

BAY COUNTY BOARD OF COMMISSIONERS

A G E N D A

TUESDAY, JUNE 9, 2015

4:00 P.M.

COMMISSION CHAMBERS, FOURTH FLOOR, BAY COUNTY BUILDING

PAGE NO.

I CALL TO ORDER (CHAIRMAN KRYGIER)

II ROLL CALL

III INVOCATION

IV PLEDGE OF ALLEGIANCE

53-84 **V MINUTES (3/10/15; 5/5/15; 5/12/15)**

VI CITIZEN INPUT

VII PETITIONS AND COMMUNICATIONS

- 1 A. Recognition of Thomas Baird - Resolution No. 2015-113 **(Adopt and present)**
- 2- 4 B. City of Bay City - Application for Industrial Facilities Tax Exemption Certificate - Baldauf Enterprises DBA Kerkau Manufacturing - \$1,930,859.23 **(Receive)**
- C. Requests for Appointment to Bay County Library Board **(Receive)**
- 5- 6 1. Barbara L. Wieszciecinski
- 7 2. Susan Blondin
- 8 3. Helen D. Bishop
- 9-12 4. Denise Hill
- 13 5. Kristen L.M. Rivet **(Incumbent)**

VIII REPORTS/RESOLUTIONS OF COMMITTEES

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

- 14 1. No. 2015-114 - Justice Assistance Grant (Sheriff Dept.)
- 15 2. No. 2015-115 - 2016 CRP IV-D Application Amendment
(Prosecutor's Office)
- 16 3. No. 2015-116 - 2016 CRP IV-E Application Amendment
(Prosecutor's Office)
- 17 4. No. 2015-117 - 457 Deferred Compensation Fiduciary Liability
Policy Renewal (Personnel)
- 18 5. No. 2015-118 - Bay 3 TV Contract Renewal (Administrative
Services)
- 19 6. No. 2015-119 - Mail Machine (Recreation and Facilities)
- 20 7. No. 2015-120 - Appropriation for Purchase of Radios (Juvenile
Home)
- 21 8. No. 2015-121 - Addition of Sanilac County to Next Generation
9-1-1 Phone System Intergovernmental Agreement (911
Central Dispatch)
- 22 9. No. 2015-122 - Funding for Naloxone/Narcan Distribution to
Police and First Responders (Health Dept.)
- 23 10. No. 2015-123 - Amendments 3 and 4 to CPBC Agreement
(Health Dept.)
- 24 11. No. 2015-124 - Amendment 2 to MDEQ Agreement (Health
Dept.)
- 25 12. No. 2015-125 - Acceptance of Region VII Area Agency on
Aging Carryover Funds (Division on Aging)
- 26 13. No. 2015-126 - Tracking System (Mosquito Control)
- 27 14. No. 2015-127 - FY2016 Community Corrections Grant
Application and Contractor Agreements (Community
Corrections)

- 28 15. No. 2015-128 - Payables: General; BAYANET; Center Ridge Arms
- 29 16. No. 2015-129 - Budget Adjustments (Finance Dept.)
- 30-31 17. No. 2015-130 - 2016 Budget Calendar/Schedule (Finance Dept.)
- 32 18. No. 2015-131 - Rehmann Changer Order - CAFR & GASB 67 (Finance Dept.)
- 33 19. No. 2015-132 - Amendment # 3 to MSHDA Grant (Housing Dept.)
- 34 20. No. 2015-133 - Regional Housing Study Participation (Housing Dept.)
- 35 21. No. 2015-134 - Opposition to SB 321

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

- 36-46 1. No. 2015-135 - Freedom of Information Act (FOIA) Procedures and Guidelines (Administrative Services & Corporation Counsel)
- 47 2. No. 2015-136 - Sub-Award Agreements with Local Schools (Health Dept.)
- 48 3. No. 2015-137 - Vacancies: Treasurer's Office; Division on Aging; Health Department; Register of Deeds' Office

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

- 49-52 1. No. 2015-138 - Reports of County Executive

IX REPORTS OF COUNTY OFFICIALS/DEPARTMENTS

- A. County Executive

X UNFINISHED BUSINESS

XI NEW BUSINESS

XII MISCELLANEOUS

XIII ANNOUNCEMENTS

A. 2015 Appointments:

- 1. JUNE: Library Board (One 5 year term - Kristen Rivet)**
- 2. OCTOBER:**
 - a. Land Bank Authority - One At-Large Representative, 3 year term - Matt de Heus)**
 - b. Department of Human Services Board of Directors (One 3 year term - Cynthia Howell - NOTE: Governor's appointment)**
 - c. Board of Canvassers - Two 4 years terms: Walter Wozniak, Jr. (D) and Matthew Lance (R) NOTE: Nominees submitted by major political parties)**
- 3. NOVEMBER: Building Authority (Two 6 year terms - Gary Phillips; Rick Bukowski)**
- 4. DECEMBER: Division on Aging Advisory Committee (Four 2 year terms; districts 1, 3, & 5 and 7)**

XIV CLOSED SESSION (If requested)

XV RECESS/ADJOURNMENT

ACTION TAKEN BY BAY COUNTY BOARD OF COMMISSIONERS

DATE OF BOARD MEETING: JUNE 9, 2015

MOTION/ RES. NO.	INTRODUCED/ SUBMITTED BY	SUBJECT OF RESOLUTION/MOTION	ADOPTED	AMENDED	CORRECTED	DEFEATED	REFERRED	TABLED	WITHDRAWN
2015-113	Board of Comm.	Commend Thomas Baird for his donation of blood, 35 gallons	XX						
2015-114	Ways and Means	Sheriff Dept. - Justice Assistance Grant	XX						
2015-115	Ways and Means	Prosecutor's Office - 2016 CRP IV-D Application Amendment	XX						
2015-116	Ways and Means	Prosecutor's Office - 2016 CRP IV-E Application Amendment	XX						
2015-117	Ways and Means	Personnel - Deferred Compensation Fiduciary Liability Policy Renewal	XX						
2015-118	Ways and Means	Admin. Services - Bay 3 TV Contract Renewal w/Bay City Public Schools	XX						
2015-119	Ways and Means	Recreation/Facilities - Purchase New Mail Machine, Pitney Bowes	XX						
2015-120	Ways and Means	Juvenile Home - Appropriation for Purchase of Radio Equipment	XX						
2015-121	Ways and Means	911 - Addition of Sanilac County to Next Generation 911 Phone System Agreement	XX						
2015-122	Ways and Means	Health Dept. -Funding for Naloxone/Narcan Distribution to Police & First Responders	XX						
2015-123	Ways and Means	Health Dept. - Amendments 3 and 4 to 2014-2015 CPBC Agreement	XX						
2015-124	Ways and Means	Health Dept. - Amendment 2 to 2014-2015 MDEQ Agreement	XX						
2015-125	Ways and Means	Division on Aging - Acceptance of Region VII Carryover Funds	XX						
2015-126	Ways and Means	Mosquito Control - Purchase Tracking System from Velocity Systems	XX						
2015-127	Ways and Means	Comm. Corrections - FY 2016 Comm. Corrections Grant App. & Contractor Agrmt.	XX						
2015-128	Ways and Means	Payables: General, BAYANET, Center Ridge Arms claims	XX						
2015-129	Ways and Means	Finance Dept. - Various Budget Adjustments	XX						
2015-130	Ways and Means	Finance Dept. - 2016 Budget Calendar/Schedule	XX						

