PERSONNEL/HUMAN SERVICES COMMITTEE

AGENDA

TUESDAY, MAY 19, 2015

4:00 P.M.

COMMISSION CHAMBERS, FOURTH FLOOR, BAY COUNTY BUILDING

PAGE NO.		
	I	CALL TO ORDER
	II	ROLL CALL
1- 3	III	MINUTES (4/21/15)
	IV	PUBLIC INPUT
	V	PETITIONS AND COMMUNICATIONS
4-15		A. FOIA Coordinator and Corporation Counsel - Freedom of Information Act (FOIA) Amendment **(Seeking approval of required amendment - proposed resolution attached)**
16-17		B. Health Director - Sub Award Agreements with Local Schools for Safe Routes Program **(Seeking approval of Sub-Award Agreements; authorization for Board Chair to sign - proposed resolution attached)**
18-21		C. Personnel Director - Vacancies **(Seeking authorization to post/fill - proposed resolution attached)**
		1. Treasurer's Office - Staff Accountant (ft, $44,657.60 entry)
		2. Division on Aging - Health Aide/Homemaking Service Worker (temporary, part time, $10.95/hr. for Health Aide duties; $10.18/hr. for Homemaking duties)
		3. Health Department - Typist Clerk III (pt, $14.18/hr. entry)
	VI	REFERRALS
	VII	UNFINISHED BUSINESS
	VIII	NEW BUSINESS
	IX	MISCELLANEOUS
	X	ADJOURNMENT

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

PERSONNEL/HUMAN SERVICES COMMITTEE

MINUTES

MEETING OF THE PERSONNEL/HUMAN SERVICES COMMITTEE ON TUESDAY, APRIL 21, 2015, in the Commission Chambers, Fourth Floor, Bay County Building, 515 Center Avenue, Bay City, MI 48708.

Call to order @ 4:05 P.M. by Chair Lutz.

Roll call:

MOTION NO.

COMMISSIONERS PRESENT		1	2	3	4	5	6	7	8	9	10	11
MICHAEL E. LUTZ, CHAIR	P	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	
DONALD J. TILLEY, VICE CHAIR	P	Y	S/Y	S/Y	M/Y	Y	M/Y	S/Y	M/Y	Y	M/Y	
MICHAEL J. DURANCZYK	P	M/Y	Y	Y	S/Y	Y	Y	Y	S/Y	Y	Y	
VAUGHN J. BEGICK		E	X	C	U	S	E	D				
KIM COONAN	P	Y	Y	Y	Y	M/Y	Y	Y	Y	Y	Y	
THOMAS C. HEREK	P	Y	Y	Y	Y	Y	S/Y	Y	Y	M/Y	S/Y	
ERNIE KRYGIER, EX OFFICIO	P	S/Y	M/Y	M/Y	Y	S/Y	Y	M/Y	Y	S/Y	Y	

MOTION NO.

COMMISSIONERS PRESENT	12	13	14	15	16	17	18	19	20	21	22
MICHAEL E. LUTZ, CHAIR											
DONALD J. TILLEY, VICE CHAIR											
MICHAEL J. DURANCZYK											
VAUGHN J. BEGICK											
KIM COONAN											
THOMAS C. HEREK											
ERNIE KRYGIER, EX OFFICIO											

MOTION NO.

COMMISSIONERS PRESENT	23	24	25	26	27	28	29	30	31	32	33
MICHAEL E. LUTZ, CHAIR											
DONALD J. TILLEY, VICE CHAIR											
MICHAEL J. DURANCZYK											
VAUGHN J. BEGICK											
KIM COONAN											
THOMAS C. HEREK											
ERNIE KRYGIER, EX OFFICIO											

OTHERS PRESENT: T.HICKNER, C.GIGNAC, D.RUSSELL, A.DAVIS-JOHNSON, C.HEBERT, T.QUINN, B.KRAUSE, K.ASBURY, J.STRASZ, T.ROEHRS, K.MEAD, R.REDMOND, BAY 3 TV, D.BERGER

M-MOVED; S-SUPPORTED; Y-YEA; N-NAY; ABS.-ABSTAIN;E-EXCUSED; A-ABSENT

-/-

MOTION NO.

NOTE: In addition to these typed minutes, this Committee meeting was also video taped by Bay 3 TV and those tapes are available for review in the Administrative Services Department or can be viewed on Bay County's website www.baycounty-mi.gov/executive/videos.

1 MOVED, SUPPORTED AND CARRIED TO APPROVE THE MINUTES OF THE MARCH 17, 2015 PERSONNEL/HUMAN SERVICES COMMITTEE MEETING AS PRINTED.

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

2 MOVED, SUPPORTED AND CARRIED TO REFER THE REQUEST FROM JOHN KEUVELAAR, PROBATE JUDGE, TO ACCEPT HIS RETIREMENT AND WAIVE THE 30 DAY RETIREMENT NOTIFICATION IN THE BAY COUNTY PERSONNEL POLICY BACK TO ADMINISTRATION FOR FURTHER REVIEW(PERSONNEL).

3 MOVED, SUPPORTED AND CARRIED TO REFER TO THE MAY WAYS AND MEANS COMMITTEE MEETING THE REGISTER OF DEEDS' REQUEST FOR A STAFFING CHANGE (PART TIME TO TEMPORARY FULL TIME POSITION) IN HIS OFFICE FOR A PERIOD OF 3 YEARS TO COMPLETE A BACK INDEXING PROJECT (REGISTER OF DEEDS).

