

**SPECIAL MEETING**  
**BAY COUNTY BOARD OF COMMISSIONERS**  
**A G E N D A**  
**TUESDAY, SEPTEMBER 29, 2009**

**4:00 P.M.**

COMMISSION CHAMBERS, FOURTH FLOOR, BAY COUNTY BUILDING

PAGE NO.

**I            CALL TO ORDER (CHAIRMAN BESON)**

**II            ROLL CALL**

**III           INVOCATION**

**IV           PLEDGE OF ALLEGIANCE**

**V            CITIZEN INPUT (4 P.M.)**

**VI           ITEMS FOR CONSIDERATION**

- 1- 2            A.    Personnel Director - County Clerk - Temporary Help (**Seeking authorization to hire temporary help during medical leave of employee and to cover scheduled employee vacations - proposed resolution no. 2009-190 attached**)
- 3- 6            B.    Court Administrator - Extension of Agreement for Drug Treatment Court Grant (**Seeking approval of extension of agreement, authorization for Board Chair to sign, approval of required budget adjustments - proposed resolution no. 2009-191 attached**)
- 7- 8            C.    Bay County Sheriff - 2010 Safe Communities Traffic Safety Grant (**Seeking approval/electronic submittal of the grant application by the Board Chair; approval of required budget adjustments - proposed resolution no. 2009-192 attached**)

**VII           UNFINISHED BUSINESS**

**VIII           NEW BUSINESS**

**IX            MISCELLANEOUS**

**X            ANNOUNCEMENTS**

**XI            CLOSED SESSION**

**A.      Personnel Director - Labor Negotiations**

**Motion: To go into closed session pursuant to MCLA 15.268, Sec. 8 (c): For strategy and negotiation sessions connected with the negotiation of a collective bargaining agreement when either negotiating party requests a closed hearing.**

**XII           RECESS/ADJOURNMENT**



**BAY COUNTY BOARD OF COMMISSIONERS**

**9/29/09**

**RESOLUTION**

BY: BAY COUNTY BOARD OF COMMISSIONERS

WHEREAS, Due to an accident, an employee in the Bay County Clerk's office will be off work for an indefinite period of time; and

WHEREAS, Employee vacations have been scheduled and approved and this, in addition to the medical leave, will render the Clerk's office short-staffed; Therefore, Be It

RESOLVED That the Bay County Board of Commissioners authorizes a full time, non represented, temporary position at \$13.48/hr., no benefits, in the County Clerk's office during the existing medical leave of absence.

PATRICK H. BESON, CHAIR

AND BOARD

County Clerk - Temporary Help

MOVED BY COMM. Klida

SUPPORTED BY COMM. Gwizdala

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
Michael J. Duranczyk	✓			Dawn A. Klida	✓			Brian K. Elder	✓		
Patrick H. Beson	✓			Ernie Krygier	✓			Eugene F. Gwizdala	✓		
Vaughn J. Begick	✓			Kim Coonan	✓			Donald J. Tilley			✓

VOTE TOTALS:

ROLL CALL: YEAS \_\_\_\_\_ NAYS \_\_\_\_\_ EXCUSED \_\_\_\_\_

VOICE: ✓ YEAS 8 NAYS 0 EXCUSED 1

DISPOSITION: ADOPTED  DEFEATED \_\_\_\_\_ WITHDRAWN \_\_\_\_\_  
AMENDED \_\_\_\_\_ CORRECTED \_\_\_\_\_ REFERRED \_\_\_\_\_

**BAY COUNTY BOARD OF COMMISSIONERS**

**9/29/09**

**RESOLUTION**

BY: BAY COUNTY BOARD OF COMMISSIONERS (9/29/09)  
 WHEREAS, Inasmuch as the federal government has not yet released monies to the State of Michigan for the Byrne Memorial Grant for Treatment Courts; and  
 WHEREAS, To allow the Courts to maintain their programs, the State Court Administrator's Office has extended Bay County's contract through the end of 2009 through amendment to the grant agreement; and  
 WHEREAS, It is anticipated that future grant awards will begin in January; and  
 WHEREAS, No cash match is required; Therefore, Be It  
 RESOLVED That the Bay County Board of Commissioners approves the Amendment to the Treatment Court Grant Agreement and authorizes the Board Chair to execute all documents required for the extension of the agreement following legal review/approval.

