BAY COUNTY BOARD OF COMMISSIONERS

A G E N D A

TUESDAY, FEBRUARY 8, 2011

4:00 P.M.

COMMISSION CHAMBERS, FOURTH FLOOR, BAY COUNTY BUILDING

PAGE NO.

I CALL TO ORDER (CHAIRMAN TILLEY)

II ROLL CALL

III INVOCATION

IV PLEDGE OF ALLEGIANCE

52-60 **V MINUTES (1/11/11; 2/1/11)**

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

VII PETITIONS AND COMMUNICATIONS

A. City of Bay City - Applications for Industrial Facilities Tax Exemption Certificates **(Receive)**

1- 3 1. Michigan Brand - $558,074

4- 6 2. Baldauf Enterprises - $1,469,764

VIII REPORTS/RESOLUTIONS OF COMMITTEES

A. WAYS AND MEANS (ERNIE KRYGIER, CHAIR; KIM COONAN, VICE CHAIR)

7 1. No. 2011-06 - Addition of Civil War Veterans' Names to Memorial Wall

8 2. No. 2011-07 - Walk for Warmth

9 3. No. 2011-08 - FY2010 Citizen Corps Program Agreement (Administrative Services)

10-17 4. No. 2011-09 - Pawnbroker Ordinance **(Receive)**

18-29 5. No. 2011-10 - Secondhand and Scrap Dealer Ordinance **(Receive) (Note: Public hearing on both proposed ordinances is scheduled for the March 8th Board meeting @ 4 p.m.)**

30 6. No. 2011-11 - Saginaw Bay Improvement Grants (Environmental Affairs)

31-32 7. No. 2011-12 - Control Material Bids (Mosquito Control)

33 8. No. 2011-13 - Scrap Tire Project (Mosquito Control)

34-35 9. No. 2011-14 - Light Trap Data Collectors Agreements (Mosquito Control)

36 10. No. 2011-15 - Emerald Ash Borer Treatment Program (Gypsy Moth)

37 11. No. 2011-16 - Shared Public Services Initiative **(Referred pending receipt of additional information)**

38 12. No. 2011-17 - Reimbursement of Sick and Vacation Pay to Mark Janer

39-40 13. No. 2011-18 - Budget Adjustments (Various)

B. PERSONNEL/JUDICIAL (TOM RYDER, CHAIR; ERNIE KRYGIER, VICE CHAIR)

41 1. No. 2011-19 - Purchase of Governmental Service Credit for Retirement Purposes by Cynthia A. Luczak

42 2. No. 2011-20 - Vacancies: Mosquito Control; Information Systems; Health Department

C. HUMAN SERVICES (MICHAEL J. DURANCZYK, CHAIR; BRANDON KRAUSE, VICE CHAIR)

43 1. No. 2011-21 - Bay County Hazard Mitigation Plan (Emergency Management)

44 2. No. 2011-22 - 2011 Week of Hope (Division on Aging)

D. BOARD OF COMMISSIONERS (DONALD J. TILLEY, CHAIR; KIM COONAN, VICE CHAIR)

45-50 1. No. 2010-23 - Reports of County Executive

51 2. No. 2011-24 -Accounts Payable/BAYANET/Center Ridge Arms

IX REPORTS OF COUNTY OFFICIALS/DEPARTMENTS

A. County Executive

X UNFINISHED BUSINESS

XI NEW BUSINESS

XII MISCELLANEOUS

XIII ANNOUNCEMENTS

A. **2011 Appointments:**

1. <u>March</u>

a. Bay Arenac Behavioral Health Authority (Four 3 year terms)

XIV CLOSED SESSION (If requested)

XV RECESS/ADJOURNMENT

A beautiful view...*of life*
City of Bay City

Bay City Michigan

January 10, 2011

Mr. Don Tilley, Chairman
Bay County Board of Commissioners
515 Center Avenue
Bay City, MI 48708

RE: Application for Industrial Facilities Tax Exemption Certificate

Michigan Brand, Bay City, Michigan, has submitted an application for an Industrial Facilities Tax Exemption Certificate for property located at 1313 S. Farragut, Bay City, MI, filed under State of Michigan Act 198, Plant Rehabilitation and Industrial Development District Law of 1974, as amended.

In accordance with Section 5(2) of the Act, you are hereby notified that the application was filed in the amount of $558,074 for land and building improvements.

A response is requested by Friday, February 4, 2011. A public hearing on the application will be held by the City Commission at their February 7, 2011, meeting scheduled at 7:30 PM at Pere Marquette Depot.

Questions pertaining to the Act or the application may be directed to Amy DeHaan-Legge, City Assessor, at 894-8123.

CITY OF BAY CITY

Dana L. Muscott

Dana L. Muscott, MMC
Deputy City Manager of Administrative Services/
City Clerk

-1-

Michigan Department of Treasury
1012 (Rev. 5-07)

Application for Industrial Facilities Tax Exemption Certificate

Issued under authority of Public Act 198 of 1974, as amended. Filing is mandatory.

INSTRUCTIONS: File the original and two copies of this form and the required attachments (three complete sets) with the clerk of the local government unit. The State Tax Commission (STC) requires two complete sets (one original and one copy). One copy is retained by the clerk. If you have any questions regarding the completion of this form or would like to request an informational packet, call (517) 373-3272.

To be completed by Clerk of Local Government Unit	
Signature of Clerk	▸ Date received by Local Unit: 1-7-10
STC Use Only	
▸ Application Number	▸ Date Received by STC

APPLICANT INFORMATION

All boxes must be completed.

▸ 1a. Company Name (Applicant must be the occupant/operator of the facility): MICHIGAN BRAND	▸ 1b. Standard Industrial Classification (SIC) Code - Sec. 2(10) (4 or 6 Digit Code): 2013
▸ 1c. Facility Address (City, State, ZIP Code) (real and/or personal property location): 1313 S. FARRAGUT STREET	▸ 1d. City/Township/Village (indicate which): BAY CITY; ▸ 1e. County: BAY
▸ 2. Type of Approval Requested: [X] New (Sec. 2(4)) [ ] Transfer (1 copy only) [ ] Speculative Building (Sec. 3(8)) [ ] Rehabilitation (Sec. 3(1)) [ ] Research and Development (Sec. 2(9))	▸ 3a. School District where facility is located: BAY CITY; ▸ 3b. School Code: 09010
	4. Amount of years requested for exemption (1-12 Years): 12 YEARS

5. Per section 5, the application shall contain or be accompanied by a general description of the facility and a general description of the proposed use of the facility, the general nature and extent of the restoration, replacement, or construction to be undertaken, a descriptive list of the equipment that will be part of the facility. Attach additional page(s) if more room is needed.

CONSTRUCTION OF A 6,800 SQ. FT. BUILDING

6a. Cost of land and building improvements (excluding cost of land) * Attach list of improvements and associated costs. * Also attach a copy of building permit if project has already begun.	▸ $558,074 Real Property Costs
6b. Cost of machinery, equipment, furniture and fixtures * Attach itemized listing with month, day and year of beginning of installation, plus total	▸ Personal Property Costs
6c. Total Project Costs * Round Costs to Nearest Dollar	▸ $558,074 Total of Real & Personal Costs

7. Indicate the time schedule for start and finish of construction and equipment installation. Projects must be completed within a two year period of the effective date of the certificate unless otherwise approved by the STC.

	Begin Date (M/D/Y)	End Date (M/D/Y)	
Real Property Improvements ▸	1-3-2011	6-1-2011	▸ [ ] Owned [ ] Leased
Personal Property Improvements ▸			▸ [ ] Owned [ ] Leased

▸ 8. Are State Education Taxes reduced or abated by the Michigan Economic Development Corporation (MEDC)? If yes, applicant must attach a signed MEDC Letter of Commitment to receive this exemption. [ ] Yes [X] No

▸ 9. No. of existing jobs at this facility that will be retained as a result of this project: 22	▸ 10. No. of new jobs at this facility expected to create within 2 years of completion:

11. Rehabilitation applications only. Complete a, b and c of this section. You must attach the assessor's statement of SEV for the entire plant rehabilitation district and obsolescence statement for property. The Taxable Value (TV) data below must be as of December 31 of the year prior to the rehabilitation.

a. TV of Real Property (excluding land)
b. TV of Personal Property (excluding inventory)
c. Total TV

▸ 12a. Check the type of District the facility is located in:

[X] Industrial Development District [ ] Plant Rehabilitation District

▸ 12b. Date district was established by local government unit (contact local unit): 7-7-2003	▸ 12c. Is this application for a speculative building (Sec. 3(8))? [ ] Yes [X] No

APPLICANT CERTIFICATION - complete all boxes.

The undersigned, authorized officer of the company making this application certifies that, to the best of his/her knowledge, no information contained herein or in the attachments hereto is false in any way and that all are truly descriptive of the industrial property for which this application is being submitted.

It is further certified that the undersigned is familiar with the provisions of P.A. 198 of 1974, as amended, being Sections 207.551 to 207.572, inclusive, of the Michigan Compiled Laws; and to the best of his/her knowledge and belief, (s)he has complied or will be able to comply with all of the requirements thereof which are prerequisite to the approval of the application by the local unit of government and the issuance of an Industrial Facilities Exemption Certificate by the State Tax Commission.

13a. Preparer Name	13b. Telephone Number	13c. Fax Number	13d. E-mail Address
MIKE GRILLO	989-893-9589	989-893-9560	mibrand@sbcglobal.net
14a. Name of Contact Person	14b. Telephone Number	14c. Fax Number	14d. E-mail Address
JOE GRILLO	989-893-9589	989-893-9560	mibrand@sbcglobal.net
▶ 15a. Name of Company Officer (No Authorized Agents)			
MIKE GRILLO			
15b. Signature of Company Officer (No Authorized Agents)		15c. Fax Number	15d. Date
		989-893-9560	1-6-2011
▶ 15e. Mailing Address (Street, City, State, ZIP Code)		15f. Telephone Number	15g. E-mail Address
1313 S. FARRAGUT STREET BAY CITY, MI 48708		989-893-9589	mibrand@sbcglobal.net

LOCAL GOVERNMENT ACTION & CERTIFICATION - complete all boxes.

This section must be completed by the clerk of the local governing unit before submitting application to the State Tax Commission. Check items on file at the Local Unit and those included with the submittal.

▶ 16. Action taken by local government unit

☐ Abatement Approved for _____ Yrs Real (1-12), _____ Yrs Pers (1-12)

After Completion ☐ Yes ☐ No

☐ Denied (Include Resolution Denying)

16a. Documents Required to be on file with the Local Unit

Check or Indicate N/A if Not Applicable

- ☐ 1. Notice to the public prior to hearing establishing a district.
- ☐ 2. Notice to taxing authorities of opportunity for a hearing.
- ☐ 3. List of taxing authorities notified for district and application action.
- ☐ 4. Lease Agreement showing applicants tax liability.

16b. The State Tax Commission Requires the following documents be filed for an administratively complete application

Check or Indicate N/A if Not Applicable

- ☐ 1. Original Application plus attachments, and one complete copy
- ☐ 2. Resolution establishing district
- ☐ 3. Resolution approving/denying application.
- ☐ 4. Letter of Agreement (Signed by local unit and applicant)
- ☐ 5. Affidavit of Fees (Signed by local unit and applicant)
- ☐ 6. Building Permit for real improvements if project has already begun
- ☐ 7. Equipment List with dates of beginning of installation
- ☐ 8. Form 3222 (if applicable)
- ☐ 9. Speculative building resolution and affidavits (if applicable)

16c. LUCI Code	16d. School Code
17. Name of Local Government Body	▶ 18. Date of Resolution Approving/Denying this Application

Attached hereto is an original and one copy of the application and all documents listed in 16b. I also certify that all documents listed in 16a are on file at the local unit for inspection at any time.

19a. Signature of Clerk	19b. Name of Clerk	19c. E-mail Address
19d. Clerk's Mailing Address (Street, City, State, ZIP Code)		
19e. Telephone Number	19f. Fax Number	

State Tax Commission Rule Number 57: Complete applications approved by the local unit and received by the State Tax Commission by October 31 each year will be acted upon by December 31. Applications received after October 31 may be acted upon in the following year.

Local Unit: Mail one original and one copy of the completed application and all required attachments to:

State Tax Commission
Michigan Department of Treasury
P.O. Box 30471
Lansing, MI 48909-7971

(For guaranteed receipt by the STC, it is recommended that applications are sent by certified mail.)

STC USE ONLY

▶ LUCI Code	▶ Begin Date Real	▶ Begin Date Personal	▶ End Date Real	▶ End Date Personal

A beautiful view...*of life*
City of Bay City

Bay City Michigan

January 10, 2011

Mr. Don Tilley, Chairman
Bay County Board of Commissioners
515 Center Avenue
Bay City, MI 48708

RE: Application for Industrial Facilities Tax Exemption Certificate

Baldauf Enterprises, Bay City, Michigan, has submitted an application for an Industrial Facilities Tax Exemption Certificate for property located at 910 Truman Parkway, Bay City, MI, filed under State of Michigan Act 198, Plant Rehabilitation and Industrial Development District Law of 1974, as amended.

In accordance with Section 5(2) of the Act, you are hereby notified that the application was filed in the amount of $1,469,764 for machinery and equipment.

A response is requested by Friday, February 4, 2011. A public hearing on the application will be held by the City Commission at their February 7, 2011, meeting scheduled at 7:30 PM at Pere Marquette Depot.

Questions pertaining to the Act or the application may be directed to Amy DeHaan-Legge, City Assessor, at 894-8123.

CITY OF BAY CITY

Dana L. Muscott, MMC
Deputy City Manager of Administrative Services/
City Clerk

-4-

Michigan Department of Treasury
1012 (Rev. 11-05)

Application for Industrial Facilities Tax Exemption Certificate

Issued under authority of P.A. 198 of 1974, as amended. Filing is mandatory.