BAY COUNTY BOARD OF COMMISSIONERS

6/9/2015

RESOLUTION

BY: BAY COUNTY BOARD OF COMMISSIONERS

WHEREAS, The Bay County Board of Commissioners and the Bay County Executive are extremely proud to recognize the commitment to saving lives shown by THOMAS BAIRD who reached a milestone on May 20, 2015, with the donation of his 35th gallon of blood; and

WHEREAS, As a blood-donor since the age of 17, with the donation of his 35th gallon of blood, THOMAS BAIRD has saved 840 people and is recognized by Michigan Blood officials as the top-donor in Bay, Saginaw and Midland counties, the No. 2-donor in the mid-Michigan region and in the top ten in the State of Michigan; and

WHEREAS, This level of participation demonstrates an extraordinary commitment to community service; and

WHEREAS, A retired educator, THOMAS BAIRD has touched and shaped the lives of the hundreds of students he has taught over the years and continues to lead and to set an example of giving-back; and

WHEREAS, THOMAS BAIRD's generous on-going donation of self and time is an inspiration and his encouragement to others to donate merits recognition; Therefore, Be It

RESOLVED That the Bay County Board of Commissioners and the Bay County Executive, on behalf of the 840 lives he has saved thus far, do hereby commend THOMAS BAIRD for his selfless commitment to saving lives through the donation of his O-positive blood to those in need and offer their best wishes in this and all future endeavors.

ERNIE KRYGIER, CHAIR
AND BOARD

Thomas Baird

Resolution sponsored by Commissioner Thomas M. Herek, 5th District

MOVED BY COMM. Herek

SUPPORTED BY COMM. Tilley

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 7 NAYS 0 EXCUSED 0
VOICE: ✓ YEAS 7 NAYS 0 EXCUSED 0

DISPOSITION: ADOPTED ✓ DEFEATED WITHDRAWN
AMENDED CORRECTED REFERRED

-/-

BAY COUNTY BOARD OF COMMISSIONERS

6/09/2015

RESOLUTION

- BY: WAYS AND MEANS COMMITTEE (6/2/15)
- WHEREAS, The Justice Assistance Grant (JAG) Program is a primary provider of federal criminal justice funding to state and local jurisdictions which the Bay County Sheriff Department has utilized in the past; and
- WHEREAS, This year's allocation is \$15,149.00 and, once again, it will be shared 50/50 with the Bay City Police Department, funds will be utilized for law enforcement equipment in accordance with grant stipulations; and
- WHEREAS, No matching funds are required and all funds received will be administered through Bay County; Therefore, Be It
- RESOLVED That the bay County Board of Commissioners authorizes Juli Reynolds, Juvenile Home Director, to proceed with the JAG Grant application as the designee/contact person; Be It Further
- RESOLVED That the Chairman of the Board is authorized to execute, and submit electronically (if required), the grant application documents on behalf of Bay County following legal review/approval; Be It Further
- RESOLVED That the grant applicant/recipient departments are required to work 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.

KIM COONAN, CHAIR
AND COMMITTEE

Sheriff Dept - 2015 JAG Grant
MOVED BY COMM. Coonan

SUPPORTED BY COMM. Lutz

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 7 NAYS 0 EXCUSED 0

DISPOSITION: ADOPTED ✓ DEFEATED _____ WITHDRAWN _____
AMENDED _____ CORRECTED _____ REFERRED _____

74-

BAY COUNTY BOARD OF COMMISSIONERS

6/9/2015

RESOLUTION

BY: WAYS AND MEANS COMMITTEE (6/2/15)

WHEREAS, An Application Amendment Extension between the State of Michigan and Bay County (Prosecutor's Office) for the 2016 CRP IV-D Grant, which covers the time period October 1, 2015 thru September 30, 2016, has been submitted for execution; and

WHEREAS, This grant funding covers part of an Assistant Prosecutor's wages, investigator's wages and wages for a unit secretary and other costs directly related to the Prosecutor's IV-D Program for paternity and child support establishment; and

WHEREAS, The projected one year revenue under this Grant is \$128,110.69 and the County's match is \$65,991.41 which has been budgeted; and

WHEREAS, This reimbursement amount represents an increase from the first year of the previous 3 year contract and a decrease for 2014 and 2015; the 3 year average from the previous contract was \$133,492.33; Therefore, Be It

RESOLVED That the Bay County Board of Commissioners approves the Prosecutor's 2016 CRP IV-D Grant Amendment Extension and authorizes the Board Chair to execute said Amendment and documents related to this Amendment on behalf of Bay County following legal review/approval.

KIM COONAN, CHAIR
AND COMMITTEE

Prosecutor - Title IV-D CRP Grant Amendment

MOVED BY COMM. Coonan

SUPPORTED BY COMM. Tilley

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 7 NAYS 0 EXCUSED 0
VOICE: ✓ YEAS 7 NAYS 0 EXCUSED 0

DISPOSITION: ADOPTED ✓ DEFEATED WITHDRAWN
AMENDED CORRECTED REFERRED

BAY COUNTY BOARD OF COMMISSIONERS

6/9/2015

RESOLUTION

BY: WAYS AND MEANS COMMITTEE (6/2/15)

WHEREAS, A 2016 IV-E Application Amendment for current Agreement PROFC 14-09001 between the State of Michigan Department of Human Services (DHS) and Bay County (Prosecutor's Office) for the 2016 CRP IV-E Grant for the current Agreement (PROFC 14-09001) which covers the time period, October 1, 2015 thru September 30, 2016, has been submitted for execution; and

WHEREAS, The grant funding covers a one (1) year period to provide legal services to DHS regarding abuse/neglect proceedings in Probate Court involving children and the Agreement covers part of an Assistant Prosecutor's wages and other costs directly related to the Prosecutor's IV-E agreement for legal services provided to DHS regarding abuse/neglect of children; and

WHEREAS, The total 50/50 grant is projected at \$201,399.00 and the County's match is \$100,699.50 which represents an increase from last year's contract which was \$100,462.50; Therefore, Be It

RESOLVED That the Bay County Board of Commissioners approves the Prosecutor's 2016 CRP IV-E Grant Amendment and authorizes the Board Chair to execute said Amendment and documents related to this Amendment on behalf of Bay County following legal review/approval.

KIM COONAN, CHAIR
AND COMMITTEE

Prosecutor - Title IV-E CRP Grant Amendment for Agreement PROFC 14-09001

MOVED BY COMM. Coonan

SUPPORTED BY COMM. Duranczyk

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 7 NAYS 0 EXCUSED 0

DISPOSITION: ADOPTED DEFEATED _____ WITHDRAWN _____
AMENDED _____ CORRECTED _____ REFERRED _____

BAY COUNTY BOARD OF COMMISSIONERS

6/9/2015

RESOLUTION

BY: WAYS AND MEANS COMMITTEE (6/2/15)

WHEREAS, The Bay County Board of Commissioners is the designated fiduciary for employees' 457 trust fund; and

WHEREAS, The 457 Deferred Compensation Fiduciary Liability Policy has been renewed every year in recent history, however, the Board Chair has not signed the policy in the past. The current one (1) year policy expires August 17, 2015; and

WHEREAS, There are three (3) other trusts covered by this policy and each will have to be signed by its fiduciary:

1. Bay County Voluntary Employees' Benefit Association (Retirement Board is the fiduciary);
2. Bay County Employees' Retirement System (Retirement Board is the fiduciary); and
3. Bay County Employees' 401k savings plan (401k Board is the fiduciary)

WHEREAS, Funds are budgeted for the fiduciary policy; Therefore, Be It
RESOLVED That the Bay County Board of Commissioners authorizes renewal of the 457 Deferred Compensation Fiduciary Liability Policy and authorizes the Chairman of the Board to execute the renewal application and subsequent related documents on behalf of Bay County following legal review/approval.

