

BAY COUNTY BOARD OF COMMISSIONERS

A G E N D A

TUESDAY, NOVEMBER 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

37-56 **V MINUTES (10/11/11; 10/18/11)**

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

VII PETITIONS AND COMMUNICATIONS

- 1- 5 A. Great Lakes Bay Michigan Works! Administrative Entity (**Ed Oberski will address @ 4 p.m.; seeking recommendation from Bay County Board of Commissioners that the Great Lakes Bay Michigan Works! Consortium Board adopt the resolution passed by the Workforce Development Board to create a stand-alone private, non-profit corporation to be the Great Lakes Bay Michigan Works! Administrative Entity**)
- 6-10 B. City of Bay City - Notification of Application for Commercial Rehabilitation Exemption Certificate - Gulfshore Investments, LLC. - \$7,416,134 (**Receive**)
- 11-12 C. Assistant County Executive for Recreation and Administrative Services Status Report on Grant Applications for Acquisition of Prindle Property (**Receive**)
- 13-18 D. Director of Environmental Affairs and Community Development - Informational Summary of Activities - Quarterly Update (**Receive**)

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

- 30 1. No. 2011-214 - Accounts Payable/BAYANET/Center Ridge Arms
- 31-35 2. No. 2011-215 - Reports of County Executive
- 36 3. No. 2011-216 - Various Labor greements - Board Ratification

IX REPORTS OF COUNTY OFFICIALS/DEPARTMENTS

- A. County Executive

X UNFINISHED BUSINESS

XI NEW BUSINESS

XII MISCELLANEOUS

XIII ANNOUNCEMENTS

- A. 2011 Appointments:

1. December

- a. **Division on Aging Advisory Council (Five 2 year terms, Districts 1, 3, 5, 7 and 9)**
- b. **Bay Arenac Behavioral Health Authority (One unexpired 3 year term which expires 3/31/13)**

XIV CLOSED SESSION (If requested)

XV RECESS TO CALL OF CHAIR

**Bay County Board of Commissioners
November 8, 2011**

Great Lakes Bay Michigan Works! Administrative Entity

**Submitted by
Great Lakes Bay Michigan Works!**

- **Presenters:** Presenting at the Meeting on behalf of Great Lakes Bay Michigan Works! will be Ed Oberski, CEO Great Lakes Bay Michigan Works!.

- **Summary:**
 - Great Lakes Bay Michigan Works! requests that the Board of Commissioners pass a resolution recommending that the County Consortium Board take action that would create a stand-alone nonprofit corporation to be the administrative entity for Great Lakes Bay Michigan Works!.
 - Saginaw County has been the administrative entity for the workforce system in Saginaw, Midland and Bay Counties since the early 1980's.
 - A wide variety of administrative governance structures exist among the 25 Michigan Works! Agencies in the State. It is rare for a single unit of government to act as administrative entity for a consortium of Counties. Several Michigan Works! Agencies have adopted stand-alone nonprofit agencies as their administrative entities.
 - A private non-profit administrative entity would allow Great Lakes Bay Michigan Works! to focus on a more regional approach; allow for greater flexibility and ability to react more rapidly to various changing situations; be better suited to achieve its mission; and provide more options for alternative funding.
 - The proposed change in administrative entities would create no greater risk of disallowed costs to Bay County.
 - The proposed change in administrative entities would also solve several day-to-day operational issues including fiscal issues, personnel issues, and funding issues.
 - The Great Lakes Bay Michigan Works! Consortium Board and Workforce Development Board have the power to decide jointly who will be the administrative entity.
 - The Workforce Development Board has passed a resolution to create a stand-alone non-profit corporation to be the administrative entity.
 - The Consortium Board is considering that proposal, but would like the advice of each of the County Commissions before deciding.

- **Introduction:** Great Lakes Bay Michigan Works! covers three Counties: Saginaw, Midland and Bay. By federal law, the Great Lakes Bay Michigan Works! Workforce Development Board and the Great Lakes Bay Michigan Works! County Consortium Board select the entity to administer workforce

programs in the Great Lakes Bay Region. Saginaw County has served as the administrative entity since the early 1980's. The Workforce Development Board has recently passed the following resolution:

That the administrative entity should be a stand-alone private, nonprofit corporation created specifically for that purpose. The board of the nonprofit should be significantly smaller than the Workforce Development Board. It should consist of a majority of WDB members, a majority of private sector representatives, and Consortium Board members from each of the three Counties.

This recommended resolution was the result of nine hours of work by a joint committee made up of Consortium Board and Workforce Development Board members. As part of the process, the Boards and joint committee benefitted from the assistance of nationally known workforce development consultants.

The Consortium Board is considering similar action. However, it directed Michigan Works! administration to first obtain guidance from each of the three County's Boards of Commissioners.

- **Requested Action by this Board:** Great Lakes Bay Michigan Works! requests the Board of Commissioners to pass the following recommendation.

The Bay County Board of Commissioners recommends that the Great Lakes Bay Michigan Works! Consortium Board adopt the resolution passed by the Workforce Development Board to create a stand-alone private, non-profit corporation to be the Great Lakes Bay Michigan Works! administrative entity.

- **Brief Introduction to the Workforce System:** Great Lakes Bay Michigan Works! is one of about 575 similar agencies across the country. Together, those agencies make up the nation's workforce investment system. The current governance structure of the nation's workforce system was established in the early 1980's under the federal Job Training Partnership Act. Each of the 575 agencies covers a defined geographic area, each has a private sector driven workforce development board, and each has a chief elected official or board of local elected officials.
- **Administrative Entity:** Each of the 575 agencies also has an administrative entity. As the name implies, the purpose of the administrative entity is to administer the workforce programs for the covered geographic region. According to applicable federal law, the workforce development board and the chief elected official (or board of local elected officials) jointly decide who will act as administrative entity.

- **Variety of Structures in Michigan:** All of the workforce agencies in Michigan, work under the name of Michigan Works!. There are 25 of them. Of the 25, five consist of single units of local government (eg. City of Detroit, Oakland County). In each of those areas, the local government is the administrative entity. The other 20 areas consist of consortia of Counties. In those areas, four different administrative entity structures exist.
 - The administrative entity is the consortium, itself: 9 Michigan Works! Agencies.
 - The administrative entity is a stand-alone non-profit corporation: 5 Michigan Works! Agencies.
 - The administrative entity is a part of a separate larger organization: 4 Michigan Works! Agencies (2 ISDs, 1 large non-profit, 1 council of governments)
 - The administrative entity is one of the Counties in the consortium: 2 Michigan Works! Agencies. (Great Lakes Bay, and Muskegon-Oceana)

Our current structure is the least common example in the State.

In the experience of our national consultants, around the nation when workforce agencies change their administrative entity, the most common change is to a private non-profit agency.

- **Formation of the Current Structure in the Great Lakes Bay Region, and Changes that would result from the Proposed Action:** Under the workforce system in place prior to the 1980's, Saginaw County ran a stand-alone workforce system. Bay County and Midland County were both parts of larger regions. With the implementation of the Job Training Partnership Act in the early 1980's, the three Counties agreed to join into one workforce region. Accordingly, they created a single board of elected officials (the Consortium Board) and a Workforce Development Board to cover all three Counties. Because of their prior arrangements, Saginaw County had an existing workforce administrative structure in place, and Midland and Bay Counties did not. Therefore, the Consortium Board and the Workforce Development Board agreed that Saginaw County would be the administrative entity for the workforce system covering the three-County region. That arrangement, created out of convenience almost 30 years ago, is still in place today.

If a new administrative entity is ultimately selected, the Workforce Development Board will maintain its current strategic planning and program oversight roles. It will relinquish its role as the "board of directors" of Great Lakes Bay Michigan Works!. The Consortium Board will continue its current role in oversight of the Workforce Development Board and the system as a whole. Each County Board of Commissioners will continue to appoint members to the Workforce Development Board. Great Lakes Bay Michigan Works! would assure that the Board of the non-profit administrative entity operates according to the provisions of the Open Meetings Act.

- **Workforce Development Board and Consortium Board Considerations:** In passing it's motion for the administrative entity to be a stand-alone non-profit, the Workforce Development Board believed this new governance structure would:
 - Provide a more regional approach;
 - Allow for greater flexibility and ability to react more rapidly to various changing situations;
 - Be better suited to achieve its mission; and
 - Provide more options for alternative funding.

With the help of our consultants, who included nationally known workforce attorney John Chamberlain, the Workforce Board also considered the risk of liability to the Counties. The bad news is: per federal law, no matter what governance structure is selected, the constituent Counties are ultimately liable for any expenses disallowed by federal, state or local audit. The good news is: across the nation, only a small percentage of the 575 workforce programs create any disallowed costs. Most importantly for the purposes of this discussion, the type of administrative entity (consortium, non-profit, single unit of government, etc) does not seem to make any difference in the risk of liability for disallowed costs. Moreover, in the rare event when disallowed costs do occur, a priority system adds further protection for the constituent Counties.