The Register of Deeds and the Board's Financial Analyst will meet tomorrow to further review the cost of this proposal.

4 MOVED, SUPPORTED AND CARRIED TO RECOMMEND BOARD APPROVAL OF THE AGREEMENT WITH NORTHEAST MICHIGAN COMMUNITY SERVICES AGENCY, INC. FOR THE EARLY HEAD START PROGRAM (HEALTH DEPARTMENT).

5 MOVED, SUPPORTED AND CARRIED TO RECOMMEND BOARD APPROVAL OF THE BREAST AND CERVICAL CANCER CONTROL PROGRAM AGREEMENT (HEALTH DEPARTMENT).

6 MOVED, SUPPORTED AND CARRIED TO RECOMMEND BOARD APPROVAL OF THE AGREEMENT(S) WITH LOCAL SUPERMARKETS/PRODUCE VENDORS FOR PRESCRIPTION FOR HEALTHY EATING PROGRAM (HEALTH DEPARTMENT).

MOTION NO.

7 MOVED, SUPPORTED AND CARRIED TO REFER THE REQUEST FOR PURCHASE OF OTHER GOVERNMENTAL SERVICES SUBMITTED BY THOMAS HOLTSCHLAG (SHERIFF DEPARTMENT) BACK TO ADMINISTRATION FOR REPORT BACK IN THE FUTURE (RETIREMENT DIVISION).

8 MOVED, SUPPORTED AND CARRIED TO RECOMMEND BOARD APPROVAL TO POST/FILL VACANCIES IN THE DIVISION ON AGING AND PROSECUTOR'S OFFICE (PERSONNEL).

9 MOVED, SUPPORTED AND CARRIED TO RECEIVE NOTIFICATION FROM THE BAY COUNTY CLERK OF THE RETIREMENT OF THE CHIEF DEPUTY COUNTY CLERK (PATTY SHORKEY) AND THE APPOINTMENT OF CHAR HOGAN AS THE NEW DEPUTY COUNTY CLERK AND CHIEF DEPUTY CIRCUIT COURT CLERK (COUNTY CLERK).

Commissioner Duranczyk announced the upcoming Pinconning Mayor's Scholarship event which will be held on May 1st at the Pinconning Cheese House.

There being no further business, it was

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

Submitted by:

Deanne Berger

Deanne Berger
Board Coordinator

THOMAS L. HICKNER
BAY COUNTY EXECUTIVE

DEBRA RUSSELL
Director, Administrative Services Department
russelld@baycounty.net

MEMORANDUM

TO: MICHAEL LUTZ, CHAIRMAN
PERSONNEL/HUMAN SERVICES COMMITTEE

FROM: DEBRA RUSSELL, FOIA COORDINATOR
AMBER DAVIS-JOHNSON, CORPORATION COUNSEL

RE: FREEDOM OF INFORMATION ACT (FOIA) AMENDMENT

DATE: MAY 12, 2015

BACKGROUND:
The Board of Commissioners adopted the Freedom of Information Act (FOIA) Policy on December 10, 2000, pursuant to Board Resolution 00-295. The purpose of this policy was to "assure compliance with the Freedom of Information Act by all Bay County departments and offices." It is the policy of the County of Bay to disclose public records consistent with and in compliance with State law.

Michigan Public Act 563 (2014) amends the Michigan Freedom of Information Act, Public Act 442 (1976), effective July 1, 2015. These changes necessitate replacing Bay County's Freedom of Information Act (FOIA) Policy No. 122 with the attached Bay County FOIA Procedures & Guidelines which incorporates the changes to the Act.

FINANCIAL IMPACT:
No financial impact.

RECOMMENDATION:
Request the Board of Commissioners adopt the Bay County FOIA Procedures & Guidelines, effective July 1, 2015 and furthermore authorize the FOIA Coordinator to facilitate the legal review and processing of requests for public records made pursuant to the Michigan FOIA statute provided such modifications are consistent with State law.

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FAX (989) 895-7658 TDD (hearing impaired) (989) 895-4049 www.baycounty-mi.gov

Bay County

FOIA Procedures and Guidelines

Preamble: Statement of Principles

It is the policy of Bay County that all persons, except those incarcerated, consistent with the Michigan Freedom of Information Act (FOIA), are entitled to full and complete information regarding the affairs of government and the official acts of those who represent them as public officials and employees. The people shall be informed so that they fully participate in the democratic process.

The County's policy with respect to FOIA requests is to comply with State law in all respects and to respond to FOIA requests in a consistent, fair, and even-handed manner regardless of who makes such a request.

The County acknowledges that it has a legal obligation to disclose all nonexempt public records in its possession pursuant to a FOIA request. The County acknowledges that sometimes it is necessary to invoke the exemptions identified under FOIA in order to ensure the effective operation of government and to protect the privacy of individuals.

Bay County will protect the public's interest in disclosure, while balancing the requirement to withhold or redact portions of certain records. The County's policy is to disclose public records consistent with and in compliance with State law.

The County Board of Commissioners has established the following written procedures and guidelines to implement the FOIA and will create a written public summary of the specific procedures and guidelines relevant to the general public regarding how to submit written requests to the public body and explaining how to understand a public body's written responses, deposit requirements, fee calculations, and avenues for challenge and appeal. The written public summary will be written in a manner so as to be easily understood by the general public.

