

WAYS AND MEANS COMMITTEE

AGENDA

TUESDAY, DECEMBER 1, 2015

4:00 P.M.

COMMISSION CHAMBERS, FOURTH FLOOR, BAY COUNTY BUILDING

PAGE NO.

- I CALL TO ORDER
- II ROLL CALL
- 1- 4 III MINUTES (11/3/15)
- IV PUBLIC INPUT
- V PETITIONS AND COMMUNICATIONS
- 5-21 A. County Executive: Reorganization and Consolidation of Responsibility of Department of the Public Defender and Corporation Counsel (**Seeking approval of proposed merger and reorganization of Department of the Public Defender and Corporation Counsel with the concurrence of the County Executive and following a public hearing; authorize posting/filling two additional full time attorneys; reclassify the Assigned Counsel Coordinator to Officer Manager; increase part time secretary to full time; authorize one time capital improvement in an amount not to exceed \$20,000; approve all required budget adjustments related to staffing and capital improvement; and approve discontinuance of pilot program contract to be phased out in a responsible manner; authorize Board Chair to sign necessary documents - proposed resolution attached**)
- 22-24 B. Bay County Treasurer: Annual Review of Delinquent Tax Revolving Fund (**Seeking concurrence with recommendation to transfer \$1,200,000 in 2016 - proposed resolution attached**)
- 25-27 C. Drain Commissioner: Kerr-James-Szymanski Assessment Roll (**Seeking Board approval of amended Drain Assessment Roll - proposed resolution attached**)
- 28-29 D. Director of Administrative Services: Renewal of Property and Liability Insurance (**Seeking approval of renewal of property and liability insurance for 2016 with Michigan Municipal Risk Authority; authorization for Board Chair to sign required documents; approval of required budget adjustments - proposed resolution attached**)
- 30-35 E. 9-1-1 Director: Smart911 System - Update (**Receive and encourage Bay County residents to register for Smart911 and Bay Alerts**)
- 36 F. Supervisor of Buildings and Grounds: Equipment Purchases (**Seeking authorization to purchase various items - funding source to be determined**)

- 37 G. Payables: General; BAYANET; Center Ridge Arms (**Proposed resolution attached**)
- H. Finance Officer:
- 38-46 1. Budget Adjustments - Various (**Proposed resolution attached**)
- 47-49 2. Amendment to EFT Resolution (No. 2014-181) - EFT Exceptions (**Proposed resolution attached**)
- 50 3. Analysis of General Fund Equity 2015 (**Receive**)
- 51 4. Update Regarding Executive Directive #2007-11 (**Receive**)
- 52 5. Golf Course Fund - Short Term Loan (**Receive and refer to full Board to allow additional information to be provided**)
- 53-55 I. Housing Director (Center Ridge Arms): Renewal of Property and Liability Insurance (**Seeking approval of renewal of property and liability insurance with Housing Authority Insurance; authorization for Board Chair to sign required documents - proposed resolution attached**)
- J. Gypsy Moth Coordinator:
- 56-58 1. Treatment of Ash Trees to Control Emerald Ash Borer (**Seeking authorization to seek competitive bids and enter into a contract(s) with qualified application firms for two year treatment; authorization for Board Chair to sign required documents - proposed resolution attached**)
- 59-61 2. Treatment to Control Outbreak Level Populations of Gypsy Moth with Aerial Applicator (**Seeking authorization to seek competitive bids and enter into a contract(s) with qualified application firms - proposed resolution attached**)

- VI REFERRALS
- VII UNFINISHED BUSINESS
- VIII NEW BUSINESS
- IX CLOSED SESSION (when requested)
- X MISCELLANEOUS
- XI ANNOUNCEMENTS
- XII ADJOURNMENT

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

**WAYS AND MEANS COMMITTEE
MINUTES**

MEETING OF THE BAY COUNTY WAYS AND MEANS COMMITTEE HELD ON TUESDAY, NOVEMBER 3, 2015, FOURTH FLOOR, BAY COUNTY BUILDING.

CALL TO ORDER BY CHAIR COONAN AT 4:00 P.M.

ROLL CALL:

MOTION NO.

COMMISSIONERS PRESENT:		1	2	3	4	5	6	7	8	9	10	11	12
KIM J. COONAN, CHRMN	P	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
DONALD J. TILLEY, V. CHRMN	P	S/Y	S/Y	M/Y	Y	M/Y	S/Y	S/Y	Y	M/Y	MY	Y	M/Y
MICHAEL J. DURANCZYK	P	Y	Y	Y	S/Y	Y	Y	Y	M/Y	Y	Y	Y	Y
VAUGHN J. BEGICK	P	Y	Y	Y	Y	S/Y	Y	Y	Y	Y	S/Y	Y	Y
THOMAS M. HEREK	P	M/Y	M/Y	S/Y	MY	Y	Y	Y	Y	S/Y	Y	M/Y	Y
MICHAEL E. LUTZ	P	Y	Y	Y	Y	Y	MY	MY	S/Y	Y	Y	S/Y	S/Y
ERNE KRYGIER, EX OFFICIO	E	E	X	C	U	S	E	D					

MOTION NO.

COMMISSIONERS PRESENT:		13	14	15	16	17	18	19	20	21	22	23	24
KIM J. COONAN, CHRMN		Y	Y	Y	Y	Y	Y	Y					
DONALD J. TILLEY, V. CHRMN		Y	MY	MY	MY	S/Y	Y	Y					
MICHAEL J. DURANCZYK		Y	Y	Y	Y	Y	Y	M/Y					
VAUGHN J. BEGICK		Y	Y	Y	Y	Y	S/Y	Y					
THOMAS M. HEREK		M/Y	S/Y	S/Y	S/Y	Y	M/Y	Y					
MICHAEL E. LUTZ		S/Y	M/Y	Y	Y	M/Y	Y	S/Y					
ERNE KRYGIER, EX OFFICIO		E	E	E	E	E	E	E					

MOTION NO.

COMMISSIONERS PRESENT:		25	26	27	28	29	30	31	32	33	34	35	36
KIM J. COONAN, CHRMN													
DONALD J. TILLEY, V. CHRMN													
MICHAEL J. DURANCZYK													
VAUGHN J. BEGICK													
THOMAS M. HEREK													
MICHAEL E. LUTZ													
ERNE KRYGIER, EX OFFICIO													

OTHERS PRESENT: T.HICKNER, C.GIGNAC, D.RUSSELL, A.DAVIS-JOHNSON, C.HEBERT, T.QUINN, J.MILLER, J.MORSE, M.HALSTEAD, T.PUTT, K/PRIESSNITZ, J.STRASZ, T.ROEHR, M.REILLY, T.JERRY, F.MOORE, R.REDMOND, BAY 3 TV, D.BERGER

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

-/-

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MOTION NO.

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

- 1** **MOVED, SUPPORTED AND CARRIED TO APPROVE THE MINUTES OF THE OCTOBER 6, 2015 WAYS AND MEANS COMMITTEE MEETING AS PRINTED.**

Public input was called with no one expressing a desire to address the Committee.

The first item on the agenda was a proposed resolution transferring unused funds to the State of Michigan. Robert Redmond, the Board's Financial Analyst, explained that while funds are allocated to Bay County to finance energy efficiency and renewable energy projects, Bay County has never used these funds as a financing tool. There were funds available, but no actual dollars given to Bay County. It was

- 2** **MOVED, SUPPORTED AND CARRIED TO RECOMMEND BOARD APPROVAL OF THE PROPOSED RESOLUTION RE TRANSFER OF QUALIFIED ENERGY CONSERVATION BOND FUNDS TO THE STATE OF MICHIGAN.**
- 3** **MOVED, SUPPORTED AND CARRIED TO RECOMMEND BOARD APPROVAL OF THE FY2016 FEDERAL VISITATION AND ACCESS GRANT (FRIEND OF THE COURT).**
- 4** **MOVED, SUPPORTED AND CARRIED TO RECOMMEND BOARD APPROVAL OF THE PROPOSED RESOLUTION RE SCRAP TIRE CLEAN-UP GRANT (MOSQUITO CONTROL).**
- 5** **MOVED, SUPPORTED AND CARRIED TO RECOMMEND BOARD APPROVAL OF THE PROPOSED RESOLUTION RE FLEXIBLE SPENDING AND COBRA SERVICES CONTRACTS (PERSONNEL DEPARTMENT).**
- 6** **MOVED, SUPPORTED AND CARRIED TO RECOMMEND BOARD APPROVAL OF PROPOSED RESOLUTION WAIVING FUND RAISING POLICY FOR CHRISTMAS COLLECTION EFFORTS IN THIS AND FUTURE YEARS (PERSONNEL DEPT.).**

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MOTION NO.

- 7 MOVED, SUPPORTED AND CARRIED TO RECOMMEND BOARD APPROVAL OF PROPOSED RESOLUTION RE SOLDIERS RELIEF BUDGET ADJUSTMENT TOTALING \$10,400 (ADMINISTRATIVE SERVICES-VETERANS).**

- 8 MOVED, SUPPORTED AND CARRIED TO RECOMMEND BOARD APPROVAL OF THE PROPOSED RESOLUTION RE GRANT APPLICATION TO ANIMAL WELFARE FUND - MDARD IN THE AMOUNT OF \$9,990 (ADMINISTRATIVE SERVICES-ANIMAL CONTROL).**

- 9 MOVED, SUPPORTED AND CARRIED TO RECOMMEND TO RECEIVE UPDATE ON PAINTING PROJECTS (RECREATION & FACILITIES-BUILDINGS AND GROUNDS).**

- 10 MOVED, SUPPORTED AND CARRIED TO RECOMMEND BOARD APPROVAL OF PROPOSED RESOLUTION RE AUTHORIZATION TO APPLY FOR LOCAL IMPACT GRANTS TO THE MICHIGAN HEALTH ENDOWMENT FUND (HEALTH DEPARTMENT).**

- 11 MOVED, SUPPORTED AND CARRIED TO ACCEPT COMMUNITY HEALTH ASSESSMENT FUNDING FROM VARIOUS SOURCES (HEALTH DEPARTMENT).**

- 12 MOVED, SUPPORTED AND CARRIED TO RECOMMEND BOARD APPROVAL OF PROPOSED RESOLUTION RE MDEQ AGREEMENT (HEALTH DEPARTMENT).**

- 13 MOVED, SUPPORTED AND CARRIED TO RECOMMEND BOARD APPROVAL OF PROPOSED RESOLUTION RE HOUSEHOLD HAZARDOUS WASTE COLLECTION GRANT (HEALTH DEPARTMENT).**

- 14 MOVED, SUPPORTED AND CARRIED TO RECOMMEND BOARD APPROVAL OF THE PROPOSED RESOLUTION RE MOA FOR THE MATTER OF BALANCE PROGRAM (DIVISION ON AGING).**

- 15 MOVED, SUPPORTED AND CARRIED TO RECOMMEND BOARD APPROVAL OF THE PROPOSED BUDGET ADJUSTMENT RESOLUTION: SHERIFF DEPARTMENT; SOLDIERS' RELIEF FUND (FINANCE DEPARTMENT).**

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MOTION NO.

16 MOVED, SUPPORTED AND CARRIED TO RECEIVE THE ANALYSIS OF GENERAL FUND EQUITY 2015 (FINANCE DEPARTMENT).

17 MOVED, SUPPORTED AND CARRIED TO RECEIVE UPDATE TO EXECUTIVE DIRECTIVE #2007-11.

Kim Mead, Court Administrator was questioned about the reduction in State funding for the Swift & Sure Sanctions Program Grant and Mr. Mead indicated there would be no impact on the current program. This is more of a "spend as you go" program and Bay County is reimbursed for expenses. Bay County has never come close to spending the total grant allocation.

18 MOVED, SUPPORTED AND CARRIED TO RECEIVE NOTIFICATION RE AWARD OF BID FOR AUDIT SERVICES WITH FURTHER INFORMATION TO BE PROVIDED AT THE NOVEMBER 10TH BOARD MEETING (FINANCE DEPARTMENT).

Commissioner Begick advised that he would be in Washington, D.C. next week and will be attending Veterans memorial services while there. He noted that there will be Veterans presentations on Wednesday, 11/11/15, at the County's memorial in front of the building at 11:00 a.m. and at the U.S.S. Edson between 12 and 1 p.m.

There being no further business, it was

19 MOVED, SUPPORTED AND CARRIED TO ADJOURN (4:18 P.M.).

Submitted by:

Deanne Berger

**Deanne Berger
Board Coordinator**



**OFFICE OF
BAY COUNTY EXECUTIVE**

Thomas L. Hickner
County Executive

515 Center Avenue, Suite 401
Bay City, Michigan 48708-5125
(989) 895-4130 • FAX (989) 895-7658

MEMORANDUM

TO: KIM COONAN, CHAIR, WAYS & MEANS COMMITTEE

FROM: THOMAS HICKNER, COUNTY EXECUTIVE

RE: REORGANIZATION AND CONSOLIDATION OF RESPONSIBILITY OF DEPARTMENT OF THE PUBLIC DEFENDER AND CORPORATION COUNSEL

DATE: NOVEMBER 23, 2015

BACKGROUND

The Bay County Public Defender Department ("Department") was created pursuant to a federal grant on January 1, 1973, reorganized as an Act 139 Department in 1995, and operates under the administrative control of the County Executive. The Department has historically provided legal defense services to indigent residents of Bay County through attorneys employed by the County in the Department and through its companion Office of Criminal Defense. In November, 2007, an outside law firm, through a 13 month "pilot project" contract with the County, undertook legal defense of all indigent defendants in the District Court who were charged with misdemeanors, misdemeanor violations of probation, and civil infractions accompanied by a misdemeanor complaint or ticket for the monthly fixed fee of \$13,000.00 (\$156,000 yearly). At that time, the responsibilities for all felonies were assigned to the Public Defender Department attorneys. As a result, attorneys were released from their employment with the County and the Office of Criminal Defense was eliminated.