1. Collect from the contracted service provider that caused the disallowance.
2. If that fails, collect from the insurance carrier or bond insurer (if any).
3. If that fails, seek a waiver from the federal government.
4. If that fails, the administrative entity pays out of its non-federal funds.
5. If that fails, each constituent County is liable.

Again, the "type" of administrative entity has no discernible impact on the risk of liability to the constituent Counties.

In addition the Workforce Development Board considered day-to-day management issues.

- Great Lakes Bay Michigan Works! is already separate from Saginaw County in many ways. It has a separate phone system. It operates a separate intranet computer system. The 14 Great Lakes Bay Michigan Works! administration employees are employees of Saginaw County, but they cannot access the Saginaw County computer system. They do not even have access to the Saginaw County "employees-only" internet pages. Great Lakes Bay Michigan Works! has multiple service facilities across three Counties. Of the 120 or so employees working under the name of Great Lakes Bay Michigan Works!, only 14 are Saginaw County employees.
- Under the current governance structure, Great Lakes Bay Michigan Works! is forced to operate two separate fiscal systems: one that satisfies Saginaw County requirements, and one that satisfies our grant funding sources' requirements. The grant funding source system provides all

- appropriate checks, balances, and reports. The Saginaw County system just adds a lot of extra work and no additional value.
- Because we are part of Saginaw County, we make up a small sample in the County's annual audit. As a stand-alone entity, we would receive a much more comprehensive audit every year.
 - Personnel Issues: Our 14 administrative staff are subject to the Saginaw County personnel system.
 - This makes it very difficult to “promote from within”. As stated above, the 110 or so individuals who work in our Service Centers in Saginaw, Midland and Bay Counties are not Saginaw County employees. And yet, those are the individuals that any responsible organization would want to look to first in order to fill vacancies in its administrative staff. However, under the Saginaw County personnel system, we must first make the positions available to other Saginaw County staff. We can only consider our program staff once the position is open to the general public.
 - In addition, Saginaw County staff have the right to attempt to bump into Great Lakes Bay Michigan Works! even though our operations are foreign to anything else operated by Saginaw County government.
 - Under the current structure, we have no control over the salaries and fringe benefits of our administrative staff. They are set by Saginaw County based on the status of the Saginaw County budget. The Great Lakes Bay Michigan Works! budget is in no way tied to the Saginaw County budget. In years when Saginaw County can afford pay increases, our budget may be declining. In years when Saginaw County is forced to consider pay freezes, layoffs, or furlough days, we may have plenty of funding. It makes more sense for our salaries and fringe benefits to be tied to our budget rather than to Saginaw County's budget.
 - Saginaw County provides no financial support to Great Lakes Bay Michigan Works!. Instead, we pay Saginaw County \$150,000 to \$200,000 per year for its service as administrative entity. This payment is over and above our administrative staff and office costs. The payment to Saginaw County makes up about 35% to 50% of our entire non-staff administrative budget.



October 24, 2011

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

RE: Application for Commercial Rehabilitation Exemption Certificate

Gulfshore Investments, LLC, Bay City, Michigan, has submitted an application for a Commercial Rehabilitation Exemption Certificate for property located at 101 Center Avenue, and filed under State of Michigan Public Act 210 of 2005, as amended.

In accordance with Section 3(3) of the Act, you are hereby notified that the application was filed in the amount of \$7,416,134 for the new development project.

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

Questions pertaining to the Act or the application may be directed to the City Assessor's Office, at 894-8123.

CITY OF BAY CITY

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

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STATE USE ONLY		
Application Number	Date Received	LUCI Code

Application for Commercial Rehabilitation Exemption Certificate

Issued under authority of Public Act 210 of 2005, as amended.

Read the instructions page before completing the form. **This application should be filed after the commercial rehabilitation district is established.** The applicant must complete Parts 1, 2 and 3 and file one original application form (with required attachments) and one additional copy with the clerk of the local governmental unit (LGU). Attach the legal description of property on a separate sheet. This project will not receive tax benefits until approved by the State Tax Commission (STC). Applications received after October 31 may not be acted upon in the current year. This application is subject to audit by the STC.

PART 1: OWNER / APPLICANT INFORMATION (applicant must complete all fields)			
Applicant (Company) Name (applicant must be the owner of the facility) Gulfshore Investments LLC		NAICS or SIC Code 531390	
Facility's Street Address 101 Center Avenue	City Bay City	State MI	ZIP Code 48708
Name of City, Township or Village (taxing authority) Bay City	County Bay	School District Where Facility is Located 09010	
<input checked="" type="checkbox"/> City <input type="checkbox"/> Township <input type="checkbox"/> Village			
Date of Rehabilitation Commencement (mm/dd/yyyy) 01/01/2012	Planned Date of Rehabilitation Completion (mm/dd/yyyy) 12/31/2014		
Estimated Cost of Rehabilitation \$7,416,134	Number of Years Exemption Requested (1-10) 10		
Expected Project Outcomes (check all that apply)			
<input checked="" type="checkbox"/> Increase Commercial Activity		<input type="checkbox"/> Retain Employment	
<input checked="" type="checkbox"/> Create Employment		<input checked="" type="checkbox"/> Revitalize Urban Areas	
<input type="checkbox"/> Prevent Loss of Employment		<input checked="" type="checkbox"/> Increase Number of Residents in Facility's Community	
No. of jobs to be created due to facility's rehabilitation 30	No. of jobs to be retained due to facility's rehabilitation 0	No. of construction jobs to be created during rehabilitation 40	
PART 2: APPLICATION DOCUMENTS			
Prepare and attach the following items:			
<input checked="" type="checkbox"/> General description of the facility (year built, original use, most recent use, number of stories, square footage)		<input checked="" type="checkbox"/> Statement of the economic advantages expected from the exemption	
<input checked="" type="checkbox"/> Description of the qualified facility's proposed use		<input checked="" type="checkbox"/> Legal description	
<input checked="" type="checkbox"/> Description of the general nature and extent of the rehabilitation to be undertaken		<input type="checkbox"/> Description of the "underserved area" (Qualified Retail Food Establishments only)	
<input checked="" type="checkbox"/> Descriptive list of the fixed building equipment that will be a part of the qualified facility		<input type="checkbox"/> Commercial Rehabilitation Exemption Certificate for Qualified Retail Food Establishments (Form 4753) (Qualified Retail Food Establishments only)	
<input checked="" type="checkbox"/> Time schedule for undertaking and completing the facility's rehabilitation			
PART 3: APPLICANT CERTIFICATION			
Name of Authorized Company Officer (no authorized agents) Paul Rowley		Telephone Number (989) 280-7285	
Fax Number (989) 671-1435		E-mail Address PaulRowley@Rowleys.com	
Street Address Box 1115	City Bay City	State MI	ZIP Code 48707
<p><i>I certify that, to the best of my knowledge, the information contained herein and in the attachments is truly descriptive of the property for which this application is being submitted. Further, I am familiar with the provisions of Public Act 210 of 2005, as amended, and to the best of my knowledge the company 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 governmental unit and the issuance of a Commercial Rehabilitation Exemption Certificate by the State Tax Commission.</i></p> <p><i>I further certify that this rehabilitation program, when completed, will constitute a rehabilitated facility, as defined by Public Act 210 of 2005, as amended, and that the rehabilitation of this facility would not have been undertaken without my receipt of the exemption certificate.</i></p>			
Signature of Authorized Company Officer (no authorized agents) 		Title Company Managing Member	Date 10-19-11

PART 4: ASSESSOR RECOMMENDATIONS (assessor of LGU must complete Part 4)			
Provide the Taxable Value and State Equalized Value of Commercial Property, as provided in Public Act 210 of 2005, as amended, for the tax year immediately preceding the effective date of the certificate (December 31 of the year approved by the STC).			
	Taxable Value	State Equalized Value (SEV)	
Land			
Building(s)			
The property to be covered by this exemption may not be included on any other specific tax roll while receiving the Commercial Rehabilitation Exemption. For example, property on the Eligible Tax Reverted Property (Land Bank) specific tax roll cannot be granted a Commercial Rehabilitation Exemption that would also put the same property on the Commercial Rehabilitation specific tax roll.			
<input type="checkbox"/> By checking this box I certify that, if approved, the property to be covered by this exemption will be on the Commercial Rehabilitation Exemption specific tax roll and not on any other specific tax roll.			
Name of Local Government Body			
Name of Assessor (first and last name)		Telephone Number	
Fax Number		E-mail Address	
<i>I certify that, to the best of my knowledge, the information contained in Part 4 of this application is complete and accurate.</i>			
Assessor's Signature			Date
PART 5: LOCAL GOVERNMENT ACTION (clerk of LGU must complete Part 5)			
Action Taken By LGU (attach a certified copy of the resolution):			
<input type="checkbox"/> Exemption approved for _____ years, ending December 30, _____ (not to exceed 10 years)			
<input type="checkbox"/> Exemption Denied			
Date District Established (attach resolution for district)	Local Unit Classification Identification (LUCI) Code	School Code	
PART 6: LOCAL GOVERNMENT CLERK CERTIFICATION (clerk of LGU must complete Part 6)			
Clerk's Name (first and last)		Telephone Number	
Fax Number		E-mail Address	
Mailing Address		City	State ZIP Code
LGU Contact Person for Additional Information		LGU Contact Person Telephone Number	Fax Number
<i>I certify that, to the best of my knowledge, the information contained in this application and attachments is complete and accurate and hereby request the State Tax Commission issue a Commercial Rehabilitation Exemption Certificate, as provided by Public Act 210 of 2005, as amended.</i>			
Clerk's Signature			Date

The clerk must retain the original application at the local unit and mail one copy of the completed application with attachments to:

State Tax Commission
P.O. Box 30471
Lansing, MI 48909

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GulfShore Investments, LLC

Commercial Rehabilitation Project Summary

General Description of the Facility (year built, original use, most recent use, number of stories, square footage): The obsolete, three-story, 45,600 sq. ft. building was erected around 1867. The building was considered a business block which had store fronts on the street level housing a fruit store, jewelry store, dress shop, tavern and a theater with office space on the upper levels. Around 1940, Mill End opened as a women's clothing store and occupied a majority of the space. In 2005, Mill End closed its doors.