KIM COONAN, CHAIR
AND COMMITTEE

Personnel - Renewal of 457 Deferred Compensation Fiduciary Liability Policy

MOVED BY COMM. Coonan

SUPPORTED BY COMM. Duranczyk

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 _____
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BAY COUNTY BOARD OF COMMISSIONERS

6/09/2015

RESOLUTION

BY: WAYS AND MEANS COMMITTEE (6/2/15)

WHEREAS, Bay County, along the Bay City Public Schools, is a partner in the operations of Bay 3 TV; and

WHEREAS, Since the inception of the Bay 3 TV Partnership, the contract period has been one year at a time, coinciding with the fiscal year of the managing partner which is the Bay City Public Schools; and

WHEREAS, Each year the partners are requested to approve a new contract and, as a result, a proposed contract covering the period July 1, 2015 through June 30, 2016 has been submitted; and

WHEREAS, The contribution for Bay County (and the other partner) has been \$41,000 for the past 5 years; and

WHEREAS, The first 50% of the new contract period has been budgeted (along with the last 50% of the current year) in the Administrative Services budget; and

WHEREAS, Approval of the one year contract extension will commit the County to a 2nd 50% payment in the first six months of 2016; Therefore, Be It

RESOLVED That the Bay County Board of Commissioners approves the contract with the other Bay 3 TV Partner for the period July 1, 2015 through June 30, 2016 in the amount of \$41,000, subject to concurrence at the same level by the Bay City Public Schools; Be It Further

RESOLVED That the Chairman of the Board is authorized to execute said contract on behalf of Bay County following legal review/approval.

KIM COONAN, CHAIR
AND COMMITTEE

Bay 3 TV Contract - 2015-2016

MOVED BY COMM. Coonan

SUPPORTED BY COMM. Lutz

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:

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BAY COUNTY BOARD OF COMMISSIONERS

6/9/2015

RESOLUTION

BY: WAYS AND MEANS COMMITTEE (6/2/15)

WHEREAS, The current mail machine, located on the ground floor of the County Building, was purchased in 2006 and it is now considered obsolete; and

WHEREAS, Bay County staff reviewed five machines from two different companies that are involved with the MIDeal program though the State of Michigan and it is recommended that a new machine - Pitney Bowes Connect + 3000 - be purchased the at a cost of \$15,474.21; and

WHEREAS, The first year of the maintenance agreement is free and, as with every mail machine, the County must rent the postage meter at a cost of \$840.00; and

WHEREAS, The funds needed to purchase this machine are included in the 2015 budget and no additional funds are necessary. Funds for meter rental and the maintenance agreement are budgeted annually; Therefore, Be It

RESOLVED That the Bay County Board of Commissioners authorizes the purchase the Pitney Bowes Connect + 3000 mail machine from Pitney Bowes, monies to come from funds included in the 2015 budget; Be It Further

RESOLVED That the Chairman of the Board is authorized to execute the required contract and related documents on behalf of Bay County following legal review/approval.

KIM COONAN, CHAIR
AND COMMITTEE

Rec & Facilities - Purchase of Pitney Bowes Mail Machine

MOVED BY COMM. Coonan

SUPPORTED BY COMM. Duranczyk

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:
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DISPOSITION: ADOPTED ✓ DEFEATED _____ WITHDRAWN _____
AMENDED _____ CORRECTED _____ REFERRED _____

BAY COUNTY BOARD OF COMMISSIONERS

6/9/2015

RESOLUTION

BY: WAYS AND MEANS COMMITTEE (6/2/15)
 WHEREAS, Due to licensing and upgrades the current radios at the Juvenile Home do not connect with emergency services; the radios the facility utilizes have been discontinued and will no longer be available; and
 WHEREAS, The facility is currently limited to the number of radios in operation as some are no longer working; and
 WHEREAS, The Juvenile Home has discussed the issue with the Sheriff's Office, 911 Dispatch and Emergency Services and have been exploring options to replace the current system and still remain in connectivity to emergency services; and
 WHEREAS, All quotes have not been received, however, it appears the option to replace the current system will cost in the range of \$10,000 to \$13,500; and
 WHEREAS, Funds are not budgeted for this expense; Therefore, Be It
 RESOLVED That the Bay County Board of Commissioners approves the purchase of radio equipment for use at the Bay County Juvenile Home and appropriates funds not to exceed \$13,500 from Fund Balance; recommendation on bid award to be provided upon completion of bid process.

KIM COONAN, CHAIR
 AND COMMITTEE

Juvenile Home - Radio Purchase&Appropriation

MOVED BY COMM. Coonan

SUPPORTED BY COMM. Tilley

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 7 NAYS 0 EXCUSED 0
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DISPOSITION: ADOPTED ✓ DEFEATED _____ WITHDRAWN _____
 AMENDED _____ CORRECTED _____ REFERRED _____

BAY COUNTY BOARD OF COMMISSIONERS

6/09/2015

RESOLUTION

BY: WAYS AND MEANS COMMITTEE (6/2/15)

WHEREAS, Sanilac County 9-1-1 has requested membership into the Great Lakes Bay 9-1-1 Consortium per the provisions of the intergovernmental agreement of the consortium; and

WHEREAS, Currently, the Intergovernmental Agreement is between Bay County, Midland County and Tuscola County; and

WHEREAS, The Next Generation 9-1-1 phone system Bay County 9-1-1 is implementing, offers the increased ability to handle and recover from disasters, obtain accurate caller location information, and enable applications such as text, video, and telematics, which can greatly improve emergency response, meet public expectations and in turn, save lives; and

WHEREAS, Bay County 9-1-1, Midland County 9-1-1, Sanilac 9-1-1 and Tuscola County 9-1-1 recognize that cost efficiencies can be achieved by common technology purchasing and the coordination of certain technologies among and/or between their respective 9-1-1 operations; and

WHEREAS, The addition of Sanilac County 9-1-1 will not increase the cost of the project for Bay County and the addition of Sanilac County has the potential to decrease the cost of future needed phone equipment/software purchases as well as the sharing of phone system maintenance costs; Therefore, Be It

RESOLVED That the Bay County Board of Commissioners approves the Sanilac County Next General 9-1-1 Phone System Intergovernmental Agreement allowing Sanilac County 9-1-1 to join the Great Lakes Bay 9-1-1 Consortium and authorizes the Chairman of the Board to execute said Agreement on behalf of Bay County following legal review/approval.

