

## **BAY COUNTY BOARD OF COMMISSIONERS**

**DECEMBER 8, 2015**

THE BAY COUNTY BOARD OF COMMISSIONERS MET FOR A REGULAR SESSION ON TUESDAY, DECEMBER 8, 2015, IN THE FOURTH FLOOR COMMISSION CHAMBERS OF THE BAY COUNTY BUILDING. THE MEETING WAS CALLED TO ORDER BY CHAIRMAN ERNIE KRYGIER AT 4:03 P.M. WITH THE FOLLOWING MEMBERS AND GUESTS PRESENT.

ROLL CALL: COMMISSIONERS MICHAEL DURANCZYK, VAUGHN BEGICK, KIM COONAN, THOMAS HEREK, DONALD J. TILLEY, MICHAEL LUTZ AND CHAIRMAN ERNIE KRYGIER

OTHER MEMBERS: CYNTHIA A. LUCZAK, BAY COUNTY CLERK  
SHEILA E. SHAW, SECRETARY TO THE COUNTY CLERK  
ROBERT J. REDMOND, FINANCIAL ANALYST  
DEANNE C. BERGER, BOARD COORDINATOR

ALSO PRESENT: THOMAS L. HICKNER, COUNTY EXECUTIVE  
TIM QUINN, PERSONNEL DIRECTOR  
DEBRA RUSSELL, ADMINISTRATIVE SERVICES DIRECTOR  
KIM PRIESSNITZ, FINANCE DEPARTMENT  
AMBER DAVIS-JOHNSON, CORPORATION COUNSEL  
CRISTEN GIGNAC, RECREATION & FACILITIES DIRECTOR  
ALICIA WALLACE, GYPSY MOTH SUPPRESSION PROGRAM  
VARIOUS ELECTED OFFICIALS  
VARIOUS DEPARTMENT HEADS  
NEWS MEDIA

CHAIRMAN KRYGIER ASKED FOR A MOMENT OF SILENCE AFTER THE INVOCATION FOR FRANK WOODS, LOG TIME EMPLOYEE AT THE BAY COUNTY JUVENILE HOME WHO PASSED AWAY NOVEMBER 22, 2015.

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

PLEDGE OF ALLEGIANCE:

### **MINUTES**

MOTION 80: COMM. HEREK MOVED TO APPROVE THE REGULAR BOARD SESSION MINUTES OF NOVEMBER 10, 2015 AND THE SPECIAL BOARD

SESSION MINUTES OF NOVEMBER 17, 2015, AS PRESENTED. IT WAS SUPPORTED BY COMM. DURANCZYK AND PASSED BY A VOICE VOTE OF: 7 YEAS, 0 NAYS.

**CITIZENS INPUT**

THERE WAS NO CITIZEN INPUT.

**PETITIONS AND COMMUNICATIONS  
REPORTS/RESOLUTIONS OF COMMITTEES**

MOTION 81: COMM. COONAN MOVED TO RECEIVE THE LETTER DATED NOVEMBER 12, 2015 FROM THE CITY OF BAY CITY FOR AN APPLICATION FOR INDUSTRIAL FACILITIES TAX EXEMPTION CERTIFICATE FOR PROPERTY LOCATED AT 3800 WILDER ROAD, BAY CITY, MI FROM CAMBRON ENGINEERING, INC., BAY CITY, MICHIGAN IN THE AMOUNT OF \$46,939.15. IT WAS SUPPORTED BY COMM. TILLEY AND CARRIED BY A VOICE VOTE OF: 7 YEAS, 0 NAYS.

MOTION 82: COMM. DURANCZYK MOVED TO RECEIVE THE LETTER DATED NOVEMBER 24, 2015 FROM THE CITY OF BAY CITY FOR AN APPLICATION FOR AN OBSOLETE PROPERTY REHABILITATION EXEMPTION CERTIFICATE FOR PROPERTY LOCATED AT 311 FIFTH STREET, BAY CITY, MICHIGAN FROM THE TIMES LOFTS, LLC IN THE AMOUNT OF \$3,000.000.00. IT WAS SUPPORTED BY COMM. BEGICK AND ADOPTED BY A VOICE VOTE OF: 7 YEAS, 0 NAYS.