INSTRUCTIONS: File the original and two copies of this form and the required attachments (three complete sets) with the clerk of the local government unit. The State Tax Commission (STC) requires two complete sets (one original and one copy). One copy is retained by the clerk. If you have any questions regarding the completion of this form or would like to request an informational packet, call (517) 373-3272.

To be completed by Clerk of Local Government Unit	
Signature of Clerk	Date received by Local Unit: 1-5-10
STC Use Only	
Application Number	Date Received by STC

APPLICANT INFORMATION

All boxes must be completed.

1a. Company Name (Applicant must be the occupant/operator of the facility): Baldauf Enterprises DBA Kerkau Manufacturing	1b. Standard Industrial Classification (SIC) Code - Sec. 2(10) (Four Digit Code): 3499
1c. Address of Facility (real property or personal property location): 910 Truman Pkwy B.C. MI 48706	1d. Name of City/Township/Village (Indicate which): City of B.C. / 1e. County: Bay County
2. Type of Approval Requested: ☐ New (Sec. 2(4)) ☐ Transfer (1 copy only) ☐ Speculative Building (Sec. 3(8)) ☐ Rehabilitation (Sec. 3(1)) ☐ Research and Development (Sec. 2(9))	3a. School District where facility is located: Bay City / 3b. School Code: 09010
	4. Amount of years requested for exemption (1-12 Years): 12

5. Thoroughly describe the project for which exemption is sought: Real Property (Type of Improvements to Land, Building, Size of Addition); Personal Property (Explain New, Used, Transferred from Out-of-State, etc.) and Proposed Use of Facility. (Please attach additional page(s) if more room is needed).

New CNC lathes: Nakamura Tome. T-20MMY
Samsung SL-65/1000
OKK HM1000S
Robotic/Machine Interface: DOOSAN/OKK/FANUC

6a. Cost of land and building improvements (excluding cost of land) * Attach list of improvements and associated costs. * Also attach a copy of building permit if project has already begun.	Real Property Costs
6b. Cost of machinery, equipment, furniture and fixtures * Attach itemized listing with month, day and year of beginning of installation plus total costs	$1,469,764 Personal Property Costs
6c. Total Project Costs	Total of Real & Personal Costs

7. Indicate the time schedule for start and finish of construction and equipment installation. Projects must be completed within a two year period of the effective date of the certificate unless otherwise approved by the STC.

	Begin Date (M/D/Y)	End Date (M/D/Y)	
Real Property Improvements			☐ Owned ☐ Leased
Personal Property Improvements	6-1-10	12-31-10	☒ Owned ☐ Leased

8. Are State Education Taxes reduced or abated by the Michigan Economic Development Corporation (MEDC)? If yes, applicant must attach a signed MEDC Letter of Committment to receive this exemption. ☐ Yes ☒ No

9. Number of existing jobs at this facility that will be retained as a result of this project: 3	10. Number of new jobs at this facility expected to be created within two years of project completion: 5

11. Rehabilitation applications only: Complete a, b and c of this section. You must attach the assessor's statement of valuation for the entire plant rehabilitation district. The SEV data below must be as of December 31 of the year prior to the rehabilitation.

a. SEV of Real Property (excluding land)
b. SEV of Personal Property (excluding inventory)
c. Total SEV

12a. Check the type of District the facility is located in: ☒ Industrial Development District ☐ Plant Rehabilitation District

12b. Date district was established by local government unit (contact local unit): Sept 21, 1981, Sept 6 1983, Dec 17 1990	12c. Is this application for a speculative building (Sec. 3(8))? ☐ Yes ☒ No

APPLICANT CERTIFICATION - complete all boxes.

The undersigned, authorized officer of the company making this application certifies that, to the best of his/her knowledge, no information contained herein or in the attachments hereto is false in any way and that all are truly descriptive of the industrial property for which this application is being submitted.

It is further certified that the undersigned is familiar with the provisions of P.A. 198 of 1974, as amended, being Sections 207.551 to 207.572, inclusive, of the Michigan Compiled Laws; and to the best of his/her knowledge and belief, (s)he has complied or will be able to comply with all of the requirements thereof which are prerequisite to the approval of the application by the local unit of government and the issuance of an Industrial Facilities Exemption Certificate by the State Tax Commission.

13a. Preparer Name	13b. Phone Number	13c. Fax Number	13d. E-mail Address
Laura Horney	686-0350	686-1728	laurahorney@kerkau.com
14a. Name of Contact Person	14b. Phone Number	14c. Fax Number	14d. E-mail Address
"	"	"	"
15a. Name of Company Officer (No Authorized Agents)			
Laura Horney			
15b. Signature of Company Officer (No Authorized Agents)		15c. Fax Number	15d. Date
Laura Horney		686-1728	12-6-10
15e. Mailing Address (Street, City, State, ZIP)		15f. Phone Number	15g. E-mail Address
1321 S. Valley Center Dr. Bay City MI 48706		686-0350	"

LOCAL GOVERNMENT ACTION & CERTIFICATION - complete all boxes.

This section must be completed by the clerk of the local governing unit before submitting application to the State Tax Commission. Check items on file at the Local Unit and those included with the submittal.

16. Action taken by local government unit

- ☐ Abatement Approved for _____ Years (1-12)
  - After Completion ☐ Yes ☐ No
- ☐ Denied (Include Resolution Denying)

16a. Documents Required to be on file with the Local Unit

Check or Indicate N/A if Not Applicable

- ☐ 1. Notice to the public prior to hearing establishing a district.
- ☐ 2. Notice to taxing authorities of opportunity for a hearing.
- ☐ 3. List of taxing authorities notified for district and application action.
- ☐ 4. Lease Agreement showing applicants tax liability.

16b. The State Tax Commission Requires the following documents be filed for an administratively complete application:

Check or Indicate N/A if Not Applicable

- ☐ 1. Original Application plus attachments, and one complete copy
- ☐ 2. Resolution establishing district
- ☐ 3. Resolution approving/denying application.
- ☐ 4. Letter of Agreement (Signed by local unit and applicant)
- ☐ 5. Affidavit of Fees (Signed by local unit and applicant)
- ☐ 6. Building Permit for real improvements if project has already begun
- ☐ 7. Equipment List with dates of beginning of installation
- ☐ 8. Form 3222 (if applicable)
- ☐ 9. Speculative building resolution and affidavits (if applicable)

17. Name of Local Government Body	18. Date of Resolution Approving/Denying this Application

Attached hereto is an original and one copy of the application and all documents listed in 16b. I also certify that all documents listed in 16a are on file at the local unit for inspection at any time.

19a. Signature of Clerk	19b. Name of Clerk	19c. E-mail Address
19d. Clerk's Mailing Address (Street, City, State, ZIP Code)		
19e. Phone Number	19f. Fax Number	

State Tax Commission Rule Number 57: Complete applications approved by the local unit and received by the State Tax Commission by October 31 each year will be acted upon by December 31. Applications received after October 31 may be acted upon in the following year.

Local Unit: Mail one original and one copy of the completed application and all required attachments to:

State Tax Commission
Michigan Department of Treasury
P.O. Box 30471
Lansing, MI 48909-7971

STC USE ONLY			
LUCI Code	Begin Date	End Date	End Date2

No. 2011-06

BAY COUNTY BOARD OF COMMISSIONERS

02/08/11

RESOLUTION

BY: WAYS AND MEANS COMMITTEE (2/1/11)

WHEREAS, Bay County has a Memorial Wall on the front lawn of the Bay County Building that has the names inscribed of those veterans from Bay County who have been killed in service to their country; and

WHEREAS, It has recently been discovered through historical record searches that several names of Civil War veterans from Bay County who were killed in service to their country are not listed on the wall; and

WHEREAS, A group of citizens from the Civil War Roundtable organization would like the omitted names added to the Memorial Wall and have undertaken fundraising efforts to ensure that this is accomplished; Therefore, Be It

RESOLVED That the Bay County Board of Commissioners authorizes the addition of the names of omitted Civil War veterans to the Memorial Wall with the balance of funding required (up to $750) to come from Fund Balance.

ERNIE KRYGIER, CHAIR
AND COMMITTEE

Begick - Memorial Wall - Civil War Veterans
Sponsored by Commissioner Vaughn Begick, 3rd District

MOVED BY COMM._____

SUPPORTED BY COMM._____

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
Michael J. Duranczyk				Joe Davis				Tom Ryder			
Brandon Krause				Ernie Krygier				Christopher Rupp			
Vaughn J. Begick				Kim Coonan				Donald J. Tilley			

VOTE TOTALS:
ROLL CALL: YEAS_____ NAYS_____ EXCUSED_____
VOICE: YEAS_____ NAYS_____ EXCUSED_____

DISPOSITION: ADOPTED_____ DEFEATED_____ WITHDRAWN_____
AMENDED_____ CORRECTED____ REFERRED_____

No. 2011-07

BAY COUNTY BOARD OF COMMISSIONERS

02/08/11

RESOLUTION

BY: WAYS AND MEANS COMMITTEE (2/1/11)

WHEREAS, Bay County is part of the Mid-Michigan Community Action Agency region and has representation on their Board of Directors; and

WHEREAS, Bay County residents, who are in need, receive assistance from government funding and other fundraising such as the annual Walk for Warmth to help them with emergency home heating needs from MMCAA; and

WHEREAS, The annual Walk for Warmth will be held on Saturday, February 26, 2011 at Messiah Lutheran Church, 501 South Catherine Street, with registration at 9:00 a.m. and the Walk at 10:00 a.m.; Therefore, Be It

RESOLVED That the Bay County Board of Commissioners supports the activities of the MMCAA and encourages residents to participate in the Walk by attending the Walk for making pledges for those walking. This can be done by visiting the local office of MMCAA at 111 Washington Avenue in Bay City or calling them at 894-9060. The e-mail address for MMCAA is contactus@mmcaa.org.

ERNIE KRYGIER, CHAIR
AND COMMITTEE

Begick - 2011 Walk for Warmth
Sponsored by Commissioner Vaughn Begick, 3rd District

MOVED BY COMM._____

SUPPORTED BY COMM._____

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
Michael J. Duranczyk				Joe Davis				Tom Ryder			
Brandon Krause				Ernie Krygier				Christopher Rupp			
Vaughn J. Begick				Kim Coonan				Donald J. Tilley			

VOTE TOTALS:
ROLL CALL: YEAS_____ NAYS_____ EXCUSED_____
VOICE: YEAS_____ NAYS_____ EXCUSED_____

DISPOSITION: ADOPTED_____ DEFEATED_____ WITHDRAWN_____
AMENDED_____ CORRECTED____ REFERRED_____

No. 2011-08

BAY COUNTY BOARD OF COMMISSIONERS

02/08/11

RESOLUTION

BY: WAYS AND MEANS COMMITTEE (2/1/11)

WHEREAS, The State of Michigan has been allocated $336,470 in Citizen Corps grant dollars for FY2010; and

WHEREAS, The State of Michigan Citizen Corps Forum Group recommended Region 3, which consists of 14 counties including Bay County, receive a little over 10.4% or $35,178; and

WHEREAS, The grant runs from August 1, 2010 through April 30, 2013 and the Citizen Corps Committee has been asked to focus on maintaining and strengthening current citizen corps teams on local levels, develop new teams where local demand is, as well as continue preparation of overall disaster initiatives in the Region by utilizing local media to promote personal preparedness; and

WHEREAS, Bay County has assumed the role of Fiduciary for the FY 2006, 2007, 2008 & 2009 Homeland Security Grant Programs (SHSGP) and the CCP grants as well; and

WHEREAS, There is no cost to the County including no requirement for matching funds; Therefore, Be It

RESOLVED That the Bay County Board of Commissioners authorizes Bay County to act as the fiduciary agent for Region 3; Be It Further

RESOLVED That the Chairman of the Board is authorized to sign the grant contract and all related documents on behalf of Bay County following legal review/approval; Be It Finally

RESOLVED That budget adjustments required related to this grant are approved.

ERNIE KRYGIER, CHAIR
AND COMMITTEE

Adm Serv - FY 2010 Citizen Corps Program Grant Agt

MOVED BY COMM._____

SUPPORTED BY COMM._____

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
Michael J. Duranczyk				Joe Davis				Tom Ryder			
Brandon Krause				Ernie Krygier				Christopher Rupp			
Vaughn J. Begick				Kim Coonan				Donald J. Tilley			

VOTE TOTALS:
ROLL CALL: YEAS_____ NAYS_____ EXCUSED_____
VOICE: YEAS_____ NAYS_____ EXCUSED_____

DISPOSITION: ADOPTED_____ DEFEATED_____ WITHDRAWN_____
AMENDED_____ CORRECTED____ REFERRED_____

No. 2011-09

BAY COUNTY BOARD OF COMMISSIONERS
2/8/11

RESOLUTION

BY: WAYS AND MEANS COMMITTEE (2/1/11)

RESOLVED That the attached Bay County Pawnbroker Ordinance is presented to the Bay County Board of Commissioners for consideration.

ERNIE KRYGIER, CHAIR
AND COMMITTEE

Ordinance - Pawnbroker

MOVED BY COMM._____

SUPPORTED BY COMM._____

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
Michael J. Duranczyk				Joe Davis				Tom Ryder			
Brandon Krause				Ernie Krygier				Christopher Rupp			
Vaughn J. Begick				Kim Coonan				Donald J. Tilley			

VOTE TOTALS:
ROLL CALL: YEAS_____ NAYS_____ EXCUSED_____
VOICE: YEAS_____ NAYS_____ EXCUSED_____

DISPOSITION: ADOPTED_____ DEFEATED_____ WITHDRAWN_____
AMENDED_____ CORRECTED_____ REFERRED_____

The County of Bay ordains the **Bay County Pawnbroker Ordinance** which shall read as follows:

Sec. 30-331. Definitions.