KIM COONAN, CHAIR
AND COMMITTEE

911 - Sanilac County - Addition to Next Generation 911 Phone System

MOVED BY COMM. Coonan

SUPPORTED BY COMM. Tilley

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 7 NAYS 0 EXCUSED 0

DISPOSITION: ADOPTED DEFEATED WITHDRAWN
AMENDED CORRECTED REFERRED

-21-

BAY COUNTY BOARD OF COMMISSIONERS

6/09/2015

RESOLUTION

- BY: WAYS AND MEANS COMMITTEE (6/2/15)
- WHEREAS, The number of opiate related overdoses has risen significantly in Bay County during the past five years; and
- WHEREAS, Prior to 2014, the number of persons dying from injuries in car accidents was the number one cause of accidental death in Bay County and, since 2014, the number of persons dying from drug overdoses has exceeded deaths from car accidents; and
- WHEREAS, In the past month, approximately 10 individuals have been taken to the emergency room at McLaren Bay Regional Hospital due to heroin related overdoses and two have expired as a result of their overdose; and
- WHEREAS, Last week, the Medical Director and the Health Director held a meeting with local law enforcement, emergency medical and first responders to formulate a community-based strategy to combat overdoses and educate the public about this recent trend and it was agreed that police and all first responders should have greater access to Naloxone/Narcan—an antidote that immediately reverses the effects of opioid overdoses; and
- WHEREAS, In October of 2014, Michigan became the 26th state to pass laws expanding Naloxone/Narcan usage to emergency responders and, in similar communities that have adopted this strategy, the number of deaths from heroin or opiate overdoses has significantly diminished; and
- WHEREAS, There are no financial considerations as all costs associated with the proposed funding would be included in the grant application(s); Therefore, Be It
- RESOLVED That the Bay County Board of Commissioners authorizes the Bay County Health Department to seek funding for the purpose stated above; Be It Further
- RESOLVED That the Chairman of the Board is authorized to execute, and submit electronically (if required), the grant application and related grant application documents on behalf of Bay County following legal review/approval; Be It Further
- RESOLVED That the grant applicant/recipient departments are required to work 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.

KIM COONAN, CHAIR
AND COMMITTEE

Health Dept - Grant Application for Naloxone-Narcan Distribution

MOVED BY COMM. Coonan

SUPPORTED BY COMM. Begick

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 7 NAYS 0 EXCUSED 0

DISPOSITION: ADOPTED ✓ DEFEATED _____ WITHDRAWN _____
AMENDED _____ CORRECTED _____ REFERRED _____

BAY COUNTY BOARD OF COMMISSIONERS

6/09/2015

RESOLUTION

BY: WAYS AND MEANS COMMITTEE (6/2/15)

WHEREAS, The 2014-2015 CPBC Agreement between Bay County and the Michigan Department of Community Health (MDCH) is being amended to incorporate the Annual Budget, Output Measures, Funding/Reimbursement Matrix, updated program language and revised allocations received since the original agreement was issued; and

WHEREAS, This Amendment reflects adjustments to funding levels as follows:

i-a. Allocation Changes – Existing Projects

Project Title	Current Amount	Amended Amount	New Project
Eat Safe Fish	55,000.00	20,058.00	75,058.00
TOTAL :	55,000.00	20,058.00	75,058.00

i-b. New Allocation – New Projects

Project Title	Current Amount	Amended Amount	New Project
Public Health Emergency Preparedness (PHEP) Ebola Virus Disease (EVD)	0.00	4,159.00	4,159.00
Public Health Emergency Preparedness (PHEP) Two-Month Allocation	0.00	31,676.00	31,676.00
TOTAL :	0.00	35,835.00	35,835.00

ii. Budget Category changes

Project Title
Building Healthy Communities
Family Planning Services

RESOLVED That the Bay County Board of Commissioners approves amendments 3 and 4 to the 2014-2015 CPBC Contracting Agreement; Be It Further

RESOLVED That the Chairman of the Board is authorized to execute and submit electronically (if required) the grant documents (application, grant award, amendments, and all related required documents) on behalf of Bay County; Be It Further

RESOLVED That the grant applicant/recipient departments are required to work with the Finance Department whose staff will provide financial oversight of said grant; Be It Further

RESOLVED That budget adjustments relating to this amendment are approved.

KIM COONAN, CHAIR
AND COMMITTEE

Health Dept - Amendments 3 and 4 to 2014-15 CPBC Agt

MOVED BY COMM. Coonan

SUPPORTED BY COMM. Duranczyk

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 7 NAYS 0 EXCUSED 0

DISPOSITION: ADOPTED ✓ DEFEATED _____ WITHDRAWN _____
AMENDED _____ CORRECTED _____ REFERRED _____

BAY COUNTY BOARD OF COMMISSIONERS

6/9/2015

RESOLUTION

BY: WAYS AND MEANS COMMITTEE (6/2/15)

WHEREAS, An Agreement amending 2014-2015 MDEQ Agreement between Bay County and the Michigan Department of Environmental Quality has been submitted; and

WHEREAS, The Amendment incorporates the addition of funding to Program C -Great Lakes Beach Monitoring. A rapid, analytical, laboratory method called quantitative polymerase chain reaction (QPCR) (in addition to a culture-based analytical method, e.g., colilert-18) will be used to analyze beach water samples from the following beaches:

- Bay 1. Bay City State Recreation Area
- Bay 2. South Linwood Beach
- Bay 3. Wenona Beach

WHEREAS, Saginaw Valley State University has utilized and maintained the qPCR equipment since the Health Department was funded in 2010 from Great Lakes Regional Initiative (GLRI). SVSU has also developed a methodology to perform qPCR on fresh water sampling and will be assisting with collecting and processing samples with this project; and

WHEREAS, This Amendment reflects adjustments to funding levels to a total of \$10,371.00 which is an increase in the amount of \$8,228.00 to the total; Therefore, Be It

RESOLVED That the Bay County Board of Commissioners approves Amendment # 2 to the 2014-2015 MDEQ Agreement and authorizes the Board Chair to execute said Amendment on behalf of Bay County following legal review/approval; Be It Further

RESOLVED That budget adjustments relating to this specific Amendment 2 are approved.

KIM COONAN, CHAIR
AND COMMITTEE

Health Dept. 2014-15MDEQ Agreement - Amendment 2

MOVED BY COMM. Coonan

SUPPORTED BY COMM. Lutz

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 7 NAYS 0 EXCUSED 0

DISPOSITION: ADOPTED DEFEATED _____ WITHDRAWN _____
AMENDED _____ CORRECTED _____ REFERRED _____

-24-

BAY COUNTY BOARD OF COMMISSIONERS

6/09/2015

RESOLUTION

- BY: WAYS AND MEANS COMMITTEE (6/2/15)
- WHEREAS, The Bay County Division on Aging received notification that the Region VII Area Agency on Aging has identified the amount of carryover funding that would be available to the Division on Aging; and
- WHEREAS, The Bay County Division on Aging can utilize the funds to expand service units and provide training; and
- WHEREAS, These funds are only available through the end of the current fiscal year and total \$17,180 and the Division on Aging will request that \$15,307 be utilized in the Home Delivered Meals Program and \$1,873 be utilized in the Caregiver Program; and
- WHEREAS, The grant funds require matching funds and the ten (10) percent match would come from the Bay County Senior Millage fund; and
- WHEREAS, The Division on Aging already has a resolution that allows for the amendment of the current budgets to include additional grant funds , however, the Region VII Area Agency on Aging requests local board approval of the carryover funding; Therefore, Be It
- RESOLVED That the Bay County Board of Commissioners authorizes the Division on Aging to accept approximately \$20,404 in carryover funds with final award subject to action by the Region VII Area Agency on Aging Board of Directors, with the exact amounts for each service program to be negotiated with Region VII Area Agency on Aging; Be It Further
- RESOLVED That the Chairman of the Board is authorized to execute all documents related to and required for the final award following legal review/approval; Be It Finally
- RESOLVED That related budget adjustments, if required, are approved.