**REPORTS/RESOLUTIONS OF COMMITTEES**

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

RES. 2015-259: COMM. COONAN MOVED TO ADOPT RES. 2015-259 CONCURRING WITH THE RECOMMENDATION OF THE BAY COUNTY TREASURER TO TRANSFER \$1,200,000.00 IN 2016 FROM THE DELINQUENT TAX REVOLVING FUND TO THE COUNTY'S GENERAL FUND IN 2016. 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. TRANSFERS TO THE GENERAL FUND HAVE BEEN APPROXIMATELY THE AMOUNT THE FUND HAS EARNED AND THE FUND HAS NOT HAD TO BORROW SINCE 1998. THE BAY COUNTY TREASURER HAS PROVIDED A DETAILED ANNUAL REVIEW

OF THE DELINQUENT TAX REVOLVING FUND AND MAKES HIS RECOMMENDATION BASED ON THAT REVIEW. IT WAS SUPPORTED BY COMM. HEREK AND PASSED BY A VOICE VOTE OF: 7 YEAS, 0 NAYS.

RES. 2015-260: COMM. COONAN MOVED TO ADOPT RES. 2015-260 APPROVING THE AMENDED DRAIN SPECIAL ASSESSMENT ROLL FOR THE KERR-JAMMER-SZYMANSKI DRAIN IN KAWKAWLIN TOWNSHIP. 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 AND RENDERED THE KERR-JAMMER-SZYMANSKI ROLL INACCURATE. THE DRAIN OFFICE PROVIDED THE TOWNSHIP WITH THE CORRECT ROLL ELECTRONICALLY SO THE RESIDENTS OF KAWKAWLIN TOWNSHIP RECEIVED TAX BILLS WITH THE CORRECT ASSESSMENT FOR THE DRAIN IMPROVEMENTS. HOWEVER, IT IS NECESSARY FOR THE BOARD OF COMMISSIONERS TO APPROVE THE AMENDED ROLL SO THAT ALL RECORDS ARE CONSISTENT. IT WAS SUPPORTED BY COMM. DURANCZYK AND CARRIED BY A VOICE VOTE OF: 7 YEAS, 0 NAYS.

RES. 2015-261: COMM. COONAN MOVED TO ADOPT RES. 2015-261 APPROVING THE 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 \$471,241.00. BAY COUNTY HAS BEEN SATISFIED WITH THE COVERAGE, VALUE AND SERVICES PROVIDED BY MMRMA. FURTHER, TO AUTHORIZE THE BOARD CHAIR TO EXECUTE ANY AND ALL DOCUMENTS ON BEHALF OF BAY COUNTY FOLLOWING LEGAL REVIEW AND THAT BUDGET ADJUSTMENTS, IF REQUIRED, ARE APPROVED. IT WAS SUPPORTED BY COMM. HEREK AND ADOPTED BY A VOICE VOTE OF: 7 YEAS, 0 NAYS.

RES. 2015-262: COMM. COONAN MOVED TO ADOPT RES. 2015-262 APPROVING 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 |
| 12/02/15 | \$117,300.93 |

BAYANET: OCTOBER 2015  
PAYABLES \$ 35,521.03  
PAYROLL \$ 8,737.75

HOUSING (CENTER RIDGE ARMS):  
11/06/15 \$ 35,893.18  
11/09/15 \$ 22,227.51  
11/24/15

IT WAS SUPPORTED BY COMM. TILLEY AND PASSED BY A VOICE VOTE OF: 7 YEAS, 0 NAYS.

RES. 2015-263: COMM. COONAN MOVED TO ADOPT RES. 2015-263 APPROVING VARIOUS BUDGET ADJUSTMENTS. IT WAS SUPPORTED BY COMM. TILLEY AND CARRIED BY A VOICE VOTE OF: 7 YEAS, 0 NAYS.

RES. 2015-264: COMM. COONAN MOVED TO ADOPT RES. 2015-264 AMENDING RESOLUTION NO. 2015-218 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. THE BAY COUNTY FINANCE 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. SINCE THERE ARE ALWAYS EXCEPTIONS, THE COUNTY IS UNABLE TO PROCESS ALL PAYMENTS ELECTRONICALLY. FURTHER, TO AUTHORIZE THE BAY COUNTY FINANCE OFFICER AND ASSISTANT FINANCE OFFICER TO MAKE A DETERMINATION WHEN/IF ADDITIONAL EXCEPTIONS MAY BE WARRANTED. IT WAS SUPPORTED BY COMM. DURANCZYK AND ADOPTED BY A VOICE VOTE OF: 7 YEAS, 0 NAYS.