Section 1: General Policies

The County Board of Commissioners, acting pursuant to the mandate of MCL 15.236, designates the County Executive as the FOIA Coordinator. He or she is authorized to designate other County staff to act on his or her behalf to accept and process written requests for the County's public records and approve denials.

If a request for a public record is received by fax or email, the request is deemed to have been received on the following business day. If a request is sent by email and delivered to a County spam or junk-mail folder, the request is not deemed received until one day after the FOIA Coordinator first becomes aware of the request. The FOIA Coordinator shall note in the FOIA log both the date the request was delivered to the spam or junk-mail folder and the date the FOIA Coordinator became aware of the request.

The FOIA Coordinator or his designee(s) shall review County spam and junk-mail folders on a regular basis, which shall be not less than once per month. The FOIA Coordinator shall work with County Information Technology staff to develop administrative rules for handling spam and junk-mail so as to protect County systems from computer attacks which may be imbedded in an electronic FOIA request.

The FOIA Coordinator may, in his or her discretion, implement administrative rules, consistent with State law and these Procedures and Guidelines to administer the acceptance and processing of FOIA requests.

The County is not obligated to create a new public record or make a compilation or summary of information which does not already exist. Neither the FOIA Coordinator nor other County staff are obligated to provide answers to questions contained in requests for public records or regarding the content of the records themselves. The FOIA Coordinator shall keep a copy of all written requests for public records received by the County on file for a period of at least one year.

The County will make this Procedures and Guidelines document and the Written Public Summary publicly available without charge. If it does not, the County cannot require deposits or charge fees otherwise permitted under the FOIA until it is in compliance.

This Procedures and Guidelines document and the County's Written Public Summary will be maintained on the County's website at: www.baycounty-mi.gov and a link to those documents may be provided in lieu of providing paper copies of those documents.

Section 2: Requesting a Public Record

No specific form to submit a request for a public record is required. However the FOIA Coordinator may make available a FOIA Request Form for use by the public.

Requests to inspect or obtain copies of public records prepared, owned, used, possessed or retained by the County may be submitted on the County's FOIA Request Form, in any other form of writing (letter, fax, email, etc.), or by verbal request.

Verbal requests for records may be documented by the County on the County's FOIA Request Form.

If a person makes a verbal, non-written request for information believed to be available on the County's website, where practicable and to the best ability of the employee receiving the request, the person shall be informed of the pertinent website address.

A request must sufficiently describe a public record so as to enable County personnel to identify and find the requested public record.

Written requests for public records may be submitted in person or by mail to any County office. Requests may also be submitted electronically by fax and email. Upon their receipt, requests for public records shall be promptly forwarded to the FOIA Coordinator for processing.

A person may request that public records be provided on non-paper physical media, emailed or other otherwise provided to him or her in digital form in lieu of paper copies. The County will comply with the request only if it possesses the necessary technological capability to provide records in the requested non-paper physical media format.

A person may subscribe to future issues of public records that are created, issued or disseminated by Bay County on a regular basis. A subscription is valid for up to 6 months and may be renewed by the subscriber.

A person serving a sentence of imprisonment in a local, state or federal correctional facility is not entitled to submit a request for a public record. The FOIA Coordinator will deny all such requests.

Section 3: Processing a Request

Unless otherwise agreed to in writing by the person making the request, the County will issue a response within 5 business days of receipt of a FOIA request. If a request is received by fax, email or other electronic transmission, the request is deemed to have been received on the following business day.

The County will respond to a request in one of the following ways:

- Grant the request.
- Issue a written notice denying the request.
- Grant the request in part and issue a written notice denying in part the request.
- Issue a notice indicating that due to the nature of the request the County needs an additional 10 business days to respond for a total of no more than 15 business days. Only one such extension is permitted.
- Issue a written notice indicating that the public record requested is available at no charge on the County's website.

When a request is granted:
If the request is granted, or granted in part, the FOIA Coordinator will require that payment be made in full for the allowable fees associated with responding to the request before the public record is made available.

The FOIA Coordinator shall provide a detailed itemization of the allowable costs incurred to process the request to the person making the request.

A copy of these Procedures and Guidelines and the Written Public Summary will be provided to the requestor free of charge with the response to a written request for public records, provided however, that because these Procedures and Guidelines and the Written Public Summary are maintained on the County's website at: www.baycounty-mi.gov, a link to the Procedures and Guidelines and the Written Public Summary may be provided in lieu of providing paper copies of those documents.

If the cost of processing a FOIA request is $50 or less, the requester will be notified of the amount due and where the documents can be obtained.

If the cost of processing a FOIA request is expected to exceed $50 based on a good-faith calculation, or if the requestor has not paid in full for a previously granted request, the County will require a good-faith deposit pursuant to Section 4 of this policy before processing the request.

In making the request for a good-faith deposit the FOIA Coordinator shall provide the requestor with a detailed itemization of the allowable costs estimated to be incurred by the County to process the request and also provide a best efforts estimate of a time frame it will take the County to provide the records to the requestor. The best efforts estimate shall be nonbinding on the County, but will be made in good faith and will strive to be reasonably accurate, given the nature of the request in the particular instance, so as to provide the requested records in a manner based on the public policy expressed by Section 1 of the FOIA.