The following words, terms and phrases, when used in this division, shall have the meaning ascribed to them in this Ordinance, except where the context clearly indicates a different meaning:

Pawnbroker means a person, corporation, member or members of a partnership, company or firm who lends money on deposit, or pledge of personal property, or other valuable thing, other than securities or printed evidence of indebtedness, or who deals in the purchasing of personal property or other valuable thing on condition of selling the same back again at a stipulated price.

Chief Executive Officer means for a county, the county executive pursuant to MCL 446.203(a)(iv).

Sec. 30-332. Pawnbrokers.

The Bay County Executive is designated and authorized to issue, suspend, and revoke licenses for persons, corporations, partnerships, companies or firms to carry on the business of a pawnbroker pursuant to 1917 PA 273, as amended, MCL 446.201 et seq., ("the Pawnbrokers Act.").

Sec. 30-333. License required; grounds for denial.

(a) No person, corporation, partnership, company or firm, or other entity located in the County shall carry on the business of a pawnbroker in this County without being licensed pursuant to the Pawnbrokers Act and this article and as approved under this Ordinance except that:

(1) The County may not issue a license for a location within a city or village with a population greater than 3,000, including, but not limited to the City of Essexville and the City of Bay City.

(2) The County may not issue a license for a location within a city or village with a population of 3,000 or less or within a township or charter township if that city, village, township, or charter township has established a license fee pursuant to MCL 446.202(5) which provides, "the governmental unit may fix the amount to be paid as the annual license fee at any amount not less than $50.00 or more than $500.00."

(b) The Bay County Executive may deny an application for a pawnbroker's license if the application is disapproved by one or more proper officers of the County, as

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provided in this Ordinance, indicating that the applicant is unable to meet or continue to meet the requirements of the Pawnbroker's Act or any provision of this article.

(c) The County Executive may also deny an application for any reason identified in this Ordinance.

(d) If the County Executive denies the issuance of a license or a renewal thereof, a notice of denial including the reasons for the denial shall be mailed by first class mail to the applicant. If the application for a license has been denied, the applicant may appeal the denial by requesting a hearing pursuant to section 30-340 of this Ordinance, or may reapply at any time by submitting a new application and fee. The notice of denial shall provide that if the applicant wants to appeal the County Executive's decision, the applicant must request a hearing within 14 days pursuant to section 30-340 of this Ordinance.

(e) A pawnbroker license is not transferable.

Sec. 30-334. Investigation by Sheriff.

The application for license shall be referred by the County Executive to the Sheriff for approval, who shall obtain fingerprints from the applicant. The Sheriff shall conduct an investigation and file a report with the County Executive.

Sec. 30-335. License fees, bond and posting.

(a) The annual fees for a license under this division shall be those fees on file with the County Executive which have been approved by the County Commission. If the application is rejected, a portion of the fee paid, as determined by the County Executive, shall be retained by the County to cover processing costs.

(b) A bond shall be provided as set forth in the Pawnbrokers Act.

(c) All persons obtaining a license issued under this division shall place the license conspicuously in full public view.

Sec. 30-336. Application for license.

(a) Application for a pawnbroker's license shall be made in writing to the County Executive, who is authorized to create application forms and to receive and process applications and to thereafter grant, deny, suspend, or revoke said license as set forth in this Ordinance. Applications shall be on forms supplied by and to be filed with the County Executive. Such applications shall be signed and dated by the applicant or, if the applicant is not an individual, by an authorized representative of the entity. The application shall contain the following minimum information, plus any other information deemed necessary by the County Executive:

(1) The name and any alias used, address and telephone number of the applicant and all employees, officers, partners or agents of the applicant;

(2) The location where the business is to be carried on plus any subsidiary offices and a brief description of the items to be sold;

(3) The applicant's criminal record, if any, and if the applicant is not an individual, the criminal record, if any, of the partners, members or officers of the entity;

(4) The criminal record, if any, of any employees of the applicant;

(5) The applicant's prior experience as a pawnbroker;

(6) An authorization for the County Executive and/or Sheriff to carry out a background investigation on the applicant and all employees, officers, partners, members or agents of the applicant;

(7) A statement as to whether the applicant has ever had a license required by the County or any other governmental entity revoked, suspended, or denied and the reasons for said actions;

(8) A statement that the information provided is true and accurate and that, if a license is granted, the applicant will abide by all applicable ordinances, codes, rules and statutes.

(b) All licenses are subject to the following conditions, which shall be noted on the application form:

(1) The applicant shall permit inspection of the licensed premises and/or activity at reasonable times by any authorized representative of the County or other governmental entity;

(2) The applicant shall not engage in the business of a pawnbroker at any time after the license has expired, without having been reissued, or at any time when the license is suspended or revoked;

(3) No license shall be issued or renewed unless and until the applicant and any and all employees, officers, partners, members or agents of the applicant shall, if deemed necessary by the Sheriff, submit to being fingerprinted and photographed as part of the background investigation.

(c) The County Executive shall issue a license to the applicant if the County Executive is satisfied that the applicant has met and will continue to meet the requirements of this division and all applicable laws and the applicant has paid the license fee.

Sec. 30-337. Reporting requirements; hours of operation.

(a) Commencing no later than April 1, 2011, pawnbroker shall transmit the record of transaction required by Section 5 of the Pawnbrokers Act to the Sheriff by electronic means over the internet to the website established by the county for this purpose. The County will provide information concerning the website. So long as the required information is transmitted by electronic means, the required statutory form need not be filled out by hand, but a short form with the right thumb print of the individual pawning the item shall be maintained as required by the Pawnbrokers Act, with an appropriate reference to the transaction. If it is not possible for the person to provide his or her right thumb print, then another specifically designated fingerprint shall be provided. Upon request, the short form containing the thumbprint shall be immediately provided to the Sheriff or his/her designee.

(b) No pawnbroker shall acquire any goods between the hours of 9:00 p.m. and 7:00 a.m.; nor from any person under the age of eighteen (18) years; nor from any person who is at the time intoxicated or known to be a habitual drunkard; nor from any person with the knowledge that such goods are stolen property. A pawnbroker shall not conduct business on Sunday.

Sec. 30-338. Suspension.

A pawnbroker's license issued pursuant to this article may be suspended by the County Executive which shall be deemed a suspension with intent to revoke. The County Executive shall comply with section 30-341 of the Ordinance in noticing the suspension. The suspension with intent to revoke shall automatically become a revocation of the license unless the licensee requests an appeal hearing within 14 days pursuant to section 30-340 of the Ordinance.

Sec. 30-339. Incorporation of state law.

The Pawnbrokers Act, being 1917 PA 273, as amended, MCL 446.201 et seq., "the Pawnbrokers Act", is incorporated by reference as if fully set forth herein. Any violation of the Pawnbrokers Act shall be considered a violation of this Ordinance.

Sec. 30-340. Appeals

(a) Any person aggrieved by the denial of an application for a license or by the suspension or revocation of a license as provided by this article, shall have a right to a redetermination and an appeal. Such a redetermination may be taken only within 14 days after notice of such denial, suspension or revocation is mailed to the person's last known address. The redetermination shall be in writing and shall contain a complete statement of the grounds for appeal. It must be filed with the County Executive, together with an appeal fee. The fee for an appeal and/or redetermination under this section shall be those fees which the County Commission has approved.

(b) Within ten days of the receipt by the County Executive of such an appeal, the County Executive shall schedule a redetermination hearing. Unless waived by the appellant, the County Executive shall mail by first class mail a written notice to the appellant of the time and location of the redetermination hearing at least five days prior to that hearing. The redetermination hearing shall be an informal hearing held before a hearing panel consisting of:

(1) The County Executive or designee;

(2) The affected department head or designee; and

(3) Corporation Counsel or designee.

(c) The redetermination or decision of the hearing panel shall be reached by majority vote and mailed to the appellant within seven days of the conclusion of the hearing. The redetermination shall include:

(1) The appeal application and the type and nature of the appeal;

(2) The applicant's position;

(3) The original reason for denial of the license or permit;

(4) The facts as the hearing panel determined them to be;

(5) The decision or redetermination of the hearing panel;

(6) The hearing panel's rationale or basis for the redetermination; and

(7) The date which the redetermination was placed in a United States mail receptacle by the County Executive.

(d) The redetermination referred to above shall be final and binding, unless the appellant, within 14 days of the mailing of such redetermination, files a request in writing addressed to the Corporation Counsel, requesting the County Commission to rehear the redetermination findings. No appeal shall be made to the County Commission, unless:

(1) A redetermination was made and timely appealed;

(2) A redetermination hearing has been waived by the appellant and the redetermination hearing panel; or

(3) A redetermination was not made due solely to the fault of the city.

(e) The appeal to the County Commission shall be a two-step process limited to the issues raised in the redetermination as follows:

(1) Within 14 days of receipt of an appeal of a redetermination, the Board Chair shall set up a prehearing conference with the Chair of the Ways and Means

Committee. At the prehearing conference the following matters shall be determined:

a. The rules of the hearing;
b. The date of the hearing;
c. The issues which may be raised from the redetermination;
d. The likelihood of settlement; and
e. Any other pertinent matters.

(2) A hearing before the County Commission.

(f) The denial, suspension or revocation shall be effective during such appeal or until the Commission shall reverse the administrative decision. The Commission may confirm the denial, suspension or revocation, or provide for revocation instead of suspension, or may reinstate or order the issuance of the license. The action of the Commission shall be final.

30-341. License suspension or revocation generally.

(a) For cause shown, any license issued under this article may be suspended or revoked by the County Executive, after notice in writing, setting forth the substance of the charges and the time and place of a hearing thereon; which notice shall be delivered three days in advance, either personally to the licensee or to the principal place or location of the licensed activity, or by postage prepaid mail addressed to the licensee's last known address. Suspension or revocation may be in addition to any fine imposed. All fees paid shall be forfeited in case of revocation.

(b) The term "cause," as used in this section, shall include:

(1) The conviction by the licensee of any felony or of a misdemeanor involving moral turpitude.

(2) Any fraud, misrepresentation or false statement contained in the application for license or made in connection with the conduct of the licensed activity.

(3) Preventing or refusing permission for the inspection by any proper County agent or official at any reasonable time of any portion of the premises where the licensed activity is conducted, or of the property thereof.

(4) The doing or omitting of any act or permitting any condition to exist in connection with the licensed activity or upon any premises or facility used in connection therewith; which act, omission or condition constitutes a breach of the peace or constitutes a menace to the health, safety or general welfare of the public, or is forbidden by the provisions of this Ordinance or established rule or regulation of the County or jurisdiction where pawnbroker operates or statutes, rules or regulation of the state applicable to the licensed activity.

(5) The failure to obtain and maintain during the term of a license and any renewal or extension thereof, any local, state or other required professional

governmental license, certification or authority for the trade, occupation or profession licensed hereunder.

(6) The failure to obtain and maintain during the term of the license, or any renewal or extension thereof, the bonds and insurances required by any section of this Ordinance or the Pawnbrokers Act.

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No. 2011-10

BAY COUNTY BOARD OF COMMISSIONERS
2/8/11

RESOLUTION

BY: WAYS AND MEANS COMMITTEE (2/1/11)

RESOLVED That the attached Bay County Secondhand and Scrap Dealer Ordinance is presented to the Bay County Board of Commissioners for consideration.

ERNIE KRYGIER, CHAIR
AND COMMITTEE

Ordinance - Secondhand and Scrap Dealer

MOVED BY COMM._____

SUPPORTED BY COMM._____

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
Michael J. Duranczyk				Joe Davis				Tom Ryder			
Brandon Krause				Ernie Krygier				Christopher Rupp			
Vaughn J. Begick				Kim Coonan				Donald J. Tilley			

VOTE TOTALS:
ROLL CALL: YEAS_____ NAYS_____ EXCUSED_____
VOICE: YEAS_____ NAYS_____ EXCUSED_____

DISPOSITION: ADOPTED_____ DEFEATED_____ WITHDRAWN_____
AMENDED_____ CORRECTED____ REFERRED_____

The County of Bay ordains the Secondhand and Scrap Dealer Ordinance which shall read as follows:

Sec. 30-351. Definitions.

The following words, terms and phrases, when used in this division, shall have the meaning ascribed to them in this Ordinance, except where the context clearly indicates a different meaning:

Secondhand dealer means any person, corporation, member or members of a partnership, company or firm, that engages in the business of purchasing, storing, selling, exchanging and receiving secondhand goods, including the receiving and selling of goods on consignment, but does not include a scrap processor, automotive recycler, or junkyard that deals principally in industrial scrap, nor to retail merchants who repossess their own merchandise sold on a title-retaining contract or who accept merchandise as a part payment on new sales, nor shall it apply to licensed automobile dealers, nor to persons who conduct rummage sales provided that such sales are not conducted by the same person or at the same location for a period in excess of six days or more than twice in a calendar year.

Secondhand goods means any goods, wares, merchandise or other personal property acquired or purchased after having been acquired at retail and used by another except as excluded herein. Such term includes, but is not limited to, appliances, radios, stereos and speakers, televisions, video equipment, electronic/computer equipment and devices, computer gaming equipment, tools, auto parts, guns, jewelry, precious metals, musical instruments, sporting equipment, bicycles, lawn equipment, snow blowers and other household equipment.

Chief Executive Officer means for a county, the county executive pursuant to MCL 446.203(a)(iv).

Sec. 30-352. Secondhand dealers.

