

# BAY COUNTY BOARD OF COMMISSIONERS

## A G E N D A

TUESDAY, OCTOBER 12, 2010

4:00 P.M.

COMMISSION CHAMBERS, FOURTH FLOOR, BAY COUNTY BUILDING

PAGE NO.

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

**II ROLL CALL**

**III INVOCATION**

**IV PLEDGE OF ALLEGIANCE**

71-88

**V MINUTES (9/14/10)**

**VI CITIZEN INPUT (4:00 P.M.)**

**VII PETITIONS AND COMMUNICATIONS**

A. Special Presentations (4:00 p.m.)

1. Safe Fish and Game Consumption Grant Program Award (Health Department presentation)

B. Public Hearing (4:00 p.m.) - Proposed 2011 Bay County Budget/L4029-County Executive to overview proposed budget **(Receive)**

1

C. Bay County Treasurer - Reappointment of William Tacey, Hampton Township Treasurer, to Bay County Land Bank Authority to a 3 Year Term **(Concur with reappointment of William Tacey to Bay County Land Bank Authority - 3 year term)**

2

D. U. S. Department of Housing and Urban Development - Public Housing Assessment System (PHAS) Score Report for the Transition Year - Center Ridge Arms **(Receive)**

3 - 5

E. City of Bay City - Application for Industrial Facilities Tax Exemption Certificate Bay Cast Technologies, Inc. - \$800,000 **(Receive)**

F. Requests for Reappointment/Appointment to Bay County Department of Human Services Board of Directors **(Receive)**

- 6- 7 1. Frederick L. Dryzga (Incumbent)
- 8-14 2. Thomas L. Starkweather

**VIII REPORTS/RESOLUTIONS OF COMMITTEES**

**A. WAYS AND MEANS (DONALD J. TILLEY, CHAIR; EUGENE F. GWIZDALA, VICE CHAIR)**

- 15 1. No. 2010-208 - Renewal of Bay Future, Inc. Agreement
- 16 2. No. 2010-209 - Delinquent Tax Revolving Fund - Transfer of Funds (Treasurer)
- 17 3. No. 2010-210 - Waiver of Board's Ordinance Adoption Process
- 18-42 4. No. 2010-211 - Amendments to Bay County Employees' Retirement System Ordinance - IRS (Corporation Counsel)
- 43 4. No. 2010-212 - Budget Adjustment Related to Strong Families, Safe Children DHS Grant (MSU Extension)
- 44 5. No. 2010-213 - Breached Contract Funds (Animal Control)
- 45 6. No. 2010-214 - Michigan Department of Agriculture Grant Application (Animal Control)
- 46 7. No. 2010-215 - Renewal of Bay Health Plan Agreement (Health Department)
- 47 8. No. 2010-216 - HIPAA Security Services Agreement w/VIOPOINT, Inc. (Health Department)
- 48 9. No. 2010-217 - FY 2010-2011 Comprehensive Planning, Budgeting and Contracting Agreement (CPBC) (Health Department)
- 49 10. No. 2010-218 - Extension of Agreement w/Earl's Spray Services (Mosquito Control)
- 50 11. No. 2010-219 - Housing Rehabilitation - PIP-Plus Funds - MSHDA (Housing Rehabilitation Program)
- 51 12. No. 2010-220 - Bay Area Community Foundation Grant (Division on Aging)
- 52-57 13. No. 2010-221 - 2010 Assessment Rolls (Drain Commissioner)
- 58 14. No. 2010-222 - Endorsement of Library Millage

- 59-60 15. No. 2010-223 - Budget Adjustments (Various)
- B. PERSONNEL/JUDICIAL (ERNIE KRYGIER, CHAIR;  
KIM COONAN, VICE CHAIR)**
- 61 1. No. 2010-224 - Commercial Services Program Contract w/Michigan  
Department of State (District Court)
- 62 2. No. 2010-225 - Vacancies: Community Corrections Program; Division  
on Aging
- C. HUMAN SERVICES (MICHAEL J. DURANCZYK, CHAIR;  
VAUGHN J. BEGICK, VICE CHAIR)**
- 63 1. No. 2010-226 - A&D Home Health Care Home Health Care Waiver  
Agreement for FY 2011 (Division on Aging)
- 64 2. No. 2010-227 - Per Meal Rate Adjustment (Division on Aging)
- D. BOARD OF COMMISSIONERS (BRIAN K. ELDER,  
CHAIR; PATRICK H. BESON, VICE CHAIR)**
- 65 1. No. 2010-228 - Accounts Payable/Center Ridge Arms
- 66-70 2. No. 2010-229 - Reports of County Executive

**IX REPORTS OF COUNTY OFFICIALS/DEPARTMENTS**

- A. County Executive

**X UNFINISHED BUSINESS**

**XI NEW BUSINESS**

**XII MISCELLANEOUS**

**XIII ANNOUNCEMENTS**

- A. **2010 Appointments:**

1. **October**

- a. **Bay County Department of Human Services Board  
of Directors (One 3 year term expiring: Frederick  
Dryzga)**

2. **December**

- a. **Division on Aging Advisory Council (Five 2 year terms, Districts 2, 4, 6, 8 and at-large)**

**XIV            CLOSED SESSION (If requested)**

**A.        Corporation Counsel - Pending Litigation**

**Motion: To go into closed session pursuant to MCLA 15.268, Sec. 8 (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.**

**XV            RECESS/ADJOURNMENT**

**ACTION TAKEN BY BAY COUNTY BOARD OF COMMISSIONERS**

DATE OF BOARD MEETING: OCTOBER 12, 2010

PAGE 1 of 2

MOTION/ RES. NO.	INTRODUCED/ SUBMITTED BY	SUBJECT OF RESOLUTION/MOTION	ADOPTED	AMENDED	CORRECTED	DEFEATED	REFERRED	TABLED	WITHDRAWN
2010-208	Ways and Means	Renewal agreement of Bay Future, Inc. for 3 year term	XX						
2010-209	Ways and Means	Treasurer - Delinquent Tax Revolving Fund, Transfer of funds	XX						
2010-210	Ways and Means	Waiver of Board's Ordinance Adoption Process	XX						
2010-211	Ways and Means	Corp. Counsel - Amendment to Employees' Retirement System Ordinance	XX						
2010-212	Ways and Means	MSU Extension - Strong Families, Safe Children DHS Grant, budget adjustmt.	XX						
2010-213	Ways and Means	Animal Control - Breached contract funds	XX						
2010-214	Ways and Means	Animal Control - MI Dept. of Agriculture Grant app., neutering animals	XX						
2010-215	Ways and Means	Health Dept. - Renewal agreement of Bay Health Plan Corporation	XX						
2010-216	Ways and Means	Health Dept. - HIPAA Security Service agreement w/VIOPOINT, Inc.	XX						
2010-217	Ways and Means	Health Dept. - FY 2010-2011 CPBC agreement	XX						
2010-218	Ways and Means	Mosquito Control - Extension of agreement w/ Earl's Spray Services	XX						
2010-219	Ways and Means	Housing Rehab. Program - Property Improvement Program Plus Funds	XX						
2010-220	Ways and Means	Division on Aging - Bay Area Community Foundation Grant	XX						
2010-221	Ways and Means	Drain Commissioner - 2010 Assessment Rolls	XX						
2010-222	Ways and Means	Support of Library Millage in November election	XX						
2010-223	Ways and Means	Various budget adjustments	XX						
2010-224	Personnel/Judicial	District Court - Commercial Services Program w/ MI Dept. of State	XX						
2010-225	Personnel/Judicial	Vacancies: Community Corrections Program and Division on Aging	XX						

ACTION TAKEN BY BAY COUNTY BOARD OF COMMISSIONERS

DATE OF BOARD MEETING: OCTOBER 12, 2010

MOTION/ INTRODUCTION/ SUBMITTED BY      SUBJECT OF RESOLUTION/MOTION      ADOPTED AMENDED CORRECTED DEFEATED REFERRED TABLED WITHDRAWN

MOTION/ RES. NO.	INTRODUCTION/ SUBMITTED BY	SUBJECT OF RESOLUTION/MOTION	ADOPTED	AMENDED	CORRECTED	DEFEATED	REFERRED	TABLED	WITHDRAWN
2010-226	Human Services	Division on Aging - A&D Home Health Care, Waiver agreement FY 2011	XX						
2010-227	Human Services	Division on Aging - Home delivered meals rate increase adjustment	XX						
2010-228	Board of Comm.	Claims against the County: Accounts payable & Center Ridge Arms	XX						
2010-229	Board of Comm.	Reports of County Exec.: Employment Status and Workers' Comp.	XX						
Motions									
81	Coonan	Approve minutes of September 14, 2010	XX						
82	Krygier	Go out of regular session to Public Hearing on Proposed 2011 Co. Budget	XX						
83	Krygier	Go back to regular session following public hearing on 2011 Budget	XX						
84	Tilley	Rec. letter for reappointment of W. Tacey to Bay Co. Land Bank Authority	XX						
85	Begick	Rec. HUD Public Housing Assessment System Score Report	XX						
86	Krygier	Rec. letter from City for app. of Tax Exempt.Cert. for Bay Cast Technologies	XX						
87	Coonan	Rec. requests: Dryzga,Starkweather, appmt. Human Services Bd.of Directors	XX						
88	Coonan	Appmt. of T. Starkweather to Dept. of Human Services Board of Directors	XX						
89	Tilley	Receive written appeal of Freedom of Information Act request	XX						
90	Tilley	Go into closed session regarding pending litigation	XX						
91	Krygier	Go back to regular session following closed session re: pending litigation	XX						
92	Tilley	Authorize redemption of Workers' Comp matter, discussed in closed session	XX						
93	Beson	Adjourn regular Board Session on October 12, 2010	XX						

**BAY COUNTY BOARD OF COMMISSIONERS  
10/12/10  
RESOLUTION**

- BY: WAYS AND MEANS COMMITTEE (10/5/10)
- WHEREAS, Since October 2004 Bay Future, Inc. has provided effective leadership for economic development for Bay County; and
- WHEREAS, Bay Future, Inc. wishes to continue its economic development efforts in Bay County; and
- WHEREAS, Bay County and Bay Future, Inc. have been parties to a three year Agreement for Services; Therefore, Be It
- RESOLVED That the Bay County Board of Commissioners approves the Agreement for Services between Bay County and Bay Future, Inc. for a three (3) year term with the total compensation not to exceed the annual sum of \$50,000 contingent upon Bay County's appropriation of funding in its annual budget process; Be It Further
- RESOLVED That the Chairman of the Board is authorized to execute Agreement for Services on behalf of Bay County following legal review; Be It Further
- RESOLVED That budget adjustments, if required, are approved;
- RESOLVED That Brian K. Elder is hereby appointed to the Bay Future Board of Directors.

DONALD J. TILLEY, CHAIR  
AND COMMITTEE

Bay Future Inc - 2010-2013

MOVED BY COMM. Tilley

SUPPORTED BY COMM. Coonan

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
Michael J. Duranczyk	✓			Colleen M. Maillette	✓			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 9 NAYS 0 EXCUSED 0

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

**BAY COUNTY BOARD OF COMMISSIONERS**

**10/12/10**

**RESOLUTION**

BY: WAYS AND MEANS COMMITTEE (10/5/10)

WHEREAS, As of July 1, 2010 the Delinquent Tax Revolving fund had \$900,000 on hand following the annual disbursement to the tax units of \$7.2 million and before the 2010 budgeted transfer of \$853,431; and  
 WHEREAS, The fund has not had to borrow since 1998. Transfers to the general fund have been approximately the amount the fund has earned and has an excess balance of \$900,000 after the 2009 annual disbursement to the tax units. This has been accomplished because the delinquent tax receivable amount has reduced over the years and converted to cash investments. The reduction in delinquent tax receivables is due to: Total new tax rolls reducing after Proposal A; Reduction in the number of tax years outstanding because of the new tax reversion laws; and the percentage delinquent was reducing consistently from 1999 to 2003, most likely due to mortgage refinances paying delinquent taxes current and an increased use of tax escrows for new mortgages; and  
 WHEREAS, The Bay County Treasurer has provided a detailed annual review of the Delinquent Tax Revolving Fund and makes the following recommendations:

1. Following last year's practice of reducing the Delinquent Tax Revolving Funds earnings to cover the 20% reserve shortfall would result in a transfer of \$506,321 to the General Fund. (Delinquent tax earnings \$1,038,321 minus the \$532,000 shortfall). The 2011 transfer to General Fund would be \$350,110 less than 2010.
2. Even though the Delinquent Tax Revolving Fund has experienced a major increase in delinquent taxes since 2007, the fund has only experienced a slight increase in 2008 and 2009. It is important to note that the 2010 tax roll is expected to be 4.5% less than the 2009 roll due to declining property values. If the per cent delinquent does not increase, then the reduced tax roll will result in \$350,000 less in delinquent taxes in March 2011.
3. Based on the possibility for delinquent taxes reducing, I recommend funding half of the shortfall below the 20% reserve, resulting in a transfer of \$772,321 to the General Fund. This will be \$81,110 less than 2010.

RESOLVED That the Bay County Board of Commissioners authorizes funding half of the shortfall below the 20% reserve, resulting in a transfer of \$772,321 to the General Fund. This will be \$81,110 less than 2010.

DONALD J. TILLEY, CHAIR  
 AND COMMITTEE

Treasurer - DTRF Status  
 MOVED BY COMM. Tilley  
 SUPPORTED BY COMM. Duranczyk

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
Michael J. Duranczyk	✓			Colleen M. Mallette	✓			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 9 NAYS 0 EXCUSED 0  
 DISPOSITION: ADOPTED ✓ DEFEATED \_\_\_\_\_ WITHDRAWN \_\_\_\_\_  
 AMENDED \_\_\_\_\_ CORRECTED \_\_\_\_\_ REFERRED \_\_\_\_\_



BAY COUNTY BOARD OF COMMISSIONERS  
10/12/10

RESOLUTION

BY: BAY COUNTY WAYS AND MEANS COMMITTEE (10/5/10)  
WHEREAS, Article XIII of the Rules of the Bay County Board of Commissioners outlines a process for consideration of ordinance and ordinance amendments, which requires at least three (3) successive full Board meetings. The process is as follows:

1. The sponsoring committee considers an ordinance or amendment and refers it to the full Board;
2. The Board rejects or considers the amendment. If the Board elects to consider the ordinance or amendment, a public hearing must be held but not until the NEXT Board meeting (must be convened after 13 days) after publication of proper notice;
3. If the Board conducts a public hearing, no Board action on the ordinance or amendment may be taken only public input heard and, if any input, those comments are referred back to the sponsoring committee and legal counsel for consideration;
4. At the next Board meeting, following publication of proper notice, the Board may vote for final passage of the proposed ordinance or amendment by majority vote

WHEREAS, An alternative process is also provided for in the Board Rules whereby the Board can elect to suspend Article XIII by a 2/3rds majority vote, bypass the requirements (1 through 4 above) and vote on the Ordinance or Ordinance Amendment before them; Therefore, Be It

RESOLVED By the Bay County Board of Commissioners that, for the sake of expediency, **Article XIII of the Rules of the Bay County Board of Commissioners is hereby suspended** for the adoption of Amendments to the Bay County Employees' Retirement System Ordinance.