Description of Proposed Use: This is an exciting new development project consisting of the demolition of the existing, obsolete building and construction of a new multi-story, mixed-use building. (See the attached elevation rendering and site plan layout contained in this package.) The proposed project is a 30,000 sq. ft. five-story building consisting of upscale condo/rental housing on the upper floors and retail space on the first floor. The exemption will facilitate an investment in excess of \$7,000,000. This new development will serve the surrounding neighborhoods in the heart of Downtown Bay City and replace an existing obsolete building.

The site is positioned well between surrounding condos/rental units and popular retail establishments. This area is in need of additional "upscale" living units to serve future residents seeking to live in a highly desirable, walkable, riverfront setting. The first floor will feature 6,000 sq. ft. of retail space. The upper four floors will consist of condo/rental units, seven units per floor ranging in size from 630 to 1,565 sq. ft.

Description of General Nature and Extent of Rehabilitation: The existing structure is obsolete, highly deteriorated due to a fire, excessive water damage, and poor maintenance. The architectural integrity of the structure has been compromised. Therefore, the entire obsolete building will be demolished.

Description of Fixed Building Equipment of New Structure: There is no fixed building equipment to retain.

Time Schedule for New Building: The project will begin in January 1, 2012 and be completed by December 31, 2014.

Statement of Economic Advantages Expected from Exemption: We are currently in an economic period where the environment is not generally conducive for new construction and development. Lending requirements are very restrictive to most developers. Commercial, retail and residential expansion

is not showing a high rate of growth and the general economy is very tentative regarding expansion in the State of Michigan.

However, GulfShore Investments is very optimistic about the future of Bay City and the State of Michigan. We have found financial institutions are interested in funding this project.

Obtaining this redevelopment exemption certificate for a period of 10 years will allow our project to fit acceptable financial projections that are required by financial institutions and our company. This will also enable us to lower the cost of occupancy, which will increase the probability of success for this project and the growth for the tenants that locate here. Therefore, the redevelopment exemption is a vital component to this project.

Gulfshore Investments anticipates the mixed-use development will create 30 new jobs within the first floor retail establishments and approximately 40 construction jobs.

Legal Description: Lots 7 through 12, Block 52, Lower Saginaw (combined w/-001, -002, and -003 for 2007). Parcel #09-160-021-338-007-00.

**BAY COUNTY
Administrative Services**



Michael K. Gray
Assistant County Executive for
Recreation & Administrative Services
graym@baycounty.net

515 Center Avenue
Bay City, Michigan 48708

Phone (989) 895-4130
Fax (989) 895-7658
TDD (989) 895-4049
<http://www.baycounty-mi.gov>

Thomas L. Hickner
County Executive

ANIMAL CONTROL
Michael Halstead, Manager
halsteadm@baycounty.net

BUILDINGS & GROUNDS
Richard Pabalis, Superintendent
pabalizr@baycounty.net

INFORMATION SYSTEMS
Robert Super, Director
superr@baycounty.net

PURCHASING
Frances Horgan, Purchasing Agent
horganf@baycounty.net

RECREATION
Brent Golk, Recreation & Clubhouse Supervisor
goikb@baycounty.net

MEMORANDUM

DATE: November 2, 2011

TO: Mr. Donald Tilley, Chairman, Board of Commissioners

FROM:  Michael Duranczyk, Bay County Commissioner and, Michael K. Gray, Assistant County Executive for Recreation & Administrative Services

SUBJECT: Grant Applications for Acquisition of Prindle Property

Request: Receive this correspondence.

Background: The Board of Commissioners has previously authorized two separate grant applications for acquisition of the 54 acre parcel of land known as Blizzard Hills adjacent to Pinconning Park: a Michigan Natural Resources Trust Fund Grant administered by the Michigan Department of Natural Resources, and an Area of Concern Coastal Grant administered by the Natural Oceanic and Atmospheric Administration.

This memo is a status report on these grants.

We have been contacted by NOAA and are informed that they are going to fund the grant. This grant has no match requirement although we voluntarily included \$10,000 in in-kind match for cleanup. A conference call with NOAA, Spicer Group and Bay County staff was held at 3:00 p.m. on November 1, 2011 prior to the Ways & Means Committee.

The only difficulty with the NOAA grant is that it prohibits so called active recreation in favor of passive uses like nature trails, hunting and fishing, etc. Camping, which is critical to us is neither listed as a prohibited nor a permitted use. If we can get an agreement to devote five to ten acres for campgrounds we will accept this grant and withdraw the MNRTF application.

In the conference call on November 1, 2011 with Elizabeth Mountz of NOAA, we were informed that rustic tent camping sites were more likely to be approved than RV's. In order to realize the revenue necessary for Pinconning Park to break even we need to offer full camping opportunities including rustic but also full camping sites and some of the cabins like we have in the existing camping area, which have been increasingly popular.

Ms. Mountz offered two possible options: first she will consider our request. We will work with Spicer to prepare a request with sufficient information for NOAA staff to make a determination.

Second, she suggested splitting off the number of acres we need and purchasing the area to be developed in the future for camping with the Trust Fund acquisition grant. We were pleased to learn that NOAA would not view that as a problem.

In addition to submitting our proposal for camping, in the near future we need to discuss the situation with John Cherry of the MI DNR, our regional grant coordinator for the MNRTF.

The MNRTF grant is still pending with decision by the MI Natural Resources Trust Fund Board of Trustees later in November of this year. The application scored very high and appears likely to be funded. This grant requires a minimum of 25% match (The NOAA grant could be used as match to leverage this grant.)

If we are not able to get NOAA approval for camping on the site, we will propose acquiring the parcel with a combination of the two grants in order to get the ability to develop campgrounds. Camping revenue is the key to getting to a break even point with Pinconning Park so that expenditures are covered completely by park revenues.

Economics: The NOAA AOC grant is for \$425,000. The MNRTF grant is for \$259,000.00 with a match commitment of \$91,000.00. Both grants will require the establishment of fair market value by a real property appraisal.

Recommendation: Receive this correspondence.

MKG/ec

cc:	Tom Hickner	Crystal Hebert
	Bob Redmond	Steve Humphrey
	Marty Fitzhugh	Rob Eggers
	Rick Pabalis	Lori Ettema
	Brent Golk	

**BAY COUNTY DEPARTMENT OF
ENVIRONMENTAL AFFAIRS
& COMMUNITY DEVELOPMENT**

515 Center Avenue, Suite 501
Bay City, Michigan 48708

Phone (989) 895-4135
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TDD (989) 895-4049
<http://www.co.bay.mi.us/>



MEMORANDUM

Date: November 2, 2011

To: Commissioner Donald J. Tilley, Bay County Board Chair

From: *[Signature]* Laura Ogar, Director, Department of Environmental Affairs and Community Development

Re: Informational Summary of Activities – Quarterly Update
Department of Environmental Affairs and Community Development

Completion of the Energy Efficiency Community Development Block Grants (EECDBG):

Background: In 2010, the Bay County Environmental Affairs and Community Development was awarded two (2) grants by the Michigan Department of Energy, Labor, and Economic Growth (DELEG, which has been folded into the Michigan Economic Development Corporation, MEDC).

LED Grant: The LED grant project was intended to demonstrate and encourage the use of LED (light emitting diode) lighting in outdoor and indoor settings, demonstrate the resulting cost savings from reduced energy use and lower utility bills, and create or retain jobs in Michigan.

Multipurpose Grant: The MP grant focused on promoting new renewable energy generation systems in communities, replacement of outdated equipment with energy efficient models, cost savings from reduced energy use and creation or retention of jobs in Michigan.

Outcomes:

Bay County LED funding = \$230,299 new grant dollars coming into Bay County; Paid for energy efficient exterior lighting replacements in parking lots at Animal Control, Civic Arena, Community Center, Law Enforcement Center, Health Courts and 911, Judges Lot, Pere Marquette lot, County Building, Fairgrounds, Recreational Barn and Mosquito Control. Interior lighting sites include Civic Arena, and County Building. Cost savings include an estimated annual \$20,675.75 per year – every year in reduced costs of energy based on 2010 rates. MEDC estimates that Bay County created or retained 2.4 jobs as a result of the work involved.