The County Executive is designated and authorized to issue, suspend and revoke licenses for persons, corporations, partnerships, companies or firms to carry on the business of a secondhand dealer pursuant to 1917 PA 350, as amended, MCL 445.401 et. seq., "the Secondhand Dealers Act."

Sec. 30-353. License required: grounds for denial.

(a) No person, corporation, partnership, company or firm, or other entity shall carry on the business of a secondhand dealer in the County without being licensed pursuant to the Secondhand Dealers Act and this Ordinance or the zoning ordinance of the City of Bay City or Ordinance of any other authorized jurisdiction where it is located. A secondhand dealer license is not transferable.

(b) The County Executive may deny an application for a secondhand dealer's license if

the application is disapproved by one or more officers of the county, as provided in this Ordinance, indicating that the applicant is unable to meet or continue to meet the requirements of the Secondhand Dealer's Act or any provision of this Ordinance.

(c) If the County Executive denies the issuance of a license or a renewal thereof, a notice of denial including the reasons for the denial shall be mailed by first class mail to the applicant. If the application for a license has been denied, the applicant may appeal the denial by requesting a hearing pursuant to section 30-391 of this Ordinance, or may reapply at any time by submitting a new application and fee. The notice of denial shall provide that if the applicant wants to appeal the County Executive's decision, the applicant must request a hearing within 14 days pursuant to section 30-391 of this Ordinance.

Sec. 30-354. Investigation by sheriff.

The application for the license with a term no longer than 1 year from the date of issuance shall be referred by the County Executive to the Sheriff for approval, who shall obtain fingerprints from the applicant. The Sheriff shall conduct an investigation and file a report with the County Executive.

Sec. 30-355. License fee and posting.

(a) The fees for processing and issuing a license under this division shall be those fees on file with the County Executive which have been approved by the County Commission. If the application is rejected, a portion of the fee paid, as determined by the County Executive, may be retained by the County to cover processing costs.

(b) All persons obtaining a license issued under this division shall place the license conspicuously in full public view.

Sec. 30-356. Prohibitions.

No secondhand dealer shall loan money on deposit, or pledge of personal property, or other valuable thing, or deal in the purchasing of personal property or other valuable thing on condition of selling the same back again at a stipulated price, without obtaining a pawnbroker's license pursuant to the Pawnbroker's Act and the Bay County Pawn Shop Ordinance.

Sec. 30-357. Application for license.

(a) Application for a secondhand dealer's license shall be made in writing to the County Executive, who is authorized to create application forms and to receive and process applications and to thereafter grant, deny, suspend, or revoke said license as set forth in this Ordinance. Applications shall be on forms supplied by and to be filed

with the County Executive. Such applications shall be signed and dated by the applicant or, if the applicant is not an individual, by an authorized representative of the entity. The application shall contain the following minimum information, plus any other information deemed necessary by the County Executive:

(1) The name and any alias used, address and telephone number of the applicant and all employees, officers, partners or agents of the applicant;

(2) The location where the business is to be carried on plus any subsidiary offices and a brief description of the items to be sold;

(3) The applicant's criminal record, if any, and if the applicant is not an individual, the criminal record, if any, of the partners, members or officers of the entity;

(4) The criminal record, if any, of any employees of the applicant;

(5) The applicant's prior experience as a secondhand dealer.

(6) An authorization for the County Executive and/or Sheriff to carry out a background investigation on the applicant and all employees, officers, partners, members or agents of the applicant;

(7) A statement as to whether the applicant has ever had a license required by the County or any other governmental entity revoked, suspended, or denied and the reasons for said actions;

(8) A statement that the information provided is true and accurate and that, if a license is granted, the applicant will abide by all applicable ordinances and statutes.

(b) All licenses are subject to the following conditions, which shall be noted on the application form:

(1) The applicant shall permit inspection of the licensed premises and/or activity at reasonable times by any authorized representative of the County;

(2) The applicant shall not engage in the business of a secondhand dealer at any time after the license has expired, without having been reissued, or at any time when the license is suspended or revoked;

(3) No license shall be issued or renewed unless and until the

applicant and any and all employees, officers, partners, members or agents of the applicant shall, if deemed necessary by the Sheriff, submit to being fingerprinted and photographed as part of the background investigation.

(c) The County Executive shall issue a license to the applicant if the County Executive is satisfied that the applicant has met and will continue to meet the requirements of this Ordinance and all applicable laws and the applicant has paid the license fee.

Sec. 30-358. Reporting requirements, hours of operation.

(a) Commencing no later than April1, 2011, secondhand dealer shall transmit the record of transaction for appliances, radios, stereos and speakers, televisions, video equipment, electronic/computer equipment and devices, computer gaming equipment, tools, musical instruments, sporting equipment, lawn and garden equipment, guns, jewelry and precious metals as required by Section 4 of the Secondhand Dealers Act to the Sheriff by electronic means over the internet to the website established by the county for this purpose. The County will provide information concerning the website. So long as the required information is transmitted by electronic means, the required statutory form need not be filled out by hand, but a short form with the right thumb print of the individual from whom the article was purchased or received shall be maintained as required by the Secondhand Dealers Act, with an appropriate reference to the transaction. If it is not possible for the person to provide his or her right thumb print, then another specifically designated fingerprint shall be provided. Upon request, the short form containing the thumb print shall be immediately provided to the Sheriff or his/her designee.

(b) Secondhand dealer shall maintain the record of transaction for all other secondhand goods as required by Section 4 of the Secondhand Dealers Act.

(c) No secondhand dealer shall purchase or receive any goods between the hours of 9:00 p.m. and 7:00 a.m.; nor from any person under the age of eighteen (18) years; nor from any person who is at the time intoxicated or from a known habitual drunkard nor from any person known by said secondhand dealer to be a thief or any associate of thieves or a receiver of stolen property.

Sec. 30-359. Suspension.

A secondhand dealer's license issued pursuant to this Ordinance may be suspended by the County Executive which shall be deemed a suspension with intent to revoke. The County Executive shall comply with section 30-341 of the Ordinance in noticing the suspension. The suspension with intent to revoke shall automatically become a revocation of the license unless the licensee requests an appeal hearing within 14 days pursuant to section 30-391 of the Ordinance.

Sec. 30-360. Incorporation of state law.

The Secondhand Dealers Act, being 1917 PA 350, as amended MCL 445.401 et. seq., "the Secondhand Dealers Act" is incorporated by reference as if fully set forth herein. Any violation of the Secondhand Dealers Act shall be considered a violation of this Ordinance.

Sec. 30-381. Definitions.

The following words, terms and phrases, when used in this division, shall have the meaning ascribed to them in this article, except where the context clearly indicates a different meaning:

Scrap processor means any person or entity whose business is, in whole or in part, the dismantling, wrecking and disposing of junk and/or refuse materials, including automobiles, or otherwise reclaiming metals for reuse.

Scrap yard means a place where junk, waste, discarded or salvaged materials are bought, sold, exchanged, stored, packed, disassembled or handled, including wrecked motor vehicles, used building materials, structural steel materials and equipment and other manufactured goods that are deteriorated or obsolete so as to make them unusable in their existing condition.

Sec. 30-382. Scrap processor.

The County Executive is designated and authorized to issue, suspend, and revoke licenses for persons, corporations, partnerships, companies or firms to carry on the business of a scrap processor.

Sec. 30-383. License required; grounds for denial.

(a) No person, corporation, partnership, company or firm, or other entity shall carry on the business of scrap processor in the County without being licensed pursuant to this Ordinance or as approved under the City of Bay City zoning ordinance, chapter 122 or zoning ordinance of any other jurisdiction. A scrap processor license is not transferable.

(b) The County Executive may deny an application for a scrap processor's license if the application is disapproved by one or more officers of the County, as provided in this Ordinance, indicating that the applicant is unable to meet or continue to meet the requirements of any provision of this Ordinance.

(c) The County Executive may also deny an application for any reason identified in this Ordinance.

(d) If the County Executive denies the issuance of a license or a renewal thereof, a notice of denial including the reasons for the denial shall be mailed by first class mail to the applicant. If the application for a license has been denied, the applicant may appeal the denial by requesting a hearing pursuant to section 30-391 of this Ordinance, or may reapply at any time by submitting a new application and fee. The notice of denial shall provide that if the applicant wants to appeal the County Executive's decision, the applicant must request a hearing within 14 days pursuant to section 30-391 of this Ordinance.

Sec. 30-384. Investigation by Sheriff.

The application for license shall be referred by the County Executive to the Sheriff for approval. The Sheriff shall conduct an investigation and file a report with the County Executive.

Sec. 30-385. License fees and posting.

(a) The fees for a license under this division shall be those fees on file with the County Executive which have been approved by the County Commission. If the application is rejected, a portion of the fee paid, as determined by the County Executive, may be retained by the County to cover processing costs.

(b) All persons obtaining a license issued under this division shall place the license conspicuously in full public view.

Sec. 30-386. Application for license.

(a) Application for a scrap processor's license shall be made in writing to the County Executive, who is authorized to create application forms and to receive and process applications and to thereafter grant, deny, suspend, or revoke said license as set forth in this Ordinance. Applications shall be on forms supplied by and to be filed with the County Executive. Such applications shall be signed and dated by the applicant or, if the applicant is not an individual, by an authorized representative of the entity. The application shall contain the following minimum information, plus any other information deemed necessary by the County Executive:

(1) The name and any alias used, address and telephone number of the applicant, including all officers, partners or members;

(2) The location where the scrap yard is to be carried on plus any subsidiary locations;

(3) The applicant's prior experience as a scrap processor;

(4) An authorization for the County Executive and/or Sheriff to carry out a background investigation on the applicant and all officers, partners or members of the applicant;

(5) A statement as to whether the applicant has ever had a license required by the city or any other governmental entity revoked, suspended, or denied and the reasons for said actions;

(6) A statement that the information provided is true and accurate and that, if the license is granted, the applicant will abide by all applicable ordinances and statutes.

(b) All licenses are subject to the following conditions, which shall be noted on the application form:

(1) The applicant shall permit inspection of the licensed premises and/or activity at reasonable times by any authorized representative of the County, City of Bay City, or other governmental entity;

(2) The applicant shall not engage in the business of a scrap processor at any time after the license has expired, without having been reissued, or at any time when the license is suspended or revoked;

(3) No license shall be issued or renewed unless and until the applicant and any and all officers, partners or members, if deemed necessary by the Sheriff, submit to a background investigation.

(c) The County Executive shall issue a license to the applicant if the County Executive is satisfied that the applicant has met and will continue to meet the requirements of this Ordinance and all applicable laws and the applicant has paid the license fee.

Sec. 30-387. Scrap yard regulations.

The following regulations shall be applicable to scrap yards:

(1) No scrap yard processor or any of the processor's employees shall receive in the line of such business any article by way of pledge or pawn nor loan or advance any sum of money on the security of any article or thing.

(2) Every scrap yard processor shall upon demand, exhibit all goods which he has on hand and give a description of persons selling the same to any member of the Sheriff's Office upon request, and shall keep a book containing the names from whom he purchased brass, tin, copper, aluminum or any metal except old iron, which book shall be open during business hours to the inspection of any Sheriff officer.

(3) No scrap processor shall sell or remove from his place of business any article purchased by him until the same shall have been in his possession for seventy-two (72) hours unless such article shall have been purchased directly from some reputable factory or company.

(4) No scrap yard may store or handle hazardous materials unless done so consistent with all other state, federal, and local regulations.

(5) A scrap yard is subject to annual administrative inspections or complaint based inspections to ensure the property is maintained in accordance with the health, safety, and welfare of the community, materials are stored in an orderly manner to allow access to inspect, and that the property otherwise complies with the city code.

(6) Upon conviction of any scrap processor for violating or failing to comply with any provision of this article, the license of such scrap processor shall be revoked and the convicted person shall not be licensed as a scrap processor for a period of two (2) years from the date of his conviction, and the scrap yard shall not be licensed for that particular business for a period of one (1) year from the date of the conviction of the scrap processor.

Sec. 30-388. Hours of operation.

No scrap processor shall acquire goods between the hours of 9:00 p.m. and 7:00 a.m.; nor from any person under the age of eighteen (18) years; nor from any person who is at the time intoxicated or known to be a habitual drunkard; nor from any person with the knowledge that such goods are stolen property.

Sec. 30-389. Suspension.

A scrap processor's license issued pursuant to this Ordinance may be suspended by the County Executive and shall be deemed a suspension with intent to revoke. The County Executive shall comply with section 30-341 of the Ordinance in

noticing the suspension. The suspension with intent to revoke shall automatically become a revocation of the license unless the licensee requests an appeal hearing within 14 days pursuant to section 30-391 of the Ordinance.

Sec. 30-390. Nonferrous metals.

Nothing in this Ordinance should be construed to diminish the requirements that scrap processors and junkyard operators who deal with nonferrous metals must comply with the Nonferrous Metals Act; being 2008 PA 429, as amended, MCL 445.421, et. seq.

Sec. 30-391. Appeals

(a) Any person aggrieved by the denial of an application for a license or by the suspension or revocation of a license as provided by this article, shall have a right to a redetermination and an appeal. Such a redetermination may be taken only within 14 days after notice of such denial, suspension or revocation is mailed to the person's last known address. The redetermination shall be in writing and shall contain a complete statement of the grounds for appeal. It must be filed with the County Executive, together with an appeal fee. The fee for an appeal and/or redetermination under this section shall be those fees which the County Commission has approved.

(b) Within ten days of the receipt by the County Executive of such an appeal, the County Executive shall schedule a redetermination hearing. Unless waived by the appellant, the County Executive shall mail by first class mail a written notice to the appellant of the time and location of the redetermination hearing at least five days prior to that hearing. The redetermination hearing shall be an informal hearing held before a hearing panel consisting of:

(1) The County Executive or designee;

(2) The affected department head or designee; and

(3) Corporation Counsel or designee.