When a request is denied or denied in part:
If the request is denied or denied in part, the FOIA Coordinator will issue a Notice of Denial which shall provide in the applicable circumstance:

- An explanation as to why a requested public record is exempt from disclosure; or
- A certificate that the requested record does not exist under the name or description provided by the requestor, or another name reasonably known by the County; or
- An explanation or description of the public record or information within a public record that is separated or deleted from the public record; and
- An explanation of the person's right to submit an appeal of the denial to either the office of the County Executive or seek judicial review in the Bay County Circuit Court; and
- An explanation of the right to receive attorneys' fees, costs, and disbursements as well actual or compensatory damages, and punitive damages of $1,000, should the requestor prevail in Circuit Court.
- The Notice of Denial shall be signed by the FOIA Coordinator or his/her designee.

If a request does not sufficiently describe a public record, the FOIA Coordinator may, in lieu of issuing a Notice of Denial indicating that the request is deficient, seek clarification or amendment of the request by the person making the request. Any clarification or amendment will be considered a new request subject to the timelines described in this Section.

Requests to inspect public records:
The County shall provide reasonable facilities and opportunities for persons to examine and inspect public records during normal business hours. The FOIA Coordinator is authorized to promulgate rules regulating the manner in which records may be viewed so as to protect County records from loss, alteration, mutilation or destruction and to prevent excessive interference with normal County operations.

Requests for certified copies:
The FOIA Coordinator shall, upon written request, furnish a certified copy of a public record at no additional cost to the person requesting the public record.

Section 4: Fee Deposits

If the fee estimate is expected to exceed $50.00 based on a good-faith calculation, the requestor will be asked to provide a deposit not exceeding one-half of the total estimated fee.

If a request for public records is from a person who has not paid the County in full for copies of public records made in fulfillment of a previously granted written request, the FOIA Coordinator will require a deposit of 100% of the estimated processing fee before beginning to search for a public record for any subsequent written request by that person when all of the following conditions exist:

- The final fee for the prior written request is not more than 105% of the estimated fee;
- The public records made available contained the information sought in the prior written request and remain in the County's possession;
- The public records were made available to the individual, subject to payment, within the time frame estimated by the County to provide the records;
- Ninety (90) days have passed since the FOIA Coordinator notified the individual in writing that the public records were available for pickup or mailing;
- The individual is unable to show proof of prior payment to the County; and
- The FOIA Coordinator has calculated a detailed itemization that is the basis for the current written request's increased estimated fee deposit.

The FOIA Coordinator will not require an increased estimated fee deposit if any of the following apply:

- The person making the request is able to show proof of prior payment in full to the County;
- The County is subsequently paid in full for the applicable prior written request; or
- Three hundred sixty five (365) days have passed since the person made the request for which full payment was not remitted to the County.

Section 5: Calculation of Fees

A fee may be charged for the labor cost of copying/duplication.

A fee will ***not*** be charged for the labor cost of search, examination, review and the deletion and separation of exempt from nonexempt information ***unless*** failure to charge a fee would result in unreasonably high costs to the County because of the nature of the request in the particular instance, and the County specifically identifies the nature of the unreasonably high costs.

Costs for the search, examination review, and deletion and separation of exempt from non-exempt information are "unreasonably high" when they are excessive and beyond the normal or usual amount for those services (Attorney General Opinion 7083 of 2001) compared to the costs of the County's usual FOIA requests, not compared to the County's operating budget. (*Bloch v. Davison Community Schools*, Michigan Court of Appeals, Unpublished, April 26, 2011)

The following factors shall be used to determine an unreasonably high cost to the County:

- Volume of the public record requested;
- Amount of time spent to search for, examine, review and separate exempt from non-exempt information in the record requested;
- Whether the public records are from more than one County department or whether various County offices are necessary to respond to the request;
- The available staffing to respond to the request; and
- Any other similar factors identified by the FOIA Coordinator in responding to the particular request.

The Michigan FOIA statute permits the County to charge for the following costs associated with processing a request:

- Labor costs associated with copying or duplication, which includes making paper copies, making digital copies, or transferring digital public records to non-paper physical media or through the Internet;
- Labor costs associated with searching for, locating and examining a requested public record, when failure to charge a fee will result in unreasonably high costs to the County;
- Labor costs associated with a review of a record to separate and delete information exempt from disclosure, when failure to charge a fee will result in unreasonably high costs to the County;
- The cost of copying or duplication, not including labor, of paper copies of public records. This may include the cost for copies of records already on the County's website if you ask for the County to make copies;
- The cost of computer discs, computer tapes or other digital or similar media when the requester asks for records in non-paper physical media. This may include the cost for copies of records already on the County's website if you ask for the County to make copies; and.
- The cost to mail or send a public record to a requestor.

Labor costs will be calculated based on the following requirements:

- All labor costs will be estimated and charged in 15-minute increments, with all partial time increments rounded down. If the time involved is less than 15 minutes, there will be no charge;
- Labor costs will be charged at the hourly wage of the lowest-paid County employee capable of doing the work in the specific fee category, regardless of who actually performs work;
- Labor costs will also include a charge to cover or partially cover the cost of fringe benefits;
- The County may add up to 50% to the applicable labor charge amount to cover or partially cover the cost of fringe benefits, but in no case may it exceed the actual cost of fringe benefits;
- Overtime wages will not be included in labor costs unless agreed to by the requestor; overtime costs will not be used to calculate the fringe benefit cost;
- Contracted labor costs will be charged at the hourly rate of $48.90 (6 times the state minimum hourly wage).