The pilot project agreement was extended for a period of three years effective January 1, 2009, to remain effective through December 31, 2011 and month-to-month thereafter. There remain two (2) full-time attorneys in the Department who represent all of Bay County's indigent defendants charged with felonies (with the exception of cases referred out to local attorneys, at the County's expense, due to potential conflicts).

In 2008 the National Legal Aid and Defender Association ("NLADA"), pursuant to a study requested by United States Senate, found that "Michigan failed to provide competent representation to poor people in its criminal courts," and that Michigan ranked 44th out of all 50 states in per capita indigent defense spending. As a result of that failure, there have been over 250 years of wrongful imprisonment of innocent indigent defendants throughout the State, at least \$7.6 million in lawsuit settlements state-wide, and approximately 185 years of extra incarceration for the poorest criminal offenders due to sentencing errors, costing the Department of Corrections \$6.5 million annually if not corrected at the appellate level.

In October 2011, Michigan's Governor created the Indigent Defense Advisory Commission to investigate problems with the existing county public defender systems and recommend reforms. The Commission found that the services provided to indigent defendants were inconsistent from county to county, there was no data or transparency to ensure taxpayer dollars are spent efficiently or effectively, and that there are no statewide standards to define or ensure constitutionally adequate defense counsel. The Michigan Indigent Defense Commission ("MIDC") was created pursuant to 2013 PA 93 to address those problems. The MIDC will meet on December 15, 2015 to take action on its first set of proposed minimum standards for indigent defense delivery systems. Those proposed minimum standards are attached to this Memorandum. These proposed minimum standards will be submitted to the Michigan Supreme Court, which has 180 days to approve the standards. The MIDC Act will permit Michigan's Counties to submit an approved local compliance plan within 180 days after the Supreme Court approves the standards. Bay County's current pilot project contract does not comply with these proposed standards, and the existing contractual relationship will make it extremely difficult, if not impossible, to ensure proper oversight of contractors or employees and that these standards are being met without considerable extra expense, if at all.

The MIDC Act requires that any improvements made to the County's indigent defense system to comply with the new standards be paid for through grants provided by the state. The MIDC Act measures base funding from Fiscal Year 2009 – three years prior to the creation of the MIDC. Thus, there is no incentive for Bay County to maintain its current system until the state funds plans to comply with the minimum standards. Based on Bay County's history of ensuring competent, constitutionally sufficient legal representation to all of its indigent resident defendants, and in anticipation of the approval of these more stringent MIDC standards, it is recommended that the Board:

- (1) With the affirmative recommendation of the County Executive, **following a public hearing** as required by MCL 45.564(a), reorganize the Departments of the Public Defender and Corporation Counsel as follows:

Consolidate the Department of Corporation Counsel and the Department of the Public Defender, by eliminating the Public Defender Department and creating two "Divisions" within the Department of Corporation Counsel:

- * The Office of the Public Defender; and
- * The Office of Criminal Defense.

Each Division will initially be staffed with one existing Department attorney as that Division's "senior" attorney:

- (2) Hire two additional full time attorneys (PN10), one for the Office of the Public Defender and one for the Office of Criminal Defense (2 attorneys total in each office);
- (3) Increase one part-time legal secretary currently employed in the Public Defender Department to full time (from TS07 to TU07), to be assigned to the Office of Criminal Defense (the current full time legal secretary will remain in the Office of the Public Defender);
- (4) Transfer the current Assigned Counsel Coordinator (PC05) to Office Manager (MB08) to manage the administrative components of both Divisions and ultimately report to

E-Mail: countyexecutive@baycounty.net Web: www.baycounty-mi.gov

TDD (Hearing Impaired) (989) 895-4049

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Assistant Corporation Counsel. This will move the Assigned Counsel Coordinator's salary from the Courts' budget to the County Executive's budget.

- (5) Approve a written agreement between the current pilot project contract vendor and the County to effectively terminate the existing pilot project agreement and transition the representation of all indigent criminal defendants currently covered under the month-to-month extension of the contract to the two Divisions' attorneys in a manner ensured not to disrupt or deprive the indigent clients of their constitutional right to an adequate criminal defense.

These two separate "divisions" are necessary to avoid potential conflicts of interest which result in referrals to outside attorneys and increased expense to the County. Consolidating the two existing departments (Corporation Counsel and Public Defender) into one department with two divisions will allow for more streamlined oversight of the Act 139 Department by the County Executive and will ensure that, in cooperation with the Courts, any state mandated compliance plan with the minimum standards is in effect and fully operational.

FINANCIAL IMPACT:

The total cost of the additional or reclassified employees is dependent on several factors. First, the annual savings as a result of discontinuation of the pilot program contract will be \$156,000 after representation of indigent defendants under that contract is completely phased out. It is safe to assume, however, that it will take a minimum of 3-4 months to completely phase out the contract. In addition, it is the County Executive's intent to request reimbursement from the State as soon as grants are funded for reimbursement of the additional funds necessary to reorganize the Departments under the MIDC Act, with the preferred end result of no costs incurred by the County, assuming the State complies with the MIDC funding mandates. The cost of such a restructuring is set forth below:

Add two (2) new full time Attorney positions, (PN10) (\$72,435 each before fringe)	\$99,460 x 2 = \$198,920
Transfer Assigned Counsel Coordinator (PC05) to Office Manager (MB08), amount of increase \$1,963 before fringe	\$2,278
Increase part time legal secretary to full time, from TS07 to TU07, \$10,056 before fringe	\$26,541
Total Personnel additions	\$227,739
Estimated Building renovations to accommodate additional office: (one time cost)	<u>\$20,000</u>
Total first year estimated costs <u>before</u> any offsets:	\$247,739
Total cost for first year only assuming a 2/3 cost reduction of the pilot program contract (\$104,520):	\$138,219
Total annual cost for subsequent years (assuming a full year pilot program contract offset and no initial capital improvement costs of \$20,000)	\$156,000 \$71,739

RECOMMENDATION

That the Committee move to approve the above-noted merger and reorganization of the Department of the Public Defendant and Corporation Counsel with the concurrence of the County Executive and following a public hearing, approve any budget adjustments necessary to add two full time attorneys, reclassify the Assigned Counsel Coordinator to Office Manager, increase one part time secretary to full time, and authorize a one-time capital improvement in the amount not to exceed \$20,000, and approve the discontinuance of the pilot program contract to be phased out in a responsible manner, and authorize the Chairman to sign any necessary contracts and approve any necessary budget adjustments as are necessary.



MICHIGAN INDIGENT
DEFENSE COMMISSION

FINAL PROPOSED MINIMUM STANDARDS SET 1
FOR DECEMBER 15, 2015 COMMISSION MEETING

Introduction

The statute creating the Michigan Indigent Defense Commission (MIDC) provides: "The MIDC shall implement minimum standards, rules, and procedures to guarantee the right of indigent defendants to the assistance of counsel as provided under amendment VI of the constitution of the United States and section 20 of article I of the state constitution of 1963..." M.C.L. §780.991(2).

The MIDC proposes these first four standards for implementation in accordance with the statutory mandate. The MIDC wishes to thank everyone who submitted comments and suggestions on our first four minimum standards. The text and comments on these standards now incorporate this feedback.

In response to this feedback, the MIDC also makes the following observations:

- The standards should not be examined in the framework of status quo indigent defense delivery. Rather, they establish requirements for system changes to be implemented through state funding. The Act provides a process for the formation of state-funded compliance plans to meet the standards. M.C.L. §780.993.
- The MIDC will release white papers to outline sample compliance plans for each minimum standard. The MIDC looks forward to creative, effective, and proactive compliance plans.
- The minimum standards are not simply a series of performance standards for attorneys who practice indigent defense. The standards should be implemented instead as system-wide requirements and reforms. For example, where there is no current infrastructure for attorney skills training or continuing legal education, attorneys will not need to fund attendance at programs. Instead, state grants funding the compliance plans will allow attorneys to meet this requirement.
- The MIDC emphasizes that these four standards are the first step in an ongoing process. Future standards will involve delivery of indigent defense independent of the judiciary, caseload levels, the assignment of counsel, qualifications and review of counsel, economic incentives and disincentives for the practice of indigent defense, and representation of clients by the same attorney at every court appearance. M.C.L. §780.991.
- The MIDC minimum standards neither create an independent basis for the challenge of a criminal conviction or sentence, nor expand United States or Michigan Supreme Court law on the effective assistance of counsel. M.C.L. §780.1003.

Standard 1

Education and Training of Defense Counsel

The MIDC Act requires adherence to the principle that “[d]efense counsel is required to attend continuing legal education relevant to counsel’s indigent defense clients.” M.C.L. §780.991(2)(e). The United States Supreme Court has held that the constitutional right to counsel guaranteed by the Sixth Amendment includes the right to the effective assistance of counsel. The mere presence of a lawyer at a trial “is not enough to satisfy the constitutional command.” *Strickland v. Washington*, 466 U.S. 668, 685 (1984). Further, the Ninth Principle of The American Bar Association’s *Ten Principles of a Public Defense Delivery System* provides that a public defense system, in order to provide effective assistance of counsel, must ensure that “Defense counsel is provided with and required to attend continuing legal education.”

The MIDC proposes a minimum standard for the education and training of defense counsel:

A. Knowledge of the law. Counsel shall know substantive Michigan and federal law, constitutional law, criminal law, criminal procedure, rules of evidence, ethical rules and local practices. Counsel has a continuing obligation to know the changes and developments in the law.

B. Knowledge of scientific evidence and applicable defenses. Counsel shall know the forensic and scientific issues that can arise in a criminal case, know the legal issues concerning defenses to a crime, and be able to effectively litigate those issues.

C. Knowledge of technology. Counsel shall know how to utilize office technology commonly used in the legal community, and technology used within the applicable court system. Counsel shall be able to thoroughly review materials that are provided in an electronic format.

D. Continuing education. Counsel shall annually complete continuing legal education courses relevant to the representation of the criminally accused. Counsel shall participate in skills training and educational programs in order to maintain and enhance overall preparation, oral and written advocacy, and litigation and negotiation skills. Lawyers can discharge this obligation for annual continuing legal education by attending local trainings or statewide conferences. Attorneys with fewer than two years of experience practicing criminal defense in Michigan shall participate in one basic skills acquisition class. All attorneys shall annually complete at least twelve (12) hours of continuing legal education.

Staff comments:

- *Training should be funded through compliance plans submitted by the local delivery system. This standard is not designed to place any financial burden on assigned counsel.*
- *The minimum of twelve hours of training represents typical national and some local county requirements, and is accessible in existing programs offered statewide.*

- o Data will be collected as to the amount of hours offered to and attended by assigned counsel. The quality of the training should be analyzed through evaluations, and the effectiveness of the training shall be measurable and validated.

Standard 2

Initial Interview

The MIDC Act requires adherence to the principle that “[d]efense counsel is provided sufficient time and a space where attorney-client confidentiality is safeguarded for meetings with defense counsel’s client.” M.C.L. §780.991(2)(a). United States Supreme Court precedent and American Bar Association Principles recognize that the “lack of time for adequate preparation and the lack of privacy for attorney-client consultation” can preclude “any lawyer from providing effective advice.” See *United States v. Morris*, 470 F.3d 596, 602 (CA6, 2006) (citing *United States v. Cronin*, 466 U.S. 648, (1984)). Further, the Fourth Principle of The American Bar Association’s *Ten Principles of a Public Defense Delivery System* provides that a public defense system, in order to provide effective assistance of counsel, must ensure that “Defense counsel is provided sufficient time and a confidential space within which to meet with the client.”

The MIDC proposes a minimum standard for the initial client interview:

- A. **Timing of the Interview:** Counsel shall conduct a client interview as soon as practicable after appointment to represent the defendant in order to obtain information necessary to provide quality representation at the early stages of the case and to provide the client with information concerning counsel’s representation and the case proceedings. Counsel shall conduct subsequent client interviews as needed. Following appointment, counsel shall conduct the initial interview with the client sufficiently before any subsequent court proceeding so as to be prepared for that proceeding. When a client is in local custody, counsel shall conduct an initial client intake interview within three business days of appointment. When a client is not in custody, counsel shall promptly deliver an introductory communication so that the client may follow-up and schedule a meeting.
- B. **Setting of the interview:** All client interviews shall be conducted in a private and confidential setting. Counsel and the indigent criminal defense system shall ensure the necessary accommodations for private discussions between counsel and clients in courthouses, lock-ups, jails, prisons, detention centers, and other places where clients must confer with counsel.
- C. **Preparation:** Counsel shall obtain copies of any relevant documents which are available, including copies of any charging documents, recommendations and reports concerning pretrial release, and discoverable material.
- D. **Client status:**
 - 1. Counsel shall evaluate whether the client is competent to participate in his/her representation, understands the charges, and has some basic comprehension of

criminal procedure. Counsel has a continuing responsibility to evaluate the client's capacity to stand trial or to enter a plea pursuant to Mich. Ct. R. 6.125 and M.C.L. §330.2020. Counsel shall take appropriate action where there are any questions about a client's competency.