Bay County Multipurpose funding = \$313,894.50 new grant dollars coming into Bay County; Paid for energy efficient chiller at the County Building, new Heat Recovery System at the Civic Arena, 11kW wind turbine at the Juvenile Home, 4kW wind turbine at the Community Center, various facility lighting upgrades, and provided two methane boilers for our partners at the Department of Water and Sewer in their methane

generation project. Estimated annual cost savings of an additional \$21,000 per year and reduction of greenhouse gas approximately 1.3 metric tonnes per year. By partnering with DWS, the total project investment was \$3,190,436 and MEDC estimates that Bay County created or retained 33.23 jobs as a result of the work involved.

Summary: Over 2010-2011 duration of the two projects, Bay County realized a total investment of \$3,471,863 in energy efficiency systems by partnering with DWS that will have a \$40,000 annual return in cost savings and new energy generation. We created and/or retained 35.6 jobs and utilized the staff of Buildings and Grounds to satisfy the cost share as match.

Completion of the Saginaw Bay Coastal Phragmites Treatment and Control Grant (USFW)

The Director of Environmental Affairs and Community Development facilitated coordination with the Michigan Department of Natural Resources (MDNR) to 'tag on' to MDNR's aerial spray treatment of Phragmites at the Nuyangung Point for efficiency purposes as well as significant cost savings (state rate). Bay County was able to treat over 120 acres at Pinconning Park, partnered with the Townships of Fraser and Kawkawlin for treatment at the Linwood Scenic Point park at Saginaw Bay and assisted the local marina (Linwood Marina) in treating an additional 3 acres of phragmites along the shoreline. **Total project Cost: \$16,890 with additional match to be provided by Bay County for maintenance of shoreline.**

Recommendation:

cc: Tom Hiokner, County Executive, Marty Fitzhugh, Corporation Counsel

**BAY COUNTY DEPARTMENT OF
ENVIRONMENTAL AFFAIRS
& COMMUNITY DEVELOPMENT**

515 Center Avenue, Suite 501
Bay City, Michigan 48708

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LAURA OGAR, DIRECTOR
ogarl@baycounty.net

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

TOM HICKNER
County Executive

**Bay County Energy Efficiency Community Development Block Grant
LED Grant #BES-10-36 Final Report**

- A. A summary of the project implementation plan and any deviations from the original project as proposed.

Project implementation work was completed during the grant term with various styles and types of LED lighting installed at eleven (11) different building facility campus' and community education outreach activities. As these facilities are County owned, they are public resources (such as the parking lots) that are used by other non-governmental organizations like local businesses and community groups in addition to the general public. No deviations occurred in the implementation of the project from what was originally proposed, other than typical lighting changes. Public education on the cost savings and the technology of LED lighting will continue beyond project completion date. The Bay County web site shows these cost benefits.

- B. Accomplishments and problems experienced while carrying out the project activities.

Accomplishments include significant cost savings and public awareness resulting from the LED project. LED lighting technology is not fully mature and many aspects of what is needed when ordering LED lighting are not well known. LED fixtures typically need to be fabricated individually and Bay County like other counties during the grant term found a limited supply of manufacturers, and they were overwhelmed with multiple orders. This was obviously a good thing for USA jobs and economic growth but it did slow progress on implementation and impacted Bay County's ability to keep to the project equipment installation schedules. Also, while the use and knowledge base of exterior LED lighting is more advanced than interior lighting, lighting contractors had difficulty in providing adequate specifications' for equivalent interior LED replacement lighting. At two separate locations, an office and Civic Arena concourse, the interior LED replacement lighting specified was inadequate and had to be re-spec'd more than once, with additional lights added at one location.

- C. Coordinated efforts with other organizations to complete the project.

Bay County coordinated with the Bay Area Community Foundation on this grant effort as they share an adjacent parking lot in a historical district. Lighting in the two lots had been installed years ago to reflect the historical nature of the former Railroad Depot and the Foundation had been concerned that the area would lose its historical 'look' either with the new light fixtures or with the 'color' of the LED light, both concerns were addressed with good coordination and close work with knowledgeable lighting contractors.

D. Impacts, anticipated and unanticipated, experienced as a result of the project implementation.

A dramatic increase in the knowledge base of LED lighting occurred in our community. The ability to use LED lighting in large interior locations had not been known previously. Distinctive 'color' of the light produced is broad and that had not been known previously. Significant costs savings can be realized through use of LED lighting.

E. Financial expenditures of grant money and other contributions to the project, in-kind and/or direct funding.

Financial expenditures were consistent with what Bay County expected. In-kind labor for installation was provided by the Bay County Electrician.

F. Any experience in applying the project products and anticipated "next steps".

During the course of the EE project (both the LED and MP) Bay County learned more about benchmarking and tracking of utility costs through the EPA tool Portfolio Manager. We proposed to use (and did use) this during the course of the project and found it valuable. Bay County will continue to use the Portfolio Manager as an efficient method to benchmark our energy use. The Portfolio Manager also has a tracking feature for water and natural gas which we intend to benchmark too.

G. Actual Budget expenditures compared to the Budget in this Agreement. Include the basis or reason for any discrepancies.

Bay County spent less than we anticipated as proposed in the original budget for several reasons. First, the request for proposals required very technical energy use data and projected savings to be identified within the application, forcing applicants such as Bay County to secure professional energy consultant expertise. These consultants typically have a vested interest in building the biggest and highest technical equipment they can design, and we found once the project started that in some cases this was not appropriate for our use. The budget proposed was based on best professional judgment of appropriate application and equipment within an emerging technology in some case the costs were higher or lower than expected due to unfamiliarity of the equipment by consultants, designers, and fabricators.

**BAY COUNTY DEPARTMENT OF
ENVIRONMENTAL AFFAIRS
& COMMUNITY DEVELOPMENT**

516 Center Avenue, Suite 501
Bay City, Michigan 48708

Phone (989) 895-4135
Fax (989) 895-4068
TDD (989) 895-4049
<http://www.baycounty-mi.gov>



LAURA OGAR, DIRECTOR
ogarl@baycounty.net

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

TOM HICKNER
County Executive

**Bay County Energy Efficiency Community Development Block Grant
Multi-Purpose Grant #BES-10-56 Final Report**

- A. A summary of the project implementation plan and any deviations from the original project as proposed.

Project implementation work was completed during the grant term with various types of energy efficient equipment and renewable energy generation equipment installed at various locations in Bay County. A Regional Energy Strategy was developed with participation from stakeholders of the Great Lakes Bay Region of Saginaw, Bay, and Midland counties. Regional transportation, collective purchasing power, and support of our local manufacturers' of solar and wind energy equipment were identified as priorities. We deviated from the original proposal to do energy audits as we found we had previously had our facilities evaluated and were in a position to install the previously identified equipment and begin measuring savings using the EPA Portfolio Manager. With approval, we were able to instead use the funding for additional equipment.

- B. Accomplishments and problems experienced while carrying out the project activities.

Accomplishments include significant cost savings in energy efficient equipment due to ramping up by manufacturers, innovative renewable energy generating equipment in place and significant utility cost reductions being realized with reduced energy use and new green energy produced – all significant long term impacting accomplishments. Public awareness increased and furthered the use of new energy efficient equipment. An unforeseen problem occurred during the Strategy development at the Public Meeting. First, the meeting was very well attended, almost 100 people about twice as many as expected, what we found were the attendees were part of a larger organized group who are very much against what is perceived as forced purchases of CFL light bulbs (energy efficient). As we were describing our move towards new energy efficient lighting promoting the use of LED lighting and CFL light bulbs for interior and home use, the public meeting became somewhat disrupted due to very vocal opponents of people who felt the US government was dictating what light bulbs to buy for their homes, what toilets they can use, etc., etc. The crowd also articulated anger that no CFL light bulbs are made in the USA and that USA made incandescent light bulb manufacturing plants are closing and USA jobs being lost because the lamps were phased out (by the government).

The organized participants also very much dislike high speed rail or any type of new railway connectiveness or "Sustainability" ...as they believe this is a larger effort for the global (UN) domination of large government and loss of individual freedom. These were ordinary people, they were articulate, seemed educated and could be your neighbor yet they believe high speed rail is

part of a government plot to limit human habitation to seven core urban locations in the US all east of the Mississippi River, with the west saved only for natural animal ecosystem habitat, the government will limit or prohibit car ownership and force people to live in tall apartment buildings (1500 square feet per family) and travel only by high speed rail. "High speed rail" and "sustainable development" are key buzz words that get these folks turning out en mass at public meetings. They remain engaged with occasional inquiries about the status of the Strategy and have expressed they do not want high speed or any new rail improvements.

C. Coordinated efforts with other organizations to complete the project.

Bay County coordinated with the Bay and Saginaw Metro Transit, the Economic development agencies of the regional, the Department of Water and Sewer (methane project) the Saginaw Valley State University and others.