The cost to provide records on non-paper physical media when so requested will be based on the following requirements:

- Computer disks, computer tapes or other digital or similar media will be at the actual and most reasonably economical cost for the non-paper media;
- This cost will only be assessed if the County has the technological capability necessary to provide the public record in the requested non-paper physical media format; and
- The County will procure any non-paper media and will not accept media from the requestor in order to ensure integrity of the County's technology infrastructure.

The cost to provide paper copies of records will be based on the following requirements:

- Paper copies of public records made on standard letter (8 ½ x 11) or legal (8 ½ x 14) sized paper will not exceed $.10 per sheet of paper. Copies for non-standard sized sheets of paper will reflect the actual cost of reproduction.
- The County will provide records using double-sided printing, if it is cost-saving and available.

The cost to mail records to a requestor will be based on the following requirements:

- The actual cost to mail public records using a reasonably economical and justified means.
- The County may charge for the least expensive form of postal delivery confirmation.
- No cost will be made for expedited shipping or insurance unless specified by the requestor.

If the FOIA Coordinator does not respond to a written request in a timely manner, the County must:

- Reduce the labor costs by 5% for each day the County exceeds the time permitted under FOIA up to a 50% maximum reduction, if ***any*** of the following applies:
    - The County's late response was willful and intentional;
    - The written request conveyed a request for information within the first 250 words of the body of a letter facsimile, email or email attachment; or
    - The written request included the words, characters, or abbreviations for "freedom of information," "information," "FOIA," "copy" or a recognizable misspelling of such, or legal code reference to MCL 15. 231, et seq. or 1976 Public Act 442 on the front of an envelope or in the subject line of an email, letter or facsimile cover page.

- Fully note the charge reduction in the Detailed Itemization of Costs Form.

Section 6: Waiver of Fees

The cost of the search for and copying of a public record may be waived or reduced if in the sole judgment of the FOIA Coordinator a waiver or reduced fee is in the public interest because it can be considered as primarily benefitting the general public. The County Board of Commissioners may identify specific records or types of records it deems should be made available for no charge or at a reduced cost.

Section 7: Discounted Fees

Indigence
The FOIA Coordinator will discount the first $20.00 of the processing fee for a request if the person requesting a public record submits an affidavit stating that they are:

- Indigent and receiving specific public assistance, or
- If not receiving public assistance, stating facts demonstrating an inability to pay because of indigence.

An individual is not eligible to receive the waiver if:

- The requestor has previously received discounted copies of public records from the County twice during the calendar year; or
- The requestor requests information in connection with other persons who are offering or providing payment to make the request.

An affidavit is sworn statement. The FOIA Coordinator may make a Fee Waiver Affidavit Form available for use by the public.

Nonprofit organization advocating for developmentally disabled or mentally ill individuals
The FOIA Coordinator will discount the first $20.00 of the processing fee for a request from:

- A nonprofit organization formally designated by the state to carry out activities under subtitle C of the federal developmental disabilities assistance and bill of rights act of 2000, Public Law 106-402, and the protection and advocacy for individuals with mental illness act, Public Law 99-319, or their successors, if the request meets **all** of the following requirements:
    - Is made directly on behalf of the organization or its clients;
    - Is made for a reason wholly consistent with the mission and provisions of those laws under section 931 of the mental health code, 1974 PA 258, MCL 330.1931; and
    - Is accompanied by documentation of its designation by the state, if requested by the County.

Section 8: Appeal of a Denial of a Public Record

When a requestor believes that all or a portion of a public record has not been disclosed or has been improperly exempted from disclosure, he or she may appeal to the County Board of Commissioners by filing an appeal of the denial with the office of the County Executive.

The appeal must be in writing, specifically state the word "appeal" and identify the reason or reasons the requestor is seeking a reversal of the denial. The County FOIA Appeal Form (To Appeal a Denial of Records), may be used.

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The County Board of Commissioners is not considered to have received a written appeal until the first regularly scheduled County Board of Commissioners meeting following submission of the written appeal.

Within 10 business days of receiving the appeal the County Board of Commissioners will respond in writing by:

- Reversing the disclosure denial;
- Upholding the disclosure denial; or
- Reversing the disclosure denial in part and upholding the disclosure denial in part; or
- Under unusual circumstances, issue a notice extending for not more than 10 business days the period during which the County Board of Commissioners shall respond to the written appeal. The County Board of Commissioners shall not issue more than 1 notice of extension for a particular written appeal.

If the County Board of Commissioners fails to respond to a written appeal, or if the County Board of Commissioners upholds all or a portion of the disclosure denial that is the subject of the written appeal, the requesting person may seek judicial review of the nondisclosure by commencing a civil action in Circuit Court.

Whether or not a requestor submitted an appeal of a denial to the County Board, he or she may file a civil action in Bay County Circuit Court within 180 days after the County's final determination to deny the request.

If a court determines a public record is not exempt from disclosure, it shall order the County to cease withholding or to produce all or a portion of a public record wrongfully withheld, regardless of the location of the public record. Failure to comply with an order of the court may be punished as contempt of court.

If a person asserting the right to inspect, copy, or receive a copy of all or a portion of a public record prevails in such an action, the court shall award reasonable attorneys' fees, costs, and disbursements. If the person or County prevails in part, the court may, in its discretion, award all or an appropriate portion of reasonable attorneys' fees, costs, and disbursements.