RES. 2015-265: COMM. COONAN MOVED TO ADOPT RES. 2015-265 APPROVING A SHORT TERM TRANSFER UP TO \$50,000.00 FROM THE BAY COUNTY GENERAL FUND TO THE BAY COUNTY GOLF COURSE FUND TO COVER ANY POTENTIAL DEFICITS AS FISCAL YEAR-END OR CASH FLOW PURPOSES IN EARLY 2016. THE 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. THE SHORT-TERM TRANSFER OF \$50,000.00, WILL BE BUDGETED AND REPAYED TO THE BAY COUNTY GENERAL FUND IN 2016 AT A RATE/FEE DETERMINED BY THE BAY COUNTY TREASURER. FURTHER, ANY RELATED BUDGET ADJUSTMENTS ARE APPROVED. IT WAS SUPPORTED BY COMM. HEREK AND PASSED BY A VOICE VOTE OF: 7 YEAS, 0 NAYS.

RES. 2015-266: COMM. COONAN MOVED TO ADOPT RES. 2015-266 APPROVING 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. THE 2016 PREMIUM FOR COMMERCIAL PROPERTY INSURANCE WILL BE \$10,931.00 AND THE 2016 PREMIUM FOR COMMERCIAL LIABILITY INSURANCE PROVIDED BY HOUSING AUTHORITY RISK RETENTION GROUP WILL BE \$7,188.00. FURTHER, TO AUTHORIZE THE BOARD CHAIRMAN TO SIGN ALL DOCUMENTS REQUIRED FOR THE INSURANCE RENEWAL ON BEHALF OF BAY COUNTY FOLLOWING LEGAL REVIEW . ADDITIONALLY, THAT RELATED BUDGET ADJUSTMENTS, IF REQUIRED, ARE APPROVED. IT WAS SUPPORTED BY COMM. TILLEY AND CARRIED BY A VOICE VOTE OF: 7 YEAS, 0 NAYS.

RES. 2015-267: COMM. COONAN MOVED TO ADOPT RES. 2015-267 AUTHORIZING 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. NO GENERAL FUND DOLLARS WILL BE REQUESTED FOR THIS PROJECT. FUNDING WILL COME FROM THE GYPSY MOTH SUPPRESSION PROGRAM MILLAGE FUND BALANCE. TREATMENT IS CONDUCTED TO SUPPRESS THE GROWING GYPSY MOTH POPULATIONS BEFORE THEY CAUSE DAMAGE TO OUR TREES. FURTHER, TO AUTHORIZE THE BOARD CHAIRMAN TO ENTER INTO AND EXECUTE A CONTRACT, 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. ADDITIONALLY, THAT RELATED REQUIRED BUDGET ADJUSTMENTS ARE APPROVED. IT WAS SUPPORTED BY COMM. DURANCZYK AND ADOPTED BY A VOICE VOTE OF: 7 YEAS, 0 NAYS.

RES. 2015-268: COMM. COONAN MOVED TO ADOPT RES. 2015-268 AUTHORIZING

THE GYPSY MOTH SUPPRESSION PROGRAM TO REQUEST COMPETITIVE BIDS FOR TREATMENT OF EMERALD ASH BORER (EAB). 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. NO GENERAL FUND DOLLARS WILL BE REQUESTED FOR THIS PROJECT. FUNDING WILL COME FROM THE GYPSY MOTH SUPPRESSION PROGRAM MILLAGE FUND BALANCE. THE ASH TREE INVENTORY HAS BEEN CONDUCTED TO DETERMINE THE EFFECTIVENESS OF THE 2014 AND 2015 EAB TREATMENT PROJECTS. RESULTS OF THE INVENTORY INDICATE OVER 700 ASH TREES FOR EAB TREATMENT FOR THE SPRING OF 2016 AND OVER 2,400 THAT SHOULD BE RE-TREATED IN 2017. FURTHER, TO AUTHORIZE THE BOARD CHAIRMAN TO ENTER INTO AND EXECUTE A CONTRACT WITH QUALIFIED APPLICATION FIRMS TO TREAT ASH TREES ON PUBLICLY HELD LANDS IN BAY COUNTY FOLLOWING LEGAL REVIEW AND APPROVAL. FINALLY, THAT RELATED REQUIRED BUDGET ADJUSTMENTS ARE APPROVED. IT WAS SUPPORTED BY COMM. TILLEY FOR DISCUSSION.

A. WALLACE: ALICIA WALLACE, GYPSY MOTH SUPPRESSION PROGRAM, SAID THAT ONLY TREES ON PUBLIC LAND ARE TREATED FOR EMERALD ASH BORER. THE TREES ARE IN A DATA BASE AND THE LAST TREATMENT WAS IN 2010. SHE EXPLAINED HOW TO IDENTIFY EGG MASSES ON FOLIAGE AND SAID THERE ARE 500 SITES IN BAY COUNTY WHERE THE POPULATION IS BUILDING UP. RESIDENTS CAN CALL HER AT, 989-895-4095, IF THEY FIND SOMETHING OF CONCERN. THERE IS A SPECIAL PERMIT ISSUED FOR TREATMENT OF GYPSY MOTH WHICH IS APPLIED AERIALY AND PROPERTY OWNERS AND BUSINESSES ARE NOTIFIED BY MAIL AS TO WHEN TREATMENT WILL BEGIN.