D. Impacts, anticipated and unanticipated, experienced as a result of the project implementation.

An increase in the knowledge of renewable energy generating systems occurred in our community. We have two new wind turbines, and a methane generation plant (boiler). Significant costs savings can be realized through use of energy efficient lighting and appliances such as a chiller, heat recovery system etc.

E. Financial expenditures of grant money and other contributions to the project, in-kind and/or direct funding.

Financial expenditures were consistent with what Bay County expected. In-kind labor for installation was provided by the Bay County Buildings and Grounds.

F. Any experience in applying the project products and anticipated "next steps".

During the course of the EE projects (both the LED and MP) Bay County learned more about benchmarking and tracking of utility costs through the EPA tool Portfolio Manager. We proposed to use (and did use) this during the course of the project and found it valuable. Bay County will continue to use the Portfolio Manager as an efficient method to benchmark our energy use. The Portfolio Manager also has a tracking feature for water and natural gas which we intend to benchmark too.

G. Actual Budget expenditures compared to the Budget in this Agreement. Include the basis or reason for any discrepancies.

Bay County spent less than we anticipated as proposed in the original budget for several reasons. First, the request for proposals required very technical energy use data and projected savings to be identified within the application, forcing applicants such as Bay County to secure professional energy consultant expertise. These consultants typically have a vested interest in building the biggest and highest technical equipment they can design, and we found once the project started that in some cases this was not appropriate for our use. The budget proposed was based on best professional judgment of appropriate application and equipment within an emerging technology in some case the costs were higher or lower than expected due to unfamiliarity of the equipment by consultants, designers, and fabricators.

BAY COUNTY BOARD OF COMMISSIONERS

11/08/11

RESOLUTION

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

WHEREAS, As of July 1, 2011 the Delinquent Tax Revolving fund had \$1.4 million on hand following the annual disbursement to the tax units of \$7.0 million and before the 2011 budgeted transfer of \$772,321; and

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

WHEREAS, The Bay County Treasurer has provided the Ways and Means Committee a detailed annual review of the Delinquent Tax Revolving Fund and makes his recommendation based on that review, i.e. adding \$190,000, the amount above what is needed to maintain the 1.20 coverage ratio to the 2011 transfer amount of \$772,321, for a total transfer in 2012 of \$962,000.00; Therefore, Be It

RESOLVED That the Bay County Board of Commissioners concurs with the recommendation of the Bay County Treasurer and authorizes adding \$190,000, the amount above what is needed to maintain the 1.20 coverage ratio to the 2011 transfer amount of \$772,321, for a total transfer in 2012 of \$962,000.00.

ERNIE KRYGIER, CHAIR
AND COMMITTEE

Treasurer - DTRF Transfer

MOVED BY COMM. _____

SUPPORTED BY COMM. _____

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

VOTE TOTALS:

ROLL CALL: YEAS _____ NAYS _____ EXCUSED _____

VOICE: YEAS _____ NAYS _____ EXCUSED _____

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

-19-

BAY COUNTY BOARD OF COMMISSIONERS

11/08/11

RESOLUTION

- BY: WAYS AND MEANS COMMITTEE
- WHEREAS, The State Court Administrative Office (SCAO) is the administrative agency of the Michigan Supreme Court and is responsible for administering the Federal Access and Visitation Grants to courts for the provision of direct services that increase non-custodial parents' access to and visitation with their children;
- WHEREAS, The SCAO is contracting with the Bay County Friend of the Court for the provision of direct services that support and facilitate non-custodial parents' access to and visitation with their children; and
- WHEREAS, The direct Service Provider Agency for the Bay County Friend of the Court is the Lutheran Child & Family Service which will provide supervised parenting time based on Court Order referrals from the Friend of the Court office; and
- WHEREAS, Supervised (including monitored and therapeutic) parenting time is eligible for reimbursement through contractual agreement; and
- WHEREAS, The total Access and Visitation funding available to the Bay County Friend of the Court is \$2,200.00, the FY 2011 allocation was \$1,900, an increase for FY 2012 of \$300. This number is based upon what the Friend of the Court Office used in the prior year; Therefore, Be It
- RESOLVED That the Bay County Board of Commissioners authorizes the FY2012 Federal Access and Visitation Grant and authorizes the Chairman of the Board to execute the grant documents (application, grant award, grant contracts and all related required documents) on behalf of Bay County following legal review/approval; Be It Further
- RESOLVED That the grant applicant/recipient departments are required to work with the Finance Department whose staff will provide financial oversight of said grant; Be It Finally
- RESOLVED That related budget adjustments, if required, are approved.

ERNIE KRYGIER, CHAIR
AND COMMITTEE

FOC - 2012 Federal Visitation & Access Grant

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 Krygler				Christopher Rupp			
Vaughn J. Beglck				Kim Coonan				Donald J. Tilley			

VOTE TOTALS:

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

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

-20-

BAY COUNTY BOARD OF COMMISSIONERS

11/8/11

RESOLUTION

BY: WAYS AND MEANS COMMITTEE (11/1/11)
WHEREAS, Following full payment of bonds the County issued for construction of 9 adult foster care homes, the Bay County Building Authority conveyed 9 properties to the County of Bay in May and June of this year (2011), said properties being located in Standish and Arenac County, Bangor, Frankenlust and Monitor Townships, the City of Auburn and the City of Essexville; and
WHEREAS, The homes were built for the purpose of adult foster care, originally intended to house individuals from Bay County who were living in State of Michigan operated institutions in Traverse City, Mount Pleasant, Caro and elsewhere and were constructed to adapt to special needs in a home-like atmosphere; and
WHEREAS, The homes were constructed and maintained under the management of the Bay County Building Authority and with the assistance of the Bay County Building Superintendent Rick Pabalis; and
WHEREAS, Programs at the homes operate by arrangements between providers and Bay-Arenac Behavioral Health Authority and the contracts are usually on a 2 year cycle with anticipated continuation of these programs; and
WHEREAS, The last five-year leases were signed in 2004 and new leases are needed; and
WHEREAS, The leases have been revised by Corporation Counsel to better define the responsibilities for utilities and maintenance based upon input from the Superintendent of Buildings and Grounds and it is recommended by County Administration that rent be kept at the current level of \$2,600/month; Therefore, Be It
RESOLVED That the Bay County Board of Commissioners approves the new 5 year leases for the nine (9) adult foster care homes located in Standish and Arenac County, Bangor, Frankenlust and Monitor Townships, the City of Auburn and the City of Essexville beginning 12/1/2011 and expiring 11/30/2016 with rental to remain at \$2,600; Be It Further
RESOLVED That the Chairman of the Board is authorized to execute said leases on behalf of Bay County; Be It Further
RESOLVED That related budget adjustments, if required, are approved.

ERNIE KRYGIER, CHAIR
AND COMMITTEE

Adult Foster Care Homes - 5 Year Leases

MOVED BY COMM. _____

SUPPORTED BY COMM. _____

Table with 12 columns: COMMISSIONER, Y, N, E, COMMISSIONER, Y, N, E, COMMISSIONER, Y, N, E. Rows include Michael J. Duranczyk, Brandon Krause, Vaughn J. Beglick, Joe Davis, Ernie Krygler, Kim Coonan, Tom Ryder, Christopher Rupp, and Donald J. Tilley.

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

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

- 21 -

BAY COUNTY BOARD OF COMMISSIONERS

11/8/11

RESOLUTION

- BY: WAYS AND MEANS COMMITTEE (11/1/11)
- WHEREAS, The 2011-2012 Comprehensive Planning, Budgeting and Contracting (CPBC) Agreement between Bay County and the Michigan Department of Community Health sets forth a joint and cooperative Contractor/Department relationship and basis for facilitating the delivery of public health services to the citizens of Bay County; and
- WHEREAS, Public health services to be delivered under this agreement include Local Public Health Operations (LPHO) and Categorical Programs as specified in the Agreement; and
- WHEREAS, In accordance with the funding/reimbursement matrix, the total proposed State budget and amount committed for this period for the program elements covered by this Agreement is \$1,148,510, pending enactment of the FY 11/12 MDCH Appropriation Bill; and
- WHEREAS, Any subsequent allocation changes will be made in Amendment # 1; Therefore, Be It
- RESOLVED By the Bay County Board of Commissioners that the Agreement between Bay County and the Michigan Department of Community Health for the delivery of public health services under the Comprehensive Planning, Budgeting and Contract (CPBC) Process for the period October 1, 2011 through September 30, 2012 is hereby approved and the Chairman of the Board authorized to execute said Agreement and related documents, following legal review/approval; Be It Further
- RESOLVED That the Chairman of the Board is authorized to execute the grant documents (application, grant award, all related required documents) on behalf of Bay County following legal review/approval; Be It Further
- RESOLVED That the grant applicant/recipient departments are required to work with the Finance Department whose staff will provide financial oversight of said grant; Be It Finally
- RESOLVED That related budget adjustments, if required, are approved.