DONALD J. TILLEY, CHAIR  
AND COMMITTEE

Waiver of Ordinance Adoption Process - 2010 - IRS Amendments

MOVED BY COMM. Tilley

SUPPORTED BY COMM. Maillette

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

VOTE TOTALS:  
ROLL CALL: ✓ YEAS 9 NAYS 0 EXCUSED 0  
VOICE: YEAS \_\_\_\_\_ NAYS \_\_\_\_\_ EXCUSED \_\_\_\_\_

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

BAY COUNTY BOARD OF COMMISSIONERS

10/12/10

RESOLUTION

BY: WAYS AND MEANS COMMITTEE (10/5/10)
WHEREAS, Proposed amendments to the Bay County Employees' Retirement Ordinance have been submitted as Bay County's retirement plan must be updated and sent to the Internal Revenue Service before January 31, 2011 which enables the IRS to determine Bay County's tax qualified status; and
WHEREAS, Bay County just demonstrate that its retirement plan meets requirements of the Internal Revenue Code and, as a result, is eligible to receive certain tax benefits; and
WHEREAS, Bay County's retirement plan must operate for the exclusive benefit of its employees or their beneficiaries; and
WHEREAS, The amendments are attached and reflected in italics and underlined with language proposed for elimination crossed out; Therefore, Be It
RESOLVED By the Bay County Board of Commissioners that the attached amendments to the Bay County Employees' Retirement System Ordinance are adopted, with an effective date upon publication that the Ordinance has been amended.

DONALD J. TILLEY, CHAIR
AND COMMITTEE

Retirement Ord Amendments - IRS

MOVED BY COMM. Tilley

SUPPORTED BY COMM. Krygier

Table with 12 columns: COMMISSIONER, Y, N, E, COMMISSIONER, Y, N, E, COMMISSIONER, Y, N, E. Rows include Michael J. Duranczyk, Patrick H. Beson, Vaughn J. Begick, Colleen M. Mallette, Ernie Krygier, Kim Coonan, Brian K. Elder, Eugene F. Gwizdala, and Donald J. Tilley.

VOTE TOTALS:

ROLL CALL: YEAS 9 NAYS 0 EXCUSED 0

VOICE: YEAS NAYS EXCUSED

DISPOSITION: ADOPTED DEFEATED WITHDRAWN
AMENDED CORRECTED REFERRED

-18-

4.005 Definitions.

Sec. 5.

(a) "Accumulated member contributions" means the balance in a member's individual account in the reserve for member contributions and regular interest that has been credited to the member's account annually as prescribed by the Board.

(b) "Actuarial Equivalent" means two (2) or more amounts which have the same actuarial present value. Actuarial equivalency shall be determined by using a \_\_\_\_\_ 7% annual interest rate, compounded \_\_\_\_\_ annually, and the \_\_\_\_\_ a unisex blend of the male and female rates from the 1971 Group Annuity -mMortality tTable, projected to 1984 with ages set back two (2) years. For early retirement, the blended table is made up of 25% pf the male rates and 75% of the female rates. For all other purposes, the blended table is made up of 75% of the male rates and 25% of the female rates.

(c) "Board" means the Board of Trustees as provided in Section 8 [Section 4.008] of this Ordinance for the management and administration of the Retirement System.

(d) "Compensation" means the salary or wages paid an employee for service rendered to the County while a member of the Retirement System. Salary and wages shall include: longevity pay; cost-of-living allowance; overtime pay; shift differentials; workers' compensation, (excluding medical payments in their entirety and lump-sum settlement payments to the extent provided in Section 7(f) [Section 4.007(f)]); deferred compensation that is paid in lieu of health insurance; pay for periods of absence from work by reason of vacation, holiday, and sickness; and payments in consideration of unused sick leave and vacation time. Compensation shall not include any remuneration or reimbursement not specifically stated in this section, including but not limited to short term disability sickness and accident payments, differential wage payments as described in Code Section 3401(h)(2) and that portion, if any, of salary paid to judges that is converted over to the Judges' Retirement System (MCL 38.2101 et seq.).

Annual compensation in excess of the following amounts-\$200,000 shall not be taken into account for any purpose of the Retirement System. :

(i) (i) \$200,000 for calendar years beginning after December 31, 1988 but before January 1, 1994;

(ii) \$150,000 for calendar years beginning after December 31, 1993 but before January 1, 2002; and

(iii) \$200,000 for calendar years beginning after December 31, 2001.

The above limitations in (i), (ii), and (iii) above shall be adjusted for cost-of-living in such manner as the Secretary of the Treasury may prescribe pursuant to Section 401(a)(17) of the Internal Revenue Code.

If the period for determining compensation used in calculating a member's accrual for a determination period is less than a full calendar year (i.e., shorter than 12 months), the annual adjusted limitation is an amount equal to the otherwise applicable annual limitation multiplied by a fraction, the numerator of which is the number of months in the short determination period, and the denominator of which is 12.

In determining the compensation of a member for purposes of this limitation for Plan Years beginning before January 1, 1997, the family aggregation rules under Section 414(q)(6) of the Internal Revenue Code shall apply, except that in applying such rules, the term "family" shall include only the spouse of the member and any lineal descendants of the member who have not attained age 19 before the close of the Plan Year. If, as a result of the application of such rules, the adjusted limitation is exceeded, then the limitation shall be prorated among the affected individuals in proportion to each such individual's compensation as determined under this section prior to the application of this limitation. Effective for Plan Years beginning on or after January 1, 1997, the family aggregation rules under Section 414(q) of the Internal Revenue Code shall not apply in determining a member's compensation for purposes of this limitation.

(e) "Contingent Survivor Beneficiary" means a person designated by a member or retiree to receive a retirement benefit in accordance with Section 47 [Section 4.047].

(f) "County" means the County of Bay of the State of Michigan and its various offices, boards, agencies, and departments, including but not limited to the Bay County Road Commission, the 18th Judicial Circuit Court, the 74th District Court, the Bay County Probate Court, the Bay County Medical Care Facility, the Bay-Arenac Community Mental Health Services Board, the Bay County Housing Commission, the Bay County Library System, the Bay County Department of Water and Sewer. "County" also means the Bay-Arenac Behavioral Health Authority.

(g) "Credited Service" means the service credited a member as provided in Section 29 and Section 32 [Section 4.029 and Section 4.032].

(h) "Employee" means a person employed by the County for personal services. The term "Employee" shall not include any individual who is paid for services as an independent contractor reported on Form 1099, whether or not such individual is actually performing services as a common law employee of the County or is retroactively characterized as an employee of the County through a judicial or administrative determination.

For purposes of this Section 5(h) [Section 4.005(h)], a "leased employee" means any person (other than an Employee of the County) who, pursuant to an agreement between the County and any other person ("leasing organization"), has performed services for the County (or for the County and related persons determined in accordance with Section 414(n)(6) of the Internal Revenue Code) on a substantially full-time basis for a period of at least one year, and such services are performed under the primary direction or control of the County.

A leased employee shall not be considered an Employee if:

(i) such leased employee is covered by a money purchase pension plan providing:

(1) a nonintegrated employer contribution rate of at least 10% of compensation, as defined in Section 415(c)(3) of the Internal Revenue Code, but including amounts contributed pursuant to a salary reduction agreement which are excludable from the employee's gross income under Section 125, Section 402(a)(8), Section 402(h) or Section 403(b) of the Internal Revenue Code;

(2) immediate participation; and

(3) full and immediate vesting; and

(ii) leased employees do not constitute more than 20% of the County's nonhighly compensated workforce.

Contributions or benefits provided to a leased employee by the leasing organization which are attributable to services performed for the County shall be treated as provided by the County.

(i) "Excluded position" means a position of employment described in Section 26 [Section 4.026], which excludes an employee from membership in the Retirement System.

(Amend. adopted 2-4-98)

#### 4.006 Definitions.

##### Sec. 6.

(a) *"Final average compensation"* means the average of the annual compensation paid to a member during any five years of credited service producing the highest average if the member has at least five years of credited service. If the member has less than five years of credited service, final average compensation means the aggregate amount of compensation paid to the member divided by the member's years and fractions of a year of credited service.

(b) *"Included position"* means a position of employment as described in Section 26 [Section 4.026].

(c) *"Member"* means an employee who is employed in an included position as described in Section 26 [Section 4.026].

(d) *"Refund Beneficiary"* means a person designated by the member to receive any accumulated member contributions under Section 25 and/or Section 52 [Section 4.025 and/or Section 4.052] of this Ordinance.

wage loss and medical expenses is specified, the Board shall attribute 75% of the lump sum to wage loss and 25% of the lump sum to medical expenses.

(Res. No. 2001-130 adopt. 5-8-01)

#### 4.007.1 One-time annual increase to each annual retirement benefit.

For all Retirement Benefit recipients of record as of May 11, 1999, the effective date of this Amendment, a one-time annual increase of two hundred twenty-five dollars (\$225.00), payable in equal installments, shall be added to each annual Retirement Benefit. For those eligible as defined above, this increase shall be applied to the Retirement Benefit in all subsequent years, so that the amount of two hundred twenty-five dollars (\$225.00), without increase, shall remain part of their Retirement Benefit.

(Res. No. 99-115, 5-11-99)

#### 4.007.2 One-Time annual increase to Retirants of Record on December 31, 2000.

A one-time annual increase shall be applied to Retirement Benefits of all Retirants of record on December 31, 2000, in response to increases in the cost of living. Each of these Retirants shall receive a one-time annual increase to the respective retiree's base pension valued at \$1 (one dollar) per point and proportionate to the following point structure: Two points shall allotted for each full year the individual has been retired, and, in addition, one point shall be one point shall be allotted for each full year the individual has been retired, and, in addition, one point shall be allotted for each full year of County service in excess of fifteen (15) years. This Amendment shall become effective and shall commence application upon issuance of the Retirant's third monthly payment subsequent to the date when the State of Michigan County Pension Plan Committee approves the Amendment.

#### 4.007.3 Definitions

(a) "Eligible Rollover Distribution" means any distribution of all or any portion of the balance to the credit of the distribute, except that an Eligible Rollover Distribution does not include:

- (1) any distribution that is one of a series of substantially equal periodic payments (paid not less frequently than annually) paid over the any one of the following periods: the life of the member (or the joint lives of the member and the member's designated beneficiary), the life expectancy of the member (or the joint life and last survivor expectancy of the member and the member's designated beneficiary), or a specified period of 10 years or more;
- (2) any distribution to the extent the distribution is required under Section 401(a)(9) of the Internal Revenue Code relating to the minimum distribution requirements;
- (3) any distribution which is made upon the hardship of the member;
- (4) similar items designate in revenue rulings, notices, and other guidance from the Treasury Department of general applicability.

Effective January 1, 2002, a portion of a distribution shall not fail to be an Eligible Rollover Distribution merely because the portion consists of after-tax employee contributions which are not includable in gross income. However, such portion may be paid only to an individual retirement

account or annuity described in Section 408(a) or (b) of the Internal Revenue Code, or to a qualified defined contribution plan described in Section 401(a) or 403(a) of the Internal Revenue Code that agrees to separately account for amounts so transferred, including separately accounting for the portion of such distribution which is includable in gross income and the portion of such distribution which is not so includable.

(b) "Eligible Retirement Plan" means the following:

(1) an individual retirement account described in Section 408(a) of the Internal Revenue Code;

(2) an individual retirement annuity (other than an endowment contract) described in Section 408(b) of the Internal Revenue Code;

(3) a qualified plan described in Section 401(a) of the Internal Revenue Code;

(4) an annuity plan described in Section 403(a) of the Internal Revenue Code;

(5) effective January 1, 2002, an annuity contract described in Section 403(b) of the Internal Revenue Code;

(6) effective January 1, 2002, an eligible plan under Section 457(b) of the Internal Revenue Code which is maintained by a state, political subdivision of a state, or any agency or instrumentality of a state or political subdivision of a state and which agrees to separately account

for amounts transferred into such plan from this Retirement System; or

(7) effective January 1, 2008, a Roth IRA, subject to the requirements of section 408A(c)(3) of the Internal Revenue Code.

Effective January 1, 2002, the definition of an Eligible Retirement Plan shall also apply in the case of a distribution to a surviving spouse, or to a spouse or former spouse who is the alternate payee under an Eligible Domestic Relations Order, as defined in Section 57(a)[4.057(a)].

(c) "Distributee": A "Distributee" includes a Member or former Member. In addition, the Member or former Member's surviving spouse and the Member or former Member's spouse or former spouse who is the alternate payee under an Eligible Domestic Relations Order, as defined in Section 57(a)[4.057(a)] are Distributees with regard to the interest of the spouse or former spouse. Effective January 1, 2010, the non-spouse beneficiary of a Member or former Member also may be a distributee with regard to the interest of the non-spouse beneficiary that is directly transferred to an individual retirement account described in Section 408(a) the Internal Revenue Code or an individual retirement annuity described in Section 408(b) of the Internal Revenue Code.

(d) "Direct Rollover" means a payment by the Retirement System to the Eligible Retirement Plan specified by the Distributee.

#### 4.007.4 Interlocal Agreement Relating to the Bay County Employees' Retirement System.

Effective October 1, 2001, this Interlocal Agreement relating to the Bay County Employees' Retirement System was executed pursuant to the reorganization of Bay-Arenac Community Mental Health Services as the Bay-Arenac Behavioral Health Authority and under authority of MCL 38.691 et seq to allow continuing participation in this Retirement System.

## ARTICLE II

### 4.008 Board of Trustees—Creation; composition; compensation.

reserve.

**4.023 Retirement system; financial objective; actuarial determinations; county contributions.**

**Sec. 23.**

(a) The financial objective of this Ordinance is to require annual member and County contributions to the Retirement System so that all obligations of the Retirement System are sufficiently funded.

(b) The Board shall direct the actuary to do all of the following:

(i) Determine the annual level percentage of payroll contribution to finance the benefits provided under this Ordinance by actuarial valuation pursuant to subsections (ii) and (iii) of this subsection, and upon the basis of the risk assumptions that the Board adopts after consultation with the actuary.