2. Where counsel is unable to communicate with the client because of language or communication differences, counsel shall take whatever steps are necessary to fully explain the proceedings in a language or form of communication the client can understand. Steps include seeking the appointment of an interpreter to assist with pre-trial preparation, interviews, investigation, and in-court proceedings, or other accommodations pursuant to Mich. Ct. R. 1.111.

Staff comments:

- *The MIDC recognizes that counsel cannot ensure communication prior to court with an out of custody indigent client. For out of custody clients the standard instead requires the attorney to notify clients of the need for a prompt interview.*
- *The requirement of a meeting within three business days is typical of national requirements (Florida Performance Guidelines suggest 72 hours; in Massachusetts, the Committee for Public Counsel Services Assigned Counsel Manual requires a visit within three business days for custody clients; the Supreme Court of Nevada issued a performance standard requiring an initial interview within 72 hours of appointment).*
- *Certain indigent criminal defense systems only pay counsel for limited client visits in custody. In these jurisdictions, compliance plans with this standard will need to guarantee funding for multiple visits.*
- *In certain systems, counsel is not immediately notified of appointments to represent indigent clients. In these jurisdictions, compliance plans must resolve any issues with the failure to provide timely notification.*
- *Some jurisdictions do not have discovery prepared for trial counsel within three business days. The MIDC expects that this minimum standard can be used to push for local reforms to immediately provide electronic discovery upon appointment. Even without these reforms and timely provision of discovery, the MIDC still requires prompt in-custody client interviews to (1) establish the best possible relationship with the indigent client; (2) review charges; (3) determine whether a motion for pretrial release is appropriate; (4) determine the need to start-up any immediate investigations; (5) determine any immediate mental or physical health needs or need for foreign language interpreter assistance; (6) advise that clients should not discuss the circumstances of the arrest or allegations to cellmates, law enforcement, family or anybody else without counsel present.*
- *The three business day requirement is specific to clients in "local" custody because some indigent defendants are in the custody of the Department of Corrections (MDOC) while*

other defendants might be in jail in a different county from the charging offense. In these situations, counsel should arrange for confidential client visits in advance of the first pre-trial hearing.

- *In jurisdictions with a large client population in MDOC custody or rural jurisdictions requiring distant client visits compliance plans might setup visits through confidential videoconferencing. Counsel for indigent criminal appellants have facilities for confidential videoconferencing. If similar facilities are made available for trial attorneys, visits should at least be scheduled within three business days.*
- *Systems without adequate settings for confidential visits for either in custody or out of custody clients will need compliance plans to create this space.*
- *This standard only involves the initial client interview. Other confidential client interviews are expected, as necessary.*

Standard 3

Investigation and Experts

The United States Supreme Court has held: (1) “counsel has a duty to make reasonable investigations or to make a reasonable decision that makes particular investigations unnecessary.” *Strickland v. Washington*, 466 U.S. 668, 691 (1984); and (2) “[c]riminal cases will arise where the only reasonable and available defense strategy requires consultation with experts or introduction of expert evidence, whether pretrial, at trial, or both.” *Harrington v. Richter*, 562 U.S. 86, 106 (2011). The MIDC Act authorizes “minimum standards for the local delivery of indigent criminal defense services providing effective assistance of counsel...” M.C.L. §780.985(3).

The MIDC proposes a minimum standard for investigations and experts:

- A. Counsel shall conduct an independent investigation of the charges and offense as promptly as practicable.
- B. When appropriate, counsel shall request funds to retain an investigator to assist with the client’s defense. Reasonable requests must be funded.
- C. Counsel shall request the assistance of experts where it is reasonably necessary to prepare the defense and rebut the prosecution’s case. Reasonable requests must be funded as required by law.
- D. Counsel has a continuing duty to evaluate a case for appropriate defense investigations or expert assistance.

Staff comments:

- *The MIDC recognizes that counsel can make “a reasonable decision that makes particular investigations unnecessary” after a review of discovery and an interview with the client. Decisions to limit investigation cannot be made merely on the basis of discovery or representations made by the government, and must take into consideration the client’s wishes and the client’s version of the facts.*
- *The MIDC emphasizes that a client’s professed desire to plead guilty does not automatically alleviate the need to investigate.*
- *Counsel should inform clients of the progress of investigations pertaining to their case.*
- *Expected increased costs from an increase in investigations and expert use will be tackled in compliance plans.*

Standard 4

Counsel at First Appearance and other Critical Stages

The MIDC Act provides that standards shall be established to effectuate the following: (1) “All adults, except those appearing with retained counsel or those who have made an informed waiver of counsel, shall be screened for eligibility under this act, and counsel shall be assigned as soon as an indigent adult is determined to be eligible for indigent criminal defense services.” M.C.L. §780.991(1)(c); (2) “A preliminary inquiry regarding, and the determination of, the indigency of any defendant shall be made by the court not later than at the defendant’s first appearance in court. M.C.L. §780.991(3)(a); (3) ...counsel continuously represents and personally appears at every court appearance throughout the pendency of the case.” M.C.L. §780.991(2)(d), emphasis added. The United States Supreme Court has held that assistance of counsel is required at critical stages of proceedings, and that the right to counsel attaches when a defendant’s liberty is subject to restriction by the court. *Rothgery v. Gillespie County*, 554 U.S. 191 (2008).

The MIDC proposes a minimum standard on counsel at first appearance and other critical stages:

- A. Counsel shall be assigned as soon as the defendant is determined to be eligible for indigent criminal defense services. The indigency determination shall be made and counsel appointed to provide assistance to the defendant as soon as the defendant’s liberty is subject to restriction by a magistrate or judge. Representation includes but is not limited to the arraignment on the complaint and warrant. Nothing in this paragraph shall prevent the defendant from making an informed waiver of counsel.
- B. All persons determined to be eligible for indigent criminal defense services shall also have appointed counsel at pre-trial proceedings, during plea negotiations and at other critical stages, whether in court or out of court.

Staff comments:

- *The proposed standard addresses an indigent defendant’s right to counsel at every court appearance and is not addressing vertical representation (same defense counsel*

continuously represents) which will be the subject of a future minimum standard as described in M.C.L. §780.991(2)(d).

- *One of several potential compliance plans for this standard may use an on-duty arraignment attorney to represent defendants. This appointment may be a limited appearance for arraignment only with subsequent appointment of different counsel for future proceedings.*
- *Among other duties, lawyering at first appearance should consist of an explanation of the criminal justice process, advice on what topics to discuss with the judge, a focus on the potential for pre-trial release, or achieving dispositions outside of the criminal justice system via civil infraction or dismissal. In rare cases, if an attorney has reviewed discovery and has an opportunity for a confidential discussion with her client, there may be a criminal disposition at arraignment.*
- *The MIDC anticipates creative and cost-effective compliance plans like representation and advocacy through videoconferencing or consolidated arraignment schedules between multiple district courts.*
- *This standard does not preclude the setting of interim bonds to allow for the release of in-custody defendants. The intent is not to lengthen any jail stays. The MIDC believes that case-specific interim bond determinations should be discouraged. Formal arraignment and the formal setting of bond should be done as quickly as possible. Where there are case-specific interim bonds set, counsel at arraignment shall be prepared to make a de novo argument regarding an appropriate bond regardless of and, indeed, in the face of, an interim bond set prior to arraignment which has no precedential effect on bond-setting at arraignment.*
- *Any waiver of the right to counsel must be both unequivocal and knowing, intelligent, and voluntary. People v. Anderson, 398 Mich. 361 (1976). The uncounseled defendant must have sufficient information to make an intelligent choice dependent on a range of case-specific factors, including his education or sophistication, the complexity or easily grasped nature of the charge, and the stage of the proceeding.*

Sources and Authority

Standard 1 - Education and Training of Defense Counsel

Sources:

ABA 10 Principles of a Public Defense Delivery System (Principles 6 and 9)
Florida Performance Guidelines for Criminal Defense Representation (Section 1.2)

Authority:

M.C.L. §780.991(2)(c) and (2)(e)

Standard 2 - Initial Interview

Sources:

ABA 10 Principles of a Public Defense Delivery System (Principle 4)
Florida Performance Guidelines for Criminal Defense Representation (Section 2.1)
Committee for Public Counsel Services, Assigned Counsel Manual Policy and Procedures (Part IIB)
Supreme Court of Nevada, *In the Matter of the Review of Issues Concerning Representation of Indigent Defendants in Criminal and Juvenile Delinquency Cases* (Standard 4-4)

Authority:

Strickland v. Washington, 466 U.S. 668 (1984)
United States v. Morris, 470 F.3d 596 (CA6, 2006)
M.C.L. §780.991(2)(a)
Mich. Ct. R. 1.111
Mich. Ct. R. 6.125
MRPC 1.6

Standard 3 - Investigation and Expert Witnesses

Sources:

Florida Performance Guidelines for Criminal Defense Representation (Section 4.2)
Committee for Public Counsel Services, Assigned Counsel Manual Policy and Procedures (Parts IVA, VIA)
Supreme Court of Nevada, *In the Matter of the Review of Issues Concerning Representation of Indigent Defendants in Criminal and Juvenile Delinquency Cases* (Standard 4-7)

Authority:

Strickland v. Washington, 466 U.S. 668 (1984)
Harrington v. Richter, 562 U.S. 86 (2011)
Ake v. Oklahoma, 470 U.S. 68 (1985)
Hinton v. Alabama, 134 S. Ct. 1081 (2014)
People v. Ackley, 497 Mich. 381 (2015)
People v. Trakhtenberg, 493 Mich. 38 (2012)
Wiggins v. Smith, 539 U.S. 510 (2003)
Avery v. Prelesnik, 548 F.3d. 434 (2008)
M.C.L. §780.985(3)

Standard 4 - Counsel at First Appearance

Sources:

ABA Ten Principles of a Public Defense Delivery System - Principle 3

Authority:

Rothgery v. Gillespie County, 554 U.S. 191 (2008)

United States v. Cronin, 466 U.S. 648 (1984)

Powell v. Alabama, 287 U.S. 45 (1932)

United States v. Morris, 470 F.3d 596 (CA6, 2006)

Lafler v. Cooper, __ U.S. __; 132 S.Ct. 1376 (2012)

M.C.L. §780.991(1)(c), (2)(d), (3)(a)

Mich. Ct. R. 6.005(A)

BAY COUNTY BOARD OF COMMISSIONERS

12/08/2015

RESOLUTION

- BY: WAYS AND MEANS COMMITTEE (12/1/15)
- WHEREAS, The Bay County Public Defender Department ("Department") was created pursuant to a federal grant on January 1, 1973, reorganized as an Act 139 Department in 1995, and operates under the administrative control of the County Executive; and
- WHEREAS, The Department has historically provided legal defense services to indigent residents of Bay County through attorneys employed by the County in the Department and through its companion Office of Criminal Defense; and
- WHEREAS, In November, 2007, an outside law firm, through a 13 month "pilot project" contract with the County, undertook legal defense of all indigent defendants in the District Court who were charged with misdemeanors, misdemeanor violations of probation, and civil infractions accompanied by a misdemeanor complaint or ticket for the monthly fixed fee of \$13,000.00 (\$156,000 yearly); and
- WHEREAS, At that time, the responsibilities for all felonies were assigned to the Public Defender Department attorneys and, as a result, attorneys were released from their employment with the County and the Office of Criminal Defense was eliminate; and
- WHEREAS, The pilot project agreement was extended for a period of three years effective January 1, 2009, to remain effective through December 31, 2011 and month-to-month thereafter. There remain two (2) full-time attorneys in the Department who represent all of Bay County's indigent defendants charged with felonies (with the exception of cases referred out to local attorneys, at the County's expense, due to potential conflicts); and
- WHEREAS, In 2008 the National Legal Aid and Defender Association ("NLADA"), pursuant to a study requested by United States Senate, found that "Michigan failed to provide competent representation to poor people in its criminal courts," and that Michigan ranked 44th out of all 50 states in per capita indigent defense spending. As a result of that failure, there have been over 250 years of wrongful imprisonment of innocent indigent defendants throughout the State, at least \$7.6 million in lawsuit settlements state-wide, and approximately 185 years of extra incarceration for the poorest criminal offenders due to sentencing errors, costing the Department of Corrections \$6.5 million annually if not corrected at the appellate level; and
- WHEREAS, In October 2011, Michigan's Governor created the Indigent Defense Advisory Commission to investigate problems with the existing county public defender systems and recommend reforms. The Commission found that the services provided to indigent defendants were inconsistent from county to county, there was no data or transparency to ensure taxpayer dollars are spent efficiently or effectively, and that there are no statewide standards to define or ensure constitutionally adequate defense counsel. The Michigan Indigent Defense Commission ("MIDC") was created pursuant to 2013 PA 93 to address those problems; and
- WHEREAS, The MIDC will meet on December 15, 2015 to take action on its first set of proposed minimum standards for indigent defense delivery systems. Those proposed minimum standards are attached to this Memorandum. These proposed minimum standards will be submitted to the Michigan Supreme Court, which has 180 days to approve the standards. The MIDC Act will permit Michigan's Counties to submit an approved local compliance plan within 180 days after the Supreme Court approves the standards; and
- WHEREAS, Bay County's current pilot project contract does not comply with these proposed standards, and the existing contractual relationship will make it extremely difficult, if not impossible, to ensure proper oversight of contractors or employees and that these standards are being met without considerable extra expense, if at all; and

WHEREAS, The MIDC Act requires that any improvements made to the County's indigent defense system to comply with the new standards be paid for through grants provided by the state. The MIDC Act measures base funding from Fiscal Year 2009 – three years prior to the creation of the MIDC. Thus, there is no incentive for Bay County to maintain its current system until the state funds plans to comply with the minimum standards. Based on Bay County's history of ensuring competent, constitutionally sufficient legal representation to all of its indigent resident defendants, and in anticipation of the approval of these more stringent MIDC standards, it is recommended that the Board:

1. With the affirmative recommendation of the County Executive, **following a public hearing** as required by MCL 45.564(a), reorganize the Departments of the Public Defender and Corporation Counsel as follows:

Consolidate the Department of Corporation Counsel and the Department of the Public Defender, by eliminating the Public Defender Department and creating two "Divisions" within the Department of Corporation Counsel:

- * The Office of the Public Defender; and
- * The Office of Criminal Defense.