ERNIE KRYGIER, CHAIR
AND COMMITTEE

Health Dept - 2011-2012 CPBC 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 Krygler				Christopher Rupp			
Vaughn J. Beglick				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
11/8/11
RESOLUTION**

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

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

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

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

WHEREAS, Both the Federal government and the State of Michigan participate in the finance of the Indigent Care Agreement Pools, the Federal government matching the State's portion pursuant to the Federal medical assistance percentage formula; and

WHEREAS, An amendment to the Agreement originally entered into has been submitted which will allow for a change in compensation and extends the term of the Agreement for an additional year, forty-eight (48) months, expiring 9/30/2014; and

WHEREAS, All other terms and conditions of the Agreement and Exhibits remain in full force and effect; and

WHEREAS, The County sends intergovernmental transfers to the State of Michigan to support Indigent Care Agreement Pools. These funds are being leveraged to increase health care funding in the community and the hospital will receive a total payment of \$2.30 for every \$1.00 sent to the state; and

WHEREAS, The Bay Health Plan Corporation shall compensate the County \$97,031 on a quarterly basis (\$388,124 total) beginning November 30, 2011 through August 31, 2012 for services rendered under this Agreement; Therefore, Be It

RESOLVED By the Bay County Board of Commissioners that the amended Agreement between Bay Health Plan (BHP) Corporation and Bay County (Health Department) ending 9/30/14 is approved and the Chairman of the Board authorized to execute the required documents on behalf of Bay County following legal review/approval; Be It Further

RESOLVED That budget adjustments required are approved.

ERNIE KRYGIER,, CHAIR
AND COMMITTEE

Health Dept - Bay Health Plan 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 Krygler				Christopher Rupp			
Vaughn J. Beglick				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

11/8/11

RESOLUTION

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

WHEREAS, Currently the Bay County Health Department is undertaking a comprehensive Community Health Assessment with other community based organizations such as Bay Regional Medical Center and the Bay Health Plan; and

WHEREAS, The community health assessment is one of three requirements for the health department to become eligible to apply for national public health accreditation; and

WHEREAS, This opportunity will provide the Health Department funding for technical assistance to complete the health assessment, complete strategic plan and begin developing the community health improvement plan; and

WHEREAS, There is no financial cost to the Health Department as all costs associated for the project are included in the grant; Therefore, Be It

RESOLVED That the Chairman of the Board is authorized to execute the grant documents (application, grant award, all related required documents) on behalf of Bay County following legal review/approval; Be It Further

RESOLVED That the grant applicant/recipient departments are required to work with the Finance Department whose staff will provide financial oversight of said grant; Be It Finally

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

ERNIE KRYGIER, CHAIR
AND COMMITTEE

Health Dept - NACCHO Accreditation Initiative Grant

MOVED BY COMM. _____

SUPPORTED BY COMM. _____

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
Michael J. Duranczyk				Joe Davls				Tom Ryder			
Brandon Krause				Ernie Krygler				Christopher Rupp			
Vaughn J. Beglck				Kim Coonan				Donald J. Tilley			

VOTE TOTALS:

ROLL CALL: YEAS _____ NAYS _____ EXCUSED _____

VOICE: YEAS _____ NAYS _____ EXCUSED _____

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

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BAY COUNTY BOARD OF COMMISSIONERS

11/08/11

RESOLUTION

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

RESOLVED: By this Board of Commissioners of Bay County, Michigan, that the following Budget Adjustments are hereby approved on 11/08/2011 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:

Journal Request Number	Fund Involved Department Involved	Favorable Impact	Unfavorable Impact	No Impact
2011-11-009	DIVISION ON AGING FUND PERSONAL CARE - GRANTS Total DIVISION ON AGING FUND			X
	ADJUST GRANT AMOUNT TO MATCH NEW AAA GRANT AWARD. INCREASE PRINTING, SUPPLIES AND TRAVEL BASED ON PAST NINE MONTH BUDGET EXPENSES.			
2011-11-010	GENERAL FUND MARINE LAW ENFORCEMENT GRANT Total GENERAL FUND			X
	TO RE-ALIGN THE MARINE LAW ENFORCEMENT GRANT BUDGET TO COVER EXPEDITURES.			
2011-11-011	GENERAL FUND BOARD OF COMMISSIONERS BUILDINGS AND GROUNDS Total GENERAL FUND		\$11,894	
	TO ROLL OVER FROM 2010, \$11,894 BALANCE FROM BUILDING & GROUNDS VEHICLE BUDGET FOR THE PURCHASE OF TWO 2005 CHEVY SILVERADO PICKUP TRUCKS FROM BAY COUNTY DRAIN COMMISSIONER AT A TOTAL COST OF \$12,500. IN 2010, \$30,000 WAS BUDGETED TO PURCHASE A NEW 4x4 W/PLOW BUT B & G INSTEAD PURCHASED A USED TRUCK AT \$18,108 FOR PARKS AND RECREATION.			
2011-11-012	GENERAL FUND BOARD OF COMMISSIONERS DRAIN COMMISSIONER Total GENERAL FUND		\$3,000	
	DRAIN FUND DRAIN ADMIN ACCT Total DRAIN FUND			X
	TO BUDGET FOR DRAIN OFFICE DONATING THEIR 2003 CHEVY PICKUP 4x4 TO GENERAL FUND TO BE USED BY BUILDING AND GROUNDS VALUED AT \$3000.			
2011-11-013	GENERAL FUND BOARD OF COMMISSIONERS			

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Journal Request Number	Fund Involved Department Involved	Favorable Impact	Unfavorable Impact	No Impact
	RETIREES HEALTH/LIFE INSURANCE Total GENERAL FUND		\$72,547	
	TO INCREASE RETIREE'S HEALTH INSURANCE BUDGET FOR 2011. THE ORIGINAL BUDGET SHOWED \$707,281 BUT THE NEW ESTIMATED ANNUAL COST FOR 2011 IS \$779,828.			
2011-11-014	GENERAL FUND BOARD OF COMMISSIONERS TREASURER Total GENERAL FUND	\$313,715		
	TO ADJUST THE ACTUAL 2011 TAX LEVY TO THE 2011 BUDGET FOR REAL, PERSONAL & IFT LESS THE TAX TRIBUNAL ADJUSTMENTS.			
2011-11-015	GYPSY MOTH CONTROL FUND GYPSY MOTH SUPPRESSION Total GYPSY MOTH CONTROL FUND		\$285,358	
	TO REDUCE GYPSY MOTH BUDGET. BAY COUNTY DID NOT LEVY PROPERTY TAXES IN 2010 FOR THE 2011 BUDGET.			
2011-11-016	GENERAL FUND 2ND RD PATROL - CITY OF AUBURN Total GENERAL FUND			X
	TO REDUCE THE ROAD PATROL COST FOR CITY OF AUBURN. THE ROAD PATROL DEPUTY DOES NOT TAKE HEALTH INSURANCE WHICH WAS BUDGETED AT \$3,180. DEPUTY RECEIVES PAY IN LIEU OF HEALTH INSURANCE IN THE AMOUNT OF \$1,800.			
2011-11-017	GENERAL FUND BOARD OF COMMISSIONERS PURCHASING DEPARTMENT Total GENERAL FUND		\$232	
	TO INCREASE PURCHASING BUDGET FOR POSTAGE EXPENSE FOR 2011 DUE TO VENDOR SELF SERVE AND EFT MAILING.			
2011-11-018	GENERAL FUND BOARD OF COMMISSIONERS INFORMATION SYSTEMS DIVISION Total GENERAL FUND		\$76,400	
	TO BUDGET FOR ESTIMATED SOFTWARE AND HARDWARE NEEDS FOR PROSECUTOR OFFICE.			

Ernie Krygler, Chairman W. & M. and Committee

MOVED BY COMM. _____

SUPPORTED BY COMM. _____

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
Michael J. Duranczyk				Joe Davls				Tom Ryder			
Brandon Krause				Ernie Krygler				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 _____ DEFERRED _____

-26-

BAY COUNTY BOARD OF COMMISSIONERS

11/08/11

RESOLUTION

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

WHEREAS, The steel curtain door at the Bay County Law Enforcement Center's Sally Port is worn with several panels bent making the curtain difficult to raise; and

WHEREAS, This is the original door and the cost of replacement through Entry Systems Company is approximately \$7,000; and

WHEREAS, Funds have not been budgeted for this expense, however, due to security issues this is considered an emergency purchase request; Therefore, Be It

RESOLVED That the Bay County Board of Commissioners authorizes the purchase of a new steel curtain door for the Law Enforcement Center Sally Port, at an approximate cost of \$7,000, monies to come from Fund Balance; Be It Further

RESOLVED That related required budget adjustments are approved.

ERNIE KRYGIER, CHAIR
AND COMMITTEE

Bldg. & Grnds - LEC Sally Port Curtain Door

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 Krygler				Christopher Rupp			
Vaughn J. Beglck				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

11/8/11

RESOLUTION

BY: PERSONNEL/JUDICIAL COMMITTEE (10/18/11)

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. **9-1-1 Central Dispatch** - Dispatchers (4) (full time,)

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 - November

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 Krygler				Christopher Rupp			
Vaughn J. Beglck				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

11/8/11

RESOLUTION

BY: HUMAN SERVICES COMMITTEE (10/18/11)

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

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

RESOLVED By the Bay County Board of Commissioners that the letter to extend the A & D Home Health Care Waiver Services Agreement for FY 2012 is approved and 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.