IT WAS PASSED BY A VOICE VOTE OF: 7 YEAS, 0 NAYS.

RES. 2015-269: COMM. COONAN MOVED TO ADOPT RES. 2015-269 APPROVING THE SUBMITTAL OF THE 2016 REMONUMENTATION GRANT APPLICATION. THE GRANT PROGRAM REQUIRES A YEARLY SUBMISSION OF A GRANT APPLICATION IDENTIFYING A WORK PLAN FOR THE GRANT YEAR. THE REMONUMENTATION PROGRAM IS

FUNDED THROUGH A COMBINATION OF STATE GRANT DOLLARS AND A \$2.00 PER FIRST PAGE FEE ON DEED RECORDINGS WHICH ARE SPECIFICALLY ALLOWED BY STATE LAW TO BE ALLOCATED TO THE PROGRAM IN A RESERVE ACCOUNT. FURTHER, TO AUTHORIZE THE BOARD CHAIR TO SIGN ALL REQUIRED DOCUMENTATION INCLUDING AWARDING OF THE CONTRACTS FOR SURVEY WORK, FOLLOWING LEGAL REVIEW AND APPROVAL. ADDITIONALLY, THE GRANT APPLICANT/RECIPIENT DEPARTMENTS ARE REQUIRED TO WORK WITH THE FINANCE DEPARTMENT WHOSE STAFF WILL PROVIDE FINANCIAL OVERSIGHT OF SAID GRANT AND THAT BUDGET ADJUSTMENTS, IF REQUIRED, ARE APPROVED. IT WAS SUPPORTED BY COMM. TILLEY AND PASSED BY A VOICE VOTE OF: 7 YEAS, 0 NAYS.

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

RES. 2015-270: COMM. LUTZ MOVED TO ADOPT RES. 2015-270 AUTHORIZING TO POST/FILL THE PERSONNEL DIRECTOR'S POSITION AS WELL AS ANY BACKFILL IF THE PERSONNEL DIRECTOR POSITION IS FILLED BY AN INTERNAL CANDIDATE. THE CURRENT DIRECTOR OF PERSONNEL AND EMPLOYEE RELATIONS HAS ANNOUNCED HIS RETIREMENT AND HAS BEEN EMPLOYED AT BAY COUNTY SINCE AUGUST, 2008 AND IS CLASSIFIED AS PN12 AT \$90,188.00 AND IT IS RECOMMENDED THAT THE HIRING RATE FOR THE SUCCESSFUL CANDIDATE BASED ON THE FOLLOWING:

**MN14** - \$64,126.00 PER YEAR ENTRY, PROGRESSING TO \$75,441.00 AFTER 4 YEARS WITH THESE QUALIFICATIONS:

- ▶ ACTIVE PARTICIPANT IN AT LEAST ONE COLLECTIVE BARGAINING AGREEMENTS
- ▶ BACHELOR'S DEGREE IN HR OR PHR OR SHRM-CP CERTIFICATION
- ▶ TWO YEARS AS ASSISTANT HUMAN RESOURCE MANAGER OR ASSISTANT DIRECTOR

**MN15** - \$68,452.00 PER YEAR ENTRY, PROGRESSING TO \$81,286.00 AFTER 4 YEARS WITH ALL REQUIRED QUALIFICATIONS LISTED ABOVE, AND

- ▶ LEAD NEGOTIATOR AND ADMINISTRATOR OF AT LEAST TWO COLLECTIVE BARGAINING AGREEMENTS
- ▶ BACHELOR'S DEGREE IN HUMAN RESOURCES, INDUSTRIAL, OR LABOR RELATIONS OR
- ▶ BACHELOR'S DEGREE IN BUSINESS ADMINISTRATION AND SPHR OR SHRM-SCP CERTIFICATION
- ▶ FOUR YEARS IN A SENIOR LEVEL (HR DIRECTOR) POSITION