Each Division will initially be staffed with one existing Department attorney as that Division's "senior" attorney:

2. Hire two additional full time attorneys (PN10), one for the Office of the Public Defender and one for the Office of Criminal Defense (2 attorneys total in each office);
3. Increase one part-time legal secretary currently employed in the Public Defender Department to full time (from TS07 to TU07), to be assigned to the Office of Criminal Defense (the current full time legal secretary will remain in the Office of the Public Defender);
4. Transfer the current Assigned Counsel Coordinator (PC05) to Office Manager (MB08) to manage the administrative components of both Divisions and ultimately report to Assistant Corporation Counsel. This will move the Assigned Counsel Coordinator's salary from the Courts' budget to the County Executive's budget.
5. Approve a written agreement between the current pilot project contract vendor and the County to effectively terminate the existing pilot project agreement and transition the representation of all indigent criminal defendants currently covered under the month-to-month extension of the contract to the two Divisions' attorneys in a manner ensured not to disrupt or deprive the indigent clients of their constitutional right to an adequate criminal defense.

WHEREAS, These two separate "divisions" are necessary to avoid potential conflicts of interest which result in referrals to outside attorneys and increased expense to the County. Consolidating the two existing departments (Corporation Counsel and Public Defender) into one department with two divisions will allow for more streamlined oversight of the Act 139 Department by the County Executive and will ensure that, in cooperation with the Courts, any state mandated compliance plan with the minimum standards is in effect and fully operational; and

WHEREAS, The total cost of the additional or reclassified employees is dependent on several factors. First, the annual savings as a result of discontinuation of the pilot program contract will be \$156,000 after representation of indigent defendants under that contract is completely phased out. It is safe to assume, however, that it will take a minimum of 3-4 months to completely phase out the contract. In addition, it is the County Executive's intent to request reimbursement from the State as soon as grants are funded for reimbursement of the additional funds necessary to reorganize the Departments under the MIDC Act,

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with the preferred end result of no costs incurred by the County, assuming the State complies with the MIDC funding mandates. The cost of such a restructuring is set forth below:

Add two (2) new full time Attorney positions, (PN10) (\$72,435 each before fringe)	\$99,460 x 2 = \$198,920
Transfer Assigned Counsel Coordinator (PC05) to Office Manager (MB08), amount of increase \$1,963 before fringe	\$2,278
Increase part time legal secretary to full time, from TS07 to TU07, \$10,056 before fringe	\$26,541
Total Personnel additions	\$227,739
Estimated Building renovations to accommodate additional office: (one time cost)	<u>\$20,000</u>
Total first year estimated costs <u>before</u> any offsets:	\$247,739
Total cost for first year only assuming a 2/3 cost reduction of the pilot program contract (\$104,520):	\$138,219
Total annual cost for subsequent years (assuming a full year pilot program contract offset and no initial capital improvement costs of \$20,000)	\$156,000
	\$71,739

RESOLVED: That the Bay County Board of Commissioners approves the proposed merger and reorganization of Department of the Public Defender and Corporation Counsel with the concurrence of the County Executive and following a public hearing; authorizes posting/filling two additional full time attorneys; approves reclassification of the Assigned Counsel Coordinator to Officer Manager; increases part time secretary to full time; authorizes one time capital improvement in an amount not to exceed \$20,000; approves all required budget adjustments related to staffing and capital improvement; and approves discontinuance of pilot program contract to be phased out in a responsible manner; authorizes Board Chair to sign all necessary documents .

KIM COONAN, CHAIR
AND COMMITTEE

County Executive - Reorganization and Consolidation of Responsibility of Department of Public Defender and Corporation Counsel

MOVED BY COMM. _____

SUPPORTED BY COMM.

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

VOTE TOTALS:

ROLL CALL: YEAS _____ NAYS _____ EXCUSED _____
VOICE: YEAS _____ NAYS _____ EXCUSED _____

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

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COUNTY OF BAY

515 Center Avenue, Suite 103 Bay City, MI 48708-5122

RICHARD F. BRZEZINSKI
BAY COUNTY TREASURER

PHONE (989) 895-4285
FAX (989) 895-4082

To: Kim Coonan, Chair of Ways and Means Committee
Date: November 23, 2015
Re: Annual Review of the Delinquent Tax Revolving Fund

Background:

In October 2008, the Bay County Board of Commissioners amended the Delinquent Tax Revolving Fund Policy. This amendment approved increasing the reserve from 10% to 20% after the annual distribution to the tax units.

As of July 1, 2015 the Delinquent Tax Revolving fund had \$2.3 million on hand. This is after the annual disbursement to the tax units of \$6.3 million and before the 2015 budgeted transfer of \$1,268,000.00. Transfers to the general fund have been approximately the amount the fund has earned. The fund has not had to borrow since 1998.

Finance/Economics

The amount of delinquent taxes turned over to the County from the local units increased dramatically from \$5.7 million in 2007 to \$7.1 million in 2008. This resulted in a corresponding significant decrease in cash on hand after the delinquent tax disbursement. In 2011 the amount of new delinquent taxes decreased to \$6.5 million and the amount has stayed at a consistent level through 2015. Cash on hand after disbursement:

	\$ Million
2011	1.4
2012	2.6
2013	2.0
2014	2.5
2015	2.3

Summary of the Delinquent Tax Revolving Fund Cash Available For Distribution:

	Jun 11	Jun 12	Jun 13	Jun 14	Jun 15
Cash available	8,066	9,276	9,373	8,941	8,748
Distribution	6,565	6,597	6,501	6,472	6,368
Cash after distribution	1,501	2,679	2,872	2,469	2,380
Before Transfer To General Fund					
Coverage Ratio	1.23	1.41	1.44	1.38	1.37

	2011	2012	2013	2014	2015
Distribution to General Fund (000)	772	1,200	1,150	1,175	1,268

In addition to the delinquent tax amount increasing dramatically in 2008, the existing delinquent tax payments slowed down through 2010. Outstandings declined \$600,000 in 2012 and have remained stable the last two years.

2011	6.8 million
2012	6.2 million
2013	6.0 million
2014	6.1 million
2015	6.3 million

After 2009's distribution, the reserve decreased to 18% (\$126,000 less than the required 20% reserve). The 2010 and 2011 annual distribution from the Delinquent Tax Revolving Fund to the General fund was reduced below earnings to help increase the coverage ratio to 1.20.

The decreased transfers, reduction in new delinquent taxes and an increase in earnings from the higher amount of delinquent taxes, has resulted in an adequate coverage ratio in 2011 and has remained adequate.

Recommendation:

The Delinquent Tax Revolving Fund is functioning as intended. Making an annual transfer to the general fund of approximately the earnings and having an adequate amount to make the annual distribution to the tax units without having to borrow.

For the year ended December 31, 2014, the Delinquent Tax Revolving fund net revenue before contribution and transfers was \$1,198,426. Cash available for distribution at June 30, 2015 was \$8,748,000. This resulted in an adequate coverage ratio of 1.37.

I recommend transferring \$1,200,000 in 2016 which is approximately the amount of net revenue in 2014.

BAY COUNTY BOARD OF COMMISSIONERS

12/8/2015

RESOLUTION

BY: WAYS AND MEANS COMMITTEE (12/1/15)

WHEREAS, In October 2008, the Bay County Board of Commissioners amended the Delinquent tax Revolving Fund Policy increasing the reserve from 10% to 20% after the annual distribution to the tax units; and

WHEREAS, As of July 1, 2015 the Delinquent Tax Revolving fund had \$2.3 million on hand following the annual disbursement to the tax units of \$6.3 million and before the 2015 budgeted transfer of \$1,268,000.00; and

WHEREAS, Transfers to the general fund have been approximately the amount the fund has earned and the fund has not had to borrow since 1998; and

WHEREAS, The Bay County Treasurer has provided the Ways and Means Committee a detailed annual review of the Delinquent Tax Revolving Fund and makes his recommendation based on that review, i.e. transferring \$1,200,000 in 2016 which is approximately the amount of net revenue in 2014; Therefore, Be It

RESOLVED That the Bay County Board of Commissioners concurs with the recommendation of the Bay County Treasurer and authorizes a transfer of \$1,200,000 from the Delinquent Tax Revolving Fund in 2016.

KIM COONAN, CHAIR
AND COMMITTEE

Treasurer - DTRF Transfer

MOVED BY COMM. _____

SUPPORTED BY COMM. _____

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

VOTE TOTALS:

ROLL CALL: YEAS _____ NAYS _____ EXCUSED _____
 VOICE: YEAS _____ NAYS _____ EXCUSED _____

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

BAY COUNTY DRAIN COMMISSIONER

JOSEPH RIVET
rivetj@baycounty.net

515 CENTER AVENUE, SUITE 601
BAY CITY, MICHIGAN 48708-5127
drainoffice@baycounty.net

PHONE (989) 895-4290
FAX (989) 895-4292
TDD (989) 895-4049
(HEARING IMPAIRED)

MEMORANDUM

TO: Ernie Krygier, Chair, Bay County Commission
FROM: Joseph Rivet, Drain Commissioner 
RE: Kerr-Jammer-Szymanski Assessment Roll
DATE: November 18, 2015

Please note the attached amended Kerr-Jammer-Szymanski (KJS) Drain assessment roll. At a point in time after the Drain Office assessment rolls had been presented and approved by the Board, we determined we had utilized an incorrect computer file, rendering the KJS roll you approved inaccurate. We are requesting you approve the amended roll.

As is normally the case, when the KJS assessment roll was created we went through several drafts, varying the percentages, base fees and the duration of the payoff in an effort to be as equitable as possible. Unfortunately, we utilized one of these computer draft files when we created the KJS assessment roll for 2015, so it is incorrect.

Understanding the need for the Township to print their December tax bills in a timely manner, we immediately provided them the correct roll electronically. The residents of Kawkawlin Township will receive tax bills with the correct assessment for the Drain improvements. We have provided the amended roll for your approval to ensure all records are consistent.

Again, I would appreciate the Board's approval of the amended roll, and I apologize for the inconvenience this has caused. Please do not hesitate to contact with questions.

C: Finance

BAY COUNTY BOARD OF COMMISSIONERS

12/08/2015

RESOLUTION

BY: WAYS AND MEANS COMMITTEE (12/1/15)

WHEREAS, At a point in time after the Drain Office assessment rolls had been presented and approved by the Bay County Board of Commissioners, it was determined that an incorrect draft computer file was utilized rendered the Kerr-Jammer-Szymanski (KJS) roll inaccurate; and

WHEREAS, To ensure that Kawkawlin Township printed their December tax bills in a timely manner, the Drain Office provided the Township with the correct roll electronically and the residents of Kawkawlin Township will receive tax bills with the correct assessment for the Drain improvements; and

WHEREAS, So that all records are consistent, it is necessary for the Board of Commissioners to approve the amended roll; Therefore, Be It

RESOLVED That the Bay County Board of Commissioners hereby approves the attached Amended Drain Special Assessment Roll for the Kerr-Jammer-Szymanski Drain in Kawkawlin Township.

KIM COONAN, CHAIR AND COMMITTEE

Drain Commissioner - Amended Drain Special Assessment Roll - Kerr-Jammer-Szymanski

MOVED BY COMM. _____

SUPPORTED BY COMM. _____

Table with 12 columns: COMMISSIONER, Y, N, E, COMMISSIONER, Y, N, E, COMMISSIONER, Y, N, E. Rows include names like MICHAEL J. DURANCZYK, ERNIE KRYGIER, VAUGHN J. BEGICK, KIM J. COONAN, THOMAS M. HEREK, DONALD J. TILLEY, and MICHAEL E. LUTZ.