MICHAEL J. DURANCZYK, CHAIR
AND COMMITTEE

A&D Home Health Care Waiver Extension

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 Krygler				Christopher Rupp			
Vaughn J. Beglck				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

11/08/11

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:

10/12/11	\$7,487,720.34
10/19/11	\$592,126.48
10/26/11	\$5,330,805.30
11/02/11	\$289,826.52
11/02/11	\$9,766.42

BAYANET:

9/1/11 TO 9/30/11:	
Payroll	\$17,003.34
Payables	\$47,874.33

Center Ridge Arms-Payables:

11/01/11	\$37,664.35
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DONALD J. TILLEY, CHAIR
BAY COUNTY BOARD OF COMMISSIONERS

Payables - November 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 Krygler				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

11/08/11

RESOLUTION

BY: BAY COUNTY BOARD OF COMMISSIONERS (11/08/11)

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

Employment Status Report: October 2011
Workers' Comp Status Report: September 2011

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 Krygler				Christopher Rupp			
Vaughn J. Beglick				Kim Coonan				Donald J. Tilley			

VOTE TOTALS:

ROLL CALL: YEAS _____ NAYS _____ EXCUSED _____

VOICE: YEAS _____ NAYS _____ EXCUSED _____

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

+ 3/-

**CHANGES IN EMPLOYMENT STATUS
October, 2011**

EMPLOYEE NAME	DEPARTMENT/FUNDING	DATE
<u>NEW HIRE/APPOINTMENT</u> (Regular status)		
Tammy Roehrs Division on Aging Director	Division on Aging Millage funds	10/10/2011
Olivia Shields Animal Control Officer	Animal Control General fund	10/31/2011
<u>SEPARATIONS:</u>		
<u>Civic Arena:</u>		
Stacey Skorupski	Concessions Clerk	10/01/2011
Anthony Soave	Skateguard	10/21/2011
William Mitchell	Zamboni Driver	8/19/2011
Rafe Maxwell	Zamboni Driver	10/21/2011
Brandi Studer	Concessions Clerk	10/01/2011
<u>SEPARATIONS (Temporary/Seasonal):</u>		
<u>Mosquito Control:</u>		
Alejandro Mata	Seasonal Control Technician	9/30/2011
Anasatacio Ramirez	Seasonal Control Technician	9/30/2011
Andrew Willson	Seasonal Control Technician	9/30/2011
Arin Shupert	Seasonal Control Technician	9/30/2011
Austin Irish	Seasonal Control Technician	9/30/2011
Dale Dreffs	Seasonal Control Technician	9/30/2011
David Ross	Seasonal Control Technician	9/30/2011
Jake Alvesteffer	Seasonal Control Technician	9/30/2011
James Hughes	Seasonal Control Technician	9/30/2011
Jordan Bolzman	Seasonal Control Technician	9/30/2011

Justin Middleton	Seasonal Control Technician	9/30/2011
Karen Dorion	Seasonal Control Technician	9/30/2011
Kristy Brandt	Seasonal Control Technician	9/30/2011
Leonard Schmidt	Seasonal Control Technician	9/30/2011
Matthew Mikolajczak	Seasonal Control Technician	9/30/2011
Michael Collins	Seasonal Control Technician	9/30/2011
Nathan LeCronier	Seasonal Control Technician	9/30/2011
Rachel Lauria	Seasonal Control Technician	9/30/2011
Robert Klenk	Seasonal Control Technician	9/30/2011
Ruth Russell	Seasonal Control Technician	9/30/2011
Ryan Krager	Seasonal Control Technician	9/30/2011
Sanford DeGreif	Seasonal Control Technician	9/30/2011
Stephanie Herman	Seasonal Control Technician	9/30/2011
Tomas Calvo	Seasonal Control Technician	9/30/2011
Trisha Hebert	Seasonal Control Technician	9/30/2011
<u>Golf Course:</u>		
Lauren Russell	Club House Attendant	10/07/2011
Dianne DeWyse	Club House Team Leader	10/07/2011
Thomas Tabor	Service Assistant	10/07/2011
Jonathan Bostlick	Service Assistant	10/07/2011
Reid Ogar-Welse	Service Asslstant	10/07/2011
Andrew Wright	Service Assistant	10/07/2011
Seth Studer	Service Assistant	10/07/2011
Evelyn Travis	Snack Shop Attendant	10/07/2011
Jazmlne Barajas	Snack Shop Attendant Team Leader	10/07/2011

William Dewyse	Starter/Ranger Team Leader	10/27/2011
Thomas Hudson, Jr.	Starter/Ranger	10/27/2011
Richard Phelps	Starter/Ranger	10/27/2011
Michael Beyer	Starter/Ranger	10/27/2011
Bruce Clark	Starter/Ranger	10/27/2011
Robert Goodwin	Starter/Ranger	10/27/2011
Charles Glocksine	Starter/Ranger	10/27/2011
Justin Sinicki	Service Assistant	10/27/2011
<u>Buildings and Grounds:</u>		
Jeff Fisher	Asst. Maintenance Worker	10/21/2011
Justin Drzewicki	Asst. Maintenance Worker	10/21/2011

Personnel Department
November 2, 2011

WORKERS' COMPENSATION REPORT
September, 2011

EMPLOYEE NAME	DEPARTMENT	DATE OF INJURY	REASON FOR PAYMENT
Margaret Brown	Health Department	05/19/2006	Legal Only
Richard Charboneau	Juvenile Home	07/24/2011	Medical Only
Ryan Christie	Sheriff Department	05/27/2007	Medical Only
Austin Irish	Mosquito Control	07/06/2011	Medical Only
Ryan Krager	Mosquito Control	07/15/2011	Medical Only
Shirley Lijewski	Sheriff Department	06/13/2010	Medical & Indemnity
Harry Steger	Building and Grounds	07/18/2011	Medical Only
Jill Torres	Building and Grounds	04/03/2003	Medical & Indemnity
Cindy Verhaeghe	Sheriff Department	08/10/2011	Medical Only
Dean Treichel	Sheriff Department	03/25/2011	Medical Only

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

Submitted by: Danean Wright/Bay County Finance Dept.
Dated: October 6, 2011

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BAY COUNTY BOARD OF COMMISSIONERS

11/08/11

RESOLUTION

BY: BAY COUNTY BOARD OF COMMISSIONERS

WHEREAS, Bay County's bargaining team has reached tentative agreements between Bay County and the following labor unions:

- BCAMPS - 2012-2013
- Circuit Court/GELC - 2012-2013
- C.F.O.'s/POAM - 2012-2013
- Probate Court/USW - 2011
- USW/FT - 2012-2013
- USW/PT - 2012-2013

WHEREAS, The members of the above bargaining units have ratified the tentative agreements; Therefore, Be It

RESOLVED That the Bay County Board of Commissioners hereby ratifies the tentative agreements with the following labor unions;

- BCAMPS - 2012-2013
- Circuit Court/GELC - 2012-2013
- C.F.O.'s/POAM - 2012-2013
- Probate Court/USW - 2011
- USW/FT - 2012-2013
- USW/PT - 2012-2013

RESOLVED That the Chairman of the Board is authorized to sign said labor agreements on behalf of Bay County, contingent upon execution by all official representatives of the labor unions, as well as any letters of understanding deriving from the negotiation process.

DONALD J. TILLEY, CHAIR
AND BOARD

Personnel - Labor Agts

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 Krygler				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 _____

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BAY COUNTY BOARD OF COMMISSIONERS

OCTOBER 11, 2011

THE BAY COUNTY BOARD OF COMMISSIONERS MET FOR A REGULAR SESSION ON TUESDAY, OCTOBER 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 4:00 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
TIM QUINN, PERSONNEL & EMPLOYEE RELATIONS DIRECTOR
CRYSTAL HEBERT, ASSISTANT FINANCE OFFICER
MARTHA P. FITZHUGH, CORPORATION COUNSEL
MARTY MURPHY, BANGOR TOWNSHIP RESIDENT
HOWARD WETTERS, BAY COUNTY RESIDENT
MICHAEL SEWARD, CHAMBER OF COMMERCE PRESIDENT
WILLIAM BARTLETT, DOWNTOWN DEVELOPMENT AUTHORITY CHAIRMAN
PATRICK BESON, BAY COUNTY BUSINESS OWNER
GARY A. BRANDT, MONITOR TOWNSHIP SUPERVISOR
ROBERT NIEDZINSKI, BAY COUNTY RESIDENT
DEBBIE KEIM, BAY AREA WOMEN'S CENTER DEVELOPMENT ASSOCIATE
VARIOUS ELECTED OFFICIALS
VARIOUS DEPARTMENT HEADS
NEWS MEDIA

CHAIRMAN TILLEY ASKED FOR A MOMENT OF SILENCE FOLLOWING THE INVOCATION FOR DON LABARGE, FORMER BAY COUNTY BUILDING AND GROUNDS EMPLOYEE WHO PASSED AWAY.