(c) The redetermination or decision of the hearing panel shall be reached by majority vote and mailed to the appellant within seven days of the conclusion of the hearing. The redetermination shall include:

(1) The appeal application and the type and nature of the appeal;

(2) The applicant's position;

(3) The original reason for denial of the license or permit;

(4) The facts as the hearing panel determined them to be;

(5) The decision or redetermination of the hearing panel;

(6) The hearing panel's rationale or basis for the redetermination; and

(7) The date which the redetermination was placed in a United States mail receptacle by the County Executive.

(d) The redetermination referred to above shall be final and binding, unless the appellant, within 14 days of the mailing of such redetermination, files a request in writing addressed to the Corporation Counsel, requesting the County Commission to rehear the redetermination findings. No appeal shall be made to the County Commission, unless:

(1) A redetermination was made and timely appealed;

(2) A redetermination hearing has been waived by the appellant and the redetermination hearing panel; or

(3) A redetermination was not made due solely to the fault of the city.

(e) The appeal to the County Commission shall be a two-step process limited to the issues raised in the redetermination as follows:

(1) Within 14 days of receipt of an appeal of a redetermination, the Board Chair shall set up a prehearing conference with the Chair of the Ways and Means Committee. At the prehearing conference the following matters shall be determined:

a. The rules of the hearing;
b. The date of the hearing;
c. The issues which may be raised from the redetermination;
d. The likelihood of settlement; and
e. Any other pertinent matters.

(2) A hearing before the County Commission.

(f) The denial, suspension or revocation shall be effective during such appeal or until the Commission shall reverse the administrative decision. The Commission may confirm the denial, suspension or revocation, or provide for revocation instead of suspension, or may reinstate or order the issuance of the license. The action of the commission shall be final.

30-341. License suspension or revocation generally.

(a) For cause shown, any license issued under this article may be suspended or revoked by the County Executive, after notice in writing, setting forth the substance of the charges and the time and place of a hearing thereon; which notice shall be delivered three days in advance, either personally to the licensee or to the principal place or location of the licensed activity, or by postage prepaid mail addressed to the licensee's last known address. Suspension or revocation may be in addition to any fine imposed. All fees paid shall be forfeited in case of revocation.

(b) The term "cause," as used in this section, shall include:

(1) The conviction by the licensee of any felony or of a misdemeanor involving moral turpitude.

(2) Any fraud, misrepresentation or false statement contained in the application for license or made in connection with the conduct of the licensed activity.

(3) Preventing or refusing permission for the inspection by any proper city agent or official at any reasonable time of any portion of the premises where the licensed activity is conducted, or of the property thereof.

(4) The doing or omitting of any act or permitting any condition to exist in connection with the licensed activity or upon any premises or facility used in connection therewith; which act, omission or condition constitutes a breach of the peace or constitutes a menace to the health, safety or general welfare of the public, or is forbidden by the provisions of this Code or established rule or regulation of the city or statutes, rules or regulation of the state applicable to the licensed activity.

(5) The failure to obtain and maintain during the term of a license and any renewal or extension thereof, any local, state or other required professional governmental license, certification or authority for the trade, occupation or profession licensed hereunder.

(6) The failure to obtain and maintain during the term of the license, or any renewal or extension thereof, the bonds and insurances required by any section of this Ordinance.

No. 2011-11

BAY COUNTY BOARD OF COMMISSIONERS

02/08/11

RESOLUTION

BY: WAYS AND MEANS COMMITTEE (2/1/11)

WHEREAS, The US EPA has authority for disbursing the federal Great Lakes Restoration Initiative (GLRI) funding, and has distributed the funding to a number of federal agencies, i.e. NOAA, US Fish and Wildlife, the Army Corp of Engineers, as well as other institutions such as Healing Our Waters Coalition and other similar non-profit organizations; and

WHEREAS, This approach allowed the available funding to be spread to various entities in order to more rapidly and orderly provide further distribution as pass-through grants to local communities for ecosystem restoration projects; and

WHEREAS, As a result, grant notices and opportunities for funding can arise quickly from a variety of sources with little notice and short preparation times and often the application deadlines do not lend themselves well to the individual County committee review/authorization schedule; and

WHEREAS, Funding opportunities from various sources will continue to be announced in 2011; and

WHEREAS, The Saginaw Bay area organizations received some of this federal pass through funding and improvement work is underway on a number of projects;

WHEREAS, Saginaw-Bay improvements and its quality of life and economic implications continue to be a priority of the community and the Bay County administration and the Director of Environmental Affairs and Community Development wishes authorization to apply for grant opportunities pertaining to Saginaw Bay improvement in comport with the Saginaw Bay Coastal Initiative (SBCI) priorities, conditioned on no commitment of Bay County general funds; and

WHEREAS, The Director of Environmental Affairs will provide quarterly status reports with updates on grant applications, grant awards, and grant work progress; Therefore, Be It

RESOLVED That the Bay County Board of Commissioners authorizes the Director of Environmental Affairs and Community Development to apply for grant opportunities pertaining to Saginaw Bay improvement conditioned on no County general funds being committed, in-kind match in the form of public participation or volunteer effort may be provided; Be It Further

RESOLVED That the Chairman of the Board is authorized to sign required application and award document subject to legal review/approval; Be It Finally

RESOLVED That budget adjustments pertaining to these grant awards, if required, are approved.

ERNIE KRYGIER, CHAIR
AND COMMITTEE

EnvAffairs - Saginaw Bay Improvement Grants

MOVED BY COMM._____

SUPPORTED BY COMM._____

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
Michael J. Duranczyk				Joe Davis				Tom Ryder			
Brandon Krause				Ernie Krygier				Christopher Rupp			
Vaughn J. Begick				Kim Coonan				Donald J. Tilley			

VOTE TOTALS:
ROLL CALL: YEAS_____ NAYS_____ EXCUSED_____
VOICE: YEAS_____ NAYS_____ EXCUSED_____

DISPOSITION: ADOPTED_____ DEFEATED_____ WITHDRAWN_____
AMENDED_____ CORRECTED____ REFERRED_____

-30-

No. 2011-12

BAY COUNTY BOARD OF COMMISSIONERS
2/8/11

RESOLUTION

BY: WAYS AND MEANS COMMITTEE (2/1/11)

WHEREAS, The Bay County Mosquito Control Director opened control material bids jointly with Midland and Tuscola Counties on 1/12/11; and

WHEREAS, Analysis of the control material bids resulted in a recommendation to award the control materials bid to the lowest qualified bidder, copy of 2011 insecticide bid summary attached; and

WHEREAS, The total cost of the control materials will not exceed the 2011 budgeted funds; Therefore, Be It

RESOLVED By the Bay County Board of Commissioners that the control materials bid for Bay County Mosquito Control for 2011 is awarded as outlined and highlighted in the attached; Be It Further

RESOLVED That the Chairman of the Board is authorized to sign any required documents following legal review/approval; Be It Finally

RESOLVED That budget adjustments, if required, are approved.

ERNIE KRYGIER, CHAIR
AND COMMITTEE

MosqCont-2011-BidAward

MOVED BY COMM._____

SUPPORTED BY COMM._____

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
Michael J. Duranczyk				Joe Davis				Tom Ryder			
Brandon Krause				Ernie Krygier				Christopher Rupp			
Vaughn J. Begick				Kim Coonan				Donald J. Tilley			

VOTE TOTALS:
ROLL CALL: YEAS_____ NAYS_____ EXCUSED_____
VOICE: YEAS_____ NAYS_____ EXCUSED_____

DISPOSITION: ADOPTED_____ DEFEATED_____ WITHDRAWN_____
AMENDED_____ CORRECTED____ REFERRED_____

Midland, Bay & Tuscola County Mosquito Control Agencies
2011 INSECTICIDE BID SUMMARY

20-Jan-11

Material	Amount		Vendor - Unit Price (pound, gallon, case)			
	B Bay M Midland T Tuscola		Adapco	All Pro Vector Group	Clarke	Univar USA
A. Abate 5%PG	M	1,628 lb.	N.B.	N.B.	$15.00	N.B.
B. Larvicide Oil	Brand		BVA -2	Bonide		
	B	1,500 gal.	$7.22 1	$9.25	N.B.	N.B.
	M	3,000 gal.	$7.22 1	$9.25	N.B.	N.B.
C. Atosid Pellets	M	880 lb.	$25.05	N.B.	$25.05	$25.05
D. ULV Permethrin	Brand		Perm-X	Evoluer	Biomist	Kontrol
	B	3,000 gal.	$17.19	$15.14	$14.98	$19.00
	M	4,500 gal.	$17.19	$15.14	$14.98	$19.00
	T	6,050 gal.	$17.19	$15.14	$14.98	$19.00
E. BTI Liquid	M	3,250 gal.	$23.49	N.B.	$30.71	$27.67
		600 gal.	$23.49	N.B.	$31.74	$31.80
F. BTI Briquets	B	10 cases	$86.54	N.B.	$85.00	$59.00
G. VectoLex CG	B	1,000 lb.	$6.20 2	N.B.	$6.95	N.B.
H. Natular XRT	B	30 cases	N.B.	N.B.	$801.57	$657.80 3
I. Natular 2EC	B	25 gal.	N.B.	N.B.	$761.38	N.B.

notes:

1 $7.22 @ 330 gal tote, $7.55 @ 275 gal, $8.65 @ 55 gal

2 Alternate Bid: Spheratax SPH (50G)

3 Alternate Bid: Altosid XR

Valent BioSciences offered a supplemental agreement for future purchases of B.t.i. (VectoBac) corn cob granules

	2012	2013
Bay County	$1.224	$1.265
Midland County	$1.220	$1.261
Tuscola County	$1.348	$1.395

-32-

No. 2011-13

BAY COUNTY BOARD OF COMMISSIONERS
2/8/11
RESOLUTION

BY: WAYS AND MEANS COMMITTEE (2/1/11)

WHEREAS, A major part of Bay County Mosquito Control's source reduction is the residential scrap tire projects which provide a way for homeowners to dispose of unwanted tires from around their yards and neighborhoods; and

WHEREAS, The overwhelming response generated by the scrap tire projects has been encouraging and two scrap tire projects have been scheduled for 2011; and

WHEREAS, Environmental Rubber Recycling, Inc. has provided past tire disposal services and has indicated that there will be no price change for tire disposal in 2011, the fee will be a flat rate of $1,650 per trailer; and

WHEREAS, Funds are included in the 2011 Mosquito Control budget for these services; Therefore, Be It

RESOLVED By the Bay County Board of Commissioners that the 2011 Scrap Tire Project/Agreement between the County of Bay and Environmental Rubber Recycling, Inc., for the disposal of accumulated used tires within Bay County known to be, or to have, the potential to become mosquito breeding sites, is approved and the Chairman of the Board authorized to execute said Agreement on behalf of Bay County, subject to favorable legal review/approval; Be It Further

RESOLVED That budget adjustments, if required, are approved.

ERNIE KRYGIER, CHAIR
AND COMMITTEE

Mosquito Control - Scrap Tire Contract - 2011

MOVED BY COMM._____

SUPPORTED BY COMM._____

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
Michael J. Duranczyk				Joe Davis				Tom Ryder			
Brandon Krause				Ernie Krygier				Christopher Rupp			
Vaughn J. Begick				Kim Coonan				Donald J. Tilley			

VOTE TOTALS:
ROLL CALL: YEAS_____ NAYS_____ EXCUSED_____
VOICE: YEAS_____ NAYS_____ EXCUSED_____

DISPOSITION: ADOPTED_____ DEFEATED_____ WITHDRAWN_____
AMENDED_____ CORRECTED____ REFERRED_____

No. 2011-14

BAY COUNTY BOARD OF COMMISSIONERS
2/8/11

RESOLUTION

BY: WAYS AND MEANS COMMITTEE (2/1/11)

WHEREAS, Through contractual arrangement, the Bay County Mosquito Control Department locates 12 New Jersey Light Traps in various parts of Bay County which are monitored by senior citizens; Therefore, Be It

RESOLVED By the Bay County Board of Commissioners that the Light Trap Data Collector's Contracts between Bay County and various individuals (12) (listing attached) are approved and the Chairman of the Board authorized to execute said Agreements on behalf of Bay County following legal review/approval; Be It Further

RESOLVED That the light trap collectors shall be reimbursed at the rate of $45 per month for the months of June, July, August and September,

ERNIE KRYGIER, CHAIR
AND COMMITTEE

Mosquito Control-2011 Light Trap Data Contracts

MOVED BY COMM._____

SUPPORTED BY COMM._____

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
Michael J. Duranczyk				Joe Davis				Tom Ryder			
Brandon Krause				Ernie Krygier				Christopher Rupp			
Vaughn J. Begick				Kim Coonan				Donald J. Tilley			

VOTE TOTALS:
ROLL CALL: YEAS_____ NAYS_____ EXCUSED_____
VOICE: YEAS_____ NAYS_____ EXCUSED_____

DISPOSITION: ADOPTED_____ DEFEATED_____ WITHDRAWN_____
AMENDED_____ CORRECTED____ REFERRED_____

2011 LIGHT TRAP NETWORK

1. Bernice Bellor	2294 Ballor Lane (Fraser)	Linwood 48634	697-3614
2. Beverly Eschenbacher	204 Grant Street (Williams)	Auburn 48611	662-6652
3. Toni Garcia	43 Spruce Ridge Drive (Bangor)	Bay City 48706	922-1038
4. Romaine Gorney	1306 S. Jackson (BCE)	Bay City 48708	892-7905
5. Marjorie Jezewski	4792 Three Mile Road (Monitor)	Bay City 48706	684-2555
6. Donna Kruchowski	616 Third Street P.O. Box 211 (Pinconning)	Pinconning 48650	879-4605
7. Marie Lambert	1600 S. Grant (BCE)	Bay City 48708	892-5077
8. Mary Lozo (Larry Lozo)	2544 Old Beaver Road (Kawkawlin)	Kawkawlin 48631	684-3837 (msg) 686-4575
9. Jerry Maxson	PO Box 233 (Mt. Forest)	Standish MI 48658	879-2433
10. Eileen Ostash	368 S. Trumbull Road (Portsmouth)	Bay City 48708	892-2311
11. Randy Rogner	224 Lagoon Beach Drive (BCW) (506 Columbian)	Bay City 48706	686-4867
12. Rev. Carl F. Trosien (trozeen)	1611 Nebobish (Essexville)	Essexville 48732	893-7224