VOTE TOTALS: ROLL CALL: YEAS _____ NAYS _____ EXCUSED _____ VOICE: YEAS _____ NAYS _____ EXCUSED _____

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

**AMENDED
DRAIN SPECIAL ASSESSMENT ROLL**

KERR JAMMER SZYMANSKI DRAIN

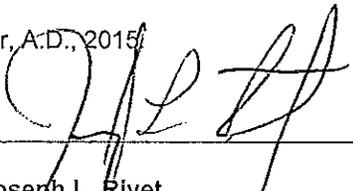
Kawkawlin Township(s), County of Bay, State of Michigan

YEAR 1 OF 10

Municipality	Percent	Assessment	Totals
County of Bay @ Large	6	<u>\$5,022.00</u>	
Total Assessment			<u>\$5,022.00</u>
Kawkawlin Township @ Large	16	\$20,689.71	
Kawkawlin Township Local	75	<u>\$52,934.82</u>	
Total Assessment			<u>\$73,624.53</u>
Total to be collected in 2015			<u>\$78,646.53</u>

I hereby certify that the above and foregoing is the "Special Assessment Roll" for the Kerr Jammer Szymanski Drain Drainage District for the Township(s) of Kawkawlin County of Bay, State of Michigan, and that I have entered therein a correct description of all tracts, parcels, and subdivisions of land benefited by said drain as provide by law, and that I have placed opposite each description the amount of the percent theretofore determined by me, also the amount of the percent apportioned by said Joseph L. Rivet to said Bay County At Large.

Given under my hand, this 12th day of November, A.D., 2015



 Joseph L. Rivet
 Bay County Drain Commissioner

THOMAS L. HICKNER
BAY COUNTY EXECUTIVE



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

MEMORANDUM

TO: KIM COONAN, CHAIR, WAYS & MEANS COMMITTEE
FROM: DEBRA RUSSELL, ADMINISTRATIVE SERVICES DIRECTOR
RE: RENEWAL OF PROPERTY AND LIABILITY INSURANCE
DATE: NOVEMBER 23, 2015

BACKGROUND:

Property and liability insurance coverage and risk management services have been provided through Bay County's membership in the Michigan Municipal Risk Management Authority (MMRMA) for the past several years. Bay County administration and other departments within Bay County have been very satisfied with the coverage, value and services provided by MMRMA. Since 2010, we have received \$27,521.00 in Risk Avoidance Program (RAP) grant funding awarded only to current members by MMRMA.

FINANCIAL IMPACT:

Renewal exposure application materials have been completed by Administrative Services and submitted to MMRMA for evaluation and computation of Bay County's premium for 2016. Bay County's claim, overall loss history and proactive risk management measures have kept the 2016 increase very low (\$1,700). Our 2016 renewal cost is \$471,241. Bay County's requested contribution to our loss fund deposit has been reduced to \$50,000.

RECOMMENDATION:

It is requested this Committee recommends the Board of Commissioners approve renewal of property and liability insurance for the period 1/1/2016 through 12/31/2016 with Michigan Municipal Risk Management Authority. It is further requested to authorize the Board Chair to execute any necessary documentation following review by Corporation Counsel.

515 Center Avenue, Suite 402, Bay City, MI 48708-5125 (989) 895-4130
FAX (989) 895-7658 TDD (hearing impaired) (989) 895-4049 www.baycounty-mi.gov

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BAY COUNTY BOARD OF COMMISSIONERS

12/8/2015

RESOLUTION

BY: WAYS AND MEANS COMMITTEE (12/1/15)
 WHEREAS, Property and liability insurance coverage and risk management services for Bay County have been provided through Bay County's membership in the Michigan Municipal Risk Management Authority (MMRMA) for the past several years; and
 WHEREAS, Bay County administration and other departments in Bay County government have been satisfied with the coverage, value and services provided by MMRMA; and
 WHEREAS, Since 2010, Bay County has received \$27,521.00 in Risk Avoidance Program (RAP) grant funding awarded only to current members by MMRMA; and
 WHEREAS, Renewal exposure materials for MMRMA have been completed by the Department of Administrative Services and submitted to MMRMA for evaluation and computation of Bay County's premium amount for 2016; and
 WHEREAS, Bay County's claim and overall loss history in addition to proactive risk management measures have kept the 2016 increase very low (\$1,700); and
 WHEREAS, The 2016 renewal cost is \$471,241 and Bay County's requested contribution to our loss fund deposit has been reduced to \$50,000; Therefore, Be It
 RESOLVED That the Bay County Board of Commissioners approves property and liability insurance coverage and risk management services for Bay County for 1/1/2016 through 12/31/2016 through Michigan Municipal Risk Management Authority (MMRMA) at a cost of \$471,241; Be It Further
 RESOLVED That the Chairman of the Board is authorized to execute any and all documents required for the insurance renewal on behalf of Bay County following legal review/approval; Be It Finally
 RESOLVED That budget adjustments, if required, are approved.

KIM COONAN, CHAIR
 AND COMMITTEE

Admin Serv - MMRMA 2016Renewal

MOVED BY COMM. _____

SUPPORTED BY COMM. _____

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

VOTE TOTALS:
 ROLL CALL: YEAS _____ NAYS _____ EXCUSED _____
 VOICE: YEAS _____ NAYS _____ EXCUSED _____

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



BAY COUNTY

911 Central Dispatch

(989) 895-4051 • FAX (989) 892-3744

1228 Washington Ave., Bay City MI 48708

Christopher Izworski
Director

Thomas L. Hickner
Bay County Executive

Ryan Manz
Emergency Management Coordinator
989-895-4112

To: Kim Coonan, Chairman, Bay County Ways and Means Committee

From: Christopher Izworski, 9-1-1 Director

Date: November 17, 2015

Subject: Smart911 System.

Background: Smart911 is a web based service that 9-1-1 will use to enhance communication and response for the community. 9-1-1 will use Smart911 to quickly send first responders to the location of an emergency with additional information. Smart911 is a nationwide service with over 25 million current subscribers.

Smart911 is a separate module of the RAVE Mobile Safety notification system. Rave Mobile Safety is the system that powers BAY Alerts. The information residents share via their BAY Alert/Smart911 Safety Profile will populate onto the 9-1-1 Dispatcher's computer screen when a resident calls 9-1-1. This information can include details about all members of a household, all phone numbers (mobile, landline or VOIP) and all addresses including home and work. Citizens can also add details about medical conditions, medications, vehicles, pets and even emergency contacts.

How Does Smart911 Work?

Smart911 allows Bay County Residents to provide the additional details that 9-1-1 call takers may need in order to assist them during an emergency. When residents dial 9-1-1 today the information received by the 9-1-1 call center can be limited based on the type of phone a citizen is calling on. With Smart911, anytime a citizen makes an emergency call from a phone registered with a Smart911 Safety Profile, the 9-1-1 system recognizes the phone number and automatically displays the citizen's profile on the screen of the 9-1-1 call taker who receives the call.

At a time when residents may be panicked, or unable to communicate, or it could be unsafe to communicate, Smart911 ensures that the details they would need to tell 9-1-1 are immediately available in the event the bay County Resident cannot verbally provide them. Smart911 is free to citizens, private and secure.

Why should Bay County Residents use Smart911?

Smart911 can help protect citizens, their loved ones, and other members of their household. By creating a Safety Profile with Smart911 during a calm moment, citizens can take the time to ensure that the information is correct and accurate and exactly what they would like to be communicated to emergency response teams in an emergency.

How can I control who sees my Smart911 information?

A Bay County resident's Safety Profile will only be displayed to a 9-1-1 call taker if a resident places a 9-1-1 call from a phone confirmed with a Smart911 account. Residents are in full control of the information they enter and the phone numbers they choose to associate with their Safety Profile

Citizens can change their sharing preferences and Smart911 Safety Profile content at any time by logging into their Smart911 account and clicking on settings.

Finance/Economics: Bay County 9-1-1 budgeted for the purchase of Smart911. The annual cost is \$10,125.00 In accordance with the Bay County Purchasing Policy; 9-1-1 will incur the costs associated with Smart911. The State of Michigan has purchased the base Smart911 package for all Michigan 9-1-1 Centers. The State of Michigan's purchase of the base smart911 package affords Bay County 9-1-1 the opportunity to purchase the standard Smart911 package at a significantly lower cost.

Recommendation: Bay County 9-1-1 recommends that the Board of Commissioners encourage all Bay County Residents register for Smart911 and BAY Alerts.

Cc: Tom Hickner, Tim Quinn, Crystal Hebert, Amber Johnson, Shawna Walraven, Bob Redmond



Additional 9-1-1 Data for Faster, More Effective Response

Getting the Right Information to the Right Responder at the Right Time

Smart911 delivers accurate detailed caller data with incoming 9-1-1 calls. It helps 9-1-1 call takers make faster, better decisions, shortens response times, and helps save lives.

Citizens sign up for Smart911 and enter information they want 9-1-1 to receive in case of an emergency. Information can include family member data, photos, medical conditions, disabilities, mobility limitations, exact addresses, even pets.

Data is automatically validated against users' phone number(s) and citizen provided data is kept fresh through a patented aging process.

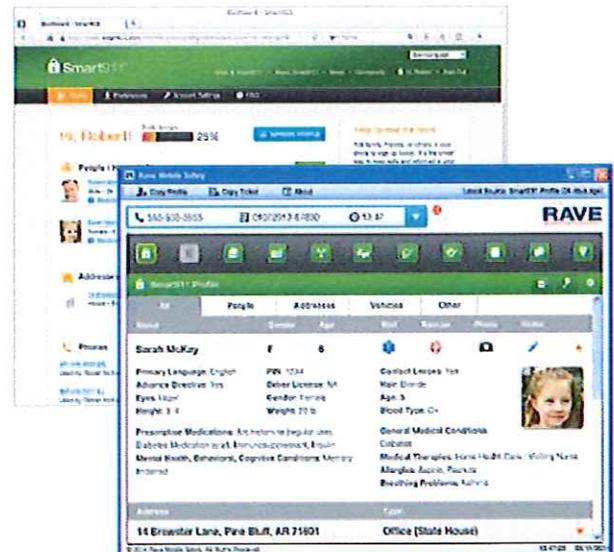
When a person calls 9-1-1, their data automatically displays on the 9-1-1 call taker's workstation providing additional information that helps you dispatch the best response to the right location.

Data can be easily pushed to responding Law

Enforcement, Fire, and EMS to help them respond more quickly and effectively.

Smart911 is an additional way for you to connect with your community. It is a tangible, citizen-facing way to showcase government, police, and first responders' on-going commitment to public safety.

What citizens create...



What 9-1-1 sees...

How Smart911 Works



Citizens enter information using the secure Smart911 portal.

The data is self-managed with rules and processes to ensure data currency. This results in richer data with less data management overhead.



Data is stored in secure, national, databases that are geo-redundant and built on Rave's public safety grade infrastructure.



Critical data is displayed automatically when a registered phone dials 9-1-1. Includes full audit trail, mobile-friendly view for responders, unique location, and two-way text capabilities.

Improves Responder Safety and Effectiveness

Smart911 provides critical caller information to first responders, helping to ensure that the right resources are dispatched to the right location and with enhanced situational awareness, enabling them to perform their duties safely and effectively.



Police – Premise details, history of domestic violence, vehicle descriptions, large dogs on site, photos of children who have gone missing or elderly residents prone to wandering.



Fire – Property layout, number of people in household, disabilities and/or mobility limitations, hazardous materials, utility shut-off locations, access instructions.



EMS – Gate and access codes, allergies, medical conditions, medications and treatment assets, emergency contacts, special transport needs.

Assists 9-1-1 Telecommunicators

The rich information flow and supporting features of Smart911 help 9-1-1 telecommunicators resolve calls faster and easier, dispatch more effectively, and save lives.

- **Instantly and automatically** delivers potentially life-saving data available about unresponsive or non-communicative callers to telecommunicators desktop.
- **Initiate text sessions** with mobile callers. Text when callers are non-verbal, hang up, or when calls are dropped for greater response and reduced numbers of unresolved cases. Multi-chat lets call takers efficiently handle multiple calls at once.
- **Ability to re-bid** the location of a mobile caller, even in dropped call or callback scenarios.
- **Accurate physical addresses** for mobile phones helps you convert a general mobile location into a dispatchable address.
- **Immediate identification** of important dispatching details such as the need for specialty resources, additional units, a hidden driveway, or known medical condition.

Assists 9-1-1 Telecommunicators – Continued from page 2...

- > **Enables call reporting** for all device types across regions, providing visibility into frequent callers, transfer history, dropped calls, and misrouted calls along PSAP boundaries. The ability to append notes to a call that are viewable across PSAPs enables efficient collaboration across jurisdictions for a specific incident or caller.
- > **Rapid delivery of rich content** to first responders on mobile devices (even a smartphone) speeds response and minimizes communication errors.

Deploys Quickly and Easily in All PSAP Environments



Smart911 works seamlessly with all CAD and call taking system combinations – deploying in days, not months. It has no effect on existing call routing or handling processes, and the Smart911

Profile Viewer deploys in telecommunicator preferred display. The Smart911 CPE Server offers trouble-shooting functions and deployment tools to make on-boarding and the upgrade process quick and easy. Entire PSAPs can be deployed in a few short hours.

Community Outreach



We provide on-going support to help PSAPs educate their communities about Smart911. The Smart911 community marketing team makes educating your community about Smart911 as easy as copying and pasting. We give you all the content, resources, and training you will need – whether pushing out social media posts or contributing to a newsletter – to quickly and easily generate sign ups in your community. You can lean on our community marketing team's experience – managing 450 clients across the country – to deliver the most impactful activities to drive registrations that will make you successful.

Smart911Connect – Powerful, Precise Data Aggregation and Delivery



 **Smart911Connect**

Every Smart911 deployment comes with Smart911Connect, an intelligent data delivery tool that allows Smart911 to support multiple data sources and types without overloading telecommunicators. Smart911Connect ensures this data is seamlessly integrated into the call taking and dispatching process, and works in both E9-1-1 and NG9-1-1 environments.