KIM COONAN, CHAIR
AND COMMITTEE

DOA - Carryover Funds 2015

MOVED BY COMM. Coonan

SUPPORTED BY COMM. Lutz

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 7 NAYS 0 EXCUSED 0

DISPOSITION: ADOPTED DEFEATED _____ WITHDRAWN _____
AMENDED _____ CORRECTED _____ REFERRED _____

BAY COUNTY BOARD OF COMMISSIONERS

6/9/2015

RESOLUTION

BY: WAYS AND MEANS COMMITTEE (6/2/15)

WHEREAS, Bay County Mosquito Control has been utilizing Datamasters, a tracking system, for the last 12 years and it is no longer supported by the parent company and has become an obsolete system. Mosquito Control computers are no longer compatible with this software; and

WHEREAS, Velocity Systems is a Michigan-based company from Big Rapids that specializes in GPS tracking and logistics and they would provide Bay County Mosquito control with a fleet-vehicle tracking system for realtime tracking of mosquito spraying operations; and

WHEREAS, Bay County Mosquito Control wishes to purchase 10 in-vehicle platforms and funds required, \$14,000, are available in the 2015 Mosquito Control budget; Therefore, Be It

RESOLVED That the Bay County Board of Commissioners approves the purchase of 10 in-vehicle platforms for the vehicle realtime tracking system from Velocity Systems at a cost of \$14,000, monies to come from the 2015 Mosquito Control budget; Be It Further

RESOLVED That budget adjustments, if required for this purchase, are approved; Be It Finally

RESOLVED That the Chairman of the Board is authorized to execute any contracts that may be required for this purchase on behalf of Bay County following legal review approval.

KIM COONAN, CHAIR
AND COMMITTEE

Mosquito Control - Velocity Systems - GPS Tracking System

MOVED BY COMM. Coonan

SUPPORTED BY COMM. Herek

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 7 NAYS 0 EXCUSED 0

DISPOSITION: ADOPTED ✓ DEFEATED _____ WITHDRAWN _____
AMENDED _____ CORRECTED _____ REFERRED _____

BAY COUNTY BOARD OF COMMISSIONERS

6/09/15

RESOLUTION

BY: WAYS AND MEANS COMMITTEE (6/2/15)
WHEREAS, Bay County is required to submit a Comprehensive Community Corrections Plan to the State Office of Michigan Department of Corrections/Office of Community Corrections in order to be eligible to receive funding to implement programming that will help reduce prison admissions, manage jail populations and reduce recidivism without increasing risk to the public; and
WHEREAS, These objectives will be achieved through strategies focused on the implementation of evidence-based, community programming that encourages the utilization of alternative sentencing options and funding amounts are determined by the prior years' usage and current program needs; and
WHEREAS, Bay County has applied for and received grant funds through the Michigan Department of Corrections, Office of Community Corrections, for numerous years; and
WHEREAS, There are no match funds needed from Bay County to apply for and accept this grant; and
WHEREAS, The total funding requested for FY2016 is \$136,350; and
WHEREAS, While Community Corrections has been operating on an approved multi-year grant, FY2016 grants will have to be submitted on a yearly basis; Therefore, Be it
RESOLVED That the Bay County Board of Commissioners authorizes the Bay County Community Corrections Advisory Board to apply for the PA-511 Community Corrections Grant for FY2016 and authorizes the Chairman of the Bay County Board of Commissioners to sign any and all related application and grant acceptance agreements and contractual agreements needed to implement the grant program all subject to legal review/approval; Be It Further
RESOLVED That the grant applicant/recipient departments are required to work with the Finance Department whose staff will provide financial oversight of said grant; Be It Finally
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.

KIM COONAN, CHAIR AND COMMITTEE

Community Corrections - FY2016 Grant Funding

MOVED BY COMM. Coonan

SUPPORTED BY COMM. Duranczyk

Table with 12 columns: COMMISSIONER, Y, N, E, COMMISSIONER, Y, N, E, COMMISSIONER, Y, N, E. Rows include Michael J. Duranczyk, Kim J. Coonan, Michael E. Lutz, Ernie Krygier, Thomas M. Herek, Vaughn J. Begick, and Donald J. Tilley.

VOTE TOTALS: ROLL CALL: YEAS NAYS EXCUSED VOICE: YEAS 7 NAYS 0 EXCUSED 0

DISPOSITION: ADOPTED DEFEATED WITHDRAWN AMENDED CORRECTED REFERRED

BAY COUNTY BOARD OF COMMISSIONERS

6/9/2015

RESOLUTION

BY: WAYS AND MEANS COMMITTEE (6/2/15)

RESOLVED That the Bay County Board of Commissioners hereby approves the claims against the County as follows:

ACCOUNTS PAYABLE:

5/13/15	\$ 405,375.47
5/20/15	\$ 493,484.22
5/27/15	\$ 896,648.85
6/03/15	\$ 199,357.58*

BAYANET:

April 2015	
1. Payables	\$ 17,322.10
2. Payroll	\$ 8,467.09

HOUSING (Center Ridge Arms):

5/19/15	\$ 26,999.61
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*Received after Ways and Means Committee meeting.

KIM COONAN, CHAIR
AND COMMITTEE

Payables-June

MOVED BY COMM. Coonan

SUPPORTED BY COMM. Begick

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 7 NAYS 0 EXCUSED 0

DISPOSITION: ADOPTED ✓ DEFEATED _____ WITHDRAWN _____
AMENDED _____ CORRECTED _____ REFERRED _____

BAY COUNTY BOARD OF COMMISSIONERS

6/9/2015

RESOLUTION

BY: WAYS AND MEANS COMMITTEE 06/02/2015

RESOLVED: By this Board of Commissioners of Bay County, Michigan, that the following Budget Adjustments are hereby approved on 06/09/2015 and, if required, the Chairman of the Board is hereby authorized to execute any documentation necessary for said Budget Adjustments on behalf of Bay County:

Journal Request Number	Fund Involved Department Involved	Favorable Impact	Unfavorable Impact	No Impact
2015-06-002	GENERAL FUND BOARD OF COMMISSIONERS BUILDINGS AND GROUNDS COMMUNITY CENTER Total GENERAL FUND		\$164	

TO BUDGET THE USE OF THE REMAINING CONTRIBUTION FROM THE RUNNERS CLUB AT THE COMMUNITY CENTER OF 163.60 THAT WAS RECEIVED IN A PRIOR YEAR AND RESTRICTED UNDER A DEFERRED REVENUE ACCOUNT. IN ADDITION THE RUNNERS CLUB CONTRIBUTED 500.00 ON APRIL 13, 2015. THESE CONTRIBUTIONS PLUS \$436.00 FROM BUILDING AND GROUNDS ARE GOING TO BE USED TO PURCHASE A NEW DRINKING WATER FOUNTAIN AT THE COMMUNITY CENTER. THE DRINKING WATER FOUNTAIN AT THE COMMUNITY CENTER DOES NOT WORK.

2015-06-003	MOSQUITO CONTROL FUND MOSQUITO CONTROL Total MOSQUITO CONTROL FUND			X
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TO BUGET FOR THE PURCHASE OF A VELOCITY TRACKING SYSTEM WHICH SPECIALIZES IN GPS TRACKING AND LOGISTICS FOR THE MOSQUITO CONTROL VEHICLES.

MOVED BY COMM. Coonan

SUPPORTED BY COMM. Begick

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 7 NAYS 0 EXCUSED 0
VOICE: ✓ YEAS 7 NAYS 0 EXCUSED 0

DISPOSITION: ADOPTED DEFEATED WITHDRAWN

BAY COUNTY BOARD OF COMMISSIONERS

6/09/2015

RESOLUTION

BY: WAYS AND MEANS COMMITTEE (6/2/15)

RESOLVED By the Bay County Board of Commissioners that the attached 2016 Budget Schedule and Calendar is approved.