* Light Trap Contracts 240.00-620.00-802.02

No. 2011-15

BAY COUNTY BOARD OF COMMISSIONERS

02/08/11

RESOLUTION

BY: WAYS AND MEANS COMMITTEE (2/1/11)

WHEREAS, In 2004, the Gypsy Moth Suppression Program millage language expanded the mission of the Gypsy Moth Suppression Program to include Emerald Ash Borer (EAB), an invasive, non-native pest which was first confirmed as present in Bay County in August of 2007 and which causes serious tree mortality wherever it is found resulting in dead trees which cause a serious safety hazard; and

WHEREAS, Trees throughout Bay County are beginning to show signs of heavy infestation by EAB and are in serious decline; and

WHEREAS, It is proposed that the qualified ash trees on publicly owned lands be treated to reduce the environment impacts of the EAB and to mitigate the potential economic and safety risks associated with EAB damage; and

WHEREAS, A tree inventory has been conducted on public lands to identify the number, size and condition of ash trees and it was determined that more than 1500 of the 3554 ash trees located in developed areas of publicly owned lands throughout the County would benefit from treatment to control EAB; and

WHEREAS, Treatment must be conducted between May 2, 2011 and June 15, 2011; and

WHEREAS, Funding for the Arborjet Treatment System will come from the Gypsy Moth Suppression Program Millage fund balance and $250,000 has been included in the 2011 budget for this EAB Treatment Project; Therefore, Be It

RESOLVED That the Bay County Board of Commissioners authorizes the Gypsy Moth Suppression Program to seek competitive bids for the EAB Treatment Project; Be It Further

RESOLVED That the Chairman of the Board is authorized to execute contracts with the qualified application firms on behalf of Bay County following legal review/ approval; Be It Finally

RESOLVED That budget adjustments relating to the EAB Treatment Project, if required, are approved.

ERNIE KRYGIER, CHAIR
AND COMMITTEE

Gypsy Moth - 2011 EAB Treatment Project

MOVED BY COMM._____

SUPPORTED BY COMM._____

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
Michael J. Duranczyk				Joe Davis				Tom Ryder			
Brandon Krause				Ernie Krygier				Christopher Rupp			
Vaughn J. Begick				Kim Coonan				Donald J. Tilley			

VOTE TOTALS:
ROLL CALL: YEAS_____ NAYS_____ EXCUSED_____
VOICE: YEAS_____ NAYS_____ EXCUSED_____

DISPOSITION: ADOPTED_____ DEFEATED_____ WITHDRAWN_____
AMENDED_____ CORRECTED____ REFERRED_____

No. 2011-16

BAY COUNTY BOARD OF COMMISSIONERS

02/08/11

RESOLUTION

BY: WAYS AND MEANS COMMITTEE (2/1/11)

WHEREAS, Recognizing the serious budget challenges being experienced by state and local governments, the State of Michigan, along with several other groups, including the Michigan Municipal League, the Michigan Townships Association and the Michigan Association of Counties, formed the Michigan Shared Public Services Initiative (SPSI); and

WHEREAS, The purpose of SPSI is to provide a collaborative framework through which local governments and school districts can access needed resources to develop and implement shared services to save money or protect services those communities offer; and

WHEREAS, The Governor and Michigan legislative leaders have already stated, during their campaigns and since their election, that local revenue sharing will be tied to local governments cooperating and collaborating with each other to share services and become more efficient in providing them; and

WHEREAS, Bay County decided to start this process, as early as possible, by appropriating funds in early December 2010 for 2011 and contacting MSUE; and

WHEREAS, The area of Law Enforcement was chosen to be reviewed first because of its importance and costs of providing it. There are seven (7) police departments in Bay County, including the Michigan State Police. Bay County currently provides contractual road patrol services for eleven of the eighteen municipalities; and

WHEREAS, MSUE and Bay County staff will collect all the information regarding crime and law enforcement services. MSUE will organize the data, provide an analysis, provide mapping and prepare and present a report to Bay County. This report will be shared with the public and all of the municipalities; and

WHEREAS, The Board of Commissioners appropriated $50,000 in the 2011 Commissioner's budget to initiate Shared Public Services in Bay County. The agreement with MSUE is for the first part of this initiative, Crime & Law Enforcement in Bay County, and the cost is $9,500; Therefore, Be It

RESOLVED That the Bay County Board of Commissioners approves the Agreement with MSUE, East Lansing, for information gathering, mapping and analysis of crime and law enforcement services in Bay County; Be It Further

RESOLVED That the Chairman of the Board is authorized to execute said Agreement on behalf of Bay County following legal review/approval; Be It Finally

RESOLVED That related budget adjustments, if required are approved.

ERNIE KRYGIER, CHAIR
AND COMMITTEE

Shared Public Services Initiative

MOVED BY COMM._____

SUPPORTED BY COMM._____

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
Michael J. Duranczyk				Joe Davis				Tom Ryder			
Brandon Krause				Ernie Krygier				Christopher Rupp			
Vaughn J. Begick				Kim Coonan				Donald J. Tilley			

VOTE TOTALS:
ROLL CALL: YEAS_____ NAYS_____ EXCUSED_____
VOICE: YEAS_____ NAYS_____ EXCUSED_____

DISPOSITION: ADOPTED_____ DEFEATED_____ WITHDRAWN_____
AMENDED_____ CORRECTED____ REFERRED_____

No. 2011-17

BAY COUNTY BOARD OF COMMISSIONERS
2/8/11

RESOLUTION

BY: WAYS AND MEANS COMMITTEE (2/1/11)

WHEREAS, As Mark Janer is now a District Court Judge, effective 1/1/2011, he has requested a pay-out of his accrued sick ($3,500 capped amount) and vacation ($6,044.33); and

WHEREAS, Bay County's Personnel Policy allows pay-out of unused sick and/or vacation time to chief deputies to elected officials upon "termination of employment" or upon "separation from county service"; and

WHEREAS, In the past when Cynthia A. Luczak transferred from Chief Deputy Clerk to County Clerk she was paid 100% of her accumulated vacation and 50% of her sick time accrual; and

WHEREAS, Kurt Asbury, when elected Bay County Prosecutor, was also allowed a payout of his accrued vacation leave and accrued sick; and

WHEREAS, A budget adjustment in the amount of $9,544.33 will be required; Therefore, Be It

RESOLVED By the Bay County Board of Commissioners that, in this instance, the Bay County Personnel Policy is hereby waived and, in accordance with past practice, authorization is granted to pay Mark Janer for accrued vacation leave ($6,044.33) and accrued sick leave ($3,500 maximum), funds to come from Fund Balance ; Be It Further

RESOLVED That budget adjustments required are approved.

ERNIE KRYGIER, CHAIR
AND COMMITTEE

Mark Janer-Sick & Vac Pay-Out

MOVED BY COMM._____

SUPPORTED BY COMM._____

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
Michael J. Duranczyk				Joe Davis				Tom Ryder			
Brandon Krause				Ernie Krygier				Christopher Rupp			
Vaughn J. Begick				Kim Coonan				Donald J. Tilley			

VOTE TOTALS:
ROLL CALL: YEAS_____ NAYS_____ EXCUSED_____
VOICE: YEAS_____ NAYS_____ EXCUSED_____

DISPOSITION: ADOPTED_____ DEFEATED_____ WITHDRAWN_____
AMENDED_____ CORRECTED____ REFERRED_____

No. 2011-18

BAY COUNTY BOARD OF COMMISSIONERS

02/08/11

RESOLUTION

By: WAYS AND MEANS COMMITTEE 2/1/2011

RESOLVED: By this Board of Commissioners of Bay County, Michigan, that the following Budget Adjustments are hereby approved on 02/08/2011 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.

Request Number	Fund Involved Department Involved	Favorable Impact	Unfavorable Impact	No Impact
2011-02-002	General Fund Sheriff Department To re-align the budget for JAG (Justice Assistant Grant). The amount of the grant should be $19,556 but the 2011 budget shows 10130100-50100 federal grants as $24,000. This BA properly states the 2011 grant amount awarded to Bay County.			X
2011-02-003	Division on Aging Fund Millage Meal Sites To correct Division on Aging 2011 budget. The food supplies expense account should be $8,200, but in error the budget shows a negative -$8,200. This number should be positive because only revenue amounts are shown as negative under the MUNIS software system.		$16,400	

RESOLUTION NO. 2011-18

2011-02-004	Division on Aging Fund Administration Activity	$3,890

Correct Division on Aging 2011 budget. In error, the computer hardware and software did not get increased $1,525 and $2,475 respectively. ISD was in agreement with these purchases per memo sent on July 23, 2010. Funding source is millage money.

2011-02-006	General Fund Sheriff Department Activity	$62,246

To correct 2011 budget for Sheriff Department, Road Patrol and Township Patrol budgets. The 71800 retirment line item (object) was calcutated under these budgets in error, as the units are overfunded and no extra retirement contribution is required. The budget adjustment also corrects the 10131500 Road Patrol 98100 vehicle line item (object) for the 2011 budget that shows $57,333 to replace three vehicles. The amount should be $63,00.

ERNIE KRYGIER, CHAIR AND COMM.

MOVED BY COMM._____

SUPPORTED BY COMM._____

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
Michael J. Duranczyk				Joe Davis				Tom Ryder			
Brandon Krause				Ernie Krygier				Christopher Rupp			
Vaughn J. Begick				Kim Coonan				Donald J. Tilley			

VOTE TOTALS:
ROLL CALL: YEAS_____ NAYS_____ EXCUSED_____
VOICE: YEAS_____ NAYS_____ EXCUSED_____

DISPOSITION: ADOPTED_____ DEFEATED_____ WITHDRAWN_____
AMENDED_____ CORRECTED_____ REFERRED_____

No. 2011-19

BAY COUNTY BOARD OF COMMISSIONERS
2/8/11

RESOLUTION

BY: PERSONNEL/JUDICIAL COMMITTEE (1/18/11)

RESOLVED By the Bay County Board of Commissioners that pursuant to its resolution no. 96-331- OTHER GOVERNMENTAL SERVICE CREDIT FOR RETIREMENT - adopted December 17, 1996, authorization is granted for Cynthia A. Luczak (Bay County Clerk) to purchase governmental service credit (2 years, 8 months with Arenac County) for retirement purposes in accordance with all terms and conditions contained in resolution no. 96-331.

TOM RYDER, CHAIR
AND COMMITTEE

GovtServCredit-Retirement-Cynthia A. Luczak

MOVED BY COMM._____

SUPPORTED BY COMM._____

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
Michael J. Duranczyk				Joe Davis				Tom Ryder			
Brandon Krause				Ernie Krygier				Christopher Rupp			
Vaughn J. Begick				Kim Coonan				Donald J. Tilley			

VOTE TOTALS:
ROLL CALL: YEAS_____ NAYS_____ EXCUSED_____
VOICE: YEAS_____ NAYS_____ EXCUSED_____

DISPOSITION: ADOPTED_____ DEFEATED_____ WITHDRAWN_____
AMENDED_____ CORRECTED____ REFERRED_____

No. 2011-20

BAY COUNTY BOARD OF COMMISSIONERS

2/8/11

RESOLUTION

BY: PERSONNEL/JUDICIAL COMMITTEE (1/18/11)

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. **Mosquito Control** - Seasonal Field and/or Biology Technicians (34) - $8.00/hr. day shift and $10.00/hr night shift (same rate as 2010)

B. **Information Systems** - Tech Position (full time, temporary, $24.20/hr.)

C. **Health Department** - Community Health Educator/Community Analyst (granted funded, full time - $43,347 entry)

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.

TOM RYDER, CHAIR
AND COMMITTEE

Vacancies - 2-8-11

MOVED BY COMM._____

SUPPORTED BY COMM._____

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
Michael J. Duranczyk				Joe Davis				Tom Ryder			
Brandon Krause				Ernie Krygier				Christopher Rupp			
Vaughn J. Begick				Kim Coonan				Donald J. Tilley			

VOTE TOTALS:
ROLL CALL: YEAS_____ NAYS_____ EXCUSED_____
VOICE: YEAS_____ NAYS_____ EXCUSED_____

DISPOSITION: ADOPTED_____ DEFEATED_____ WITHDRAWN_____
AMENDED_____ CORRECTED____ REFERRED_____

No. 2011-21

BAY COUNTY BOARD OF COMMISSIONERS

02/08/11

RESOLUTION

BY: HUMAN SERVICES COMMITTEE (1/18/11)

WHEREAS, Bay County, Michigan has experienced risks that may damage commercial, residential and public properties, displace citizens and businesses, close streets and impair infrastructure, and present general public health and safety concerns; and

WHEREAS, The community of Bay County has prepared a Hazard Mitigation Plan that outlines the community's options to reduce damages and impacts from natural and technological hazards; and

WHEREAS, The Hazard Mitigation Plan has been reviewed by community residents, business owners, and federal, state and local agencies, and has been revised where appropriate to reflect their concerns; Therefore, Be It

RESOLVED That the Hazard Mitigation Plan is hereby adopted as an official plan of Bay County, Michigan.