PATRICK H. BESON, CHAIR  
 AND BOARD

District Court - Drug Treatment Ct Agt Extension

MOVED BY COMM. Gwizdala

SUPPORTED BY COMM. Krygier

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
Michael J. Duranczyk	✓			Dawn A. Klida	✓			Brian K. Elder	✓		
Patrick H. Beson	✓			Ernie Krygier	✓			Eugene F. Gwizdala	✓		
Vaughn J. Beglick	✓			Kim Coonan	✓			Donald J. Tilley			✓

VOTE TOTALS:

ROLL CALL: YEAS \_\_\_\_\_ NAYS \_\_\_\_\_ EXCUSED \_\_\_\_\_

VOICE: ✓ YEAS 8 NAYS 0 EXCUSED 1

DISPOSITION: ADOPTED ✓ DEFEATED \_\_\_\_\_ WITHDRAWN \_\_\_\_\_

AMENDED \_\_\_\_\_ CORRECTED \_\_\_\_\_ REFERRED \_\_\_\_\_

*-6-*

**BAY COUNTY BOARD OF COMMISSIONERS  
9/29/08**

**RESOLUTION**

- BY: BAY COUNTY BOARD OF COMMISSIONERS (9/29/09)
- WHEREAS, For the past several years, the Bay County Sheriff's Department has been awarded traffic enforcement grants through the Michigan Office of Highway Safety Planning including Seatbelts/Alcohol/Intersection, Youth Alcohol Enforcement and Child Passenger Safety; and
- WHEREAS, These shell grant programs are aimed at reducing the number of serious and fatal accidents in Bay County through additional enforcement patrols; and
- WHEREAS, A "Highway Safety Grant" opportunity is again being offered to Bay County for 2010 in the amount of \$49,500 with no local match required of Bay County; and
- WHEREAS, The grant provides for deputies' wages during additional scheduled patrols throughout 2009, i.e. Belts/Impaired Driving Enforcement - \$20,000; Underage Drinking Enforcement - \$25,000; and Child Passenger Safety - \$4,000 Therefore, Be It
- RESOLVED By the Bay County Board of Commissioners that authorization is granted to make application for the 2010 Office of Highway Safety Program Traffic Enforcement Grant in the amount of \$49,000 for the Bay County Sheriff's Department; Be It Further
- RESOLVED That the Chairman of the Bay County Board of Commissioners is authorized to electronically submit/sign any and all required documents for the grant application and/or the grant award contract following legal review/approval; Be It Finally
- RESOLVED That all budget adjustments required are approved.

PATRICK H. BESON, CHAIR  
AND BOARD

Sheriff Dept - 2010 OHSP Grant

MOVED BY COMM. Gwizdala

SUPPORTED BY COMM. Duranczyk

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
Michael J. Duranczyk	✓			Dawn A. Kilda	✓			Brian K. Elder	✓		
Patrick H. Beson	✓			Ernie Krygler	✓			Eugene F. Gwizdala	✓		
Vaughn J. Begick	✓			Kim Coonan	✓			Donald J. Tilley			✓

VOTE TOTALS:

ROLL CALL: YEAS \_\_\_\_\_ NAYS \_\_\_\_\_ EXCUSED \_\_\_\_\_  
 VOICE: ✓ YEAS 8 NAYS 0 EXCUSED 1

DISPOSITION: ADOPTED  DEFEATED \_\_\_\_\_ WITHDRAWN \_\_\_\_\_  
 AMENDED \_\_\_\_\_ CORRECTED \_\_\_\_\_ REFERRED \_\_\_\_\_

**BAY COUNTY BOARD OF COMMISSIONERS**

**9/29/09**

**RESOLUTION**

**BY:** BAY COUNTY COMMISSIONER BRIAN ELDER

**WHEREAS,** The American Recovery and Reinvestment Act of 2009 ("ARRA") was passed by Congress on February 13, 2009, and was signed by the President on February 17, 2009; and

**WHEREAS,** The ARRA provides Counties and large municipalities (an "Issuer" or the "Issuers") with a new economic development tool which will permit the Issuers, including the County of Bay (the "County") to issue taxable bonds to promote economic development within the County and receive reimbursement from the U.S. Treasury Department of 45% of each interest payment on the bonds called "Recovery Zone Economic Development Bonds" ("RZEDBs"); and

**WHEREAS,** RZEDBs may be issued to finance both depreciable property and working capital, but only if the property is located in a "Recovery Zone" designated by the Issuer and is purchased or constructed after such designation; and

**WHEREAS,** Under the ARRA, a "Recovery Zone" is an area designated by the Issuer as having significant poverty, unemployment, home foreclosures or general distress; and