KIM COONAN, CHAIR
AND COMMITTEE

Finance Dept - 2016 Budget Schedule/Calendar

MOVED BY COMM. Coonan

SUPPORTED BY COMM. Tilley

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 7 NAYS 0 EXCUSED 0

DISPOSITION: ADOPTED DEFEATED _____ WITHDRAWN _____
 AMENDED _____ CORRECTED _____ REFERRED _____

BAY COUNTY, MICHIGAN
2016 BUDGET SCHEDULE AND CALENDAR

Tuesday 2-Jun-15	WAYS AND MEANS COMMITTEE MEMBERS REVIEW AND APPROVE BUDGET SCHEDULE AND CALENDAR.
Tuesday 9-Jun-15	BOARD OF COMMISSIONERS REVIEW AND APPROVE BUDGET SCHEDULE AND CALENDAR.
Monday 29-Jun-15	DISTRIBUTE 2016 BUDGET PACKAGE AND FORMS TO DEPARTMENTS.
Tuesday 21-Jul-15	DEPARTMENTS TO SUBMIT COMPLETED 2016 BUDGET REQUEST ON LINE TO BUDGET DEPARTMENT FOR SUMMARIZATION.
Monday 10-Aug-15	BUDGET PREPARATION REPORT AVAILABLE FOR REVIEW.
Friday 11-Sep-15	PUBLISH AND POST NOTICE OF PUBLIC HEARING FOR THE 2016 BUDGET AND FOR THE PROPERTY TAX MILLAGE RATE PROPOSED TO BE LEVIED TO SUPPORT THE PROPOSED BUDGET.
Thursday 1-Oct-15	COUNTY EXECUTIVE SUBMITS 2016 BUDGET TO THE BOARD OF COMMISSIONERS.
Thursday 1-Oct-15	COUNTY EXECUTIVE SUBMITS 2016 BUDGET TO DEPARTMENT/DIVISION HEADS AND OTHER ELECTED OFFICIALS.
Tuesday 6-Oct-15	WAYS AND MEANS COMMITTEE REVIEWS BUDGET; ANNOUNCES PUBLIC HEARING FOR 2016 BUDGET TO BE HELD ON OCTOBER 13, 2015.
Tuesday 13-Oct-15	PUBLIC HEARING ON 2016 PROPOSED BUDGET AND FOR THE PROPERTY TAX MILLAGE RATE PROPOSED TO BE LEVIED TO SUPPORT THE PROPOSED BUDGET.
Wednesday 11-Nov-15	TENTATIVE ADOPTION OF THE 2016 BUDGET BY THE BAY COUNTY BOARD OF COMMISSIONERS.

BAY COUNTY BOARD OF COMMISSIONERS

6/9/2015

RESOLUTION

BY: WAYS AND MEANS COMMITTEE (6/2/15)

WHEREAS, A Change Order has been submitted by Rehmann for additional service not included in the original Audit Agreement for the preparation of CAFR and implementation of GASB 67; and

WHEREAS, The estimated additional fee is \$2,500; Therefore, Be It

RESOLVED That the Bay County Board of Commissioners approves the Change Order related to preparation of CAFR and Implementation of GASB 67 at an estimated cost of \$2,500 and authorizes the Chairman of the Board to execute Change Order on behalf of Bay County following legal review/approval.

KIM COONAN, CHAIR
AND COMMITTEE

Finance - 2015 Audit - Change Order - CAFR; GASB 67

MOVED BY COMM. Coonan

SUPPORTED BY COMM. Lutz

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 7 NAYS 0 EXCUSED 0

DISPOSITION: ADOPTED ✓ DEFEATED _____ WITHDRAWN _____
AMENDED _____ CORRECTED _____ REFERRED _____

BAY COUNTY BOARD OF COMMISSIONERS

6/9/2015

RESOLUTION

BY: WAYS AND MEANS COMMITTEE (6/2/15)

WHEREAS, In April 2014, the Michigan State Housing Development Authority (MSHDA) required a change in how the County's grant budget is appropriated in the OPAL grant management program; and

WHEREAS, At that time MSHDA requested the County set-aside a portion of the grant funds for emergency programs; then it was requested the funds be moved back into the general grant allocation; and

WHEREAS, The change did not correct the error that has been occurring when attempting to request payment reimbursement. MSHDA now has the error corrected and has asked the County to move the funds to the emergency allocation fund; and

WHEREAS, This in no way impacts the assistance the County will bring to the citizens of Bay County as it is an internal adjustment at MSHDA that requires our Board's approval to complete; Therefore, Be It

RESOLVED That the Bay County Board of Commissioners approves Amendment # 3 Michigan State Housing Development Grant # MSC-2011-0757-HOA and authorizes the Chairman of the Board execute said Amendment on behalf of Bay County following legal review/approval.

KIM COONAN, CHAIR
AND COMMITTEE

MSHDA - Amendment 3 to MSHDA Grant MSC-2011-0757-HOA

MOVED BY COMM. Coonan

SUPPORTED BY COMM. Tilley

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 7 NAYS 0 EXCUSED 0
VOICE: YEAS 7 NAYS 0 EXCUSED 0

DISPOSITION: ADOPTED ✓ DEFEATED WITHDRAWN
AMENDED CORRECTED REFERRED

BAY COUNTY BOARD OF COMMISSIONERS

6/9/2015

RESOLUTION

- BY: WAYS AND MEANS COMMITTEE (6/2/15)
- WHEREAS, Bay County has been asked by James Espinoza from the Michigan State Housing Development Authority (MSHDA) to be a participant with seven (7) other counties (Arenac, Gladwin, Clare, Midland, Isabella, Gratiot and Saginaw) in a regional housing study; and
- WHEREAS, These analyses will look at trends and potential for a relatively broad geographic area and will serve as a "platform" in which other, more localized or project-specific studies will nest; and
- WHEREAS, The goal of this study is to assist housing coordinators in using the grant dollars toward homes that are desired or needed in the community and to assist the revitalization of neighborhoods; and
- WHEREAS, The East Michigan Council of governments will be the applicant for the MSHDA funds (50/50 match) and each of the eight counties has been asked to contribute \$5,000; and
- WHEREAS, Bay County Housing Rehabilitation wishes the Board to consider allowing funds above the \$5,000 but not to exceed the total amount of the program income budget to be put towards this project for a more in-depth study for Bay County should this be necessary; and
- WHEREAS, The matching funds will be issued from the Housing Rehabilitation's Program Income account which is the account mortgage payments are deposited and there are no General fund dollars required; Therefore, Be It
- RESOLVED That the Bay County Board of Commissioners authorizes Bay County Housing Rehabilitation to participate in the Target Market Analysis using from the Program Income account; Be It Further
- RESOLVED That the Chairman of the Board is authorized to execute documents related to the Regional Housing Study on behalf of Bay County following legal review/approval; Be It Finally
- RESOLVED That budget adjustments related to the Regional Housing Study, if required, are approved.