If the court determines that the County has arbitrarily and capriciously violated this act by refusal or delay in disclosing or providing copies of a public record, the court shall order the County to pay a civil fine of $1,000.00, which shall be deposited into the general fund of the state treasury. The court shall award, in addition to any actual or compensatory damages, punitive damages in the amount of $1,000.00 to the person seeking the right to inspect or receive a copy of a public record. The damages shall not be assessed against an individual, but shall be assessed against the next succeeding public body that is not an individual and that kept or maintained the public record as part of its public function.

Section 9: Appeal of an Excessive FOIA Processing Fee

"Fee" means the total fee or any component of the total fee calculated under section 4 of the FOIA, including any deposit.

If a requestor believes that the fee charged by the County to process a FOIA request exceeds the amount permitted by state law or under this policy, he or she must first appeal to the County Board of Commissioners by submitting a written appeal for a fee reduction to the office of the County Executive.

The appeal must be in writing, specifically state the word "appeal" and identify how the required fee exceeds the amount permitted. The County FOIA Appeal Form (To Appeal an Excess Fee) may be used.

The County Board of Commissioners is not considered to have received a written appeal until the first regularly scheduled County Board of Commissioners meeting following submission of the written appeal.

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Within 10 business days after receiving the appeal, the County Board of Commissioners will respond in writing by:

- Waiving the fee;
- Reducing the fee and issuing a written determination indicating the specific basis that supports the remaining fee;
- Upholding the fee and issuing a written determination indicating the specific basis that supports the required fee; or
- Issuing a notice detailing the reason or reasons for extending for not more than 10 business days the period during which the County Board of Commissioners will respond to the written appeal. The County Board of Commissioners shall not issue more than 1 notice of extension for a particular written appeal.

Where the County Board of Commissioners reduces or upholds the fee, the determination must include a certification from the County Board of Commissioners that the statements in the determination are accurate and that the reduced fee amount complies with its publicly available procedures and guidelines and Section 4 of the FOIA.

Within 45 days after receiving notice of the County Board's determination of an appeal, the requesting person may commence a civil action in Bay County Circuit Court for a fee reduction.

If a civil action is commenced against the County for an excess fee, the County is not obligated to complete the processing of the written request for the public record at issue until the court resolves the fee dispute.

An action shall not be filed in circuit court unless ***one*** of the following applies:

- The County does not provide for appeals of fees;
- The County Board of Commissioners failed to respond to a written appeal as required; or
- The County Board of Commissioners issued a determination to a written appeal.

If a court determines that the County required a fee that exceeds the amount permitted under its publicly available procedures and guidelines or Section 4 of the FOIA, the court shall reduce the fee to a permissible amount. Failure to comply with an order of the court may be punished as contempt of court.

If the requesting person prevails in court by receiving a reduction of 50% or more of the total fee, the court may, in its discretion, award all or an appropriate portion of reasonable attorneys' fees, costs, and disbursements. The award shall be assessed against the public body liable for damages.

If the court determines that the County has arbitrarily and capriciously violated the FOIA by charging an excessive fee, the court shall order the County to pay a civil fine of $500.00, which shall be deposited in the general fund of the state treasury. The court may also award, in addition to any actual or compensatory damages, punitive damages in the amount of $500.00 to the person seeking the fee reduction. The fine and any damages shall not be assessed against an individual, but shall be assessed against the next succeeding public body that is not an individual and that kept or maintained the public record as part of its public function.

Section 10: Conflict with Prior FOIA Policies and Procedures; Effective Date

To the extent that these Procedures and Guidelines conflict with previous FOIA policies promulgated by the County Board of Commissioners or the County Administration these Procedures and Guidelines are controlling.

To the extent that any provision of these Procedures and Guidelines or any administrative rule promulgated by the FOIA Coordinator pertaining to the release of public records is found to be in conflict with any State statute, the applicable statute shall control. The FOIA Coordinator is authorized to adopt such administrative rules as he or she may deem necessary, to facilitate the legal review and processing of requests for public records made pursuant to Michigan's FOIA statute, provided that such modifications and rules are consistent with State law.

These FOIA Policies and Guidelines become effective July 1, 2015, pursuant to Bay County Board of Commissioners' Resolution #2015-___.

Section 11: Appendix of Bay County FOIA Forms

- Request for Public Records Form
- Notice to Extend Response Time Form
- Notice of Denial Form
- Detailed Cost Itemization Form
- Appeal of Denial of Records Form
- Appeal of Excess Fee Form

APPROVED AS TO LEGAL FORM ONLY
BAY COUNTY CORPORATION COUNSEL
DATE: 5/13/15

-14-

No. 2015-

BAY COUNTY BOARD OF COMMISSIONERS

6/9/2015

RESOLUTION

BY: PERSONNEL/HUMAN SERVICES COMMITTEE (5/19/15)

WHEREAS, The Bay County Board of Commissioners adopted the Freedom of Information Act (FOIA) Policy on December 10, 2000, pursuant to Board Resolution 00-295, the purpose of this policy to "assure compliance with the Freedom of Information Act by all Bay County departments and offices."; and

WHEREAS, This is the policy of the County of Bay to disclose public records consistent with and in compliance with State law; and

WHEREAS, Michigan Public Act 563 (2014) amends the Michigan Freedom of Information Act, Public Act 442 (1976), effective July 1, 2015, and these changes necessitate replacing Bay County's Freedom of Information Act (FOIA) Policy No. 122 with the attached Bay County FOIA Procedures & Guidelines which incorporates the changes to the Act; and

WHEREAS, There is no financial impact resulting from incorporating changes to the Act; Therefore, Be It

RESOLVED That the Bay County Board of Commissioners adopts the Bay County FOIA Procedures & Guidelines, effective July 1, 2015, and authorizes the FOIA Coordinator to facilitate the legal review and processing of requests for public records made pursuant to the Michigan FOIA statute provided such modifications are consistent with State law.