**WHEREAS,** The dramatic economic meltdown of the economy across the United States, and in the State of Michigan in particular, and the ensuing adverse effects on manufacturing and other businesses in the State and the County, have directly caused employment in the County to decline, layoffs to increase dramatically and home foreclosures to rise to all-time highs, all directly resulting in unemployment and economic and general distress throughout the County; and

**WHEREAS,** The breadth of the distress suffered by the County, as represented by the loss of jobs, home foreclosures and rapidly declining property values, supports a finding by the Board of Commissioners that the entire County qualifies as a "Recovery Zone" as contemplated by ARRA; and

**WHEREAS,** To remain in the forefront of economic development in the State, and on the basis of the Board's finding that the conditions precedent for qualifying as a "Recovery Zone" exist throughout the County, the Board of Commissioners deems it in the best interests of the County to designate the entire County a "Recovery Zone" within the meaning of ARRA; and

**WHEREAS,** The Board's formal designation of the County as a "Recovery Zone", as required under the ARRA, will hereafter permit the issuance by the County of RZEDBs in the aggregate amount of \$6.6 million through 2010; and

**WHEREAS,** Recovery Zone Economic Development Bonds can be issued only during 2009 and 2010; **NOW THEREFORE BE IT**

- RESOLVED**
1. The Board of Commissioners finds that the conditions set forth in the ARRA for qualification of a geographic area as a "Recovery Zone", viz., poverty, unemployment, home foreclosures and general distress, exist throughout the County of Bay.
  2. The Board of Commissioners hereby designates the County of Bay, State of Michigan, as a "Recovery Zone" within the meaning of the ARRA, effective immediately.
  3. The Chairman of the Bay County Board of Commissioners and/or his designees are hereby authorized on behalf of the Board of Commissioners to send notification to the State of Michigan, the United States Government and all local governments in Bay County that the County Board of Commissioners has designated the County as a "Recovery Zone" under ARRA.
  4. That procedures and conditions for the issuance by the County of RZEDBs, or the allocation of bond limitation to other local units of government be submitted for consideration to the Board of Commissioners at their November 10, 2009.
  5. Individual projects will be brought to the Board of Commissioners for approval prior to bond sales.

PATRICK H. BESON, CHAIR

AND BOARD

American Recovery and Reinvestment Act of 2009

MOVED BY COMM. Elder

SUPPORTED BY COMM. Coonan

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
Michael J. Duranczyk	✓			Dawn A. Kilda	✓			Brian K. Elder	✓		
Patrick H. Beson	✓			Ernie Krygler	✓			Eugene F. Gwizdala	✓		
Vaughn J. Beglck		✓		Kim Coonan	✓			Donald J. Tilley			✓

VOTE TOTALS:

ROLL CALL: YEAS \_\_\_\_\_ NAYS \_\_\_\_\_ EXCUSED \_\_\_\_\_

VOICE: ✓ YEAS 7 NAYS 1 EXCUSED 1

DISPOSITION: ADOPTED  DEFEATED \_\_\_\_\_ WITHDRAWN \_\_\_\_\_

AMENDED \_\_\_\_\_ CORRECTED \_\_\_\_\_ REFERRED \_\_\_\_\_

**BAY COUNTY BOARD OF COMMISSIONERS**

**9/29/09**

**RESOLUTION**

BY: BAY COUNTY BOARD OF COMMISSIONERS (9/29/09)

WHEREAS, The State of Michigan Asset Management Council provides funding for mandated Asset Management activities performed by the Bay City Area Transportation Study (BCATS) through annual funding allotments; and

WHEREAS, In the past the Asset Management Council provided a laptop to perform road rating activities carried out in conjunction with the Michigan Department of Transportation (MDOT), the City of Bay City and the Bay County Road Commission; and

WHEREAS, A new procedure has been established to have local agencies purchase the laptop with reimbursement within their annual funding allotment; and

WHEREAS, BCATS receives \$20,000 annually from the Asset Management Council which is dedicated specifically to Asset Management approved activities and there is available FY 2009 Asset Management funding to acquire a new laptop and be fully reimbursed; there is no local match requirement; Therefore, Be It

RESOLVED That the Bay County Board of Commissioners approves the purchase of a new laptop computer utilizing available Asset Management funds; Be It Further

RESOLVED That any budget adjustments required are approved.