Smart911Connect integrates additional data sources onto a call taker's screen in an easy-to-use format. In addition to Smart911 Profile data, chat, and enhanced location data, Smart911Connect offers available PBX switch data, telematics crash data, building data and floor plans, hazmat data, responder safety checks, incident logs and feeds, medical data from hospitals or other third parties, IP video feeds, and more.



"This is a true game changer for those of us working in Emergency Services."
 – Eddie Adamson, Chickasha Police Chief

Actual Smart911 Use Cases



Medical Condition/Location – Nashville, TN 9-1-1 received a call from a citizen who said a man was unresponsive in his apartment. The caller knew nothing of the man's medical history, but because he was using the unconscious man's phone, the Smart911 Safety Profile immediately displayed. It gave his exact location in a large complex and indicated that the man has Epilepsy. 9-1-1 immediately dispatched EMS which enabled them to locate and treat the patient quickly.



Home Invasion/Silent Caller – Jessamine County, KY E911 received a cell phone call from a resident who reported someone attempting to enter her home through the front door. The call audio was poor, and the caller was afraid to speak too loudly and potentially alert the intruder. Using the information included in the caller's Smart911 Safety Profile, the telecommunicator dispatched police to her home address and also provided information on the caller's vehicle, which was parked in the driveway to confirm that police were at the correct location.



Unresponsive Caller/Cell Phone – A wireless 9-1-1 caller is unable to communicate. Using the Smart911 Safety Profile, the call taker identifies the caller's home address, which is near the location hit on the wireless phone. The call taker notices the caller has a bee sting allergy, and dispatches EMS in addition to law enforcement. EMS arrives to find the caller in anaphylactic shock from a bee sting. The rapid medical response contributed to a successful outcome for this individual.

Benefits

- **Accurate data with no maintenance overhead** – Citizen provided, self-managed data. Phones are validated to ensure data integrity. Automatic reminders every 6 months. Rave provides support to citizen inquiries.
- **Supplements traditional data** – Profiles give supplemental ALL information Smart911 profiles associated with all phone types – landline, mobile, and VoIP.
- **Compatibility** – Works with traditional 9-1-1 infrastructures and NG9-1-1 IP based systems. Hundreds of successful implementations in every call taking environment across numerous CAD and call taking system combinations. We are ready with flexible deployment options to meet your specific operational requirements.
- **Implementation timeline** – Deployments are typically done remotely, require minimal technical on-site support, and can be completed in hours.
- **Security and reliability** – Secure, hosted, geographically redundant architecture, meeting the highest security standards.

With Rave you get more than a phone number. You get 24-7-365 access to live technical support provided by Rave employees. Your team always has access to Rave product professionals for advice or general questions. We also provide on-going live training webinars and collaborative sessions.



888-605-7164 · www.ravemobilesafety.com · sales@ravemobilesafety.com

Smart911™

Smart911 is part of Rave's full suite of safety and preparedness solutions: Rave Alert, Rave Guardian, Rave EyeWitness, Rave Panic Button, SmartPrepare™, and Smart911™.

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**BAY COUNTY
BUILDINGS & GROUNDS DIVISION**
Thomas L. Hickner
County Executive

JON M. MORSE
Supervisor of Buildings & Grounds
morsej@baycounty.net

TO: KIM COONAN
WAYS & MEANS CHAIR

FROM: JON MORSE *JM.*
SUPERVISOR OF BUILDINGS & GROUNDS

RE: EQUIPMENT PURCHASE

DATE: NOVEMBER 24, 2015

REQUEST:

Approve \$3,115 to purchase a 1000 watt generator (\$700), 6 - cordless drills (\$90 each), 2 - snow blowers (\$600 each), 3 - shop vacs (\$125 each) and office refrigerator (\$300) from the sale of scrap steel money.

BACKGROUND:

Recreation/Maintenance staff throughout the year recycled scrap steel at Omnisource and the revenue deposited generally will fund any purchases necessary not included through the Capital Improvement budget.

ECONOMICS:

We have been depositing all the scrap steel money into ORG#10126500 OBJ#67104. We would like to use this fund to purchase the various items listed. The estimated cost is \$3,115.

RECOMMENDATION:

Approve \$3,115 to purchase of generator, cordless drills, snow blowers, shop vacs and refrigerator from the sale of scrap steel money that we have been accumulating throughout 2015.

CC: Cristen Gignac
Kim Pressnitz
Crystal Hebert

BAY COUNTY BOARD OF COMMISSIONERS

12/8/2015

RESOLUTION

BY: WAYS AND MEANS COMMITTEE (12/1/15)
 RESOLVED That the Bay County Board of Commissioners hereby approves the claims against the County as follows:

ACCOUNTS PAYABLE:

11/12/15	\$	343,685.33
11/18/15	\$	438,555.14
11/25/15	\$	512,743.19

BAYANET:

October 2015		
1. Payables	\$	35,521.03
2. Payroll	\$	8,737.75

HOUSING (Center Ridge Arms):

11/6/15 & 11/9/15	\$	35,893.18
11/24/15	\$	22,227.51

**KIM COONAN, CHAIR
AND COMMITTEE**

Payables-December

MOVED BY COMM. _____

SUPPORTED BY COMM.

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

VOTE TOTALS:

ROLL CALL: YEAS _____ NAYS _____ EXCUSED _____
 VOICE: YEAS _____ NAYS _____ EXCUSED _____

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

RESOLUTION

NO. _____

BY: WAYS AND MEANS COMMITTEE 12/01/2015

RESOLVED: By this Board of Commissioners of Bay County, Michigan, that the following Budget Adjustments are hereby approved on 12/08/2015 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
2015-12-003	GENERAL FUND BOARD OF COMMISSIONERS MEDICAL EXAMINER Total GENERAL FUND		\$17,000	
	TO ADJUST FOR UNEXPECTED EXPENSES RELATED TO INCREASE IN AUTOPSIES DURING 2015			
2015-12-004	GENERAL FUND BOARD OF COMMISSIONERS PINCONNING PARK Total GENERAL FUND	\$1,081		
	TO BUDGET FOR PINCONNING PARK EXTRA REVENUE AND BUDGET FOR TEMPORARY HELP FOR YEAR END.			
2015-12-005	GENERAL FUND BOARD OF COMMISSIONERS COMMUNITY CENTER Total GENERAL FUND		\$11,500	
	TO INCREASE COMMUNITY CENTER BUDGET FOR THE 2015 YEAR.			
2015-12-006	GENERAL FUND BOARD OF COMMISSIONERS PAYROLL, RETIREMENT, INSURANCE BUDGET DEPARTMENT Total GENERAL FUND		\$4,000	
	TO BUDGET FOR A PRESSURE SEALER FOLDER MACHINE FOR THE W-2 AND 1099 FORMS.			
2015-12-008	FRIEND OF THE COURT FUND FOTC-MEDIATION DUTIES PA294-82 Total FRIEND OF THE COURT FUND	\$30,000		
	TO BUDGET FOR NEW INCENTIVE PAYMENTS FOR FRIEND OF THE COURT ORG 21514300.			
2015-12-009	GENERAL FUND SHERIFF DEPARTMENT Total GENERAL FUND			
	TO RE-ALIGN SHERIFF DEPARTMENT 2015 REVENUE.			

X

Journal Request Number	Fund Involved Department Involved	Favorable Impact	Unfavorable Impact	No Impact
2015-12-010	GENERAL FUND CLERK			
	Total GENERAL FUND			X
	CONCEALED PISTOL LICENSING CLERK-CONCEALED PISTOL LICENSI			
	Total CONCEALED PISTOL LICENSING			X

TO REALLOCATE THE CONCEALED PISTOL LICENSING REVENUE TO A NEW FUND 2630 PER PUBLIC ACT 3 OF 2015 WITH AN EFFECTIVE DATE OF JUNE 2, 2015.

Kim Coonan, Chairman W. & M. and Committee

Budget Adjustment Detail

Journal Request Number **2015-12-003**

Ref: HEALTH

Desc: AUTOPSIES

Eff Date: 12/08/2015

Org / Object	Description	I/D	Amount
GENERAL FUND			
BOARD OF COMMISSIONERS			
10110100 40001	FUND BALANCE	I	17,000
MEDICAL EXAMINER			
10164800 80800	AUTOPSIES	I	17,000
		Favorable	Unfavorable
Total GENERAL FUND		\$0	\$17,000

Explanation

TO ADJUST FOR UNEXPECTED EXPENSES RELATED TO INCREASE IN AUTOPSIES DURING 2015

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Budget Adjustment Detail

Journal Request Number **2015-12-004**

Ref: TEMP

Desc: TEMP HELP

Eff Date: 12/08/2015

Org / Object	Description	I/D	Amount
GENERAL FUND			
BOARD OF COMMISSIONERS			
10110100 40001	FUND BALANCE	D	1,081
PINCONNING PARK			
10176300 65100	REGISTRATIONS,USE & ADMISS FEE	I	3,000
10176300 65111	BOAT LAUNCH FEES	I	1,330
10176300 70500	TEMPORARY HELP	I	3,000
10176300 71500	SOCIAL SECURITY	I	230
10176300 72100	WORKERS' COMPENSATION	I	5
10176300 72500	UNEMPLOYMENT COMPENSATION	I	14
Total GENERAL FUND			
		Favorable	Unfavorable
		\$1,081	\$0

Explanation

TO BUDGET FOR PINCONNING PARK EXTRA REVENUE AND BUDGET FOR TEMPORARY HELP FOR YEAR END.

-41-

Budget Adjustment Detail

Journal Request Number **2015-12-005**

Ref: COMM

Desc: COMM CTR

Eff Date: 12/08/2015

Org / Object	Description	I/D	Amount
GENERAL FUND			
BOARD OF COMMISSIONERS			
10110100 40001	FUND BALANCE	I	11,500
COMMUNITY CENTER			
10175700 72700	OFFICE SUPPLIES	I	100
10175700 72800	PRINTING AND BINDING	I	200
10175700 77800	GROUNDS MAINTENANCE SUPPLIES	I	200
10175700 81301	INTERNET/CABLE SERVICES	I	1,000
10175700 92000	PUBLIC UTILITIES	I	6,000
10175700 93100	EQUIPMENT REPAIR & MAINTENANCE	I	1,000
10175700 93300	BLDG. REPAIR AND MAINTENANCE	I	3,000
			Favorable Unfavorable
Total GENERAL FUND			\$0 \$11,500

Explanation

TO INCREASE COMMUNITY CENTER BUDGET FOR THE 2015 YEAR.

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Budget Adjustment Detail

Journal Request Number **2015-12-006**

Ref: BUDGET

Desc: SEALER MAC

Eff Date: 12/08/2015

Org / Object	Description	I/D	Amount
GENERAL FUND			
BOARD OF COMMISSIONERS			
10110100 40001	FUND BALANCE	I	4,000
PAYROLL, RETIREMENT, INSURANCE			
10120200 96730	MACHINERY & EQUIPMENT EXPENSE	I	2,000
BUDGET DEPARTMENT			
10121200 96730	MACHINERY & EQUIPMENT EXPENSE	I	2,000
			Favorable
			Unfavorable
Total GENERAL FUND			\$0 \$4,000

Explanation

TO BUDGET FOR A PRESSURE SEALER FOLDER MACHINE FOR THE W-2 AND 1099 FORMS.

-43-

Budget Adjustment Detail

Journal Request Number **2015-12-008**

Ref: FOC

Desc: FOC REVENU

Eff Date: 12/08/2015

Org / Object	Description	I/D	Amount
FRIEND OF THE COURT FUND			
FOTC-MEDIATION DUTIES PA294-82			
21514300 40001	FUND BALANCE	D	30,000
21514300 52000	FEDERAL GRANTS-ADC INCENTIVE	I	30,000
Total FRIEND OF THE COURT FUND			
			Favorable Unfavorable
			\$30,000 \$0

Explanation

TO BUDGET FOR NEW INCENTIVE PAYMENTS FOR FRIEND OF THE COURT ORG 21514300.

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Budget Adjustment Detail

Journal Request Number **2015-12-009**

Ref: JAIL

Desc: JAIL REVEN

Eff Date: 12/08/2015

Org / Object	Description	I/D	Amount
GENERAL FUND			
SHERIFF DEPARTMENT			
10130100 61800	FINGERPRINTING FEES	I	7,000
10130100 61802	PRELIMINARY BREATH TEST	I	5,000
10130100 61804	DRUG TESTING FEES	I	20,000
10130100 63000	SERVICE OF PAPERS	D	27,000
10130100 64601	FOOD SALES - NON TAXABLE	D	3,000
10130100 67101	PAY TELEPHONE	D	52,000
10130100 67104	MISCELLANEOUS REVENUES	I	12,000
10130100 68501	JAIL KEEP REIMBURSEMENT-FEDERA	I	12,000
10130100 68502	JAIL KEEP REIMBURSEMENT-STATE	I	25,000
10130100 69200	CLAIMS/SETTLEMENTS/JUDGEMENTS	I	1,000
			Favorable Unfavorable
Total GENERAL FUND			\$0 \$0

Explanation

TO RE-ALIGN SHERIFF DEPARTMENT 2015 REVENUE.