(ii) Make an annual actuarial valuation of the Retirement System in order to determine the actuarial condition of the system and the required annual contribution to the system.

~~(iii) Make an annual actuarial gain-loss experience study of the Retirement System in order to determine the financial effect of variations of actual retirement system experience from projected experience.~~

~~(c) The actuary shall compute the contribution rate for monthly benefits payable in the event of death of a member before retirement or the disability of a member using terminal funding method of actuarial valuation.~~

~~(d) The actuary shall compute the contribution rate for benefits other than those described in Subsection (b) of this section using an individual projected benefit entry age normal actuarial cost method.~~

(e) The Board shall determine and adopt the annual County contribution necessary to meet the financial objectives of the Retirement System, after consultation with the actuary, and the County shall annually appropriate and cause the annual County contribution to be paid to the Retirement System.

(f) The Board may establish and alter actuarial valuation assumptions for the Retirement System after consulting with the actuary.

**4.024 Member contributions; amounts.**

Sec. 24. Each member shall contribute 4% of his/her compensation to the Retirement System as provided in Section 17(b) [Section 4.017(b)], unless otherwise provided in the terms of an applicable collectively-bargained or other employment agreement between the County and members.

**4.025 Member contributions; refunds; direct rollover.**

**Sec. 25.**

(a) Except as provided in Subsection (b) of this section, a member's accumulated member contributions (as defined in Section 5(a) [Section 4.005(a)]) shall be refunded



• • •  
(c) A Member or Distributee otherwise eligible for a refund, may elect a Direct Rollover as follows:

Application: Notwithstanding any provision of this Ordinance to the contrary that would otherwise limit a Distributee's election under this section, a Distributee may elect, at any time and in the manner prescribed by the Board, to have any portion of an Eligible Rollover Distribution paid directly to an Eligible Retirement Plan specified by the Distributee in a Direct Rollover.

- (iv) Members of boards and commissions paid exclusively on a per diem basis;
- (v) Any position held by a person who is included by law in any other pension or retirement system by reason of the compensation paid by the County, except the Federal Old Age, Survivors and Disability Insurance program;
- (vi) Temporary positions except as provided for in Subsection (b) (iv) of this section. For purposes of this section, a temporary position is defined as a position which is of short duration and does not intend to provide continuous employment with the County.
- (vii) Positions filled by part-time employees. For purposes of this section, a part-time employee is an employee who is employed in a position which normally requires service of fewer than 800 hours per calendar year.

(d) The Board shall have the final authority to decide upon membership status if there is any ambiguity under the provisions of this Ordinance.

**4.027 Membership; termination.**

~~Sec. 27. Except as provided in Section 28 [Section 4.028], a person shall cease to be a member of the Retirement System upon termination of employment or upon becoming employed in an excluded position.~~

Upon reemployment by the County in an included position, a person shall again become a member of the Retirement System except as provided in Section 54 [Section 4.054] of this Ordinance.

**4.028 Membership; vested status.**

Sec. 28. A person who terminates employment for any reason other than retirement or death, who does not withdraw his or her member contributions under Section 25 [Section 4.025], and who has eight (8) or more years of credited service shall be a vested former member.

**ARTICLE IV**

**4.029 Credited service; earned.**

Sec. 29. The Board shall credit each member with the number of years and months of service for which the member has performed service as defined in Section 7(c) [Section 4.007(c)]. The Board shall credit one month of service for each calendar month in which a member serves 65 or more hours. Under no circumstances shall a member be credited with more than twelve (12) months of service in any one calendar year.

**4.030 Credited service; forfeiture.**

Sec. 30. Except as provided in Section 49(b) [Section 4.049(b)] credited service shall be forfeited if a person, including but not limited to a former vested member, receives a refund of his/her accumulated contributions. Withdrawal of accumulated contributions shall result in loss of credited service, which shall constitute forfeiture of all rights to any benefits provided under this Ordinance.

~~Notwithstanding anything to the contrary in this section, a Member who becomes vested in all or part of his accrued benefit pursuant to a Qualified Transfer under Section~~

4.065. who does not receive a cashout pursuant to Section 4.066, shall be entitled to a Retirement Benefit from the Retirement System subject to all other terms and conditions of the Retirement Ordinance. If such Member withdrew his Accumulated Member Contributions, the amount of his Retirement Benefit shall be determined by subtracting the actuarial equivalent of his Accumulated Member Contributions from his accrued benefit.

**4.031 Credited service; reinstatement.**

**Sec. 31.**

(a) A member who has received a refund of his/her accumulated member contributions and has forfeited credited service may have his/her forfeited credited service reinstated upon satisfaction of each of the following conditions:

(i) The member files with the Board a written request for reinstatement on a form prescribed by the Board;

(ii) The member acquires three (3) months of credited service after returning to membership if the break is less than five (5) years. If the break in membership is for five (5) or more years, the member must acquire one (1) year of credited service after returning to membership.

(iii) The Retirement System is paid the total amount of accumulated member contributions previously withdrawn by the member, if any, plus compound interest at a rate which shall be determined by the Board from the date of withdrawal.

(iv) The repayment is initiated and completed upon approval by the Board, but not later than one year from the approval date, but in no case later than the member's date of retirement.

(b) A member who was not eligible to receive a refund of accumulated member contributions pursuant to Section 25 [Section 4.025] may have his/her forfeited credited service reinstated upon satisfaction of one of the following conditions:

(i) The member becomes employed in a membership position.

(ii) The member files a written request for reinstatement on a form prescribed by the Board.

(c) If a member has his/her forfeited credited service reinstated in accordance with Subsection (b) (i) or (ii) of this section the Retirement System shall transfer from the reserve for employer contributions to the reserve for member contributions any member contributions which were transferred pursuant to Section 17(d) [Section 4.017(d)].

4.032 Credited service; military service; conditions.

Sec. 32.

(a) A member who has served in any branch of the Armed ~~service~~ Forces of the United States shall be entitled to credited service for periods of active duty lasting 30 or more days, if each of the following conditions are satisfied:

(i) The member performed the military service in question ("Non-Intervening Military Service") before becoming an Employee;

~~(ii) The member files with the Board an application for the purchase of military service on a form prescribed by the Board;~~

~~(iii) The member submits his/her application and proof of service to the Bay County Board of Commissioners;~~

~~(iii) The member has at least eight (8) years of credited service, not including any service credited under this section;~~

~~(iv) The member pays to the Retirement System five (5%) percent of his/her annual rate of compensation which the member is earning at time of the approval of the member's application by the Bay County Board of Commissioners, multiplied by the period of service being purchased; and~~

~~(v) The Bay County Board of Commissioners approves the purchase through resolution by an affirmative vote of a majority of its members;~~

(b) A member shall not be credited with more than five (5) years of military service, including any credited military service purchased under former sections of this Ordinance.

(c) Credited service shall not be granted for periods of Non-Intervening ~~military~~ Service which are or could be used for obtaining or increasing a benefit from another retirement system. Unless extenuating circumstances are presented to the Board's satisfaction, a member may request only one (1) purchase for Non-Intervening ~~military~~ Service credit and must fully pay for the service credit within one (1) year from the date of approval by the Bay County Board of Commissioners, but not later than the member's retirement date. Failure to comply with these payment requirements shall foreclose any further request and shall result in refunding without interest to the member any partial payments made for the purchase of Non-Intervening ~~military~~ Service credit.

(d) Effective for transfers of benefits after December 31, 2001, a member who wishes to be credited with credited service corresponding to Non-Intervening Military Service pursuant to Subsection (a) of this section may make a direct trustee-to-trustee transfer of benefits from—

(i) an annuity contract described in Section 403(b) of the Internal Revenue Code; or

(ii) an eligible plan under Section 457(b) of the Internal Revenue Code which is maintained by a state, political subdivision of a state, or any agency or instrumentality of a state or political subdivision of a state

to purchase credited service, as permitted by Sections 403(b)(13)(A) and 457(e)(17)(A) of the Internal Revenue Code, respectively.

(e) Effective December 12, 1994, aAny member who is on a leave of absence by reason of military duty with the Armed Forces of the United States shall receive contributions, benefits, and service credit with respect to qualified military service ("Intervening Military Service") in accordance with the Uniformed Services Employment and Reemployment Rights Act ("USERRA") and Section 414(a) of the Internal Revenue Code. Upon such member's reemployment by the County within the period prescribed by USERRA, the member shall be treated as having received the compensation and credited service that would have been paid or credited to the member as an active employee for the entire period of the member's armed service.

(f) Effective with respect to deaths occurring on or after January 1, 2007, the survivors of a member who dies while performing Intervening Military Service are entitled to any additional benefits (other than benefit accruals relating to the period of Intervening Military Service) provided under the Plan as if the member had resumed and then terminated employment with the County on account of his death. For these purposes, the member shall be credited with credited service for vesting purposes during the period of Intervening Military Service.

(g) Effective on and after December 31, 2008, if the Company makes "differential wage payments" as defined in Code Section 3401(h)(2) to individuals performing qualified military service, then (1) the individual receiving a differential wage payment shall be treated as an Employee of the Company; (2) the differential wage payment shall be treated as Compensation for all Plan purposes, including Code Section 415(c)(3); and (3) the Plan will not be treated as failing to meet the nondiscrimination requirements of Code Sections 401(a)(4), 401(a)(26), 410(b) or 416 by reason of any benefit that is based on the differential wage payment. The exemption from the nondiscrimination rules described in (3) above applies only if all of the employees of all Related Companies performing services in the uniformed services are entitled to receive differential wage payments on reasonably equivalent terms.



1991. This subsection does not require the Retirement System to distribute or pay retirement benefits on behalf of a retirant in an amount that exceeds the actuarially determined amount that would otherwise become payable if a judgment of divorce had not been rendered.

(h) See Section 25 [Section 4.025] regarding direct Rollover of distributions of accumulated contributions.

(Res. No. 2002-12, adopt. 2-5-02)

~~(h) The following provisions concerning direct rollovers shall apply to distributions made on or after January 1, 1993:~~

~~(i) Application: Notwithstanding any provision of this Ordinance to the contrary that would otherwise limit a Distributee's election under this section, a Distributee may elect, at any time and in the manner prescribed by the Board, to have any portion of an Eligible Rollover Distribution paid directly to an Eligible Retirement Plan specified by the Distributee in a Direct Rollover.~~

~~(ii) Definitions: For purposes of this subsection, the following definitions shall apply:~~

~~(1) Eligible Rollover Distribution: An "Eligible Rollover Distribution" is any distribution of all or any portion of the balance to the credit of the Distributee, except that an Eligible Rollover Distribution does not include:~~

~~(A) any distribution that is one of a series of substantially equal periodic payments (paid not less frequently than annually) paid over any one of the following periods: the life of the member (or the joint lives of the member and the member's designated beneficiary), the life expectancy of the member (or the joint life and last survivor expectancy of the member and the member's designated beneficiary), or a specified period of 10 years or more;~~

~~(B) any distribution to the extent the distribution is required under Section 401(a)(9) of the Internal Revenue Code relating to the minimum distribution requirements;~~

~~(C) except as provided below, the portion of any distribution that is not includable in gross income (i.e., the part of a member's distribution which is related to after-tax contributions made prior to April 1, 1979); and~~

~~(D) similar items designated in revenue rulings, notices, and other guidance from the Treasury Department of general applicability.~~

~~Effective January 1, 2002, a portion of a distribution shall not fail to be an Eligible Rollover Distribution merely because the portion consists of after-tax employee contributions which are not includable in gross income.~~

However, such portion may be paid only to an individual retirement account or annuity described in Section 408(a) or (b) of the Internal Revenue Code, or to a qualified defined contribution plan described in Section 401(a) or 403(a) of the Internal Revenue Code that agrees to separately account for amounts so transferred, including separately accounting for the portion of such distribution which is includable in gross income and the portion of such distribution which is not so includable.

(2) Eligible Retirement Plan: An "Eligible Retirement Plan" means as follows:

(A) an individual retirement account described in Section 408(a) of the Internal Revenue Code;

(B) an individual retirement annuity (other than an endowment contract) described in Section 408(b) of the Internal Revenue Code;

(C) a qualified plan described in Section 401(a) of the Internal Revenue Code if it is a defined contribution plan which permits the acceptance of rollover distributions;

(D) an annuity plan described in Section 403(a) of the Internal Revenue Code;

(E) effective January 1, 2002, an annuity contract described in Section 403(b) of the Internal Revenue Code; or

(F) effective January 1, 2002, an eligible plan under Section 457(b) of the Internal Revenue Code which is maintained by a state, political subdivision of a state, or any agency or instrumentality of a state or political subdivision of a state and which agrees to separately account for amounts transferred into such plan from this Retirement System.

Effective January 1, 2002, the definition of an Eligible Retirement Plan shall also apply in the case of a distribution to a surviving spouse, or to a spouse or former spouse who is the alternate payee under an Eligible Domestic Relations Order, as defined in Section 57(a)[4.057(a)].

(3) Distributee: A "Distributee" includes an employee or former employee. In addition, the employee's or former employee's surviving spouse and the employee's or former employee's spouse or former spouse who is the alternate payee under an Eligible Domestic Relations Order, as defined in Section 57(a)[4.057(a)] are Distributees with regard to the interest of the spouse or former spouse.

(4) Direct Rollover: A "Direct Rollover" is a payment by the Retirement System to the Eligible Retirement Plan specified by the Distributee.



• • • related Internal Revenue Service regulations applicable to governmental plans.

(d) In accordance with Section 414(l) of the Internal Revenue Code, if the assets and/or liabilities of the Retirement System are transferred to any other retirement system or pension plan, and this Retirement System is terminated, each member, vested former member, retirant, beneficiary, or any other person having an interest in this Retirement System shall be immediately vested in a benefit in the new retirement system or pension plan that is equal to or greater than the benefit that person would have been entitled to receive immediately before the transfer.

(e) Notwithstanding anything contained in this Plan to the contrary, effective July 1, 2009, the benefits payable under the Plan to any Participant will not exceed the amount permitted under Code Section 415 with respect to a governmental plan as defined in Code Section 414(d). The limitations of Code Section 415, as from time to time amended and adjusted, are hereby incorporated by reference. In applying such limitations, the following provisions shall apply:

(i) Without limiting the foregoing, annual adjustments to the limitations of Code Section 415 that are made pursuant to Section 415(d) shall be taken into account in applying this Section (e), to the maximum extent permissible under S.L. 415(d), of the Income Tax Regulations.

(ii) For purposes of this Section (e) only, where separate governmental plans are maintained by different governmental units, such units are treated, along with the employer that adopts this plan, as a single "Employer" in accordance with the aggregation requirement under Code Section 415(f) (as modified by Code Section 415(h)), pursuant to a reasonable and good faith interpretation of the rules and definitions under Code Section 415 and Sections 414(b), (c), (m) and (o) of the Code.