**PN12** - \$73,091.00 PER YEAR ENTRY, PROGRESSING TO \$90,188.00 AFTER 4

YEARS WITH ALL REQUIRED QUALIFICATIONS LISTED ABOVE, AND

- ▶ MBA OR MASTERS IN HUMAN RESOURCES, INDUSTRIAL, OR LABOR RELATIONS OR JD DEGREE AND MEMBER OF STATE BAR
- ▶ EXCELLENT WRITING AND PRESENTATION SKILLS (TEST MAY BE ADMINISTERED)
- ▶ HIGH DEGREE OF COMPUTER LITERACY (MS OFFICE AND HRIS SYSTEMS)
- ▶ BUDGET PREPARATION, ANALYSIS, AND ADMINISTRATION EXPERIENCE (2 YEARS)
- ▶ BENEFITS ADMINISTRATION EXPERIENCE (3 YEARS)

FURTHER, THERE IS NO INCREASE IN THE BUDGET BECAUSE THE PERSONNEL DIRECTOR'S POSITION IS BUDGETED AT A PN12 LEVEL IN THE 2016 BUDGET. FINALLY, THAT BUDGET ADJUSTMENTS, IF REQUIRED, ARE APPROVED. IT WAS SUPPORTED BY COMM. COONAN AND CARRIED BY A VOICE VOTE OF: 7 YEAS, 0 NAYS.

T. QUINN: TIM QUINN, PERSONNEL DIRECTOR, SAID THIS POSITION WAS FILLED IN-HOUSE BY TIFFANY JERRY WHO PREVIOUSLY SERVED BAY COUNTY AS SUPERVISOR OF BENEFITS, PAYROLL, WELLNESS, AND RETIREMENT FUNCTIONS SINCE AUGUST 2011.

TIFFANY JERRY WAS INTRODUCED AND CHAIRMAN KRYGIER EXTENDED A WELCOME.

RES. 2015-271: COMM. LUTZ MOVED TO ADOPT RES. 2015-271 CONCURRING TO POST/ADVERTISE/FILL THE FOLLOWING POSITIONS WITH MONIES FOR SAID POSITIONS TO COME FROM THE RESPECTIVE DEPARTMENTAL BUDGETS:

1. COUNTY CLERK - SECRETARY, FULL TIME, \$15.81/HR. ENTRY.
2. 911 CENTRAL DISPATCH - SUPERVISOR II, FULL TIME, \$14.10/HR. ENTRY.
3. TREASURER - ACCOUNT CLERK II, FULL TIME, \$13.09/HR. ENTRY.
4. DIVISION ON AGING -
  - A. COOK, PART TIME, \$10.95/HR. ENTRY.
  - B. HEALTH AIDE/HOMEMAKING SERVICES WORKER, FULL TIME, \$11.15/HR. ENTRY.
  - C. ON-CALL HOMEMAKER, \$10.95/HR. ENTRY AND PERSONAL CARE WORKER, \$10.18/HR. ENTRY.
5. HEALTH DEPARTMENT -
  - A. SECRETARY, FULL TIME, \$14.37/HR. ENTRY.
  - B. STAFF ACCOUNTANT, PART TIME, \$23.48/HR. ENTRY.

FURTHER, THAT BUDGET ADJUSTMENTS, IF REQUIRED, ARE

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

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

RES. 2015-272: COMM. TILLEY MOVED TO ADOPT RES. 2015-272 RECEIVING THE EMPLOYMENT STATUS REPORT FOR NOVEMBER 2015. IT WAS SUPPORTED BY COMM. LUTZ AND PASSED BY A VOICE VOTE OF: 7 YEAS, 0 NAYS.

RES. 2015-273: COMM. TILLEY MOVED TO ADOPT RES. 2015-273 URGING THE GOVERNOR AND MICHIGAN LEGISLATURE NOT TO PASS HOUSE BILLS 4947 THROUGH 4966 AS WRITTEN. HOUSE BILLS 4947 THROUGH 4966 WOULD TREAT SEVENTEEN-YEAR-OLDS AS JUVENILES RATHER THAN ADULTS. CHANGING STATE STATUTES TO DEFINE SEVENTEEN-YEAR-OLD DEFENDANTS AS ELIGIBLE FOR SERVICES IN THE JUVENILE JUSTICE SYSTEM PLACES PRESSURE ON AN ALREADY UNDERFUNDED COURT SYSTEM AND CONSTITUTES AN UNFUNDED MANDATE ON COUNTIES. BAY COUNTY HAS CONCERNS THAT THE PROBATE COURT SYSTEM DOES NOT HAVE THE FINANCIAL RESOURCES OR CAPACITY TO HANDLE A NEW POPULATION OF OFFENDERS. WITHOUT ADDITIONAL STATE FUNDING, BAY COUNTY COULD NOT ABSORB THE COSTS OF PROGRAMMING FOR THIS POPULATION IN THE JUVENILE SYSTEM AND SERVICES TO YOUNGER OFFENDERS COULD BE NEGATIVELY AFFECTED. FURTHER, THAT A COPY OF THIS RESOLUTION IS FORWARDED TO GOVERNOR SNYDER, SENATOR MIKE GREEN, REPRESENTATIVES CHARLES BRUNNER AND GARY GLENN, AND THE MICHIGAN ASSOCIATION OF COUNTIES. IT WAS SUPPORTED BY COMM. BEGICK FOR DISCUSSION.