MICHAEL E. LUTZ, CHAIR
AND COMMITTEE

FOIA Procedures and Guidelines

MOVED BY COMM._____

SUPPORTED BY COMM._____

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
MICHAEL J. DURANCZYK				KIM J. COONAN				MICHAEL E. LUTZ			
ERNIE KRYGIER				THOMAS M. HEREK							
VAUGHN J. BEGICK				DONALD J. TILLEY							

VOTE TOTALS:
ROLL CALL: YEAS_____ NAYS_____ EXCUSED_____
VOICE: YEAS_____ NAYS_____ EXCUSED_____

DISPOSITION: ADOPTED_____ DEFEATED_____ WITHDRAWN_____
AMENDED_____ CORRECTED_____ REFERRED_____

Thomas L. Hickner
Bay County Executive

Bay County HEALTH Department

Joel R. Strasz
Public Health Director

1200 Washington Avenue
Bay City, Michigan 48708

(989) 895-4003
FAX (989) 895-4014
TDD (989) 895-4049
www.baycounty-mi.gov/Health

TO: Michael Lutz, Chairperson, Personnel/Human Services Committee
FROM: Joel R. Strasz, Health Director
DATE: May 13, 2015
CC: Tom Hickner, Amber Johnson, Crystal Hebert, Kim Priessnitz, Shawna Walraven, Mark Pickell
RE: Sub Award Agreement(s) with Local Schools for Safe Routes Program

Background: The Building Healthy Communities grant approved by the Board in September (2014-174) has been awarded to the Health Department and provides funding to eligible local schools for the development and implementation of programs that encourage physical activity through infrastructure and program enhancements that allows students to bicycle or walk to school on routes that are safe. Funding activity includes, but is not limited to providing safe walking and biking routes to and from school, cross walks, and other items that will alleviate traffic jams and pollution around the schools. The Health Department canvassed all eligible schools in the Bangor, Bay City and Pinconning School Districts in February and March to determine if any schools were interested in participating. From these efforts, three schools: Auburn Elementary, Handy Intermediate and All Saints Central Elementary/High School have expressed interest and all three are eligible for funding.

Finance and Economics: There is no cost to the Bay County Health Department as funds for this program ($16,000) are provided through the Building Healthy Communities grant from the Michigan Department of Health and Human Services as previously stated. In accordance with grant guidelines, those organizations entering into agreement with the Health Department must provide a minimum amount of matching funds associated with the program.

Recommendation: Upon favorable review by Corporation Counsel, the Health Department recommends approval to enter into sub-award agreements with the aforementioned schools to participate in the Safe Routes Program through the Building Healthy Communities grant.

No. 2015-

BAY COUNTY BOARD OF COMMISSIONERS

6/9/2015

RESOLUTION

BY: PERSONNEL/HUMAN SERVICES COMMITTEE (5/19/15)

WHEREAS, The Building Healthy Communities Grant approved by the Bay County Board of Commissioners in September (2014-174) has been awarded to the Health Department and provides funding to eligible local schools for the development and implementation of programs that encourage physical activity through infrastructure and program enhancements that allow students to bicycle or walk to school on routes that are safe; and

WHEREAS, Funding activity includes, but is not limited to, providing safe walking and biking routes to and from school, cross walks, and other items that will alleviate traffic jams and pollution around the schools; and

WHEREAS, The Health Department canvassed all eligible schools in the Bangor, Bay City and Pinconning School Districts in February and March to determine if any schools were interested in participating and from these efforts, three schools: Auburn Elementary, Handy Intermediate and All Saints Central Elementary/High School have expressed interest and all three are eligible for funding; and

WHEREAS, There is no cost to the Bay County Health Department as funds ($16,000) for this program are provided through the Building Healthy Communities Grant from the Michigan Department of Health and Human Services as previously stated. In accordance with grant guidelines, those organizations entering into agreement with the Health Department must provide a minimum amount of matching funds associated with the program; Therefore, Be It

RESOLVED That the Bay County Board of Commissioners approves the Sub-Award Agreements with Local Schools (Auburn Elementary, Handy Intermediate and All Saints Central Elementary/High School) to participate in the Safe Routes Program through the Building Healthy Communities Grant; Be It Further

RESOLVED That the Chairman of the Board is authorized to execute the referred to Sub-Award Agreements on behalf of Bay County following legal review/approval.