(iii) Where the Participant's Employer-provided benefits (determined as of the same age) under all plans required to be aggregated with this Plan for the purposes of Code Section 415 would exceed the limitations of Code Section 415 as applicable to a government plan, then benefits will be reduced plan by plan, until the limitations of Code Section 415 are no longer exceeded, in reverse order of the Participant's initial participation date thereunder, beginning with the plan under which the Participant's participation began most recently. If a Participant commenced participation in two or more such plans on the same date, benefits under those plans shall be reduced in alphabetical order, beginning with the plan whose name is first alphabetically.

(iv) Notwithstanding the foregoing, nothing in this Section (e) shall reduce benefits accrued by a Participant under the Plan as of December 31, 2007, pursuant to Plan provisions that were adopted and in effect before April 5, 2007, if such Plan provisions met the applicable requirements of statutory provisions, regulations, and other published guidance relating to Code Section 415 in effect as of December 31, 2007 (the "Pre-Amendment Provisions"). In addition, nothing in this Section (e) shall reduce the

system or pension plan that is equal to or greater than the benefit that person would have been entitled to receive immediately before the transfer.

(e) Notwithstanding anything contained in this Plan to the contrary, effective July 1, 2009, the benefits payable under the Plan to any Participant will not exceed the amount permitted under Code Section 415 with respect to a governmental plan as defined in Code Section 414(d). The limitations of Code Section 415, as from time to time amended and adjusted, are hereby incorporated by reference. In applying such limitations, the following provisions shall apply:

(i) Without limiting the foregoing, annual adjustments to the limitations of Code Section 415 that are made pursuant to Section 415(d) shall be taken into account in applying this Section (e), to the maximum extent permissible under § 1.415(d)-1 of the Income Tax Regulations.

(ii) For purposes of this Section (e) only, where separate governmental plans are maintained by different governmental units, such units are treated, along with the employer that adopts this plan, as a single "Employer" in accordance with the aggregation requirement under Code Section 415(f) (as modified by Code Section 415(m)), pursuant to a reasonable and good faith interpretation of the rules and definitions under Code Section 415 and Sections 414(b), (c), (m) and (o) of the Code.

(iii) Where the Participant's Employer-provided benefits (determined as of the same age) under all plans required to be aggregated with this Plan for the purposes of Code Section 415 would exceed the limitations of Code Section 415 as applicable to a government plan, then benefits will be reduced plan by plan, until the limitations of Code Section 415 are no longer exceeded, in reverse order of the Participant's initial participation date thereunder, beginning with the plan under which the Participant's participation began most recently. If a Participant commenced participation in two or more such plans on the same date, benefits under those plans shall be reduced in alphabetical order, beginning with the plan whose name is first alphabetically.

(iv) Notwithstanding the foregoing, nothing in this Section (e) shall reduce benefits accrued by a Participant under the Plan as of December 31, 2007, pursuant to Plan provisions that were adopted and in effect before April 5, 2007, if such Plan provisions met the applicable requirements of statutory provisions, regulations, and other published guidance relating to Code Section 415 in effect as of December 31, 2007 (the "Pre-Amendment Provisions"). In addition, nothing in this Section (e) shall reduce the benefits that would have been accrued by a Participant under the Plan immediately prior to July 14, 2009, pursuant to the Pre-Amendment Provisions, provided that this sentence shall apply only to the extent that such benefits would otherwise be reduced, under the provisions of Section (e) as in effect after July 13, 2009, by reason of a change in the provisions of Section (e) that was not legally required in order to comply with Section 415 of the Code or the final regulations promulgated thereunder

(v) Where an annual increase under Code Section 415(d) is made to the dollar limitation described in Code Section 415(b)(1)(A) effective after a Participant's severance from employment with the Employer (or, if earlier, after the annuity starting date in the case of a Participant who has commenced receiving benefits), such annual increase shall apply, in calculating the limitations applicable to such Participant's benefits.

(vi) The Plan Administrator will advise affected Employees of any adjustments to their Accrued Benefit required by the limitations under this Section.

(vii) The Code Section 415(c)(3) definition of "compensation" shall include differential wage payments as described in Code Section 3401(h)(2).

~~The Retirement System shall not pay any benefit that would exceed the benefit limitations for governmental plans as set forth in Section 415 of the Internal Revenue Code and regulations, as amended.~~

**4.060 Retirement ordinance; severability.**

Sec. 60. If any section or part of a section of this Ordinance is for any reason held to be invalid or unconstitutional, such holding shall not be construed to affect the validity of remaining sections of the Ordinance or the Ordinance in its entirety.

**4.061 Retirement Ordinance; repeal.**

Sec. 61. All ordinances or other provisions of law inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

**4.062 Bay County Road Commission Employees Early Retirement Incentive.**

Sec. 62. Early retirement incentives shall be offered to all Road Commission employees eligible as described in this section with the exception of any incumbent member of the Board of County Road Commissioners of Bay County. The option period shall be open and extend from July 13, 1998 through August 28, 1998, and the employee's retirement date shall commence only during this period. Acceptance of this incentive shall be contingent upon submission of necessary election documents by the eligible employee in accordance with Section 35 [4.035] of this Ordinance. The offer is available only to those employees who are eligible in accordance with the following requirements: If 5 years of additional credit added toward a combination of age and years of service would have the effect of bringing an employee within normal retirement eligibility age (55 with 30 years of service, or age sixty 60 with eight 8 years of service), then up to five years of service will be added, first to the current chronological age of the employee to meet the minimum age qualification, and next, any remaining years will be added to service time to meet the years of service qualification. If this allocation of five incentive years enables any employee to meet the standard age and service requirements for a normal retirement, then that employee will have met the minimum requirements under this early retirement proposal and pension payment will be based on those requirements without reduction of pension benefits as of the date any such employee

retires.

In accordance with the preceding terms, this retirement incentive shall be offered to both represented and unrepresented employees and shall also be extended with equal force to employees who meet normal eligibility requirements.

(Amend. adopted 6-16-98)

**4.063. Retiree Health Benefits.**

- (a) The eligibility for health insurance coverage, the specific health insurance coverage, the condition of which would lead to loss of coverage, and the cost to the County and the covered individuals provided after the retirement or death of a Retirant shall be as described in Bay County Retiree Health Benefit Plan.
- (b) The County's share of the cost of retiree health insurance benefits provided under this Section shall, to the extent such account has sufficient funds, be paid from the separate account as described in Section 4.064

**4.064. Health Benefit Fund.** The Health Benefit Fund is the accounting fund within the Retirement System pursuant to Code Section 401(h) which shall be credited with (a) contributions by the County for the purpose of funding all or a portion of the cost of providing health insurance coverage to eligible Retirants and eligible Contingent Survivor Beneficiaries, and (b) investment ~~experience~~ earnings allocated to the Health Benefit Fund, and which shall be charged with all, or a portion of, applicable premiums or contract charges for such coverage. Eligibility for coverage and the portion of the premium or contract charge to be paid from the Health Benefit Fund shall be as determined in accordance with Section 4.063. Except as provided at Section 4.065, contributions to the Health Benefit Fund by the County, when added to any County contributions for life insurance protection provided by the Retirement System, shall not exceed 25% of the total actual contributions to the Retirement System (other than contributions to fund past service) for all years since the Health Benefit Fund has been in effect and shall be reasonable and ascertainable. Amounts allocated to the Health Benefit Fund may only be used for Retiree Health Benefits described in Section 4.063 and in the Bay County Retiree Health Benefit Plan, and may not be used for any purpose other than providing such Retiree Health Benefits or until the satisfaction of all liabilities under Section 4.063, at which time any amount remaining in the Health Benefit Fund shall be returned to the County. Amounts in the Health Benefit Fund shall be allocated to separate 401(h) subaccounts which shall be established for any key employee of the County (as defined in Code Section 416(i)(1)) of the County, and benefits may be paid only from such key employee's subaccount. The County shall not contribute any amounts to the Health Benefit Fund or a welfare benefit fund (as defined in Code Section 419(e)(1)) with respect to Qualified Current Retiree Health Liabilities as defined in Code Section 420(e)(1)(A) for which transferred assets are required to be used as described in Section 4.065(a)(3) below.

**4.065. Code Section 420 Transfer of Excess Assets to the Health Benefit Fund.**

**(a) Effective September 30, 2001, in addition to contributions made directly by the County under Section 4.064, the Health Benefit Fund may be funded by a "Qualified Transfer" of "Excess Assets" of the Retirement System to the Health Benefit Fund. "Excess Assets" means those assets in excess of the Retirement System's (i) full funding limit; or (ii) 125 percent of the Retirement System's current liability (as described in Code Section 412(c)(7)(B). The "Qualified Transfer" of assets does not otherwise count against the limits on County contributions described in Section 4.064 to the Health Benefit Fund. The "Qualified Transfer" of excess assets is subject to the requirements described below:**

**(i) Limitation on Number of Qualified Transfers Per Taxable Year. No more than one transfer of excess assets under this Section 4.065 during a taxable year of the County; PROVIDED that in no event shall any such "Qualified Transfer" be made after December 31, 2005.**

**(ii) Limit on Amount of Transfer. The amount of excess assets transferred from the Retirement System to the Health Care Fund shall not exceed the amount reasonably estimated to be paid during the tax year of the transfer for "Qualified Current Retiree Health Liabilities" as defined in Code Section 420(e)(1)(A). The amount to be transferred shall be reduced by the ratio of (i) assets (as of December 31 preceding the Plan Year of the transfer) previously set aside to pay for the Qualified Current Retiree Health Liabilities (as defined in Code Section 420(e)(1)(B)(i)), to pay for the Qualified Current Retiree Health Liabilities, to (ii) the present value of the Qualified Current Retiree Health Liabilities for all plan years (as defined in Code Section 420(e)(1)(B)(ii)). In the event the amount transferred exceeds the amount used to pay Qualified Current Retiree Health Liabilities, the excess (including income thereon) shall be returned from the Health Benefit Fund to the Retirement System.**

**(iii) Use of Transferred Assets. Any assets (and any income allocable thereto) of the Retirement System transferred to the Health Benefit Fund shall be used only to pay reasonably estimated Current Retiree Health Liabilities (other than liabilities of key employees not taken into account under Section 420(e)(1)(D)) for the taxable year of the transfer. For purposes of this section, any amount paid out of the Health Benefits Fund shall be treated as first being paid out of Excess Assets transferred to the Health Benefit Fund pursuant to this Section 4.065 and income thereon.**

**(iv) Accelerated Vesting Requirement.**

1. An Employee who is a Member in the Retirement System on the date of the transfer shall be 100% vested on the date of the Qualified Transfer in his then currently accrued benefit in the Retirement System, in the same manner as if the Plan had terminated immediately before the Qualified Transfer.

2. A Member who separated from service at the County during the one-year period ending on the date of the Qualified Transfer shall be 100% vested in his then currently accrued benefit as if the Plan had terminated immediately before his separation from service.

A Member who vests in an accrued benefit under this Section 4.065 shall nonetheless be subject to the vesting requirements of Section 4.028 with respect to future benefit accruals in the Retirement System. A Member who becomes vested pursuant to Section 4.065(iv)(2) above, has been paid his Accumulated Member Contributions and has accordingly forfeited his Credited Service, shall have his accrued benefit based upon his previously forfeited Credited Service retroactively reinstated and vested, provided that the vested accrued benefits so reinstated and vested shall be reduced by the actuarial equivalent of his Accumulated Member Contributions previously paid to him.

(v) Maintenance of Applicable Employer Retiree Health Costs. As more fully set forth at Section 3.1A of the Bay County Retiree Health Benefits Plan, in the event of a Qualified Transfer, the County shall maintain levels of Applicable Employer Retiree Health Costs during the Cost Maintenance Period, as such terms are defined in Section 3.1A of the Bay County Retiree Health Benefits Plan.

(vi) Key Employees Excluded. Assets transferred to the Health Benefits Fund cannot be used to pay the retiree health benefits of any participant who was a Key Employee (within the meaning of Code Section 416(i)(11)) at any time during the Plan Year ending within the tax year of the County in which the Qualified Transfer was made. If an employee is a key employee with respect to any Plan Year, such employee shall not be taken into account in computing Qualified Current Retiree Health Liabilities for such taxable year, or in calculating Applicable Employer Retiree Health Costs during the Cost Maintenance Period as such terms are defined in Section 3.1A of the Bay County Retiree Health Benefit Plan.

(vii) Limitation of County Deductions. The County shall not be entitled to a deduction for amounts transferred to the Health Benefit Fund or where amounts are used from the Health Benefit Fund to pay retiree health

benefits which otherwise would have been deductible in a tax year had the expenses been paid directly by the County.

- (b) State Law Limitations. Notwithstanding anything to the contrary in this Retirement Ordinance, excess amounts transferred under Section 4.065, "Limit on Amount of Transfer" shall not exceed state law limitations as set forth in Michigan Compiled Laws Annotation (MCLA) 38.571 which section is incorporated by reference in this Bay County Employees Retirement System Ordinance.

4.066. Cashouts of Accelerated Vested Accrued Benefit Pursuant to a Code Section 420 Transfer under Section 4.065 or Pursuant to the Reciprocal Retirement Act.

- (a) This Section 4.066 shall only apply to a Member who becomes vested in his accrued benefit -

(i) pursuant to a Qualified Transfer under Section 4.065; or

(ii) by reason of the Reciprocal Retirement Act.

This Section shall not apply to any Member who completes 8 years of Credited Service with the County.

Upon termination of such a Member's employment, the following shall apply:

- (b) Involuntary Cashout- under (a)(i), with termination after 2002, or under (a)(ii) any time. This Section 4.066(b) shall apply to (i) a Member described in 4.066(a)(i) whose employment with the County terminated after 2002, or (ii) to a Member described in 4.066(a)(ii). If the present value of the vested normal Retirement Benefit of a Member described in (a) the preceding sentence is \$7,000 or less, then the Retirement System Administrator shall pay an immediate lump sum distribution of the greater of:

(i) the present value of such Member's vested normal Retirement Benefit, or

(ii) his Accumulated Member Contributions.

and such Member's Credited Service and all rights to any further benefits of the Retirement System shall be forfeited.

(c) Involuntary Cashout under (a)(i), with termination before 2003. This Section 4.066(c) shall apply to a Member described in 4.066(a)(i) whose employment with the County terminated before 2003. If the present value of (x) the vested normal Retirement Benefit of a Member described in the preceding sentence minus (y) the amount of Accumulated Member Contributions actually paid to such Member upon termination of employment with the County (the "Net Remaining Benefit") is \$7,000 or less, then the Retirement System shall pay an immediate lump sum distribution of the Member's Net Remaining Benefit, and such Member's Credited Service and all rights to any further benefits of the Retirement System shall be forfeited.