V. BEGICK: COMM. BEGICK SAID THE MICHIGAN ASSOCIATION OF COUNTIES HEALTH AND HUMAN SERVICES COMMITTEE TALKED ABOUT THIS BILL AND IT IS AN UNFUNDED MANDATE, FUNDING IS NOT THERE. OUR JUVENILE JUSTICE SYSTEM HAS BEEN ON THE INCREASE AND UNLESS THEY CAN MAKE THAT CORRECTION, THEY ARE OPPOSED TO CHANGING THE 17-YEAR OLDS TO JUVENILE STATUS BACK TO COUNTY LEVEL TO ENDURE THE COSTS.

B. REDMOND: BOB REDMOND, FINANCIAL ANALYST, SAID THIS WILL AUTOMATICALLY INCREASE THE STAFFING WHICH IS 24/7 WHICH MAY SAVE A SMALL AMOUNT IN FOOD MONEY, WITH THEM NOT AT THE JAIL.

COMM. TILLEY: COMM. TILLEY SAID HE SUPPORTS THE IDEA BUT AGREES WITH THE FUNDING ISSUES. 17-YEAR OLDS SHOULD BE TREATED AS JUVENILES. HOWEVER, DOES NOT SUPPORT THE RESOLUTION DUE TO THE UNFUNDED MANDATE PORTION.

IT WAS CARRIED BY A VOICE VOTE OF: 7 YEAS, 0 NAYS.

RES. 2015-274: COMM. TILLEY MOVED TO ADOPT RES. 2015-274 RESCINDING RESOLUTION NO. 2010-247 BASED ON APPLICABLE AFFORDABLE CARE ACT (ACA) AND INTERNAL REVENUE SERVICE (IRS) PROVISIONS AND THE DIRECT CONFLICT BETWEEN RESOLUTION NO. 201-247 AND EXISTING LAW. THE PROVISIONS OF THE ACA PROVIDE THAT FULL-TIME EMPLOYEES IN A LARGE ORGANIZATION MUST BE OFFERED HEALTH CARE BENEFITS WHICH IS IN DIRECT CONFLICT WITH A RESOLUTION ADOPTED BY THE BAY COUNTY BOARD OF COMMISSIONERS NOVEMBER 23, 2010 (RES. NO. 2010-247). ALTHOUGH RES. NO. 2010-247 PROVIDES THAT COMMISSIONERS TAKING OFFICE AFTER 1/1/2011 WILL NOT BE OFFERED HEALTH CARE, THE PROVISIONS OF THE ACA SUPERSEDE SUCH A RESOLUTION. IT WAS SUPPORTED BY COMM. HEREK FOR DISCUSSION.

JOHNSON-DAVIS: AMBER JOHNSON-DAVIS, CORPORATION COUNSEL, EXPLAINED THE RULING FROM THE DEPARTMENT OF LABOR ON THE FOLLOWING:

[U]SING A WEEKS-WORKED EQUIVALENCY OF 40 HOURS OF SERVICE PER WEEK FOR EACH FOR WHICH THE EMPLOYEE WOULD BE REQUIRED TO BE CREDITED WITH AT LEAST ONE HOUR OF SERVICE UNDER THESE SERVICE CREDITING RULES.....

SHE SAID IT IS IMPOSSIBLE TO MAKE A DETERMINATION IF A COMMISSIONER IS WORKING 29 HOURS PER WEEK. SHE SAID OPTIONS FROM TWO (2) OTHER COUNTIES WERE: (1) TO HAVE COMMISSIONERS USE A TIME SHEET, (2) TO HAVE COMMISSIONERS PROMISE NOT TO WORK OVER 29 HOURS PER WEEK. SHE DID NOT HAVE AN OPINION FROM ALL THE COUNTIES.

COMM. BEGICK: COMM. BEGICK FELT THE COMMISSIONERS SHOULD NOT TAKE THE

HEALTH INSURANCE AND ALSO SAID HE HAS NEVER WORKED 29 HOURS IN A WEEK AS A COMMISSIONER.