MICHAEL J. DURANCZYK, CHAIR
AND COMMITTEE

Emergency Management - Bay County Hazard Mitigation Plan

MOVED BY COMM._____

SUPPORTED BY COMM._____

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
Michael J. Duranczyk				Joe Davis				Tom Ryder			
Brandon Krause				Ernie Krygier				Christopher Rupp			
Vaughn J. Begick				Kim Coonan				Donald J. Tilley			

VOTE TOTALS:
ROLL CALL: YEAS_____ NAYS_____ EXCUSED_____
VOICE: YEAS_____ NAYS_____ EXCUSED_____

DISPOSITION: ADOPTED_____ DEFEATED_____ WITHDRAWN_____
AMENDED_____ CORRECTED_____ REFERRED_____

No. 2011-22

BAY COUNTY BOARD OF COMMISSIONERS

02/8/11

RESOLUTION

BY: HUMAN SERVICES COMMITTEE (1/18/11)

WHEREAS, The Bay County Division on Aging has been approached by representatives of the Summer Youth Camp to be a partner in this program for the summer of 2011; and

WHEREAS, The program will be called "Week of Hope" and the program will include youth helping with yard and home clean-up projects; and

WHEREAS, The local coordinators provide adult supervision on-site when the youth are working at a senior citizen's home; and

WHEREAS, The Division on Aging wishes to identify some senior citizens with limited financial resources whose yard and property need a significant clean-up; Therefore, Be It

RESOLVED That the Bay County Board of Commissioners hereby approves the Bay County Division on Aging acting as a partner organization for back-up projects to be completed under the "Week of Hope" Program; Be It Further

RESOLVED That the Board Chairman is authorized to sign a Partner Organization Agreement, following legal review/approval; Be It Finally

RESOLVED That budget adjustments related to this action, if required, are approved.

MICHAEL J. DURANCZYK, CHAIR
AND COMMITTEE

DOA - 2011 Week of Hope

MOVED BY COMM._____

SUPPORTED BY COMM._____

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
Michael J. Duranczyk				Joe Davis				Tom Ryder			
Brandon Krause				Ernie Krygier				Christopher Rupp			
Vaughn J. Begick				Kim Coonan				Donald J. Tilley			

VOTE TOTALS:
ROLL CALL: YEAS_____ NAYS_____ EXCUSED_____
VOICE: YEAS_____ NAYS_____ EXCUSED_____

DISPOSITION: ADOPTED_____ DEFEATED_____ WITHDRAWN_____
AMENDED_____ CORRECTED____ REFERRED_____

No. 2011-23

BAY COUNTY BOARD OF COMMISSIONERS

2/8/11

RESOLUTION

BY: BAY COUNTY BOARD OF COMMISSIONERS (2/1/11)

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

Employment Status Report: January 2010

Workers' Compensation Report: December 2010

Unemployment Report: 4th Quarter 2010

DONALD J. TILLEY, CHAIR
AND BOARD

County Executive - Status Reports

MOVED BY COMM._____

SUPPORTED BY COMM._____

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
Michael J. Duranczyk				Joe Davis				Tom Ryder			
Brandon Krause				Ernie Krygier				Christopher Rupp			
Vaughn J. Begick				Kim Coonan				Donald J. Tilley			

VOTE TOTALS:
ROLL CALL: YEAS_____ NAYS_____ EXCUSED_____
VOICE: YEAS_____ NAYS_____ EXCUSED_____

DISPOSITION: ADOPTED_____ DEFEATED_____ WITHDRAWN_____
AMENDED_____ CORRECTED____ REFERRED_____

CHANGES IN EMPLOYMENT STATUS
January, 2011

EMPLOYEE NAME	DEPARTMENT/FUNDING	DATE
NEW HIRE/APPOINTMENT (Regular status)		
Harry Gill Judge	Circuit Court General funds	1/01/2011
Janice McCullough Judicial Secretary	Circuit Court General funds	1/01/2011
Christopher Rupp County Commissioner	Board of Commissioners General funds	1/01/2011
Tom Ryder County Commissioner	Board of Commissioners General funds	1/01/2011
Joe Davis County Commissioner	Board of Commissioners General funds	1/01/2011
Brandon Krause County Commissioner	Board of Commissioners General funds	1/01/2011
Emily Prezzato Road Patrol Deputy	Sheriff Department General funds	1/06/2011
Carol VanOchten Kitchen Aide II	Division on Aging Aging funds	1/24/2011
NEW HIRE (On-call status)		
Kenneth Schram On-call Day Treatment	 Probate Court	12/17/2010
TRANSFERS:		
Mark Janer TO: Judge FROM: Chief Def Attorney	 District Court Criminal Defense	1/01/2011
Wendy Donnelly TO: Typist Clerk II FROM: Typist Clerk II	 WIC Env. Health	1/01/2011
Deborah Stone TO: Typist Clerk II FROM: Legal Sec.	 Env. Health Pros. Atty.	1/01/2011

Sharon Tacey			1/01/2011
TO:	Typist Clerk II	Animal Control	
FROM:	Typist Clerk III	Register of Deeds	
Jamie Yelsik			1/01/2011
TO:	Typist Clerk III	Register of Deeds	
FROM:	Legal Sec.	Pros. Atty.	
Melanie Szelogowski			1/01/2011
TO:	Legal Sec.	Pros. Atty.	
FROM:	Doc. Imaging Clerical Asst.	Board of Comm.	
Kip Burns			1/01/2011
TO:	Custodian/Maint.	Housing Dept.	
FROM:	Painter	Building & Grounds	
Barb Kukla			1/01/2011
TO:	Account Clerk	Treasurer's Office	
FROM:	Typist Clerk III	County Clerk	
Don Tilley			1/01/2011
TO:	Board Chairman	Board of Commissioners	
FROM:	Ways & Means	Board of Commissioners	
Kim Coonan			1/01/2011
TO:	Vice Chairman	Board of Commissioners	
FROM:	Commissioner	Board of Commissioners	
Ernest Krygier, Jr.			1/01/2011
TO:	Ways & Means	Board of Commissioners	
FROM:	Commissioner	Board of Commissioners	
Jill McKeon			124/2011
TO:	Account Clerk IV	Finance Department	
FROM:	Account Clerk III	Treasurer's Office	

SEPARATIONS:

Tammy Stratton (deceased)		1/11/2011
Driver	Division on Aging	
Dominic Smith		1/28/2011
Community Health Educator	Health Department	
Ellis McRae		1/20/2011
Kitchen Aide	Division on Aging	

Michelle Jackson		12/31/2010
Part-time Deputy Court Clerk	District Court Probation	

RETIREMENT:

Carol Maida		1/12/2011
Chief Dispatcher	Central Dispatch	

Personnel Department
February 3, 2011

WORKERS' COMPENSATION REPORT
December, 2010

EMPLOYEE NAME	DEPARTMENT	DATE OF INJURY	REASON FOR PAYMENT
Margaret Brown	Health Department	05/19/2006	Legal Only
Tom Bukowski	Juvenile Home	11/04/2010	Medical Only
Tiffany Hicks	Sheriff Department	03/03/2010	Medical Only
Robert Lee	Sheriff Department	08/09/2010	Medical & Indemnity
Shirley Lijewski	Sheriff Department	06/13/2010	Medical & Indemnity
Caryn Loeffler-Truax	Housing Department	01/08/2009	Settlement
Janice Luptowski	Probate Court	10/29/2010	Medical Only
Lynn Oliver	Animal Control	05/24/2010	Medical Only
Jill Torres	Building and Grounds	04/03/2003	Medical & Indemnity

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: January 10, 2011

UNEMPLOYMENT REPORT
4TH QUARTER, 2010

TOTAL: $31,773.38

Name	Department
Lynn Oliver	Animal Control
Richard Fouchia	Building and Grounds
James Preston	Building and Grounds
Richard Cybulski	Golf Course
Robert Franek	Golf Course
Stephen Kaznowski	Golf Course
Richard Rapin	Golf Course
Gerald Vantol	Golf Course
Susan Hiltz	Housing Department
Arthur Amador	Juvenile Home
Lori Lechner	Juvenile Home
Tammy Ware	Juvenile Home
Michael Collins	Mosquito Control
Dale Dreffs	Mosquito Control
Trisha Hebert	Mosquito Control
James Hughes	Mosquito Control
Matthew Mikolajczak	Mosquito Control
Lauren Murawski	Mosquito Control
Tracy O'Driscoll	Mosquito Control
David Ross	Mosquito Control
Ruth Russell	Mosquito Control
Roy Walkowiak	Mosquito Control
William Burleson	Pinconning Park
David LaPrairie	Probate Court
Dawn Wakefield	Register of Deeds

Submitted by: Sue Gansser/Bay County Finance Dept.
Date: February 3, 2011

No. 2011-24

BAY COUNTY BOARD OF COMMISSIONERS

2/8/11

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:

12/31/10	$340,352.55
12/31/10	$419,237.61
12/31/10	$375,342.22
1/12/11	$553,167.92
1/19/11	$136,618.01
1/26/11	$1,015,074.72

BAYANET:

12/1/10 TO 12/31/10

Payroll	$12,077.73
Accounts Payable	$43,586.26

Center Ridge Arms-Payables:

2/3/11	$162,445.30

DONALD J. TILLEY, CHAIR
BAY COUNTY BOARD OF COMMISSIONERS

Payables - Feb Bd Mtg

MOVED BY COMM._____

SUPPORTED BY COMM._____

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
Michael J. Duranczyk				Joe Davis				Tom Ryder			
Brandon Krause				Ernie Krygier				Christopher Rupp			
Vaughn J. Begick				Kim Coonan				Donald J. Tilley			

VOTE TOTALS:
ROLL CALL: YEAS_____ NAYS_____ EXCUSED_____
VOICE: YEAS_____ NAYS_____ EXCUSED_____

DISPOSITION: ADOPTED_____ DEFEATED_____ WITHDRAWN_____
AMENDED_____ CORRECTED____ REFERRED_____

BAY COUNTY BOARD OF COMMISSIONERS

JANUARY 11, 2011

THE BAY COUNTY BOARD OF COMMISSIONERS MET FOR A REGULAR SESSION ON TUESDAY, JANUARY 11, 2011, IN THE FOURTH FLOOR COMMISSION CHAMBERS OF THE BAY COUNTY BUILDING. THE MEETING WAS CALLED TO ORDER BY CHAIRMAN DONALD J. TILLEY AT 4:06 P.M. WITH THE FOLLOWING MEMBERS AND GUESTS PRESENT.

ROLL CALL: COMMISSIONERS MICHAEL J. DURANCZYK, BRANDON KRAUSE, VAUGHN J. BEGICK, JOE DAVIS, ERNIE KRYGIER, KIM COONAN, TOM RYDER, CHRISTOPHER RUPP AND CHAIRMAN DONALD J. TILLEY.

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

ALSO PRESENT: THOMAS L. HICKNER, COUNTY EXECUTIVE
MICHAEL K. GRAY, DIRECTOR, DEPT. OF ADMINISTRATIVE SERVICES

CRYSTAL HEBERT, ASSISTANT FINANCE OFFICER
MARTHA P. FITZHUGH, CORPORATION COUNSEL
VARIOUS ELECTED OFFICIALS

CHAIRMAN TILLEY ASKED FOR A MOMENT OF SILENCE AFTER THE INVOCATION FOR JAMES HALSTEAD WHO RECENTLY PASSED. HE WAS THE BROTHER OF MICHAEL HALSTEAD, MANAGER OF ANIMAL CONTROL. ALSO, A MOMENT OF SILENCE WAS OBSERVED FOR THE VICTIMS OF THE TUCSON, ARIZONA SHOOTING.

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

PLEDGE OF ALLEGIANCE:

MINUTES

MOTION 8: COMM. KRYGIER MOVED TO APPROVE THE SPECIAL BOARD SESSION MINUTES OF NOVEMBER 23, 2010; THE REGULAR SESSION MINUTES OF DECEMBER 14, 2010 AND THE ORGANIZATIONAL MEETING MINUTES OF JANUARY 3, 2011. IT WAS SUPPORTED BY COMM. DURANCZYK AND PASSED BY A VOICE VOTE OF: 9 YEAS, 0 NAYS.

CITIZEN INPUT

CHAIRMAN ELDER OFFERED TO ACCEPT COMMENTS OF CITIZENS WISHING TO ADDRESS THE BOARD WITH THEIR CONCERNS.

NO ONE CAME FORWARD TO ADDRESS THE BOARD AT THIS TIME.

PETITIONS AND COMMUNICATIONS

THERE WAS A CEREMONIAL INSTALLATION OF COMMISSIONERS WHERE THE COUNTY CLERK, CYNTHIA A. LUCZAK, GAVE THE OATH OF OFFICE TO ALL NINE (9) BAY COUNTY COMMISSIONERS.

REPORTS/RESOLUTIONS OF COMMITTEES

WAYS AND MEANS, ERNIE KRYGIER, CHAIR; KIM COONAN, VICE CHAIR

RES. 2011-01: COMM. KRYGIER MOVED TO ADOPT RES. 2011-01 THE MEMORANDUM OF UNDERSTANDING BETWEEN THE MICHIGAN DEPARTMENT OF TRANSPORTATION (MDOT), BAY CITY AREA TRANSPORTATION STUDY (BCATS) AND BAY METRO TRANSIT AUTHORITY (BMTA), WHICH OUTLINES THE ROLES AND RESPONSIBILITIES OF EACH ENTITY. FURTHER, AUTHORIZING THE BOARD CHAIRMAN AND/OR OTHER APPROPRIATE OFFICIALS TO EXECUTE THE MEMORANDUM OF UNDERSTANDING FOLLOWING LEGAL REVIEW AND THAT BUDGET ADJUSTMENTS, IF REQUIRED, ARE APPROVED. IT WAS SUPPORTED BY COMM. COONAN AND PASSED BY A VOICE VOTE OF: 9 YEAS, 0 NAYS.