PATRICK H. BESON, CHAIR  
AND BOARD

BCATS - Laptop Purchase

MOVED BY COMM. Klida

SUPPORTED BY COMM. Gwizdala

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
Michael J. Duranczyk	✓			Dawn A. Klida	✓			Brian K. Elder	✓		
Patrick H. Beson	✓			Ernie Krygler	✓			Eugene F. Gwizdala	✓		
Vaughn J. Begick	✓			Kim Coonan	✓			Donald J. Tilley			✓

VOTE TOTALS:

ROLL CALL: YEAS \_\_\_\_\_ NAYS \_\_\_\_\_ EXCUSED \_\_\_\_\_

VOICE: ✓ YEAS 8 NAYS 0 EXCUSED 1

DISPOSITION: ADOPTED  DEFEATED \_\_\_\_\_ WITHDRAWN \_\_\_\_\_  
AMENDED \_\_\_\_\_ CORRECTED \_\_\_\_\_ REFERRED \_\_\_\_\_

**BAY COUNTY BOARD OF COMMISSIONERS**

MEETING DATE: SEPTEMBER 29, 2009

MOTION SPONSORED BY: COMM. COONAN

MOTION SUPPORTED BY: COMM. KRYGIER

MOTION NO.: 80

TO GO INTO CLOSED SESSION PURSUANT TO MCLA 15.268,  
SEC. 8 (c): FOR STRATEGY AND NEGOTIATION SESSIONS  
CONNECTED WITH THE NEGOTIATION OF A COLLECTIVE  
BARGAINING AGREEMENT WHEN EITHER NEGOTIATING  
PARTY REQUESTS A CLOSED HEARING.

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
Michael J. Duranczyk	X			Dawn A. Kilda	X			Brian K. Elder	X		
Patrick H. Beson	X			Ernie Krygler	X			Eugene F. Gwizdala	X		
Vaughn J. Beglick	X			Kim Coonan	X			Donald J. Tilley			X

**VOTE TOTALS:**

ROLL CALL: **XX** YEAS 8 NAYS 0 EXCUSED 1

VOICE: YEAS \_\_\_\_\_ NAYS \_\_\_\_\_ EXCUSED \_\_\_\_\_

DISPOSITION: ADOPTED XX DEFEATED \_\_\_\_\_ WITHDRAWN \_\_\_\_\_  
AMENDED \_\_\_\_\_ CORRECTED \_\_\_\_\_ REFERRED \_\_\_\_\_

**BAY COUNTY BOARD OF COMMISSIONERS**

MEETING DATE: SEPTEMBER 29, 2009

MOTION SPONSORED BY: COMM. KLIDA

MOTION SUPPORTED BY: COMM. KRYGIER

MOTION NO.: 81

TO GO BACK TO REGULAR SESSION FOLLOWING CLOSED  
SESSION REGARDING LABOR NEGOTIATIONS.

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
Michael J. Duranczyk	X			Dawn A. Klida	X			Brian K. Elder	X		
Patrick H. Beson	X			Ernie Krygier	X			Eugene F. Gwizdala	X		
Vaughn J. Begick	X			Kim Coonan	X			Donald J. Tilley			X

**VOTE TOTALS:**

ROLL CALL: YEAS \_\_\_\_\_ NAYS \_\_\_\_\_ EXCUSED \_\_\_\_\_

VOICE: XX YEAS 8 NAYS 0 EXCUSED 1

DISPOSITION: ADOPTED XX DEFEATED \_\_\_\_\_ WITHDRAWN \_\_\_\_\_  
AMENDED \_\_\_\_\_ CORRECTED \_\_\_\_\_ REFERRED \_\_\_\_\_

**BAY COUNTY BOARD OF COMMISSIONERS**

MEETING DATE: SEPTEMBER 29, 2009

MOTION SPONSORED BY: COMM. KLIDA

MOTION SUPPORTED BY: COMM. DURANCZYK

MOTION NO.: 82

TO ADJOURN THE SPECIAL BOARD SESSION OF  
SEPTEMBER 29, 2009 AT 4:50 P.M.

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
Michael J. Duranczyk	X			Dawn A. Klida	X			Brian K. Elder	X		
Patrick H. Beson	X			Ernie Krygier	X			Eugene F. Gwizdala	X		
Vaughn J. Begick	X			Kim Coonan	X			Donald J. Tilley			X

**VOTE TOTALS:**

ROLL CALL: YEAS \_\_\_\_\_ NAYS \_\_\_\_\_ EXCUSED \_\_\_\_\_

VOICE: XX YEAS 8 NAYS 0 EXCUSED 1

DISPOSITION: ADOPTED XX DEFEATED \_\_\_\_\_ WITHDRAWN \_\_\_\_\_  
AMENDED \_\_\_\_\_ CORRECTED \_\_\_\_\_ REFERRED \_\_\_\_\_