In the case of a Member described in the first sentence of this Section 4.066(c) whose Accumulated Member Contributions were not paid to such Member upon termination of employment with the County, such Member will be treated under Section 4.066(b) as if he terminated employment after 2002.

(ed) Voluntary Cashout under (a)(i) with termination after 2002, or under (a)(ii) any time. This Section 4.066(d) shall apply to (i) a Member described in 4.066(a)(i) whose employment with the County terminated after 2002, or (ii) to a Member described in 4.066(a)(ii). If the present value of the vested normal Retirement Benefit of a Member described in ~~(a)~~the preceding sentence is more than \$7,000 and less than or equal to \$10,000, then such Member may elect to receive his benefits in an immediate lump sum distribution. In such event, the Retirement System Administrator shall pay an immediate lump sum distribution of the greater of:

(i) the present value of such Member's vested normal Retirement Benefit, or

(ii) his Accumulated Member Contributions,

and such Member's Credited Service and all rights to any further benefits of the Retirement System shall be forfeited.

If such Member elects not to receive an immediate lump sum distribution, he shall be treated as a Vested Former Member entitled to a deferred Retirement Benefit in accordance with Sections 4.036(b) and 4.039.

(e) Voluntary Cashout under (a)(i) with termination before 2003. This Section 4.066(e) shall apply to a Member described in 4.066(a)(i) whose employment with the County terminated before 2003. If the present value of

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(x) the vested normal Retirement Benefit of a Member described in the preceding sentence minus (v) the amount of Accumulated Member Contributions actually paid to such Member upon termination of employment with the County (the "Net Remaining Benefit") is more than \$7,000, then such Member may elect to receive his Net Remaining Benefit in an immediate lump sum distribution. If such an election is made, the Retirement System shall pay an immediate lump sum distribution equal to the Member's Net Remaining Benefit, and such Member's Credited Service and all rights to any further benefits of the Retirement System shall be forfeited.

If such Member elects not to receive an immediate lump sum distribution under this Section 4.066(e), he shall be treated as a Vested Former Member entitled to a deferred Retirement Benefit actuarially equivalent to his Net Remaining Benefit.

In the case of a Member described in the first sentence of this Section 4.066(e) whose Accumulated Member Contributions were not paid to such Member upon termination of employment with the County, such Member will be treated under Section 4.066(d) as if he terminated employment after 2002.

~~(d) Other Members. If the present value the vested normal Retirement Benefit of a Member described in (e) is more than \$10,000, such Member shall be treated as a Vested Former Member entitled to withdraw his Accumulated Member Contributions in accordance with Section 4.030 or to receive a deferred Retirement Benefit in accordance with Sections 4.036(b) and 4.039.~~

(ef) Present Value. For purposes of the foregoing, present value shall be calculated using the interest rate for Actuarial Equivalencies described in Section 4.005(b), and shall be determined on the later of (i) the date of distribution or (ii) the date of a Qualified Transfer under Section 4.065.

(fg) Service Upon Reemployment. If a vested Member who received a distribution pursuant to this Section is reemployed by the County, his years of Credited Service for vesting shall be reinstated. The Credited Service which related to the distribution shall not be reinstated unless he repays to the Retirement System the benefit he received together with ~~Interest at a rate of 7.00%~~ actual earnings of the Retirement System (but not less than 0%) from the date of payment to him to the date of repayment to the Retirement System. ~~the Board approves the reinstatement of Credited Service.~~ Repayments under this Section 4.066 shall be made in accordance with Section 4.031.

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If a vested Member who received a distribution pursuant to this Section becomes employed by another governmental employer, his years of Credited Service for purposes of the Reciprocal Retirement Act shall be reinstated if he repays to the Retirement System the benefit he received, together with interest at a rate of 7.00% actual earnings of the Retirement System (but not less than 0%) from the date of payment to him to the date of repayment to the Retirement System the Board approves the reinstatement of Credited Service. Repayments under this Section 4.066 shall be made in accordance with Section 4.033.

(gb) Timing. All cashout distributions made pursuant to this Section shall be made as soon as administratively feasible following the later of:

(i) the Member's termination of employment; or

(ii) the date of a Qualified Transfer under Section 4.065.

(i) This Section 4.066 shall not apply to any Member who completes 8 years of Credited Service with the County.

Parts 5-14 (Reserved)

BAY COUNTY BOARD OF COMMISSIONERS

10/12/10

RESOLUTION

BY: WAYS AND MEANS COMMITTEE (10/5/10)
WHEREAS, In July 2010 the Bay County Board of Commissioners, via resolution no. 2010-150, authorized MSU Extension Bay County to bid for a Department of Human Services grant called Strong Families, Safe Children to provide direct parenting education; and
WHEREAS, Bay County was not awarded this grant; and
WHEREAS, While this funding supported, in part, one MSU Extension Educator position, no county general fund dollars will be requested to make up the \$19,016 of lost grant dollars as the Extension Educator's programming efforts will be shifted to a MSU Extension grant program; and
WHEREAS, A budget adjustment is required; Therefore, Be it
RESOLVED That the Bay County Board of Commissioners approves the budget adjustments required as a result of the loss of grant funding (Strong Families, Safe Children (SFSC 11-09004a) DHS Grant.

DONALD J. TILLEY, CHAIR
and Committee

MSU - SFSC Grant - Budget Adjustment

MOVED BY COMM. Tilley

SUPPORTED BY COMM. Krygier

Table with 12 columns: COMMISSIONER, Y, N, E, COMMISSIONER, Y, N, E, COMMISSIONER, Y, N, E. Rows include Michael J. Duranczyk, Patrick H. Beson, Vaughn J. Begick, Colleen M. Maillette, Ernie Krygler, Kim Coonan, Brian K. Elder, Eugene F. Gwizdala, Donald J. Tilley.

VOTE TOTALS:

ROLL CALL: YEAS NAYS EXCUSED
VOICE: YES 9 NAYS 0 EXCUSED 0

DISPOSITION: ADOPTED DEFEATED WITHDRAWN
AMENDED CORRECTED REFERRED

**BAY COUNTY BOARD OF COMMISSIONERS**

**10/12/10**

**RESOLUTION**

BY: WAYS AND MEANS COMMITTEE (10/5/10)

WHEREAS, Per the Michigan State Dog Law of 1919, as amended, Bay County Animal Control is allowed to utilize funds for the education of the general public as to the value of the neutering and/or spaying of dogs and/or cats as well as the physical neutering and/or spaying of same, expenditure of said funds to be derived from Breached Contract monies; and

WHEREAS, The Animal Control Manager is recommending utilizing \$10,000 of Breached Contract monies to bridge the monetary gap between adoptees of the Animal Shelter animals medical deposits and those charges for services rendered by Bay County veterinarians; Therefore, Be It

RESOLVED That the Bay County Board of Commissioners approves and endorses utilization of Breached Contract monies, in the amount of \$10,000, to bridge the monetary gap between adoptees of the Animal Shelter animals medical deposits and those charges for services rendered by Bay County veterinarians; Be It Further

RESOLVED That the Chairman of the Board is authorized to execute any documents required on behalf of Bay County following legal review/approval; Be it Finally

RESOLVED That budget adjustments required are approved.

DONALD J. TILLEY, CHAIR  
AND COMMITTEE

Animal Control - Utilization of Breached Contract Funds

MOVED BY COMM. Tilley

SUPPORTED BY COMM. Duranczyk

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
Michael J. Duranczyk	✓			Colleen M. Maillette	✓			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 9 NAYS 0 EXCUSED 0

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

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**BAY COUNTY BOARD OF COMMISSIONERS**

**10/12/10**

**RESOLUTION**

- BY: WAYS AND MEANS COMMITTEE (10/5/10)  
 WHEREAS, The Michigan Department of Agriculture (MDA) is offering grants to promote certain activities related to spaying and neutering dogs and cats; and  
 WHEREAS, The MDA Companion Animal Welfare Fund Competitive Grant(s) are awarded pursuant to Act 132 of 2007, Animal Welfare Fund Act and the goal of the program is to support projects that increase the number of dogs and cats that are spayed and neutered and adopted in Michigan; and  
 WHEREAS, There is no cost to Bay County to apply for this grant nor is there a matching funds requirement; and  
 WHEREAS, As a competitive grant no more than \$10,000 will be awarded to any facility depending on the number of applications received and Bay County Animal Control intends to supplement this grant with funds from the Animal Neutering Deposit forfeiture account which has a current balance of \$50,000; Therefore, Be It  
 RESOLVED That the Bay County Board of Commissioners authorizes application to the Michigan Department of Agriculture for up to \$10,000 for the spaying and neutering of dogs and cats; Be It Further  
 RESOLVED That the Chairman of the Board is authorized to execute all grant documents, including award documents, on behalf of Bay County following legal review/ approval; Be It finally  
 RESOLVED That budget adjustments related to this grant are approved.

DONALD J. TILLEY, CHAIR  
 AND COMMITTEE

Animal Control - MDA Grant

MOVED BY COMM. Tilley

SUPPORTED BY COMM. Begick

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
Michael J. Duranczyk	✓			Colleen M. Maillette	✓			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 9 NAYS 0 EXCUSED 0

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

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**BAY COUNTY BOARD OF COMMISSIONERS  
10/12/10  
RESOLUTION**

BY: WAYS AND MEANS COMMITTEE (10/5/10)

WHEREAS, Bay Health Plan is a non-profit corporation whose purposes include promoting, organizing, managing, and administering programs to create a system of providing or arranging health care services for persons who are not covered under other public or private health care programs; and

WHEREAS, The BHP Corporation contracts under a separate agreement with certain hospitals to establish a program of health care service for certain persons for who health care is not available; and

WHEREAS, The Health Department provides and arranges for the provision of health care services as part of its programs and the County provides HIPAA compliant office space to BHP at BCHD; and

WHEREAS, This Agreement, which is a renewal of the Agreement originally entered into on October 1, 2004, shall begin on October 1, 2010, and will automatically renew for a term of three (3) years, expiring on September 30, 2013, unless amended by either party, per the terms of the Agreement; and

WHEREAS, The County sends intergovernmental transfers to the State of Michigan to support Indigent Care Agreement- based Disproportionate Share payments to certain hospitals (Bay Regional Medical Center). These funds are being leveraged to increase health care funding in the community and the hospital will receive a total payment of \$2.30 for every \$1.00 sent to the state; and

WHEREAS, The Bay Health Plan Corporation compensates the County for services rendered under this Agreement on a quarterly basis from October 1, 2010 through September 30, 2011. In addition, Bay County will receive \$3,500 per year from October 1, 2010 through September 30, 2011 from the Bay Health Plan for office space, computer equipment, Internet, and email access, office furniture miscellaneous support for office operation (copier, fax); Therefore, Be It

RESOLVED By the Bay County Board of Commissioners that the renewal Agreement between Bay Health Plan (BHP) Corporation and Bay County (Health Department) for the term 10/1/10 through 9/30/13 is approved and the Chairman of the Board authorized to execute the required documents on behalf of Bay County following legal review/approval; Be It Further

RESOLVED That budget adjustments required are approved.

DONALD J. TILLEY, CHAIR  
AND COMMITTEE

Health Dept - Bay Health Plan Agt

MOVED BY COMM. Tilley

SUPPORTED BY COMM. Krygier

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
Michael J. Duranczyk	✓			Colleen M. Maillette	✓			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 9 NAYS 0 EXCUSED 0

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

**BAY COUNTY BOARD OF COMMISSIONERS**

**10/12/10**

**RESOLUTION**

BY: WAYS AND MEANS COMMITTEE (10/5/10)  
 WHEREAS, The Bay County Health Department wishes to enter into an Agreement with VIOPOINT, Inc., the purpose of which is to assist Bay County in its management of information assets, including protected health information; and  
 WHEREAS, VIOPOINT, Inc. is a solution provider that assists organizations with identifying, qualifying and managing risks associated with information assets; and  
 WHEREAS, VIOPOINT, Inc. has been engaged to create a Statement of Work which outlines a suite of compliance and security services, specifically in the area of HIPAA and protection of private patient information; and  
 WHEREAS, There are two phases to the project which will be undertaken by VIOPOINT, Inc. and the cost for their services is \$10,800 which will be shared by the Information Systems Department, the Health Department and the Division on Aging and there are no financial considerations at this time as adequate funds exist within the Department budgets to cover the cost; Therefore, Be It  
 RESOLVED That the Bay County Board of Commissioners approves the HIPAA Security Services Agreement with VIOPOINT, Inc. and authorizes the Chairman of the Board to execute said Agreement on behalf of Bay County following legal review/approval; Be It Further  
 RESOLVED That budget adjustments relating to this Agreement are approved.

DONALD J. TILLEY, CHAIR  
 AND COMMITTEE

Health Dept - VIOPOINT, Inc.

MOVED BY COMM. Tilley

SUPPORTED BY COMM. Maillette

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
Michael J. Duranczyk	✓			Colleen M. Maillette	✓			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 9 NAYS 0 EXCUSED 0

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

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**BAY COUNTY BOARD OF COMMISSIONERS  
10/12/10**

**RESOLUTION**

BY: WAYS AND MEANS COMMITTEE (10/5/10)

WHEREAS, The 2010-2011 Comprehensive Planning, Budgeting and Contracting (CPBC) Agreement between Bay County and the Michigan Department of Community Health sets forth a joint and cooperative Contractor/Department relationship and basis for facilitating the delivery of public health services to the citizens of Bay County; and

WHEREAS, In accordance with the funding/reimbursement matrix, the total proposed State budget and amount committed for this period for the program elements covered by this Agreement is \$1,172,512, pending enactment of the FY 10/11 MDCH Appropriation Bill; and

WHEREAS, Any subsequent allocation changes will be made in Amendment # 1; Therefore, Be It

RESOLVED By the Bay County Board of Commissioners that the Agreement between Bay County and the Michigan Department of Community Health for the delivery of public health services under the Comprehensive Planning, Budgeting and Contract (CPBC) Process for the period October 1, 2010 through September 30, 2011 is hereby approved and the Chairman of the Board authorized to execute said Agreement and related documents, following legal review/approval; Be It Further

RESOLVED That any budget adjustments relating to the Agreement are approved.