COMM. COONAN: COMM. COONAN FELT THIS RESOLUTION WAS NOT RECEIVED IN A TIMELY MANNER. HE QUESTIONED WHAT OTHER COUNTIES ARE DOING TO COMPLY WITH AFFORDABLE CARE ACT. HE ASKED IF THE HEALTH CARE OPTION WAS NOT TAKEN, IF A STIPEND WAS OFFERED. HE ASKED IF THE RESOLUTION COULD BE TABLED FOR ADDITIONAL RESEARCH.

COMM. TILLEY: COMM. TILLEY AGREED WITH COMM. COONAN HOWEVER, SAID WE HAVE TO BE COMPLIANT WITH FEDERAL LAW.

MOTION 83: COMM. COONAN MOVED TO AMEND RES. 2015-274 TO INCLUDE A STIPEND OPTION IN THE EVENT THAT BOARD COMMISSIONER(S) CHOOSE NOT TO TAKE HEALTH CARE BENEFITS OFFERED. IT WAS SUPPORTED BY COMM. BEGICK AND WAS DEFEATED BY A ROLL CALL VOTE OF:

2 YEAS - BEGICK, COONAN

5 NAYS - DURANCZYK, KRYGIER, HEREK, TILLEY, LUTZ

RES. 2015-274: RES. 2015-274 WAS THEN VOTED ON AND WAS ADOPTED BY A VOICE VOTE OF:

5 YEAS - DURANCZYK, KRYGIER, HEREK, TILLEY, LUTZ

2 NAYS - BEGICK, COONAN

RES. 2015-275: COMM. TILLEY MOVED TO ADOPT RES. 2015-275 APPROVING TO RECORD THE PORTION OF THE PARCEL OF LAND ON WHICH THE MEDICAL CARE FACILITY RESIDES BE RECORDED AS AN ASSET OF THE MEDICAL CARE FACILITY AND REMOVED FROM THE GOLF COURSE LAND ON THE FINANCIAL STATEMENTS. CURRENTLY THE JUVENILE HOME, GOLF COURSE, AND MEDICAL CARE FACILITY ALL RESIDE ON ONE PARCEL WHICH IS OWNED BY BAY COUNTY. THE LAND THAT THE JUVENILE HOME RESIDES ON WAS RECORDED AS USE FOR THE JUVENILE HOME. IT HAS BEEN DETERMINED THAT THE VALUE OF THE LAND THE MEDICAL CARE FACILITY BUILDING AND PARKING LOT SITS ON IS WORTH AN ESTIMATED \$30,088.00 BASED ON THE ORIGINAL VALUE GIVEN FOR THE PARCEL AND THE PERCENTAGE OF LAND USE. THIS ADJUSTMENT WILL BE MADE IN 2015 ON BOTH THE GENERAL FUND AND MEDICAL CARE FACILITY'S FINANCIALS. NO LEGAL CHANGE OF THE PROPERTY IS REQUESTED

NOR A CHANGE OF OWNERSHIP BUT A WAY FOR THE MEDICAL CARE FACILITY TO RECORD THE LAND THAT THEY OCCUPY ON THEIR OWN FINANCIALS. FURTHER, THAT THIS RESOLUTION DOES NOT REPLACE OR VOID ANY PAST RESOLUTIONS REGARDING THE USE OF THE LAND FOR THE MEDICAL CARE FACILITY OR OTHER UNITS WITHIN BAY COUNTY. IT WAS SUPPORTED BY COMM. LUTZ AND PASSED BY A VOICE VOTE OF: 7 YEAS, 0 NAYS.

RES. 2015-276: COMM. TILLEY MOVED TO ADOPT RES. 2015-276 THE 2016 GENERAL APPROPRIATION BUDGET ACT RESOLUTION AS PRESENTED. IT WAS SUPPORTED BY COMM. COONAN FOR DISCUSSION.

V. BEGICK: COMM. BEGICK SAID HE WAS OPPOSED TO THE COMMISSIONERS PER DIEM PAY IN THE BUDGET FOR ATTENDING MEETINGS, BUT AGREES WITH THE REST OF THE BUDGET.

IT WAS CARRIED BY A VOICE VOTE OF: 7 YEAS, 0 NAYS.

#### **REPORTS OF COUNTY OFFICIALS/DEPARTMENTS**

RES. 2015-277: COMM. TILLEY MOVED TO ADOPT RES. 2015-277, PURSUANT TO ACT 139, CONCURS WITH THE APPOINTMENT OF TIFFANY JERRY AS THE DIRECTOR OF THE DEPARTMENT OF PERSONNEL AND EMPLOYEE RELATIONS (MN15 - ENTRY LEVEL). IT WAS SUPPORTED BY COMM. DURANCZYK AND ADOPTED BY A VOICE VOTE OF: 7 YEAS, 0 NAYS.