KIM COONAN, CHAIR
AND COMMITTEE

MSHDA - Regional Housing Study Participation

MOVED BY COMM. Coonan

SUPPORTED BY COMM. Begick

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 7 NAYS 0 EXCUSED 0

DISPOSITION: ADOPTED DEFEATED _____ WITHDRAWN _____
AMENDED _____ CORRECTED _____ REFERRED _____

BAY COUNTY BOARD OF COMMISSIONERS

6/9/2015

RESOLUTION

BY: WAYS AND MEANS COMMITTEE (6/2/15)

WHEREAS, In 2012 the Michigan State Court Administrator's Office (SCAO) performed a comprehensive review of the caseloads in the various Trial Courts in the State and, as a result, the SCAO made several recommendations to the State Legislature regarding the number of judgeships there should be in the various Trial Courts in the State of Michigan; and

WHEREAS, One of the recommendations of the SCAO applied to the 18th Circuit Court in Bay County and that recommendation was to eliminate 1 of the 3 current Circuit Court Judgeship positions. The elimination of one position was to occur when one of two events occurred: (a) the date on which a vacancy occurs in the office of circuit court judge in the eighteenth judicial circuit, (b) the beginning date of the term for which an incumbent circuit judge in the eighteenth judicial circuit no longer seeks election or reelection to that office; and

WHEREAS, The Michigan Legislature agreed with the SCAO's recommendation by approving HB 5401 thereby enacting Public Act 38 of 2012. HB 5401 passed the House of Representatives by a vote of 88 yeas and 20 nays and passed the Senate by a vote of 37 yeas and 1 nay; and

WHEREAS, Senator Michael Green introduced Senate Bill 321 on May 12, 2015 and it was reported out of the Senate Judiciary Committee with a recommendation of immediate effect on May 26, 2015; and

WHEREAS, SB 321 would keep 3 Circuit Court judgeships and eventually eliminate a District Court Judgeship. This Bill, if passed, would cost Bay County at least \$130,000 per year until a District Court Judge chooses not to run or cannot run for reelection; and

WHEREAS, This proposed change was not reviewed by the State Court Administrator's Office nor with representatives of the Bay County Board of Commissioners; Therefore, Be It

RESOLVED That the Bay County Board of Commissioners hereby opposes Senate Bill 321 and calls for this resolution to be forwarded to our State Senator and Representatives, the State Court Administrator's Office and the Michigan Association of Counties.

KIM COONAN, CHAIR
AND COMMITTEE

Opposition to SB 321 - Circuit Court Judge

MOVED BY COMM. Coonan

SUPPORTED BY COMM. Tilley

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 6 NAYS 1 EXCUSED 0

DISPOSITION: ADOPTED DEFEATED _____ WITHDRAWN _____
AMENDED _____ CORRECTED _____ REFERRED _____

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. Lutz

SUPPORTED BY COMM. Tilley

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 7 NAYS 0 EXCUSED 0

DISPOSITION: ADOPTED DEFEATED _____ WITHDRAWN _____
AMENDED _____ CORRECTED _____ REFERRED _____

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 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.

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.

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

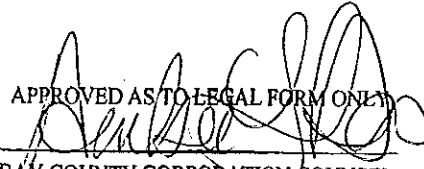
To the extent that these Procedures and Guidelines conflict with previous FOIA policies promulgated by the County Board of Commissioners or the County Administration these Procedures and Guidelines are controlling.

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 #2015-135.

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

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. Lutz

SUPPORTED BY COMM. Tilley

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 7 NAYS 0 EXCUSED 0

DISPOSITION: ADOPTED ✓ DEFEATED _____ WITHDRAWN _____
 AMENDED _____ CORRECTED _____ REFERRED _____

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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, \$12.91/hr. entry)
4. Register of Deeds - Typist Clerk III (part time, \$12.91/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. Lutz

SUPPORTED BY COMM. Duranczyk

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 7 NAYS 0 EXCUSED 0

DISPOSITION: ADOPTED ✓ DEFEATED _____ WITHDRAWN _____
AMENDED _____ CORRECTED _____ REFERRED _____

BAY COUNTY BOARD OF COMMISSIONERS

6/09/2015

RESOLUTION

BY: BAY COUNTY BOARD OF COMMISSIONERS (6/09/15)

RESOLVED By the Bay County Board of Commissioners that the following report is received:

- 1. Employment Status Report - May 2015

ERNIE KRYGIER, CHAIR
AND BOARD

County Executive - Status Reports

MOVED BY COMM. Tilley

SUPPORTED BY COMM. Herek

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 7 NAYS 0 EXCUSED 0

DISPOSITION: ADOPTED DEFEATED _____ WITHDRAWN _____

AMENDED _____ CORRECTED _____ REFERRED _____

**CHANGES IN EMPLOYMENT STATUS
May, 2015**

<u>EMPLOYEE NAME</u>	<u>DEPARTMENT</u>	<u>DATE</u>
<u>NEW HIRES:</u>		
Mike Britko P.T. Community Center Attendant/Custodian	Community Center General fund	5/07/2015
Michael Huber Asst. Prosecuting Attorney	Prosecuting Attorney General funds	5/18/2015
Ryan Seifferly Zamboni Driver	Civic Arena General funds	5/19/2015
<u>Golf Course:</u>		
Mike Beyer	Starter Ranger	5/05/2015
Andrew Martin	Service Assistant	5/13/2015
Shane Albrecht	Equipment Operator	5/15/2015
Ryan Maillette	Service Assistant	5/19/2015
Cole Jacobs	Equipment Operator	5/21/2015
<u>Mosquito Control:</u>		
Joaquin Cortez	Seasonal Control Technician	5/11/2015
A. John Ramirez	Seasonal Control Technician	5/11/2015
Edmund Lockhart	Seasonal Control Technician	5/11/2015
Arin Shupert	Seasonal Control Technician	5/11/2015
Christopher Holka	Seasonal Control Technician	5/11/2015
Greg Knight	Seasonal Control Technician	5/11/2015
Jonathon Nuenke	Seasonal Control Technician	5/11/2015
Bradley Bender	Seasonal Control Technician	5/18/2015
Darian Willett	Seasonal Control Technician	5/18/2015
Evan Arrowsmith	Seasonal Control Technician	5/18/2015
Aimee Anderson	Seasonal Control Technician	5/18/2015

Jacob Cramer	Seasonal Control Technician	5/18/2015
Ernest Simmons	Seasonal Control Technician	5/18/2015
Stephanie Maraskine	Seasonal Control Technician	5/18/2015
Alexander Martin	Seasonal Control Technician	5/18/2015
Matthew Rudy	Seasonal Control Technician	5/18/2015
Justin Page	Seasonal Control Technician	5/18/2015
Michael Collins	Seasonal Control Technician	5/18/2015

Marine Patrol:

Alexander Martin	Patrol Officer	5/18/2015
Jacob Bennett	Patrol Officer	5/18/2015
Donald Middleton	Patrol Officer	5/18/2015
Steven Mumby	Patrol Officer	5/18/2015
Jason Rickett	Patrol Officer	5/18/2015
Jacob Strasel	Patrol Officer	5/18/2015

Building and Grounds:

Andrew Thibodau	Assistant Painter	5/20/2015
Michael Gerhardt	Park Ranger/Pin. Park	5/15/2015
Joseph Habedank	Parks Maintenance Worker	5/27/2015

TRANSFERS:

SEPARATIONS (Regular):

Marcie Klida		5/13/2015
Law Clerk/Bailiff	Circuit Court	

SEPARATIONS (SEASONAL/TEMPORARY):

Marine Patrol:

Clyde Hughes	Patrol Officer	5/26/2015
Eric Maillette	Patrol Officer	5/26/2015
Leo Marchlewski	Patrol Officer	5/26/2015

RETIREMENTS:

Anne Briggs
Legal Secretary

Prosecutor's Office

5/02/2015

Laura Janowicz
Dispatcher

Central Dispatch

5/15/2015

Personnel Department
6/3/2015

BAY COUNTY BOARD OF COMMISSIONERS

MEETING DATE: JUNE 9, 2015

MOTION SPONSORED BY: COMM. LUTZ

MOTION SUPPORTED BY: COMM. DURANCZYK

MOTION NO.: 44

TO APPROVE THE REGULAR BOARD MINUTES OF MARCH 10,
2015 AND MAY 12, 2015. ALSO, APPROVING THE SPECIAL
BOARD SESSION MINUTES OF MAY 5, 2015 AS CORRECTED.