BRIAN K. ELDER, CHAIR  
AND COMMITTEE

Health Dept - 2010/2011 CPBC Agt

MOVED BY COMM. Tilley

SUPPORTED BY COMM. Begick

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
Michael J. Duranczyk	✓			Colleen M. Malliette	✓			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 9 NAYS 0 EXCUSED 0

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

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**BAY COUNTY BOARD OF COMMISSIONERS**

**10/12/10**

**RESOLUTION**

BY: WAYS AND MEANS COMMITTEE (10/5/10)  
 WHEREAS, The Mosquito Control aerial treatment is the most important larvaciding activity conducted annually with the single highest control cost and in 2010 33,814 acres of seasonal flooded woodlots were treated; and  
 WHEREAS, Earl's Spray Services from Breckenridge, MI was the lowest qualified bidder for the 2009 and 2010 treatment season and this company did a satisfactory treatment program; and  
 WHEREAS, The owner of Earl's Spray Service has indicated that he would extend the current contract with all the terms and conditions for the next two (2) years; and  
 WHEREAS, The total cost (\$3.75/acre) of the aerial treatment services will not exceed the 2011 budget line item; Therefore, Be It  
 RESOLVED That the Bay County Board of Commissioners approves extension of the contract with Earl's Spray Services for the next two years (2011 and 2012) with the current terms and conditions; Be It Further  
 RESOLVED That the Chairman of the Board is authorized to execute the all documents required to facilitate this contract extension; Be It Finally  
 RESOLVED That budget adjustments, if required, are approved.

DONALD J. TILLEY, CHAIR  
 AND COMMITTEE

Mosq Control - 2011-2012 Aerial Spraying Contract

MOVED BY COMM. Tilley

SUPPORTED BY COMM. Krygier

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
Michael J. Duranczyk	✓			Colleen M. Maillette	✓			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 9 NAYS 0 EXCUSED 0

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

**BAY COUNTY BOARD OF COMMISSIONERS**

**10/12/10**

**RESOLUTION**

BY: WAYS AND MEANS COMMITTEE (9/21/10)  
 WHEREAS, Bay County is interested in continuing efforts to provide affordable housing opportunities for its low and very low income residents; and  
 WHEREAS, The Bay County Board of Commissioners recognizes Bay County is participating in the MSHDA Property Improvement Program (PIP) funding; and  
 WHEREAS, The Bay County Board of Commissioners desires to use PIP-Plus funding, a new funding source from MSHDA with PIP and HOME funds; and  
 WHEREAS, The Bay County Board of Commissioners understands that MSHDA will pay administration of 10% or up to \$2,000 administration for each PIP-Plus loan processed in Bay County; and  
 WHEREAS, The Bay County Board of Commissioners understands that MSHDA would require the PIP-Plus funding draws to be requested through Roscommon County; Therefore, Be It  
 RESOLVED That the Bay County Board of Commissioners authorizes Frances Horgan, Bay County Housing Rehabilitation Coordinator, to administer PIP-Plus funds in partnership with Roscommon County.

DONALD J. TILLEY, CHAIR  
 AND COMMITTEE

MSHDA-Addl Grant Funding Sources

MOVED BY COMM. Tilley

SUPPORTED BY COMM. Duranczyk

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
Michael J. Duranczyk	✓			Colleen M. Mallette	✓			Brian K. Elder	✓		
Patrick H. Beson	✓			Ernie Krygler	✓			Eugene F. Gwizdala	✓		
Vaughn J. Beglick	✓			Kim Coonan	✓			Donald J. Tilley	✓		

VOTE TOTALS:

ROLL CALL: YEAS \_\_\_\_\_ NAYS \_\_\_\_\_ EXCUSED \_\_\_\_\_  
 VOICE: ✓ YEAS 9 NAYS 0 EXCUSED 0

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

**BAY COUNTY BOARD OF COMMISSIONERS**

**10/12/10**

**RESOLUTION**

BY: WAYS AND MEANS COMMITTEE (10/5/10)

WHEREAS, The Bay County Board of Commissioners wishes to continue the provision of Personal Care and Homemaking Services to senior citizens in Bay County; and

WHEREAS, The resources to provide these services has been reduced from the level of service provided in fiscal year 2009; and

WHEREAS, The Bay County Division on Aging has developed a grant request to submit to the Community Initiative Fund through the Bay Area Community Foundation which will allow additional funding for program sustainability for Personal Care and Homemaking; and

WHEREAS, The Bay County Division on Aging can identify certain clients with high medical bills to be the recipients of the additional services that would be available to if the grant request in the amount of \$10,500 is approved; Therefore, Be It

RESOLVED That the Bay County Board of Commissioners authorizes application for grant funding to the Bay Area Community Foundation through its Community Initiative Fund

MOVED BY COMM. Tilley

SUPPORTED BY COMM. Coonan

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
Michael J. Duranczyk	✓			Colleen M. Maillette	✓			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 9 NAYS 0 EXCUSED 0

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

**BAY COUNTY BOARD OF COMMISSIONERS  
10/12/10**

**RESOLUTION**

BY: WAYS AND MEANS COMMITTEE (10/5/10)

RESOLVED By the Bay County Board of Commissioners that the 2010 Assessment Rolls, as submitted by the Bay County Drain Commissioner and on file in the County Clerk's Office, are hereby adopted.

DONALD J. TILLEY, CHAIR  
AND COMMITTEE

Drain - 2010 Assessment Rolls

MOVED BY COMM. Tilley

SUPPORTED BY COMM. Begick

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
Michael J. Duranczyk	✓			Colleen M. Maillette	✓			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 9 NAYS 0 EXCUSED 0

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

## 2010 DRAIN ASSESSMENTS BY DRAIN (Receivables)

<b>BLONDIN</b>						
Years	Code	Due From	At Large	Local	Total	
1 of 1	29	Bay County	267.70	-	267.70	
		MDOT	161.25		161.25	
		Fraser Township	776.80	3,794.25	4,571.05	
<b>DRAIN TOTAL</b>			<b>1,205.75</b>	<b>3,794.25</b>	<b>5,000.00</b>	
<b>CAMPBELL</b>						
Years	Code	Due From	At Large	Local	Total	
1 of 1	42	Bay County	250.00	-	250.00	
		Beaver Township	350.00	183.84	533.84	
<b>DRAIN TOTAL</b>			<b>600.00</b>	<b>183.84</b>	<b>783.84</b>	
<b>COLE</b>						
Years	Code	Due From	At Large	Local	Total	
1 of 1	50	Bay County	375.00	-	375.00	
		Huron & Eastern Railroad	253.50		253.50	
		MDOT	849.75		849.75	
		Monitor Township	750.00	5,271.75	6,021.75	
<b>DRAIN TOTAL</b>			<b>2,228.25</b>	<b>5,271.75</b>	<b>7,500.00</b>	
<b>COUNTEGAN</b>						
Years	Code	Due From	At Large	Local	Total	
1 of 1	56	Bay County	469.00	-	469.00	
		MDOT	194.50		194.50	
		Merritt Township	750.00	3,586.50	4,336.50	
<b>DRAIN TOTAL</b>			<b>1,413.50</b>	<b>3,586.50</b>	<b>5,000.00</b>	
<b>FISCHER</b>						
Years	Code	Due From	At Large	Local	Total	
1 of 1	98	Bay County	550.00	-	550.00	
		Monitor Township	1,650.00	8,800.00	10,450.00	
<b>DRAIN TOTAL</b>			<b>2,200.00</b>	<b>8,800.00</b>	<b>11,000.00</b>	
<b>HADD</b>						
Years	Code	Due From	At Large	Local	Total	
1 of 1	120	Bay County	108.00	-	108.00	
		Lake State Railway	66.00	-	66.00	
		Kawkawlin Township	313.40	1,512.60	1,826.00	
<b>DRAIN TOTAL</b>			<b>487.40</b>	<b>1,512.60</b>	<b>2,000.00</b>	
<b>INDIANTOWN</b>						
Years	Code	Due From	At Large	Local	Total	
1 of 1	137	Bay County	750.00	-	750.00	
		Kawkawlin Township	1,125.00	5,625.00	6,750.00	
<b>DRAIN TOTAL</b>			<b>1,875.00</b>	<b>5,625.00</b>	<b>7,500.00</b>	

## 2010 DRAIN ASSESSMENTS BY DRAIN (Receivables)

<b>K&amp;R</b>						
Years	Code	Due From	At Large	Local	Total	
1 of 1	146	Bay County	125.00	-	125.00	
		Fraser	250.00	2,125.00	2,375.00	
<b>DRAIN TOTAL</b>			<b>375.00</b>	<b>2,125.00</b>	<b>2,500.00</b>	
<b>KAWECK</b>						
Years	Code	Due From	At Large	Local	Total	
1 of 1	148	Bay County	175.00	-	175.00	
		Beaver Township	350.00	2,975.00	3,325.00	
<b>DRAIN TOTAL</b>			<b>525.00</b>	<b>2,975.00</b>	<b>3,500.00</b>	
<b>LESPERANCE</b>						
Years	Code	Due From	At Large	Local	Total	
1 of 1	171	Bay County	50.25	-	50.25	
		MDOT	125.86		125.86	
		Kawkawlin Township	490.39	2,833.50	3,323.89	
<b>DRAIN TOTAL</b>			<b>666.50</b>	<b>2,833.50</b>	<b>3,500.00</b>	
<b>MILL POND</b>						
Years	Code	Due From	At Large	Local	Total	
1 of 1	195	Bay County	1,250.00	-	1,250.00	
		Monitor	3,750.00	20,000.00	23,750.00	
<b>DRAIN TOTAL</b>			<b>5,000.00</b>	<b>20,000.00</b>	<b>25,000.00</b>	
<b>MOORE</b>						
Years	Code	Due From	At Large	Local	Total	
1 of 1	202	Bay County	200.00	-	200.00	
		Fraser Township	200.00	-	200.00	
<b>DRAIN TOTAL</b>			<b>400.00</b>	<b>-</b>	<b>400.00</b>	
<b>OAKWOOD</b>						
Years	Code	Due From	At Large	Local	Total	
1 of 1	212	Bay County	66.67	-	66.67	
		Lake State Railway	37.20	-	37.20	
		MDOT	27.00	-	27.00	
		Kawkawlin Township	301.60	2,567.53	2,869.13	
<b>DRAIN TOTAL</b>			<b>432.47</b>	<b>2,567.53</b>	<b>3,000.00</b>	
<b>PASHAK</b>						
Years	Code	Due From	At Large	Local	Total	
1 of 1	218	Bay County	250.00	-	250.00	
		Beaver Township	500.00	4,250.00	4,750.00	
<b>DRAIN TOTAL</b>			<b>750.00</b>	<b>4,250.00</b>	<b>5,000.00</b>	

**2010 DRAIN ASSESSMENTS BY DRAIN (Receivables)**

<b>PHILLIPS</b>						
Years	Code	Due From	At Large	Local	Total	
1 of 1	222	Bay County	100.00	-	100.00	
		Williams	200.00	-	200.00	
<b>DRAIN TOTAL</b>			<b>300.00</b>	<b>-</b>	<b>300.00</b>	
<b>PINE</b>						
Years	Code	Due From	At Large	Local	Total	
1 of 1	223	Bay County	500.00	-	500.00	
		Monitor	750.00	3,750.00	4,500.00	
<b>DRAIN TOTAL</b>			<b>1,250.00</b>	<b>3,750.00</b>	<b>5,000.00</b>	
<b>SECORD</b>						
Years	Code	Due From	At Large	Local	Total	
1 of 1	267	Bay County	100.00	-	100.00	
		Monitor	200.00	-	200.00	
<b>DRAIN TOTAL</b>			<b>300.00</b>	<b>-</b>	<b>300.00</b>	
<b>SLOAT</b>						
Years	Code	Due From	At Large	Local	Total	
1 of 1	283	Bay County	125.00	-	125.00	
		Monitor	250.00	2,125.00	2,375.00	
<b>DRAIN TOTAL</b>			<b>375.00</b>	<b>2,125.00</b>	<b>2,500.00</b>	
<b>STEPHAN</b>						
Years	Code	Due From	At Large	Local	Total	
1 of 1	372	Bay County	195.84	-	195.84	
		Monitor	590.24	3,213.92	3,804.16	
<b>DRAIN TOTAL</b>			<b>786.08</b>	<b>3,213.92</b>	<b>4,000.00</b>	
<b>ZIEGLER</b>						
Years	Code	Due From	At Large	Local	Total	
1 of 1	342	Bay County	383.85	-	383.85	
		Huron & Eastern Railway	28.70	-	28.70	
		MDOT	239.10	-	239.10	
		Frankenlust Township	744.70	3,603.65	4,348.35	
<b>DRAIN TOTAL</b>			<b>1,396.35</b>	<b>3,603.65</b>	<b>5,000.00</b>	
<b>1921 DREDGE CUT</b>						
Years	Code	Due From	At Large	Local	Total	
1 of 1	61	Bay County	125.00	-	125.00	
		Meritt	250.00	2,125.00	2,375.00	
<b>DRAIN TOTAL</b>			<b>375.00</b>	<b>2,125.00</b>	<b>2,500.00</b>	
<b>GRAND TOTAL 8010</b>			<b>22,941.30</b>	<b>78,342.54</b>	<b>101,283.84</b>	

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## 2010 DRAIN ASSESSMENTS BY DRAIN (Receivables)

<b>HAMPTON</b>						
Years	Code	Due From	At Large	Local	Total	
1 of 1	80101	Bay County	11,410.00	-	11,410.00	
		MDOT	1,890.00	-	1,890.00	
<b>DRAIN TOTAL 8011</b>			<b>13,300.00</b>	<b>-</b>	<b>13,300.00</b>	
<b>BANGOR</b>						
Years	Code	Due From	At Large	Local	Total	
1 of 1	80104	Bay County	29,168.00	-	29,168.00	
		MDOT	8,884.00	-	8,884.00	
		Bangor Township	258,073.00	-	258,073.00	
<b>DRAIN TOTAL 8014</b>			<b>296,125.00</b>	<b>-</b>	<b>296,125.00</b>	
<b>BAXMAN</b>						
Years	Code	Due From	At Large	Local	Total	
YEAR 7 OF 8	90503	Bay County	5,469.46	-	5,469.46	
		Frankenlust Township	157.77	477.89	635.66	
		Monitor Township	7,988.56	32,324.01	40,312.57	
<b>DRAIN TOTAL</b>			<b>13,615.79</b>	<b>32,801.90</b>	<b>46,417.69</b>	
<b>BIS EXT</b>						
Years	Code	Due From	At Large	Local	Total	
YEAR 3 OF 10	90528	Bay County	1,320.19	-	1,320.19	
		Williams Township	2,574.37	11,996.09	14,570.46	
<b>DRAIN TOTAL</b>			<b>3,894.56</b>	<b>11,996.09</b>	<b>15,890.65</b>	
<b>DELL CREEK</b>						
Years	Code	Due From	At Large	Local	Total	
YEAR 3 OF 8	90529	Bay County	4,665.82	-	4,665.82	
		Huron & Eastern Railway	632.48	-	632.48	
		Williams Township	15,137.97	78,227.85	93,365.82	
<b>DRAIN TOTAL</b>			<b>20,436.27</b>	<b>78,227.85</b>	<b>98,664.12</b>	
<b>GOETZ</b>						
Years	Code	Due From	At Large	Local	Total	
YEAR 4 OF 7	90514	Bay County	6,044.53	-	6,044.53	
		Frankenlust Township	3,009.76	72,651.80	75,661.56	
<b>DRAIN TOTAL</b>			<b>9,054.29</b>	<b>72,651.80</b>	<b>81,706.09</b>	
<b>KINDELL</b>						
Years	Code	Due From	At Large	Local	Total	
YEAR 8 OF 8	90501	Bay County	482.72	-	482.72	
		Huron & Eastern Railway	2,637.42	-	2,637.42	
		Williams Township	1,538.04	7,353.05	8,891.09	
<b>DRAIN TOTAL</b>			<b>4,658.18</b>	<b>7,353.05</b>	<b>12,011.23</b>	