-45-

Budget Adjustment Detail

Journal Request Number **2015-12-010**

Ref: CPL

Desc: CPL CLERKS

Eff Date: 12/08/2015

Org / Object	Description	I/D	Amount
GENERAL FUND			
CLERK			
10121500 48900	PISTOL PERMITS	D	16,010
10121500 70400	WAGES-CLERICAL-OTHER FULL TIME	D	5,000
10121500 71500	SOCIAL SECURITY	D	383
10121500 71600	HEALTH INSURANCE	D	500
10121500 71700	LIFE INSURANCE	D	20
10121500 71800	RETIREMENT	D	400
10121500 72100	WORKERS' COMPENSATION	D	8
10121500 72200	SICK AND ACCIDENT INSURANCE	D	53
10121500 72500	UNEMPLOYMENT COMPENSATION	D	23
10121500 74700	PHOTO & MICROFILM/FICHE SUPPLY	D	9,000
10121500 75100	COMPUTER SUPPLIES	D	623
			Favorable
			Unfavorable
Total GENERAL FUND			\$0 \$0
CONCEALED PISTOL LICENSING			
CLERK-CONCEALED PISTOL LICENSI			
26321500 48900	PISTOL PERMITS	I	16,010
26321500 70400	WAGES-CLERICAL-OTHER FULL TIME	I	5,000
26321500 71500	SOCIAL SECURITY	I	383
26321500 71600	HEALTH INSURANCE	I	500
26321500 71700	LIFE INSURANCE	I	20
26321500 71800	RETIREMENT	I	400
26321500 72100	WORKERS' COMPENSATION	I	8
26321500 72200	SICK AND ACCIDENT INSURANCE	I	53
26321500 72500	UNEMPLOYMENT COMPENSATION	I	23
26321500 74000	OPERATING SUPPLIES	I	4,000
26321500 86600	LOCAL TRAVEL MILEAGE	I	500
26321500 93700	HARD/SOFTWARE REPAIR & MAINT	I	1,500
26321500 95500	MISCELLANEOUS	I	323
26321500 96000	EDUCATION AND TRAINING	I	300
26321500 96730	MACHINERY & EQUIPMENT EXPENSE	I	3,000
			Favorable
			Unfavorable
Total CONCEALED PISTOL LICENSING			\$0 \$0

Explanation

TO REALLOCATE THE CONCEALED PISTOL LICENSING REVENUE TO A NEW FUND 2630 PER PUBLIC ACT 3 OF 2015 WITH AN EFFECTIVE DATE OF JUNE 2, 2015.

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BAY COUNTY
FINANCE/INFORMATION SYSTEMS

Thomas L. Hickner
Bay County Executive

Crystal A. Hebert
Finance Officer
hebertc@baycounty.net

Kimberly A. Priessnitz
Assistant Finance Officer
priessnitzk@baycounty.net

Frances A. Moore
Purchasing/Housing Rehab
mooref@baycounty.net

Julie A. Coppens
Information Systems Manager
coppensj@baycounty.net

To: Kim Coonan
Ways and Means Committee

From: Crystal Hebert *CH*
Finance Officer

Date: November 23, 2015

Re: EFT Resolution 2014-181

Background:

With the support of county-wide departments, the Bay County Finance/Budget/Purchasing Department has been actively facilitating the implementation of Resolution 2014-181 dated August 12, 2014, related to the requirement that all vendors doing business with Bay County be paid by electronic fund transfers as of January 1, 2015. Out of our total active vendor database of approximately 2000, over 1600 are now paid through electronic fund transfers. Unfortunately, we are unable to process all payments electronically as there will always be a few exceptions. Attached is a list of exceptions by vendor type.

Economics/Finance:

There are no financial considerations to be made at this time.

Recommendations:

I am recommending that the Ways and Means Committee revise the resolution to include the list of exceptions by vendor type and also allow discretion of the Bay County Finance Officer/Assistant Finance Officer to make a determination when additional exceptions may be warranted. Please forward same to the full Board for their consideration and approval.

Attachment

C. Tom Hickner
Robert Redmond
Kim Priessnitz

Exceptions by Vendor Type

One Time Vendors

Refund Vendors

Restitution

Veterans Trust

Payroll/Taxes/Withholding/Garnishments

International

Drain

State of Michigan

Associations

Bay County/Petty Cash

Discretionary List

BAY COUNTY BOARD OF COMMISSIONERS

12/08/2015

RESOLUTION

BY: WAYS AND MEANS COMMITTEE (12/1/15)

WHEREAS, With the support of county-wide departments, the Bay County Finance/Budget/Purchasing Department has been actively facilitating the implementation of resolution no. 2014-181 dated August 12, 2014, related to the requirement that all vendors doing business with Bay County be paid by electronic fund transfers as of January 1, 2015; and

WHEREAS, Out of the County's total active vendor database of approximately 2,000, over 1,600 are now paid through electronic fund transfers; and

WHEREAS, Since there are always exceptions, the County is unable to process all payments electronically; and

WHEREAS, The exceptions by vendor type are: One-time Vendors; Refund Vendors; Restitution; Veterans Trust; Payroll/Taxes/Withholding/Garnishments; International; Drain; State of Michigan; Associations; Bay County/Petty Cash; and Discretionary List; Therefore, Be It

RESOLVED That the Bay County Board of Commissioners that resolution no. 2014-218 is amended to include the following exceptions: One-time Vendors; Refund Vendors; Restitution; Veterans Trust; Payroll/Taxes/Withholding/Garnishments; International; Drain; State of Michigan; Associations; Bay County/Petty Cash; and Discretionary List; Be It Further

RESOLVED That the Bay County Finance Officer and Assistant Finance Officer are authorized to make a determination when/if additional exceptions may be warranted.

KIM COONAN, CHAIR
AND COMMITTEE'

Finance - Exceptions to Res. No. 2014-181 (EFTs)

MOVED BY COMM. _____

SUPPORTED BY COMM. _____

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

VOTE TOTALS:

ROLL CALL: YEAS _____ NAYS _____ EXCUSED _____
VOICE: YEAS _____ NAYS _____ EXCUSED _____

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

Description	Journal Number	2015 Fund Balance
Audited Unassigned Fund Balance or (Deficit) 12/31/2014		\$5,683,497
Previous years Assigned Fund Balance for P.O.'s *		\$737,525
Previous years Assigned Fund Balance for designation to balance 2015 Budget		\$445,055
Unassigned & Assigned Fund Balance or (Deficit) at 12/31/2014		\$6,866,077
2015 Budgeted Surplus /(Deficit)		-\$445,055

BUDGET ADJUSTMENTS POSTED IN JANUARY THROUGH NOVEMBER 2015

Purchase a bed liner for the 2006 Sterling dump truck	15-02-0253	-\$1,600
To purchase a 2006 Sterling dump truck	15-02-0068	-\$48,500
Increase Corp. Counsel budget for reorganization to Dept head and pay grade PN12	15-02-0004	-\$7,698
Increase Corp. Counsel budget to fund the Assistant Corp. Counsel position	15-02-0003	-\$53,928
Civic Arena's purchase of skates & helmets funding source Bay Foundation	15-02-0002	-26,072
Budget for the repair of the southside elevator in County building	15-03-0026	-22,000
Increase GIS budget for enhanced LiDAR data Aerial Photography project	15-03-0002	-42,750
Correct GIS budget error revenue was entered a debit for 100. should be 200. credit	15-04-0049	300
Correct budget error health contribution under wrong activity	15-04-0011	2,152
Increase Sheriff budget for a replacement vehicle due to an accident	15-04-0365	-16,400
Increase budget for special audit	15-04-0312	-20,000
Increase Community Center budget for replacement of gym floor	15-04-0097	-30,000
Incr. Animal Control budget from rolled over 2014 money for remaining radios costs	15-04-0012	-1,918
Increase Community Center budget for purchase of drinking water fountain	15-06-0002	-164
Increase Civic Arena budget for new seals for the ice rink	15-06-0050	-17,205
Budget for 2014 PO's @ 12-31-14 rolled over *	15-07-0276	-737,525
Budget for the purchase of radio equipment for the Juvenile Home	15-07-0273	-9,500
Increase in Child Care Fund 29266200 activity, for placement of children in agencies	15-08-0002	-50,000
Budget for security enhancements in the County Building	15-08-0158	-10,000
Budget for purchase of an ice resurfacer machine for the Civic Arena	15-08-0278	-105,000
Purchase and install new gas meter to track gas consumption at Riverside Center	15-09-0362	-2,100
Purchase 4X4 ATV for Pinconning Park	15-09-0363	-9,000
Budget for Prosecutor's Crime Victim Services Grant	15-10-0098	-3,033
To correct budget, expenses charges to wrong fund should be charged to Gen.Func	15-11-0076	-8,393
Budget for campaign financing, indexing & reporting software for Clerk's Office	15-11-0233	-5,000

November 23, 2015		-1,225,334
Unassigned Fund Balance or (Deficit) 11/23/2015		<u>\$5,195,688</u>



BAY COUNTY
FINANCE/INFORMATION SYSTEMS

Thomas L. Hickner
Bay County Executive

Crystal A. Hebert
Finance Officer
hebertc@baycounty.net

Kimberly A. Priessnitz
Assistant Finance Officer
priessnitzk@baycounty.net

Frances A. Moore
Purchasing/Housing Rehab
mooref@baycounty.net

Julie A. Coppens
Information Systems Manager
coppensj@baycounty.net

TO: Kim Coonan, Chairperson
Ways & Means Committee

FROM: Crystal Hebert *CH*
Finance Officer

RE: Executive Directive #2007-11

DATE: November 23, 2015

REQUEST:

Please place this memo on the December 1, 2015, agenda for your committee's information.

BACKGROUND:

On November 15, 2015 an e-mail was sent requesting departments to contact their grantor agencies to confirm their level of grant funding for the current year. As stated previously, the Finance Department would request monthly updates from these departments regarding their grant funding status and then provide a status update to your committee at your monthly meeting.

ECONOMICS:

As of the date of this missive, the following are the updates to the previous correspondence:

1. The state grantor agencies that have responded to department's requests indicate that funding levels for the state grants with regard to fiscal year 2015 and/or 2016 appear to have no changes.

RECOMMENDATION:

To receive.

c: Tom Hickner
Kim Priessnitz
Tim Quinn



BAY COUNTY
FINANCE/INFORMATION SYSTEMS

Thomas L. Hickner
Bay County Executive

Crystal A. Hebert
Finance Officer
hebertc@baycounty.net

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Purchasing/Housing Rehab
mooref@baycounty.net

Julie A. Coppens
Information Systems Manager
coppensj@baycounty.net

To: Kim Coonan
Ways and Means Committee

From: Crystal Hebert *CH*
Finance Officer

Date: November 24, 2015

Re: Golf Course Fund Short-Term Loan

Background:

Bay County Golf Course Fund has been experiencing declining revenues causing a significant decrease in unrestricted net assets over the past six years. As a result of 2015 operations, it is projected that the Bay County Golf Course Fund will end the fiscal year in a deficit.

Economics/Finance:

Facilitate a short term loan/transfer from Bay County General Fund to the Bay County Golf Course Fund to cover any potential deficits at fiscal year-end (final recommendation and additional details will be available at the full board meeting).

Recommendations:

I am recommending that the Ways and Means Committee receive the available information on the short term loan/transfer from Bay County General Fund to the Bay County Golf Course Fund and allow additional information to be presented to the full Board for their consideration and approval.

- C. Tom Hickner
- Cristen Gignac
- Brent Goik
- Richard Brzezinski
- Robert Redmond
- Kim Priessnitz

515 Center Avenue, Suite 701, Bay City, MI 48708-5128
TEL (989) 895-4030 TDD (989) 895-4049 FAX (989) 895-4039
www.baycounty-mi.gov

BAY COUNTY HOUSING DEPARTMENT



Rachelle J. Anderson
Director

Thomas L. Hickner
County Executive

To: Mr. Kim Coonan, Chairperson
Ways and Means Committee
Bay County Board of Commissioners

From: Rachelle Anderson
Housing Director

Subject: Renewal of Property and Liability Insurance

Date: November 23, 2015

BACKGROUND:

Property and liability insurance coverage have been provided through Bay County Housing Department's membership in the Housing Authority Insurance Group (HAI) since 2009. Bay County Housing Department has been satisfied with the coverage, rates and services provided by HAI. Each year the Housing Department receives dividends from HAI group, in addition online housing related training is available free of charge for employees of the housing department through the HTVN program.

ECONOMICS:

Due to Bay County Housing Department's claim and loss history and proactive risk management measures, premium costs for commercial liability insurance have remained stable. The 2016 premium for commercial liability insurance provided by Housing Authority Risk Retention Group (HARRG) will be \$7,188.00, which represents a slight increase from 2015. The 2016 premium for commercial property insurance provided by Housing Authority Property Insurance (HAPI) will be \$10,931.00, which is a decrease from 2015. In addition, during 2014, Bay County Housing Department received dividends from HAI group.

RECOMMENDATION:

It is recommended that the Bay County Board of Commissioners authorize renewal of property and liability insurance for the period 1/1/2016 through 12/31/2016 with Housing Authority Insurance Group. Board Chair to authorize

and sign all necessary renewal documents upon satisfactory approval by corporation counsel.

