMAN TO SIGN SAID CONTRACT FOLLOWING LEGAL REVIEW AND THAT RELATED REQUIRED BUDGET ADJUSTMENTS ARE APPROVED. IT WAS SUPPORTED BY COMM. TILLEY AND PASSED BY A VOICE VOTE OF: 7 YEAS, 0 NAYS.

RES. 2015-95: COMM. COONAN MOVED TO ADOPT RES. 2015-95 AUTHORIZING THE BUILDINGS AND GROUNDS DEPARTMENT TO SECURE BIDS FOR THE SERVICE AGREEMENT ON THE ELEVATORS IN THE COUNTY BUILDING AND THE LAW ENFORCEMENT CENTER. BAY COUNTY HAS BEEN ON A YEAR-TO-YEAR CONTRACT WITH THE CURRENT ELEVATOR SERVICE COMPANY FOR MANY YEARS DUE TO BEING THE LOWEST BIDDER. HOWEVER, IT HAS BEEN DETERMINED IT MAY BE FINANCIALLY BENEFICIAL TO BID OUT THE ELEVATOR MAINTENANCE AND SERVICE CONTRACTS, SAVING THE COUNTY A SIGNIFICANT AMOUNT OF MONEY. MONIES FOR THIS SERVICE ARE INCLUDED IN THE BUILDINGS AND GROUNDS 2015 BUDGET. FURTHER, AUTHORIZING THE BOARD CHAIR TO EXECUTE THE ELEVATOR SERVICE AGREEMENT WITH THE SUCCESSFUL BIDDER, FOLLOWING LEGAL REVIEW AND THAT RELATED REQUIRED BUDGETS ARE APPROVED. IT WAS SUPPORTED BY COMM. DURANCZYK AND CARRIED 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 WERE NO MISCELLANEOUS ITEMS.

**ANNOUNCEMENTS**

THERE WERE NO ANNOUNCEMENTS.

**CLOSED SESSION**

MOTION 33: COMM. TILLEY MOVED TO GO INTO CLOSED SESSION PURSUANT TO MCL 15.268(h) TO CONSIDER MATERIAL EXEMPT FROM DISCUSSION OR DISCLOSURE BY STATE OR FEDERAL STATUTE. THE STATUTE RELIED UPON IS THE MICHIGAN FREEDOM OF INFORMATION ACT WHICH EXEMPTS FROM DISCLOSURE "PUBLIC RECORDS SUBJECT TO THE ATTORNEY CLIENT PRIVILEGE." [MCL 15.243(g)]. IT WAS SUPPORTED BY COMM. HEREK AND PASSED BY A ROLL CALL VOTE OF:

7 YEAS - DURANCZYK, BEGICK, COONAN, HEREK, TILLEY, LUTZ AND KRYGIER  
0 NAYS.

MOTION 34: COMM. DURANCZYK MOVED TO GO BACK TO REGULAR SESSION FOLLOWING CLOSED SESSION DISCUSSIONS REGARDING LEGAL OPINION. IT WAS SUPPORTED BY COMM. LUTZ AND CARRIED BY A VOICE VOTE OF: 7 YEAS, 0 NAYS.

MOTION 35: COMM. TILLEY MOVED THE MOTION REQUESTING BAY COUNTY ADMINISTRATION AND CORPORATION COUNSEL, AS DISCUSSED IN CLOSED SESSION PURSUANT TO MCL 15.268 (h), PRESENT TO THE BOARD FOR ITS CONSIDERATION AT ITS MAY 12, 2015 MEETING, A MEMORANDUM ADDRESSING THE POSSIBLE RESCISSION OF BOARD RESOLUTION 96-311, ADOPTED DECEMBER 17, 1996. IT WAS SUPPORTED BY COMM. HEREK AND ADOPTED BY A VOICE VOTE OF: 7 YEAS, 0 NAYS.

**RECESS/ADJOURNMENT**

MOTION 36: COMM. DURANCZYK MOVED TO ADJOURN THE SPECIAL BOARD SESSION OF MAY 5, 2015. IT WAS SUPPORTED BY COMM. LUTZ. THE MEETING CONCLUDED AT 5:20 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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SHEILA E. SHAW  
SECRETARY TO THE CLERK  
BOARD OF COMMISSIONERS