**2010 DRAIN ASSESSMENTS BY DRAIN (Receivables)**

<b>KOLB</b>						
Years	Code	Due From	At Large	Local	Total	
YEAR 3 OF 3	90525	Bay County	974.96	-	974.96	
		Monitor Township	1,218.70	8,571.86	9,790.56	
		<b>DRAIN TOTAL</b>	<b>2,193.66</b>	<b>8,571.86</b>	<b>10,765.52</b>	
<b>MCDONALD</b>						
Years	Code	Due From	At Large	Local	Total	
YEAR 9 OF 10	90518	Bay County	1,180.63	-	1,180.63	
		Kawkawlin Township	2,498.75	10,824.24	13,322.99	
		Beaver Township	271.02	1,671.89	1,942.91	
		<b>DRAIN TOTAL</b>	<b>3,950.40</b>	<b>12,496.13</b>	<b>16,446.53</b>	
<b>SHINBINE</b>						
Years	Code	Due From	At Large	Local	Total	
YEAR 4 OF 5	90527	Bay County	510.02	-	510.02	
		Beaver Township	765.04	2,644.62	3,409.66	
		<b>DRAIN TOTAL</b>	<b>1,275.06</b>	<b>2,644.62</b>	<b>3,919.68</b>	
<b>STIEVE</b>						
Years	Code	Due From	At Large	Local	Total	
YEAR 4 OF 5	90526	Bay County	419.59	-	419.59	
		Beaver Township	629.80	3,146.92	3,776.72	
		<b>DRAIN TOTAL</b>	<b>1,049.39</b>	<b>3,146.92</b>	<b>4,196.31</b>	
<b>GRAND TOTAL 8510</b>			<b>60,127.60</b>	<b>229,890.22</b>	<b>290,017.82</b>	
<b>AUBURN</b>						
Years	Code	Due From	At Large	Local	Total	
YEAR 18 OF 20	85203	Bay County	-	-	-	
		Huron & Eastern Railroad	872.39	-	872.39	
		City of Auburn	-	29,032.23	29,032.23	
		Williams Township	-	6,605.54	6,605.54	
		<b>DRAIN TOTAL 8523</b>	<b>872.39</b>	<b>35,637.77</b>	<b>36,510.16</b>	
<b>GRAND TOTAL OF 2010 ASSESSMENTS</b>					<b>737,236.82</b>	

9/29/2010

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BAY COUNTY BOARD OF COMMISSIONERS  
10/12/10

RESOLUTION OF SUPPORT  
FOR THE  
BAY COUNTY LIBRARY SYSTEM MILLAGE BALLOT QUESTION

BY: WAYS AND MEANS COMMITTEE (10/5/10)  
 WHEREAS, The Bay County Public Library System covers all Bay County Commission Districts; and  
 WHEREAS, On November 2, 2010, the Bay County Public Library System will be seeking approval of their operating millage; and  
 WHEREAS, The patrons of the Bay County Public Libraries, young and old alike, deserve continued operation of the new and newly renovated libraries made possible through passage of a Library millage. Through this millage the taxpayers of Bay County have been provided facilities that provide a safe, secure and less-crowded learning environment; and  
 WHEREAS, All recent economic development studies have shown that businesses and industries looking to expand or locate in Bay County have indicated that a perceived lack of support for education, through the school system and libraries, hinders their potential investments in Bay County; and  
 WHEREAS, It is important that this community show others that we believe in ourselves, our children and in the future; Therefore, Be It  
 RESOLVED That the Bay County Board of Commissioners hereby goes on record in wholehearted support of passage of the Bay County Public Library System operating millage and urges the voters of our community to support the millage proposal that will be included on the November 2, 2010 election ballot.

DONALD J. TILLEY, CHAIR  
AND COMMITTEE

Library Millage Proposal

MOVED BY COMM. Tilley

SUPPORTED BY COMM. Coonan

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
Michael J. Duranczyk	✓			Colleen M. Mallette	✓			Brian K. Elder	✓		
Patrick H. Beson	✓			Ernie Krygler	✓			Eugene F. Gwizdala	✓		
Vaughn J. Beglick		✓		Kim Coonan	✓			Donald J. Tilley	✓		

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

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

10/12/2010

By: WAYS AND MEANS COMMITTEE 10/5/10

RESOLVED: By this Board of Commissioners of Bay County, Michigan, that the following Budget Adjustments are hereby approved on 10/12/2010 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.

<u>Request Number</u>	<u>Fund Involved Department Involved</u>	<u>Favorable Impact</u>	<u>Unfavorable Impact</u>	<u>No Impact</u>
2010-10-001	Health Department Environmental Health Activity  To adjust 22161500 Health Department Environmental Health budget for increased demand of ServSafe training among Bay County food service license establishments.			X
2010-10-003	Community Correction Fund Community Corrections Plan Activity  To adjust Community Corrections budget to match their grant. Michigan Department of Corrections approved of these grant line item changes on 8/23/10.			X
2010-10-004	General Fund Animal Control Activity  To budget for the use of restricted "breached" adoption fees in the amount of \$10,000 to be used in a program at Animal Control to pay area veterinarians to sterilize dogs and cats. "Breached" adoption fees PA 0007, Dated May 16, 1997 allows Bay County to take these breached adoption fees and use them to finance education and/or sterilization. The balance in this reserve as of 12/31/09 is \$51,221.			X

10/12/2010

2010-10-005

General Fund  
Personnel Activity

\$15,631.00

To budget for mediation settlement  
agreement regarding EEOC charge  
as discussed in closed session on  
9-14-10 Motion #78.

Donald J. Tilley W & M Committee

MOVED BY COMM. Tilley  
SUPPORTED BY COMM. Coonan

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
Michael J. Duranczyk	✓			Colleen M. Mallette	✓			Brian K. Elder	✓		
Patrick H. Beson	✓			Ernie Krygier	✓			Eugene F. Gwizdala	✓		
Vaughn J. Beglck	✓			Kim Coonan	✓			Donald J. Tilley	✓		

VOTE TOTALS:  
ROLL CALL: YEAS \_\_\_\_\_ NAYS \_\_\_\_\_ EXCUSED \_\_\_\_\_  
VOICE: ✓ YEAS 9 NAYS 0 EXCUSED 0

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

**BAY COUNTY BOARD OF COMMISSIONERS**

**10/12/10**

**RESOLUTION**

BY: PERSONNEL/JUDICIAL COMMITTEE (9/21/10)

WHEREAS, The 74<sup>th</sup> District Court utilizes a web access portal with the Secretary of State's office in handling cases and the Secretary of State requires that each user sign a contract in order to continue this access; and

WHEREAS, The required Commercial Services Program contract does not involve any fees or bond and will remain in effect until either party would cancel or terminate; Therefore, Be It

RESOLVED That the Bay County Board of Commissioners approves the Commercial Services Program contract between the Michigan Department of State and Bay County (74<sup>th</sup> District Court) and authorizes the Board Chair to sign said contract and all related documents on behalf of Bay County following legal review/approval.

ERNIE KRYGIER, CHAIR  
AND COMMITTEE

Dist Ct - SOS Contract

MOVED BY COMM. Krygier

SUPPORTED BY COMM. Coonan

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
Michael J. Duranczyk	✓			Colleen M. Mallette	✓			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 9 NAYS 0 EXCUSED 0

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

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**BAY COUNTY BOARD OF COMMISSIONERS**

**10/12/10**

**RESOLUTION**

BY: PERSONNEL/JUDICIAL COMMITTEE (9/21/10)

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

A. Community Corrections Program - Community Corrections Coordinator (ft - \$36,192 entry)

B. Division on Aging - Cook (on-call, part time - \$10.63/hr.)

RESOLVED That budget adjustments, if required, are approved.

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

ERNIE KRYGIER, CHAIR  
AND COMMITTEE

Vacancies - October 12

MOVED BY COMM. Krygier

SUPPORTED BY COMM. Tilley

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

VOTE TOTALS:

ROLL CALL: YEAS 9 NAYS 0 EXCUSED 0  
VOICE: ✓ YEAS 9 NAYS 0 EXCUSED 0

DISPOSITION: ADOPTED ✓ DEFEATED      WITHDRAWN       
AMENDED      CORRECTED      REFERRED

**BAY COUNTY BOARD OF COMMISSIONERS**

**5/11/10**

**RESOLUTION**

BY: HUMAN SERVICES COMMITTEE (9/21/10)

WHEREAS, A & D Home Health Care has contacted Bay County Division on Aging to extend contract agreement for funding under the Waiver Program, and

WHEREAS, Bay County Division on Aging desires to continue a relationship with A & D Home Health Care to provide services under the Waiver program to A & C clients, and

WHEREAS, the rates requested by Bay County Division on Aging have been accepted by A & D Home Health Care, therefore, Be It

RESOLVED By the Bay County Board of Commissioners that the letter to extend the A & D Home Health Care Waiver agreement for FY 2011 is approved and the Chairman of the Board is authorized to sign the required documents on behalf of Bay County following legal review/approval; Be It Further

RESOLVED That budget adjustments, if required, are approved.

MICHAEL J. DURANCZYK, CHAIR  
AND COMMITTEE

A&D Home Health Care Waiver Extension

MOVED BY COMM. Duranczyk

SUPPORTED BY COMM. Maillette

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
Michael J. Duranczyk	✓			Colleen M. Maillette	✓			Brian K. Elder	✓		
Patrick H. Beson	✓			Erle Krygier	✓			Eugene F. Gwizdala	✓		
Vaughn J. Begick	✓			Kim Coonan	✓			Donald J. Tilley	✓		

VOTE TOTALS:

ROLL CALL: YEAS \_\_\_\_\_ NAYS \_\_\_\_\_ EXCUSED \_\_\_\_\_  
VOICE: ✓ YEAS 9 NAYS 0 EXCUSED 0

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

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**BAY COUNTY BOARD OF COMMISSIONERS**

**10/12/10**

**RESOLUTION**

- BY: HUMAN SERVICES COMMITTEE (9/21/10)
- WHEREAS, The Bay County Division on Aging provides services to individuals that are enrolled in the MI Choice Waiver program administered by Region VII Area Agency on Aging and A & D Home Health Care; and
- WHEREAS, The cost of providing home delivered meals has increased, and
- WHEREAS, The Bay County Division on Aging is requesting an adjustment in the rate for home delivered meals, with the new rate of \$5.50 to begin October 1, 2010, and
- WHEREAS, The Bay County Division on Aging wishes to continue to accept referrals for home delivered meals and other services from both Region VII Area Agency on Aging and A & D Home Health Care Waiver Program; Therefore, Be It
- RESOLVED That the Bay County Board of Commissioners supports the request for a rate increase to begin October 1, 2010, with the per meal rate being adjusted to \$5.50/meal; Be It Further
- RESOLVED That the Board Chairman is authorized to sign any revisions or extensions to contract documents that may be needed as a result of this action, subject to legal review/approval; Be It Finally
- RESOLVED That any budget adjustments related to this action are approved.

MICHAEL J. DURANCZYK, CHAIR  
AND COMMITTEE

DOA - Per Meal Rate Adjustment

MOVED BY COMM. Duranczyk

SUPPORTED BY COMM. Begick

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
Michael J. Duranczyk	✓			Colleen M. Mallette	✓			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 9 NAYS 0 EXCUSED 0

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

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**BAY COUNTY BOARD OF COMMISSIONERS**

**10/12/10**

**RESOLUTION**

BY: BAY COUNTY BOARD OF COMMISSIONERS

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

Accounts Payable:

9/15/10	\$1,810,166.93
9/22/10	\$162,319.15
9/29/10	\$1,004,677.08
10/6/10	\$208,582.38

Center Ridge Arms-Payables:

10/5/10	\$67,444.50
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BRIAN K. ELDER, CHAIR  
BAY COUNTY BOARD OF COMMISSIONERS

Payables - Oct Bd Mtg

MOVED BY COMM. Beson

SUPPORTED BY COMM. Tilley

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
Michael J. Duranczyk	✓			Colleen M. Mallette	✓			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 9 NAYS 0 EXCUSED 0

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

**BAY COUNTY BOARD OF COMMISSIONERS  
10/12/10**

**RESOLUTION**

BY: BAY COUNTY BOARD OF COMMISSIONERS (10/12/10)

RESOLVED By the Bay County Board of Commissioners that the reports of the County Executive, listed below and attached, are received:

Employment Status Report: September 2010

Workers' Compensation Report: August, September 2010

BRIAN K. ELDER, CHAIR  
AND BOARD

County Executive - Status Reports

MOVED BY COMM. Beson

SUPPORTED BY COMM. Maillette

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
Michael J. Duranczyk	✓			Colleen M. Maillette	✓			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 9 NAYS 0 EXCUSED 0