**CC: Tom Hickner, County Executive
Corporation Counsel**

BAY COUNTY BOARD OF COMMISSIONERS

12/8/2015

RESOLUTION

BY: WAYS AND MEANS COMMITTEE (12/1/15)

WHEREAS, Property and Liability coverage for the Bay County Housing Department - Center Ridge Arms - has been provided by the Housing Authority Insurance Group (HAI) since 2009 and the Bay County Housing Department has been satisfied with the coverage, rates and services provided by HAI; and

WHEREAS, Each year the Housing Department receives dividends from HAI Group, in addition online housing related training is available free of charge for employees of the Housing Department through the HTVN Program; and

WHEREAS, Due to Bay County Housing Department's claim and loss history and proactive risk management measures, premium costs for commercial liability insurance have remained stable and the 2016 premium for commercial liability insurance provided by Housing Authority Risk Retention Group (HARRG) will be \$7,188.00, which represents no change from 2015, and

WHEREAS, The 2016 premium for commercial property insurance provided by Housing Authority Property Insurance (HAPI) will be \$10,931.00, which is a decrease from 2015. In addition, during 2014, Bay County Housing Department received dividends from HAI group; and

WHEREAS, Renewal of the current insurance package is for the term 1/1/2016 through 12/31/16; and

WHEREAS, Housing Department administration recommends in favor of renewal of the property and liability coverage through Housing Authority Insurance Group; Therefore, Be It

RESOLVED That the Bay County Board of Commissioners approves continued property and liability coverage for the Housing Department - Center Ridge Arms through Housing Authority Insurance Group for the term 1/1/2016 through 12/31/2016 as outlined above; Be It Further

RESOLVED That the Chairman of the Board is authorized to sign all documents required for the insurance renewal on behalf of Bay County following legal review/approval; Be It Further

RESOLVED That related budget adjustments, if required, are approved.

KIM COONAN, CHAIR
AND COMMITTEE

CRA - Property & Liability Coverage
MOVED BY COMM. _____

SUPPORTED BY COMM. _____

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

VOTE TOTALS:
 ROLL CALL: YEAS _____ NAYS _____ EXCUSED _____
 VOICE: YEAS _____ NAYS _____ EXCUSED _____

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

-55-

**BAY COUNTY GYPSY MOTH
SUPPRESSION PROGRAM**

515 Center Avenue, Suite 503
Bay City, Michigan 48708

ALICIA WALLACE, COORDINATOR
wallacea@baycounty.net

Phone 989-895-4195
Fax 989-895-4068
TDD 989-895-4049
<http://www.baycounty-mi.gov>



TOM HICKNER
County Executive

LAURA OGAR, DIRECTOR
ogarl@baycounty.net

Community Initiatives
Geographic Information Systems
Gypsy Moth Suppression Program
Mosquito Control
Transportation Planning

MEMORANDUM

DATE: November 20, 2016

TO: Kim Coonan, Chairman
Ways & Means Committee

FROM: Alicia Wallace, Gypsy Moth Program Coordinator

RE: Request Authorization to Conduct Two Years of Treatment of Ash Trees to Control Emerald Ash Borer

Background:

In 2011, the Gypsy Moth Suppression Program began treating ash trees to protect them from Emerald Ash Borer (EAB), an invasive, non-native pest which was first confirmed as present in Bay County in August of 2007. An Ash Tree Inventory is conducted each year to locate and evaluate the condition and health of ash trees on each publicly held property in the county. EAB causes tree mortality and the dying and dead ash trees become a serious safety hazard. The trees included in the Emerald Ash Borer Treatment projects are all on publicly owned lands and their protection under this program would further reduce the environmental impacts of EAB and mitigate the potential economic and safety risks associated with EAB damage. Treatment of these trees is done every other year so those treated in 2014 will need to be treated in 2016 while those trees treated in 2015 will need to be treated in 2017.

Methodology:

The Ash Tree Inventory has been done to determine the effectiveness of the 2014 and 2015 EAB Treatment Projects. The results of the inventory indicate that there are over 700 ash trees that meet the criterion for inclusion in the EAB Treatment Project for the spring of 2016 and over 2,400 that should be re-treated in 2017. Most of these trees have been treated in past years and continue to grow and thrive despite heavy pressure from large numbers of EAB. This treatment has saved over 2450 ash trees in Parks and other public lands throughout Bay County and they will continue to benefit from treatment to control EAB larvae.

It is the intent of the Program to use a competitive bidding process to select qualified Bidders for treatment that must be conducted between May 1 and June 30 of 2016 and 2017 for optimum effect. This would be a two year contract with the possibility of extending the Contract for an additional two years.

Economics/Finance:

No General Fund dollars will be requested for this project. Funding will come from the Gypsy Moth Suppression Program Millage Fund Balance. Sufficient funds have been included in the 2016 Budget to conduct this treatment and there should be sufficient Fund balance in the Gypsy Moth Fund to cover the cost for 2017 whether the Suppression Millage is renewed or not.

Recommendation:

Favorable recommendation to the Board of Commissioners to authorization the Gypsy Moth Suppression Program to request Competitive Bids and enter into a contract or contracts with qualified application firms to treat qualified ash trees on publicly held lands in Bay County and the signing of all documents and budget adjustments that might be required for this Project pending Corporation Counsel review of all needed documents.

cc: Tom Hickner
Laura Ogar
Amber Johnson
Robert Redmond

BAY COUNTY BOARD OF COMMISSIONERS

12/08/2015

RESOLUTION

- BY: WAYS AND MEANS COMMITTEE (12/1/15)
- WHEREAS, In 2011, the Gypsy Moth Suppression Program began treating ash trees to protect them from Emerald Ash Borer (EAB), an invasive, non-native pest which was first confirmed as present in Bay County in August of 2007; and
- WHEREAS, An Ash Tree Inventory is conducted each year to locate and evaluate the condition and health of ash trees on each publicly held property in the county. EAB causes tree mortality and the dying and dead ash trees become a serious safety hazard. The trees included in the Emerald Ash Borer Treatment projects are all on publicly owned lands and their protection under this program would further reduce the environmental impacts of EAB and mitigate the potential economic and safety risks associated with EAB damage; and
- WHEREAS, Treatment of these trees is done every other year so those treated in 2014 will need to be treated in 2016 while those trees treated in 2015 will need to be treated in 2017; and
- WHEREAS, The Ash Tree Inventory has been done to determine the effectiveness of the 2014 and 2015 EAB Treatment Projects. The results of the inventory indicate that there are over 700 ash trees that meet the criterion for inclusion in the EAB Treatment Project for the spring of 2016 and over 2,400 that should be re-treated in 2017. Most of these trees have been treated in past years and continue to grow and thrive despite heavy pressure from large numbers of EAB. This treatment has saved over 2450 ash trees in Parks and other public lands throughout Bay County and they will continue to benefit from treatment to control EAB larvae; and
- WHEREAS, It is the intent of the Program to use a competitive bidding process to select qualified Bidders for treatment that must be conducted between May 1 and June 30 of 2016 and 2017 for optimum effect. This would be a two year contract with the possibility of extending the Contract for an additional two years; and
- WHEREAS, No General Fund dollars will be requested for this project. Funding will come from the Gypsy Moth Suppression Program Millage Fund Balance. Sufficient funds have been included in the 2016 Budget to conduct this treatment and there should be sufficient Fund balance in the Gypsy Moth Fund to cover the cost for 2017 whether the Suppression Millage is renewed or not; Therefore, Be It
- RESOLVED That the Bay County Board of Commissioners authorizes the Gypsy Moth Suppression Program to request Competitive Bids; Be It Further
- RESOLVED That the Chairman of the Board is authorized to enter into and execute a contract(s) with qualified application firms to treat qualified ash trees on publicly held lands in Bay County following legal review/approval; Be It Finally
- RESOLVED That related required budget adjustments are approved.

KIM COONAN, CHAIR
AND COMMITTEE

Gypsy Moth - EAB Aerial Treatment 2016 & 2017
MOVED BY COMM. _____

SUPPORTED BY COMM.

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

VOTE TOTALS:

ROLL CALL: YEAS _____ NAYS _____ EXCUSED _____
VOICE: YEAS _____ NAYS _____ EXCUSED _____

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

**BAY COUNTY GYPSY MOTH
SUPPRESSION PROGRAM**

515 Center Avenue, Suite 503
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TOM HICKNER
County Executive

LAURA OGAR, DIRECTOR
ogarl@baycounty.net

Community Initiatives
Geographic Information Systems
Gypsy Moth Suppression Program
Mosquito Control
Transportation Planning

MEMORANDUM

DATE: November 20, 2015

TO: Kim Coonan, Chairman
Ways & Means Committee

FROM: Alicia Wallace, Gypsy Moth Program Coordinator

RE: Request Authorization to Conduct Treatment to Control Outbreak Level
Populations of Gypsy Moth by Contracting with an Aerial Applicator

Background:

The local Gypsy Moth population has begun to grow again and may reach outbreak levels in some areas of Bay County by spring 2016. The Gypsy Moth population in Bay County has remained at low, almost unnoticeable levels since we last treated in 2009. In the summer of 2015, small patches of outbreak levels of gypsy moths were noted in the city of Bay City and Beaver Township. Fall Egg Mass Surveys conducted in 2015 confirm that these populations continue to grow and spread. Therefore it is recommended that the Gypsy Moth Suppression Program conduct treatment control to suppress the growing gypsy moth populations before they cause noticeable damage to our trees. In the past, we worked cooperatively with Roscommon and other counties to contract with aerial applicators to conduct treatment operations.

Methodology:

During the fall of each year the Gypsy Moth Program conducts Egg Mass Surveys to determine if any areas show an increase in the gypsy moth populations. Over 500 sites are checked annually. If the site has enough egg masses to indicate an increase in the population, delimiting surveys are done to determine the average number egg masses per acre using a "1/40th acre plot method". If the average number of egg mass per acre is greater than 300, the site is mapped and included in the treatment proposal. In January the property owners are notified of our intent to treat and given the opportunity to opt-out of the program. Treatments will be done during May after new caterpillars hatch.

Economics/Finance:

No General Fund dollars will be requested for this project. Funding will come from the Gypsy Moth Suppression Program Millage Fund Balance. Sufficient funds have been included in the 2016 Budget to conduct this treatment. The State of Michigan discontinued the Cooperative Gypsy Moth Suppression Program in 2006 so there are no grant funds available for this treatment.

Recommendation:

Favorable recommendation to the Board of Commissioners to authorization the Gypsy Moth Suppression Program to request Competitive Bids and enter into a contract or contracts with qualified application firms to treat qualified wooded area in Bay County, to work cooperatively with other counties in the procurement of contracts if the opportunity arises and that Chairman of the Board of Commissioners be authorized to sign all documents and budget adjustments that might be required for this Project pending Corporation Counsel review . The resulting Contract would allow for the extension of the contract for one additional year.

cc: Tom Hickner
Laura Ogar
Amber Johnson
Robert Redmond

BAY COUNTY BOARD OF COMMISSIONERS

12/08/2015

RESOLUTION

- BY: WAYS AND MEANS COMMITTEE (12/1/15)
- WHEREAS, The local Gypsy Moth population has begun to grow again and may reach outbreak levels in some areas of Bay County by spring 2016. The Gypsy Moth population in Bay County has remained at low, almost unnoticeable levels since we last treated in 2009. In the summer of 2015, small patches of outbreak levels of gypsy moths were noted in the city of Bay City and Beaver Township. Fall Egg Mass Surveys conducted in 2015 confirm that these populations continue to grow and spread;
- WHEREAS, It is recommended that the Gypsy Moth Suppression Program conduct treatment control to suppress the growing gypsy moth populations before they cause noticeable damage to our trees; and
- WHEREAS, In the past, Bay County worked cooperatively with Roscommon and other counties to contract with aerial applicators to conduct treatment operations; and
- WHEREAS, During the fall of each year the Gypsy Moth Program conducts Egg Mass Surveys to determine if any areas show an increase in the gypsy moth populations. Over 500 sites are checked annually. If the site has enough egg masses to indicate an increase in the population, delimiting surveys are done to determine the average number egg masses per acre using a "1/40th acre plot method". If the average number of egg mass per acre is greater than 300, the site is mapped and included in the treatment proposal. In January the property owners are notified of our intent to treat and given the opportunity to opt-out of the program. Treatments will be done during May after new caterpillars hatch; and
- WHEREAS, No General Fund dollars will be requested for this project. Funding will come from the Gypsy Moth Suppression Program Millage Fund Balance. Sufficient funds have been included in the 2016 Budget to conduct this treatment. The State of Michigan discontinued the Cooperative Gypsy Moth Suppression Program in 2006 so there are no grant funds available for this treatment; Therefore, Be It
- RESOLVED That the Bay County Board of Commissioners authorizes the Gypsy Moth Suppression Program to request Competitive Bids and to work cooperatively with other counties in the procurement of contracts if the opportunity arises; Be It Further
- RESOLVED That the Chairman of the Board is authorized to enter into and execute a contract(s), to include extension of the contract for one additional year, and related documents with qualified application firms to treat qualified wooded areas in Bay County following legal review/approval; Be It Further
- RESOLVED That related required budget adjustments are approved.

KIM COONAN, CHAIR
AND COMMITTEE

Gypsy Moth - Treatment of EAB 2016

MOVED BY COMM. _____

SUPPORTED BY COMM. _____

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

VOTE TOTALS:
ROLL CALL: YEAS _____ NAYS _____ EXCUSED _____
VOICE: YEAS _____ NAYS _____ EXCUSED _____

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

-61-