MICHAEL E. LUTZ, CHAIR
AND COMMITTEE

Health Dept - Sub-Award Agreements with Local Schools

MOVED BY COMM._____

SUPPORTED BY COMM._____

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
MICHAEL J. DURANCZYK				KIM J. COONAN				MICHAEL E. LUTZ			
ERNIE KRYGIER				THOMAS M. HEREK							
VAUGHN J. BEGICK				DONALD J. TILLEY							

VOTE TOTALS:
ROLL CALL: YEAS_____ NAYS_____ EXCUSED_____
VOICE: YEAS_____ NAYS_____ EXCUSED_____

DISPOSITION: ADOPTED_____ DEFEATED_____ WITHDRAWN_____
AMENDED_____ CORRECTED_____ REFERRED_____

BAY COUNTY
PERSONNEL DEPARTMENT

Thomas L. Hickner
County Executive

Tim Quinn, Director
quinnt@baycounty.net
(989) 895-4098 (T)
(989) 895-2076 (F)

Tiffany Jerry, Payroll/Benefits Supervisor
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(989) 895-2076 (F)

Rebecca Marsters, Retirement Administrator/Accountant
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(989) 895-2076 (F)

Jeanie Deckert, Wellness Coordinator
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(989) 895-2076 (F)

Becky Smutek, Payroll Clerk
smutekb@baycounty.net
(989) 895-4044 (T)
(989) 895-2076 (F)

To: Michael Lutz, Chairman, Personnel/Human Services Committee

From: Tim Quinn, Director of Personnel and Employee Relations

Date: May 13, 2015

Re: **Personnel/Human Services Committee Agenda**

Please consider the following for the agenda of your committee meeting scheduled for May 19, 2015.

Request: Bay County Treasurer Rick Brzezinski has submitted a request to post and fill a vacancy in his office.

Background: Walt Duemler, Staff Accountant has announced his intent to retire in July.

Finance/Economics: This is a full-time position with benefits in the BCAMPS union. $44,657.60 per year entry, progressing to $51,854.40 per year after 3 years (PB07). Funds exist within the current existing budget.

Recommendation: Please refer to the board for approval to fill.

If you have any questions, please feel free to contact me.

cc: Tom Hickner
Rick Brzezinski
Deb Russell
Crystal Hebert
Kim Priessnitz

-18-

BAY COUNTY
PERSONNEL DEPARTMENT

Thomas L. Hickner
County Executive

Tim Quinn, Director
quinnt@baycounty.net
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marstersr@baycounty.net
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(989) 895-2076 (F)

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deckertj@baycounty.net
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(989) 895-2076 (F)

Becky Smutek, Payroll Clerk
smutekb@baycounty.net
(989) 895-4044 (T)
(989) 895-2076 (F)

To: Michael Lutz, Chair, Personnel/Human Services Committee

From: Tim Quinn, Director of Personnel and Employee Relations

Date: May 12, 2015

Re: **Personnel/Human Services Committee Agenda**

Please consider the following for the agenda of your committee meeting scheduled for May 19, 2015.

1. **Request:** Tammy Roehrs has submitted a request to fill a temporary position within the Division on Aging.

   Background: An employee will be on a leave of absence. Requesting to hire a temporary, part-time, on-call Health Aide/Homemaking Service Worker to fill in during the employee's leave of absence.

   Finance/Economics: $10.95 per hour for health aide duties and $10.18 per hour for homemaking duties. Non-union position with no benefits. Funds exist within the current Division on Aging budget.

   Recommendation: Refer to the full Board for approval to fill a temporary, part-time, on-call Health Aide/Homemaking Service Worker.

2. **Request:** Joel Strasz has submitted a request to post and fill a part-time Typist Clerk III at the Health Department.

   Background: Employee was awarded the full-time Account Clerk IV position in the health department.

   Finance/Economics: This is a part-time USW position with limited benefits and funds exist within the current Health Department budget. Rate of pay is $14.18 per hour entry, progressing to $16.89 per hour after 6 years (TS07).

515 Center Avenue, Bay City, MI 48708 • TDD (Hearing Impaired) (989) 895-4049
www.baycounty-mi.gov

Recommendation: Please refer to full board for approval to fill this vacancy.

If you have any questions, please feel free to contact me.

Encl.

cc: Tom Hickner
Deb Russell
Crystal Hebert
Kim Priessnitz
Joel Strasz
Tammy Roehrs

No. 2015-

BAY COUNTY BOARD OF COMMISSIONERS

6/9/2015

RESOLUTION

BY: PERSONNEL/HUMAN SERVICES COMMITTEE (5/19/15)

RESOLVED By the Bay County Board of Commissioners that concurrence is given to post/advertise/fill the following full time/part time/temporary/seasonal or co-op positions/vacancies/new positions, monies for said positions to come from the respective departmental budgets:

1. Treasurer's Office - Staff Accountant (full time, $44,657.60 entry)

2. Division on Aging - Health Aide/Homemaking Service Worker (temporary, part time, $10.95/hr. for Health Aide duties; $10.18/hr. for Homemaking duties)

3. Health Department - Typist Clerk III (part time, $14.18/hr. entry)

RESOLVED That budget adjustments, if required, are approved; Be It Further

RESOLVED That it is clearly understood that any positions funded through a grant shall be terminated or hours reduced if grant funding is terminated or reduced.

MICHAEL E. LUTZ, CHAIR
AND COMMITTEE

Vacancies - June

MOVED BY COMM._____

SUPPORTED BY COMM._____

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
MICHAEL J. DURANCZYK				KIM J. COONAN				MICHAEL E. LUTZ			
ERNIE KRYGIER				THOMAS M. HEREK							
VAUGHN J. BEGICK				DONALD J. TILLEY							

VOTE TOTALS:
ROLL CALL: YEAS_____ NAYS_____ EXCUSED_____
VOICE: YEAS_____ NAYS_____ EXCUSED_____

DISPOSITION: ADOPTED_____ DEFEATED_____ WITHDRAWN_____
AMENDED_____ CORRECTED____ REFERRED_____