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

**CHANGES IN EMPLOYMENT STATUS  
September, 2010**

<b>EMPLOYEE NAME</b>	<b>DEPARTMENT/FUNDING</b>	<b>DATE</b>
<b><u>NEW HIRE/APPOINTMENT</u></b>		
Ryan Foor PT Youth Development Worker	Juvenile Home Juvenile Funds	9/20/2010
Stephanie Reed PT Youth Development Worker	Juvenile Home Juvenile Funds	9/20/2010
<b><u>NEW HIRE (Seasonal/Temporary/On-call):</u></b>		
<b><u>Golf Course:</u></b>		
Brandi Studer	Clubhouse Attendant	9/20/2010
<b><u>Division on Aging:</u></b>		
Barbara Rich	On-call Site Manager	9/27/2010
Ellis McRae	On-call Driver	9/27/2010
Marlene Roach	On-call Cook	9/27/2010
<b><u>TRANSFER/PROMOTION:</u></b>		
Allen Nelson		9/01/2010
TO: Community Service Worker	Probate Court	
FROM: Day Treatment Project Assistant	Probate Court	
<b><u>SEPARATIONS (Seasonal/Temporary/On-call):</u></b>		
Eugene Graczyk On-call Day Treatment	Probate Court	9/20/2010
<b><u>Golf Course:</u></b>		
Carleigh Corrion	Snack Shop Attendant	9/24/2010
Jazmine Barajas	Snack Shop Team Leader	9/24/2010
Whitney Dubay	Snack Shop Attendant	9/24/2010

Lauren Russell	Club House Attendant	9/24/2010
Nicholis Ingle	Service Assistant	9/24/2010
Thomas Tabor	Service Assistant	9/24/2010

**SEPARATIONS (Regular):**

Nichole Smith Office Manager/ Administrative Assistant	Friend of the Court	9/03/2010
Rene Amyotte Coordinator	Community Corrections	9/20/2010
Dennis Piasecki Cook	Division on Aging	9/10/2010

**RETIREMENT:**

Marshal Piper Respite Care Worker	Division on Aging	9/30/2010
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Personnel Department  
July 27, 2010

**WORKERS' COMPENSATION REPORT**  
**August, 2010**

<b>EMPLOYEE NAME</b>	<b>DEPARTMENT</b>	<b>DATE OF INJURY</b>	<b>REASON FOR PAYMENT</b>
Margaret Brown	Health Department	05/19/2006	Legal Only
Sandra Fader	Division on Aging	03/03/2010	Medical Only
Joann Kuhn (Retiree)	Register of Deeds	03/14/2003	Medical Only
Robert Lee	Sheriff Department	01/28/2010	Medical & Indemnity
Shirley Lijewski	Sheriff Department	06/13/2010	Medical & Indemnity
Caryn Loeffler-Truax	Housing Department	01/08/2009	Legal Only
Lynn Oliver	Animal Control	05/24/2010	Medical & Indemnity
Karl Reinhardt	Drain Commission	06/29/2010	Medical Only
Ruth Russell	Mosquito Control	08/02/2010	Medical Only
Jill Torres	Building and Grounds	04/03/2003	Medical & Indemnity
Frank Woods	Juvenile Home	07/26/2010	Medical Only

**Note:** Employees appear on this report if there has been a payment during the month from the self-insurance fund for a work related injury. A name appearing on this report does not necessarily mean the employee is off work. Oftentimes, medical bills are received a month or two after the date of injury.

Submitted by: Danean Wright/Bay County Finance Dept.  
Dated: September 9, 2010

**WORKERS' COMPENSATION REPORT**  
**September, 2010**

<b>EMPLOYEE NAME</b>	<b>DEPARTMENT</b>	<b>DATE OF INJURY</b>	<b>REASON FOR PAYMENT</b>
Margaret Brown	Health Department	05/19/2006	Legal Only
Richard Charboneau	Juvenile Home	06/05/2010	Medical Only
Sandra Fader	Division on Aging	03/03/2010	Medical Only
Tiffany Hicks	Sheriff Department	08/09/2010	Medical Only
Robert Lee	Sheriff Department	01/28/2010	Medical & Indemnity
Shirley Lijewski	Sheriff Department	06/13/2010	Medical & Indemnity
Caryn Loeffler-Truax	Housing Department	01/08/2009	Legal Only
Lynn Oliver	Animal Control	05/24/2010	Medical & Indemnity
Karl Reinhardt	Drain Commission	06/29/2010	Medical Only
Jill Torres	Building and Grounds	04/03/2003	Medical & Indemnity
Frank Woods	Juvenile Home	07/26/2010	Medical Only

**Note:** Employees appear on this report if there has been a payment during the month from the self-insurance fund for a work related injury. A name appearing on this report does not necessarily mean the employee is off work. Oftentimes, medical bills are received a month or two after the date of injury.

Submitted by: Danean Wright/Bay County Finance Dept.  
Dated: October 4, 2010

**BAY COUNTY BOARD OF COMMISSIONERS**

MEETING DATE:     OCTOBER 12, 2010    

MOTION SPONSORED BY:     COMM. COONAN    

MOTION SUPPORTED BY:     COMM. KRYGIER    

MOTION NO.:     81    

TO APPROVE THE REGULAR BOARD SESSION MINUTES OF  
SEPTEMBER 14, 2010.

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
Michael J. Duranczyk	X			Colleen Maillette	X			Brian K. Elder	X		
Patrick H. Beson	X			Ernie Krygier	X			Eugene F. Gwizdala	X		
Vaughn J. Beglck	X			Kim Coonan	X			Donald J. Tilley	X		

**VOTE TOTALS:**

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

VOICE: XX YEAS   9   NAYS   0   EXCUSED   0  

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

**BAY COUNTY BOARD OF COMMISSIONERS**

MEETING DATE:   OCTOBER 12, 2010  

MOTION SPONSORED BY:   COMM. KRYGIER  

MOTION SUPPORTED BY:   COMM. BEGICK  

MOTION NO.:   82  

TO GO OUT OF REGULAR SESSION INTO PUBLIC HEARING ON  
THE PROPOSED 2011 BAY COUNTY BUDGET.

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
Michael J. Duranczyk	X			Colleen Mallette	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: **XX** YEAS   9   NAYS   0   EXCUSED   0  

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

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



**BAY COUNTY BOARD OF COMMISSIONERS**

MEETING DATE:   OCTOBER 12, 2010  

MOTION SPONSORED BY:   COMM. KRYGIER  

MOTION SUPPORTED BY:   COMM. DURANCZYK  

MOTION NO.:   83  

TO GO BACK TO REGULAR SESSION FOLLOWING PUBLIC  
HEARING ON THE PROPOSED 2011 BAY COUNTY BUDGET.

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
Michael J. Duranczyk	X			Colleen Mallette	X			Brian K. Elder	X		
Patrick H. Beson	X			Ernie Krygler	X			Eugene F. Gwizdala	X		
Vaughn J. Beglck	X			Kim Coonan	X			Donald J. Tilley	X		

**VOTE TOTALS:**

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

VOICE: **XX** YEAS   9   NAYS   0   EXCUSED   0  

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

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

**BAY COUNTY BOARD OF COMMISSIONERS**

MEETING DATE:   OCTOBER 12, 2010  

MOTION SPONSORED BY:   COMM. TILLEY  

MOTION SUPPORTED BY:   COMM. KRYGIER  

MOTION NO.:   84  

TO RECEIVE THE LETTER DATED SEPTEMBER 24, 2010 FROM RICHARD F. BRZEZINSKI, BAY COUNTY TREASURER, AND CONCUR WITH HIS RECOMMENDATION TO REAPPOINT WILLIAM TACEY TO THE BAY COUNTY LAND BANK AUTHORITY FOR A THREE (3) YEAR TERM, SAID TERM TO EXPIRE OCTOBER 13, 2013.

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
Michael J. Duranczyk	X			Colleen Maillette	X			Brian K. Elder	X		
Patrick H. Beson	X			Ernie Krygler	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   9   NAYS   0   EXCUSED   0  

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

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

**BAY COUNTY BOARD OF COMMISSIONERS**

MEETING DATE:   OCTOBER 12, 2010  

MOTION SPONSORED BY:   COMM. BEGICK  

MOTION SUPPORTED BY:   COMM. DURANCZYK  

MOTION NO.:   85  

RECEIVE THE U.S. DEPARTMENT OF HOUSING AND URBAN  
DEVELOPMENT - PUBLIC HOUSING ASSESSMENT SYSTEM  
(PHAS) SCORE REPORT FOR THE TRANSITION YEAR.

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
Michael J. Duranczyk	X			Colleen Maillette	X			Brian K. Elder	X		
Patrick H. Beson	X			Ernie Krygler	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   9      NAYS   0      EXCUSED   0  

DISPOSITION:    ADOPTED   XX      DEFEATED           WITHDRAWN         
                  AMENDED           CORRECTED           REFERRED

**BAY COUNTY BOARD OF COMMISSIONERS**

MEETING DATE:     OCTOBER 12, 2010    

MOTION SPONSORED BY:     COMM. KRYGIER    

MOTION SUPPORTED BY:     COMM. MAILLETTE    

MOTION NO.:     86    

TO RECEIVE THE LETTER DATED SEPTEMBER 24, 2010 FROM THE CITY OF BAY CITY FOR APPLICATION FOR AN INDUSTRIAL FACILITIES TAX EXEMPTION CERTIFICATE FROM BAY CAST TECHNOLOGIES, INC., BAY CITY, MICHIGAN, FOR PROPERTY LOCATED AT 2611 CENTER AVENUE, BAY CITY, MICHIGAN IN THE AMOUNT OF \$800,000.00.

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
Michael J. Duranczyk	X			Colleen Maillette	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   9      NAYS   0      EXCUSED   0  

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

**BAY COUNTY BOARD OF COMMISSIONERS**

MEETING DATE:   OCTOBER 12, 2010  

MOTION SPONSORED BY:   COMM. COONAN  

MOTION SUPPORTED BY:   COMM. TILLEY  

MOTION NO.:   87  

TO RECEIVE APPLICATION REQUESTS FROM, FREDERICK L. DRYZGA (INCUMBENT) AND THOMAS L. STARKWEATHER, FOR REAPPOINTMENT/APPOINTMENT TO THE BAY COUNTY DEPARTMENT OF HUMAN SERVICES BOARD OF DIRECTORS FOR ONE (1) THREE-YEAR TERM TO EXPIRE OCTOBER 31, 2013.

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
Michael J. Duranczyk	X			Colleen Malletta	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   9   NAYS   0   EXCUSED   0  

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

**BAY COUNTY BOARD OF COMMISSIONERS**

MEETING DATE:     OCTOBER 12, 2010    

MOTION SPONSORED BY:     COMM. COONAN    

MOTION SUPPORTED BY:     COMM. KRYGIER    

MOTION NO.:     88    

TO APPOINT THOMAS L. STARKWEATHER TO THE BAY COUNTY DEPARTMENT OF HUMAN SERVICES BOARD OF DIRECTORS FOR A THREE (3) YEAR TERM TO EXPIRE OCTOBER 31, 2013. VOTING RESULTS ARE BELOW.

THOMAS L. STARKWEATHER - 5 VOTES: COONAN, DURANCZYK, BESON, KRYGIER, ELDER.  
 FREDERICK L. DRYZGA (INCUMBENT) - 4 VOTES: GWIZDALA, TILLEY, BEGICK, MAILLETTE.

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
Michael J. Duranczyk	X			Colleen Maillette	X			Brian K. Elder	X		
Patrick H. Beson	X			Ernie Krygler	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   9   NAYS   0   EXCUSED   0  

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

**BAY COUNTY BOARD OF COMMISSIONERS**

MEETING DATE:     OCTOBER 12, 2010    

MOTION SPONSORED BY:     COMM. TILLEY    

MOTION SUPPORTED BY:     COMM. DURANCZYK    

MOTION NO.:     89    

AS THE FREEDOM OF INFORMATION ACT (FOIA) CONTAINS  
A PROVISION IN THE LAW FOR AN APPEAL OF A RESPONSE,  
TO RECEIVE THE WRITTEN APPEAL OF A FOIA REQUEST  
FILED BY JONATHAN AARON AS STATED BY FOIA  
COORDINATOR, MARTHA FITZHUGH.

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
Michael J. Duranczyk	X			Colleen Mallette	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   9   NAYS   0   EXCUSED   0  

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

**BAY COUNTY BOARD OF COMMISSIONERS**

MEETING DATE:   OCTOBER 12, 2010  

MOTION SPONSORED BY:   COMM. TILLEY  

MOTION SUPPORTED BY:   COMM. DURANCZYK  

MOTION NO.:   90  

TO GO INTO CLOSED SESSION PURSUANT TO MCLA 15.268, SECTION 8(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.

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
Michael J. Duranczyk	X			Colleen Mallette	X			Brian K. Elder	X		
Patrick H. Beson	X			Ernie Krygler	X			Eugene F. Gwizdala	X		
Vaughn J. Begick	X			Kim Coonan	X			Donald J. Tilley	X		

**VOTE TOTALS:**

ROLL CALL: **XX** YEAS   9   NAYS   0   EXCUSED   0  

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

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



**BAY COUNTY BOARD OF COMMISSIONERS**

MEETING DATE:   OCTOBER 12, 2010  

MOTION SPONSORED BY:   COMM. KRYGIER  

MOTION SUPPORTED BY:   COMM. DURANCZYK  

MOTION NO.:   91  

TO GO BACK TO REGULAR SESSION FOLLOWING CLOSED  
SESSION DISCUSSIONS REGARDING PENDING LITIGATION.

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
Michael J. Duranczyk	X			Colleen Mallette	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   9   NAYS   0   EXCUSED   0  

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

**BAY COUNTY BOARD OF COMMISSIONERS**

MEETING DATE:   OCTOBER 12, 2010  

MOTION SPONSORED BY:   COMM. TILLEY  

MOTION SUPPORTED BY:   COMM. DURANCZYK  

MOTION NO.:   92  

TO AUTHORIZE THE REDEMPTION OF FILE NUMBER 0356-09-00154, A WORKERS' COMPENSATION MATTER, AS DISCUSSED IN CLOSED SESSION.

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
Michael J. Duranczyk	X			Colleen Mallette	X			Brian K. Elder	X		
Patrick H. Beson	X			Ernie Krygler	X			Eugene F. Gwizdaia	X		
Vaughn J. Begick	X			Kim Coonan	X			Donald J. Tilley	X		

**VOTE TOTALS:**

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

VOICE:   XX   YEAS   9   NAYS   0   EXCUSED   0  

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

**BAY COUNTY BOARD OF COMMISSIONERS**

MEETING DATE:   OCTOBER 12, 2010  

MOTION SPONSORED BY:   COMM. BESON  

MOTION SUPPORTED BY:   COMM. DURANCZYK  

MOTION NO.:   93  

TO ADJOURN THE REGULAR BOARD SESSION OF  
OCTOBER 12, 2010 AT 5:35 P.M.

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
Michael J. Duranczyk	X			Colleen Mallette	X			Brian K. Elder	X		
Patrick H. Beson	X			Ernie Krygier	X			Eugene F. Gwizdala	X		
Vaughn J. Beglick	X			Kim Coonan	X			Donald J. Tilley	X		

**VOTE TOTALS:**

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

VOICE:   XX   YEAS   9   NAYS   0   EXCUSED   0  

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

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