#### **UNFINISHED BUSINESS**

THERE WAS NO UNFINISHED BUSINESS.

#### **NEW BUSINESS**

THERE WAS NO NEW BUSINESS.

#### **MISCELLANEOUS**

B. KRAUSE: BRANDON KRAUSE, REGISTER OF DEEDS, GAVE A BRIEF OVERVIEW OF THE REGISTER OF DEEDS YEAR END. HE DISTRIBUTED A HAND-OUT OF 2006-2015 REGARDING, DEED LIEU OF FORECLOSURES; DOCUMENTS; SHERIFF DEEDS; MORTGAGES; STATE REVENUE; AND COUNTY REVENUE. MR. KRAUSE SAID WE ARE STARTING TO SEE A TREND OF LESS FORECLOSURES; MORTGAGES ARE STEADY; AND

REVENUE WITH A DECREASE IN DOCUMENTS. HE CONCLUDED BY SAYING, IT IS GOOD TO SEE MORE INVESTMENTS, MORE GROWTH AND ECONOMIC DEVELOPMENT.

### **ANNOUNCEMENTS**

MOTION 84: COMM. HEREK MOVED TO CONCUR WITH THE FOLLOWING RECOMMENDED APPOINTMENTS OF REPRESENTATIVES TO THE DIVISION ON AGING ADVISORY COMMITTEE FOR 2-YEAR TERMS EACH EXPIRING 12/31/17 AS FOLLOWS:

DISTRICT 3 - DIANE BEHMLANDER  
DISTRICT 5 - PAUL RABIDOUX  
DISTRICT 7 - LEONE O. BRASHAW

IT WAS SUPPORTED BY COMM. TILLEY AND PASSED BY A VOICE VOTE OF: 7 YEAS, 0 NAYS.

### **CLOSED SESSION**

MOTION 85: COMM. TILLEY MOVED TO GO INTO CLOSED SESSION PURSUANT TO MCL 15.268 (e): TO CONSULT WITH ITS ATTORNEY REGARDING TRIAL OR SETTLEMENT STRATEGY IN CONNECTION WITH SPECIFIC PENDING LITIGATION, BUT ONLY WHEN AN OPEN MEETING WOULD HAVE A DETRIMENTAL FINANCIAL EFFECT ON THE LITIGATING OR SETTLEMENT POSITION OF THE PUBLIC BODY; AND MCL 15.268 (h): TO CONSIDER MATERIAL EXEMPT FROM DISCUSSION OR DISCLOSURE BY STATE OR FEDERAL STATUE. THE STATUTE RELIED UPON IS THE MICHIGAN FREEDOM OF INFORMATION ACT WHICH EXEMPTS FROM DISCLOSURE "PUBLIC RECORDS SUBJECT TO THE ATTORNEY-CLIENT PRIVILEGE," TO DISCUSS THE LIMITED ISSUES OF FRED WALRAVEN VS. BAY COUNTY AND MATT GILLIS VS. BAY COUNTY. IT WAS SUPPORTED BY COMM. LUTZ AND CARRIED BY A VOICE VOTE OF: 7 YEAS, 0 NAYS.

MOTION 86: COMM. TILLEY MOVED TO GO BACK TO REGULAR SESSION FOLLOWING CLOSED SESSION DISCUSSIONS REGARDING FRED WALRAVEN VS. BAY COUNTY AND MATT GILLIS VS. BAY COUNTY. IT WAS SUPPORTED BY COMM. LUTZ AND ADOPTED BY A VOICE VOTE OF: 7 YEAS, 0 NAYS.

### **RECESS/ADJOURNMENT**

MOTION 87:        COMM. DURANCZYK MOVED TO ADJOURN THE REGULAR BOARD SESSION OF DECEMBER 8, 2015. IT WAS SUPPORTED BY COMM. LUTZ. THE MEETING CONCLUDED AT 5:03 P.M. BY A VOICE VOTE OF: 7 YEAS, 0 NAYS.

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ERNIE KRYGIER, CHAIRMAN  
BOARD OF COMMISSIONERS

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CYNTHIA A. LUCZAK, COUNTY CLERK  
BOARD OF COMMISSIONERS

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SHEILA E. SHAW  
SECRETARY TO THE CLERK  
BOARD OF COMMISSIONERS