COMM. KRYGIER THANKED MR. DEMARA AGAIN FOR HIS GENEROUS DONATION OF AN ANIMAL CONTROL VEHICLE IN HONOR OF HIS WIFE, PAULA DEMARA.

RES. 2011-02: COMM. KRYGIER MOVED TO ADOPT RES. 2011-02 VARIOUS BUDGET ADJUSTMENTS. IT WAS SUPPORTED BY COMM. BEGICK AND CARRIED BY A VOICE VOTE OF: 9 YEAS, 0 NAYS.

PERSONNEL/JUDICIAL, TOM RYDER, CHAIR; ERNIE KRYGIER, VICE CHAIR

THERE WERE NO PERSONNEL/JUDICIAL ITEMS.

HUMAN SERVICES, MICHAEL J. DURANCZYK CHAIR; BRANDON KRAUSE, VICE CHAIR

THERE WERE NO HUMAN SERVICES ITEMS.

BOARD OF COMMISSIONERS, DONALD J. TILLEY, CHAIR; KIM COONAN, VICE CHAIR

RES. 2011-03: COMM. COONAN MOVED TO ADOPT RES. 2011-03 APPROVING THE CLAIMS AGAINST THE COUNTY AS FOLLOWS: ACCOUNTS PAYABLES FOR 12/15/10, 12/22/10, 12/29/10, AND 1/5/11; AND CENTER RIDGE ARMS-PAYABLES FOR 1/5/11. IT WAS SUPPORTED BY COMM. KRAUSE AND PASSED BY A VOICE VOTE OF: 9 YEAS, 0 NAYS.

RES. 2011-04: COMM. COONAN MOVED TO ADOPT RES. 2011-04 RECEIVING THE REPORTS OF THE COUNTY EXECUTIVE AS FOLLOWS: THE EMPLOYMENT STATUS REPORT FOR DECEMBER 2010; AND THE WORKERS' COMPENSATION REPORT FOR NOVEMBER 2010. IT WAS SUPPORTED BY COMM. RUPP AND ADOPTED BY A VOICE VOTE OF: 9 YEAS, 0 NAYS.

REPORTS OF COUNTY OFFICIALS/DEPARTMENTS

THERE WERE NO REPORTS OF COUNTY OFFICIALS/DEPARTMENTS.

UNFINISHED BUSINESS

THERE WAS NO UNFINISHED BUSINESS.

NEW BUSINESS

MARTHA FITZHUGH, CORPORATE COUNSEL, EXPLAINED SHE WILL REQUEST A CLOSED SESSION REGARDING NOTIFICATION SHE RECEIVED ON A 74TH DISTRICT COURT LAWSUIT AGAINST BAY

COUNTY AND THE DETERMINATION MADE BY THE MICHIGAN COURT OF APPEALS.

DUE TO THE 2011 UNCERTAINTY IN TAX REVENUE, REVENUE SHARING AND THE REDUCTION OF ALL COUNTY DEPARTMENTS BY 2%, COMM. BEGICK MOVED TO ADOPT THE FOLLOWING RESOLUTION AS STATED IN MOTION 9 BELOW.

MOTION 9: COMM. BEGICK MOVED TO ADOPT A NEW RESOLUTION, PRESENTED BY COMMISSIONER BEGICK, THAT STATES, STARTING JANUARY 1, 2013 THE BAY COUNTY BOARD OF COMMISSIONERS AND ROAD COMMISSIONERS WILL NOT RECEIVE ANY HEALTH CARE BENEFITS, RETIREMENT BENEFITS, PER DIEM OR MILEAGE REIMBURSEMENT FROM BAY COUNTY, DUE TO IT BECOMING INCREASINGLY DIFFICULT TO BALANCE THE BAY COUNTY BUDGET. IT WAS SUPPORTED BY COMM. RUPP FOR DISCUSSION.

COMM. KRAUSE SUGGESTED AN AMENDMENT TO COMM. BEGICK'S RESOLUTION, TO KEEP THE PER DIEM AND MILEAGE BENEFITS AND ONLY ELIMINATE THE HEALTH CARE BENEFITS OF THE COMMISSIONERS AND ROAD COMMISSIONERS. HOWEVER, THE AMENDMENT DIED FOR A LACK OF SUPPORT.

COMM. COONAN SUGGESTED TO WAIT AND DISCUSS THIS ISSUE DURING THE NEXT BUDGET CYCLE, DUE TO THE FACT THAT NO CHANGE CAN BE IMPLEMENTED UNTIL THE 2013 ELECTION OF COMMISSIONERS. COMM. KRYGIER AND CHAIRMAN TILLEY AGREED WITH COMM. COONAN.

MARTHA FITZHUGH, CORPORATE COUNSEL, STATED THE MILEAGE, PER DIEM AND HEALTH CARE, CAN BE CHANGED BY BOARD ACTION. ALSO, RETIREMENT SYSTEM CHANGES WOULD REQUIRE AMENDMENT OF THE BAY COUNTY EMPLOYEES RETIREMENT ORDINANCE, ANY REVISIONS TO BE EFFECTIVE 1/1/2013.

MOTION 9 WAS DEFEATED BY A ROLL CALL VOTE OF:

3 YEAS - BEGICK, DAVIS, RUPP
6 NAYS - DURANCZYK, KRAUSE, KRYGIER, COONAN, RYDER, TILLEY.

MISCELLANEOUS
THERE WERE NO MISCELLANEOUS ITEMS.

ANNOUNCEMENTS

COMM. DURANCZYK SAID ON SATURDAY, JANUARY 15, 2011, THE PINCONNING-LINWOOD CHAMBER OF COMMERCE IS HOLDING THEIR ANNUAL EVENT AND WILL HONOR JIM BARCIA FOR HIS 34 YEARS OF SERVICE. IF ANYONE IS INTERESTED IN TICKETS PLEASE SEE COMM. DURANCZYK.

CHAIRMAN TILLEY STATED THE 2011 APPOINTMENTS AS FOLLOWS:

MARCH - BAY ARENAC BEHAVIORAL HEALTH AUTHORITY, FOUR (4) 3-YEAR TERMS
JUNE - LIBRARY BOARD, 1 (1) 5-YEAR TERM
OCTOBER - DEPARTMENT OF HUMAN SERVICES BOARD OF DIRECTORS, ONE (1) 3-YEAR TERM AND BOARD OF CANVASSERS, TWO (2) 4 YEAR TERMS.
DECEMBER - DIVISION ON AGING ADVISORY COUNCIL, FIVE (5) 2 YEAR TERMS IN DISTRICTS 1, 3, 5, 7 AND 9.

CLOSED SESSION

MOTION 10: COMM. KRYGIER MOVED 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. IT WAS SUPPORTED BY COMM. RUPP AND CARRIED BY A ROLL CALL VOTE OF:

9 YEAS, DURANCZYK, KRAUSE, BEGICK, DAVIS, KRYGIER, COONAN, RYDER, RUPP, TILLEY
0 NAYS.

MOTION 11: COMM. KRAUSE MOVED TO GO BACK TO REGULAR SESSION FOLLOWING CLOSED SESSION DISCUSSIONS REGARDING PENDING LITIGATION. IT WAS SUPPORTED BY COMM.

DURANCZYK AND ADOPTED BY A VOICE VOTE OF: 9 YEAS, 0 NAYS.

RECESS/ADJOURNMENT

MOTION 12: COMM. COONAN MOVED TO ADJOURN THE REGULAR BOARD SESSION OF JANUARY 11, 2011. IT WAS SUPPORTED BY COMM. KRYGIER. THE MEETING CONCLUDED AT 4:30 P.M. BY A VOICE VOTE OF: 9 YEAS, 0 NAYS.

_____

DONALD J. TILLEY, CHAIRMAN
BOARD OF COMMISSIONERS

_____

CYNTHIA A. LUCZAK, COUNTY CLERK
BOARD OF COMMISSIONERS

_____

SHEILA E. SHAW
SECRETARY TO THE CLERK
BOARD OF COMMISSIONERS

BAY COUNTY BOARD OF COMMISSIONERS

FEBRUARY 1, 2011

THE BAY COUNTY BOARD OF COMMISSIONERS MET FOR A SPECIAL SESSION ON TUESDAY, FEBRUARY 1, 2011, IN THE FOURTH FLOOR COMMISSION CHAMBERS OF THE BAY COUNTY BUILDING. THE MEETING WAS CALLED TO ORDER BY CHAIRMAN DONALD J. TILLEY AT 5:05 P.M. WITH THE FOLLOWING MEMBERS AND GUESTS PRESENT.

ROLL CALL: COMMISSIONERS MICHAEL J. DURANCZYK, BRANDON KRAUSE, VAUGHN J. BEGICK, JOE DAVIS, ERNIE KRYGIER, KIM COONAN, TOM RYDER, CHRISTOPHER RUPP AND CHAIRMAN DONALD J. TILLEY

OTHER MEMBERS: PATTI SHORKEY, CHIEF DEPUTY TO THE BAY COUNTY CLERK
SHEILA E. SHAW, SECRETARY TO THE CHIEF DEPUTY CLERK
ROBERT J. REDMOND, FINANCIAL ANALYST
DEANNE C. BERGER, BOARD COORDINATOR

ALSO PRESENT: THOMAS L. HICKNER, COUNTY EXECUTIVE
MICHAEL K. GRAY, DIRECTOR, DEPT. OF ADMINISTRATIVE SERVICES
TIM QUINN, PERSONNEL & EMPLOYEE RELATIONS DIRECTOR
CRYSTAL HEBERT, ASSISTANT FINANCE OFFICER
MARTHA P. FITZHUGH, CORPORATION COUNSEL
VARIOUS ELECTED OFFICIALS
VARIOUS DEPARTMENT HEADS
NEWS MEDIA

INVOCATION: THE INVOCATION WAS GIVEN BY THE CHIEF DEPUTY TO THE BAY COUNTY CLERK, PATTI SHORKEY.

PLEDGE OF ALLEGIANCE:

CITIZENS INPUT

ITEMS FOR CONSIDERATION

RES. 2011-05: COMM. KRYGIER MOVED TO ADOPT RES. 2011-05 APPROVING TO POST/ADVERTISE/FILL THE FOLLOWING VACANCIES, WITH MONIES FOR SAID POSITIONS TO COME FROM THE RESPECTIVE DEPARTMENTAL BUDGETS:

A. TREASURER - ACCOUNT CLERK III, FULL TIME, AT $13.95 PER HOUR ENTRY LEVEL; AND ACCOUNT CLERK, TEMPORARY, FOR 60 DAYS.

B. BUILDINGS AND GROUNDS - MASTER ELECTRICIAN, FULL TIME, AT $16.94 PER HOUR ENTRY LEVEL.

FURTHER, THAT BUDGET ADJUSTMENTS, IF REQUIRED, ARE APPROVED AND THAT IT IS UNDERSTOOD THAT ANY POSITIONS FUNDED THROUGH A GRANT SHALL BE TERMINATED OR HOURS REDUCED IF GRANT FUNDING IS TERMINATED OR REDUCED.

IT WAS SUPPORTED BY COMM. DURANCZYK AND PASSED BY A VOICE VOTE OF: 9 YEAS, 0 NAYS.

UNFINISHED BUSINESS
THERE WAS NO UNFINISHED BUSINESS.

NEW BUSINESS
THERE WAS NO NEW BUSINESS.

MISCELLANEOUS
THERE WERE NO MISCELLANEOUS ITEMS.

ANNOUNCEMENTS

CHAIRMAN TILLEY THANKED JUDGE KAREN TIGHE FOR THE COMMISSIONERS' TOUR OF THE COURT FACILITY. HE SAID IT WAS A PLEASURE MEETING COUNTY EMPLOYEES AND APPRECIATED THE HOSPITALITY.

CLOSED SESSION

MOTION 13: COMM. RYDER MOVED 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. IT WAS SUPPORTED BY COMM. DURANCZYK AND CARRIED BY A ROLL CALL VOTE OF:

9 YEAS - DURANCZYK, KRAUSE, BEGICK, DAVIS, KRYGIER, COONAN, RYDER, RUPP, TILLEY
0 NAYS

MOTION 14: COMM. KRYGIER MOVED TO GO BACK TO REGULAR SESSION FOLLOWING CLOSED SESSION REGARDING PENDING LITIGATION. IT WAS SUPPORTED BY COMM. DURANCZYK AND ADOPTED BY A VOICE VOTE OF: 9 YEAS, 0 NAYS.

RECESS/ADJOURNMENT

MOTION 15: COMM. KRYGIER MOVED TO FOLLOW THE ADVICE OF COUNSEL IN REGARD TO PENDING LITIGATION DISCUSSED IN CLOSED SESSION. IT WAS SUPPORTED BY COMM. DURANCZYK AND PASSED BY A VOICE VOTE OF: 9 YEAS, 0 NAYS.

MOTION 16: COMM. KRAUSE MOVED TO ADJOURN THE SPECIAL BOARD SESSION OF FEBRUARY 1, 2011. IT WAS SUPPORTED BY COMM. DURANCZYK. THE MEETING CONCLUDED AT 5:40 P.M. BY A VOICE VOTE OF: 9 YEAS, 0 NAYS.

_____ _____

DONALD J. TILLEY, CHAIRMAN
BOARD OF COMMISSIONERS

PATTI SHORKEY, CHIEF DEPUTY CLERK
BOARD OF COMMISSIONERS

_____

SHEILA E. SHAW
SECRETARY TO THE CLERK
BOARD OF COMMISSIONERS