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
Michael Duranczyk	X			Kim Coonan	X			Michael Lutz	X		
Ernie Krygier	X			Thomas Herek	X						
Vaughn J. Begick	X			Donald J. Tilley	X						

VOTE TOTALS:

ROLL CALL: YEAS _____ NAYS _____ EXCUSED _____

VOICE: XX YEAS 7 NAYS 0 EXCUSED 0

DISPOSITION: ADOPTED XX DEFEATED _____ WITHDRAWN _____

 AMENDED _____ CORRECTED _____ REFERRED _____

BAY COUNTY BOARD OF COMMISSIONERS

MEETING DATE: JUNE 9, 2015

MOTION SPONSORED BY: COMM. COONAN

MOTION SUPPORTED BY: COMM. HEREK

MOTION NO.: 45

TO RECEIVE THE LETTER DATED MAY 28, 2015 FROM THE CITY OF BAY CITY FOR APPLICATION FOR INDUSTRIAL FACILITIES TAX EXEMPTION CERTIFICATE FROM BALDAUF ENTERPRISES, DBA KERKAU MANUFACTURING, BAY CITY, MICHIGAN FOR PROPERTY LOCATED AT, 910 TRUMAN PARKWAY, IN THE AMOUNT OF \$1,930,859.23.

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
Michael Duranczyk	X			Kim Coonan	X			Michael Lutz	X		
Ernie Krygier	X			Thomas Herek	X						
Vaughn J. Begick	X			Donald J. Tilley	X						

VOTE TOTALS:

ROLL CALL: YEAS _____ NAYS _____ EXCUSED _____

VOICE: XX YEAS 7 NAYS 0 EXCUSED 0

DISPOSITION: ADOPTED XX DEFEATED _____ WITHDRAWN _____

AMENDED _____ CORRECTED _____ REFERRED _____

BAY COUNTY BOARD OF COMMISSIONERS

MEETING DATE: JUNE 9, 2015

MOTION SPONSORED BY: COMM. TILLEY

MOTION SUPPORTED BY: COMM. COONAN

MOTION NO.: 46

TO RECEIVE THE FOLLOWING REQUESTS FOR APPOINTMENT/REAPPOINTMENT TO THE BAY COUNTY LIBRARY BOARD FOR ONE (1) FIVE-YEAR TERM TO EXPIRE JUNE 30, 2020:

1. BARBARA L. WIESZCIECINSKI
2. SUSAN BLONDIN
3. HELEN D. BISHOP
4. DENISE HILL (WITHDREW APPLICATION)
5. KRISTEN L.M. RIVET

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
Michael Duranczyk	X			Kim Coonan	X			Michael Lutz	X		
Ernie Krygier	X			Thomas Herek	X						
Vaughn J. Begick	X			Donald J. Tilley	X						

VOTE TOTALS:

ROLL CALL: YEAS _____ NAYS _____ EXCUSED _____

VOICE: XX YEAS 7 NAYS 0 EXCUSED 0

DISPOSITION: ADOPTED XX DEFEATED _____ WITHDRAWN _____

AMENDED _____ CORRECTED _____ REFERRED _____

BAY COUNTY BOARD OF COMMISSIONERS

MEETING DATE: JUNE 9, 2015

MOTION SPONSORED BY: COMM. COONAN

MOTION SUPPORTED BY: COMM. HEREK

MOTION NO.: 47

TO GO OUT OF REGULAR ORDER OF BUSINESS TO CONDUCT
VOTING FOR ONE (1) APPOINTMENT TO THE BAY COUNTY
LIBRARY BOARD FOR A 5-YEAR TERM TO EXPIRE JUNE 9,
2020.

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
Brandon D. Krause	X			Kim Coonan	X			Michael Lutz	X		
Ernie Krygier	X			Thomas Herek	X						
Vaughn J. Begick	X			Donald J. Tilley	X						

VOTE TOTALS:

ROLL CALL: YEAS _____ NAYS _____ EXCUSED _____

VOICE: XX YEAS 7 NAYS 0 EXCUSED 0

DISPOSITION: ADOPTED XX DEFEATED _____ WITHDRAWN _____
 AMENDED _____ CORRECTED _____ REFERRED _____

BAY COUNTY BOARD OF COMMISSIONERS

MEETING DATE: JUNE 9, 2015

MOTION SPONSORED BY: COMM. HEREK

MOTION SUPPORTED BY: COMM. TILLEY

MOTION NO.: 48

TO APPOINT SUSAN BLONDIN TO THE BAY COUNTY LIBRARY
BOARD FOR ONE (1) 5-YEAR TERM TO EXPIRE JUNE 30, 2020.
(SEE VOTING RESULTS BELOW)

- ▶ BARBARA L. WIESZCIECINSKI - 1 VOTE: KRYGIER
- ▶ SUSAN BLONDIN - 4 VOTES: DURANCZYK, BEGICK,
COONAN, TILLEY
- ▶ HELEN D. BISHOP - 1 VOTE: LUTZ
- ▶ KRISTEN L.M. RIVET - 1 VOTE: HEREK
- ▶ DENISE HILL (WITHDREW APPLICATION)

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
Michael Duranczyk	X			Kim Coonan	X			Michael Lutz	X		
Ernie Krygier	X			Thomas Herek	X						
Vaughn J. Begick	X			Donald J. Tilley	X						

VOTE TOTALS:

ROLL CALL: YEAS _____ NAYS _____ EXCUSED _____

VOICE: XX YEAS 7 NAYS 0 EXCUSED 0

DISPOSITION: ADOPTED XX DEFEATED _____ WITHDRAWN _____

AMENDED _____ CORRECTED _____ REFERRED _____

BAY COUNTY BOARD OF COMMISSIONERS

MEETING DATE: JUNE 9, 2015

MOTION SPONSORED BY: COMM. DURANCZYK

MOTION SUPPORTED BY: COMM. BEGICK

MOTION NO.: 49

TO ADJOURN THE REGULAR BOARD SESSION OF JUNE 9,
2015 AT 4:45 P.M.

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
Michael Duranczyk	X			Kim Coonan	X			Michael Lutz	X		
Ernie Krygier	X			Thomas Herek	X						
Vaughn J. Begick	X			Donald J. Tilley	X						

VOTE TOTALS:

ROLL CALL: YEAS _____ NAYS _____ EXCUSED _____

VOICE: XX YEAS 7 NAYS 0 EXCUSED 0

DISPOSITION: ADOPTED XX DEFEATED _____ WITHDRAWN _____

AMENDED _____ CORRECTED _____ REFERRED _____