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

PLEDGE OF
ALLEGIANCE:

MINUTES

MOTION 87: COMM. KRYGIER MOVED TO APPROVE THE REGULAR BOARD SESSION MINUTES OF SEPTEMBER 13, 2011. IT WAS SUPPORTED BY COMM. DURANCZYK AND PASSED BY A VOICE VOTE OF: 9 YEAS, 0 NAYS.

CITIZEN INPUT

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

MARTY MURPHY: MR. MURPHY VOICED HIS CONCERN REGARDING THE BANGOR TOWNSHIP CLERK EMAILS REQUESTING DONATIONS FOR THE DEMOCRATIC PARTY AND SUPPORTERS WERE ASKED TO CONTACT VICKI ROUPE, REGISTER OF DEEDS FOR THE FUNDRAISER. HOWEVER, TO MAKE SURE THERE WERE NO IMPROPRIETIES, HE ASKED THAT THE EMAILS ARE CHECKED TWO (2) WEEKS BEFORE THE PRIMARY AND ONE (1) AFTER. ALSO, HE COMMENTED ON THE APPOINTMENT REQUEST OF TERRY WATSON, BANGOR TOWNSHIP SUPERVISOR, TO THE LAND BANK AUTHORITY. MR. MURPHY ASKED THAT THE BOARD NOT REAPPOINT MR. WATSON ON THE BASIS THAT HE LIVES ON THE KAWKAWLIN RIVER WITH A PUBLIC EASEMENT NEXT TO HIS HOUSE, CONTROLLED BY BANGOR TOWNSHIP. MR. MURPHY SAID MR. WATSON HAS THE EASEMENT FENCED OFF WITH HIS PERSONAL PROPERTY ON IT AND GATED SO THE PUBLIC CANNOT ACCESS IT. HE CONCLUDED BY SAYING HE HAS DOCUMENTATION TO SUBSTANTIATE HIS COMMENTS, WHICH HE WAS WILLING TO SUBMIT TO THE BOARD.

H. WETTERS: MR. WETTERS COMMENTED ON THE VOTE TO TAKE PLACE TODAY ON THE AMENDMENT TO THE MONITOR TOWNSHIP DDA. HE SAID WE ARE FACING THE REPEAL OF THE PERSONAL PROPERTY TAX WHICH IS OVER 1.2 MILLION DOLLARS IN LOST REVENUE TO THE COUNTY. HE VIEWED THE SHRESTHA DRIVE DEVELOPMENT AND NOTED THERE WERE MANY LOTS STILL UNDEVELOPED. HE THOUGHT MAY BE THE SIZE OF LOTS WAS THE PROBLEM BECAUSE THESE LOTS WERE SMALL. HOWEVER, THE INDUSTRIAL PARK OFF MACKINAW ROAD, HAS OVER 20 ACRES OF LAND WITH ROADS AND

UTILITIES, SO SIZE IS NOT THE PROBLEM. HE FELT IF THIS LAND IS DEVELOPED, IT WOULD BE ANOTHER SITE OF UNDEVELOPED PROPERTY. HE STATED THAT BAY COUNTY EMPLOYEES HAVE SACRIFICED ENOUGH AND THAT AFTER THE VOTE TODAY, ALL BARGAINING UNITS WILL SAY "NO MORE".

M. SEWARD: MICHAEL SEWARD, CHAMBER OF COMMERCE PRESIDENT, AND THANKED EVERYONE FOR INCLUDING THE PROPOSAL FOR THE MONITOR TOWNSHIP DDA ON THE AGENDA. MR. SEWARD SAID THE MONITOR TOWNSHIP DDA OPERATES THE TECHNOLOGY PARK IN BAY COUNTY AND THE GREAT LAKES BAY REGION. BAY FUTURES INC., THE LOCAL ECONOMIC DEVELOPMENT CORPORATION, SENDS OUT INFORMATION TO PROSPECTS FOR AVAILABLE LAND. HE SAID HAVING THE DDA IN PLACE TO LEVERAGE TAX INCREMENT FINANCING IS VERY VALUABLE TO THIS AREA. DDA OBJECTIVES ARE, TO INCREASE THE TAX BASE, ADD JOBS, REVITALIZE A COMMUNITY AND PROVIDE FOR FUTURE GROWTH. HE SAID THE CURRENT DDA HAS SUCCEEDED IN ALL THOSE AREAS AND BELIEVES THAT THE EAST SIDE OF THE PARK WILL ATTRACT COMPANIES THAT WILL ENHANCE QUALITY JOBS FOR BAY COUNTY RESIDENTS. HE URGED THE COMMISSIONERS FOR THEIR SUPPORT ON THIS PROPOSAL.

W. BARTLETT: WILLIAM BARTLETT, MONITOR TOWNSHIP DDA CHAIRMAN, SAID THE MARKET PLACE IS COMPETITIVE WHEN IT COMES TO ECONOMIC DEVELOPMENT. HE SAID YOU CANNOT DENY THE TECH PARK IS THE PREMIER TECHNOLOGY PARK IN MICHIGAN. ALSO, THE TECHNOLOGY PARK HAS FIFTEEN (15) BUSINESSES WHICH EMPLOYS PEOPLE AT A SALARY RANGE OF 40 MILLION DOLLARS A YEAR, WHICH GOES BACK INTO THE COMMUNITY. MR. BARLETT SAID WE ARE TRYING TO KEEP THE ECONOMIC ENGINE ALIVE AND MOVING FORWARD. HE ASKED THE COMMISSIONERS TO APPROVE THE PROPOSAL TODAY.

PATRICK BESON: PATRICK BESON, SMALL BUSINESS OWNER/EMPLOYER IN BAY COUNTY. MR. BESON SAID SEVEN (7) YEARS AGO THERE WAS A STUDY THAT CONCLUDED, MOST JOBS CREATED IN BAY COUNTY OVER THE NEXT TWENTY (20) YEARS WOULD BE FROM SMALL BUSINESSES. HE SAID THE TECHNOLOGY PARK IS GREAT, HOWEVER, WHEN THE FABINO BROTHERS WERE GIVEN A 2 MILLION DOLLAR TAX BREAK, MR. FABINO WAS ASKED HOW MANY JOBS WILL BE CREATED AND HE SAID NONE. SMALL BUSINESSES

IN BAY COUNTY EMPLOY 39,000 JOBS. ALSO, THE PARK HAS ANOTHER TOOL, THE BAY AREA GROWTH ALLIANCE. KAWKAWLIN TOWNSHIP REQUESTED TO EXTEND THE SEWER UP BEAVER ROAD TO HURON ROAD. THE TOWNSHIP COULD NOT GET A LOAN DUE TO THE BAY AREA GROWTH ALLIANCE HAVING 2.4 MILLION DOLLARS IN THE BANK. THEREFORE, THE TOWNSHIP HAD TO REQUEST FUNDING FROM THE BAY AREA GROWTH ALLIANCE FOR SEWER DEVELOPMENT. OUR JOB IN THE COUNTY IS TO SAVE JOBS AS WELL AS CREATE JOBS. BAY COUNTY EMPLOYEES HAVE NOT HAD A PAY INCREASE IN 4-5 YEARS AND HAVE DONE A GREAT JOB WITH LESS PEOPLE AND WITH MORE TECHNOLOGY. HOWEVER, HE SAID IT IS TIME TO STEP UP TO THE PLATE AND KEEP BAY COUNTY AT A SERVICEABLE LEVEL.

GARY BRANDT: GARY BRANDT, MONITOR TOWNSHIP SUPERVISOR, SAID HE DID NOT AGREE WITH MR. BESON'S COMMENTS. HE SAID THE BAY AREA GROWTH ALLIANCE HAS NOTHING TO DO WITH THE MONITOR TOWNSHIP DDA. IT IS A SEPARATE ENTITY. MR. BRANDT SAID THE BAY COUNTY GROWTH ALLIANCE MAY HAVE 2 MILLION DOLLARS, HOWEVER, IT DOES NOT HELP THE MONITOR TOWNSHIP DDA. THE MONITOR TOWNSHIP DDA WAS ESTABLISHED TO PROMOTE AND MAINTAIN JOBS IN THIS AREA, WHICH IT HAS DONE. ULTIMATELY, HE SAID THESE FACILITIES ARE NEEDED TO BRING JOBS INTO BAY COUNTY AND THANKED THE COMMISSIONERS FOR THEIR SUPPORT.

PETITIONS AND COMMUNICATIONS

CHAIRMAN TILLEY ASKED THE COUNTY CLERK, CYNTHIA A. LUCZAK, TO READ RES. 2011-177.

RES. 2011- 177: COMM. RUPP MOVED TO ADOPT RES. 2011-177 POSTHUMOUSLY RECOGNIZING DOLORES NIEDZINSKI FOR HER MANY YEARS OF DEDICATED SERVICE ON THE BAY COUNTY BOARD OF CANVASSERS. IT WAS SUPPORTED BY COMM. COONAN AND CARRIED BY A VOICE VOTE OF: 9 YEAS, 0 NAYS.

COMM. RUPP PRESENTED ROBERT NIEDZINSKI, WITH A PLAQUE IN HONOR OF HIS MOTHER, DOLORES NIEDZINSKI, FOR HER DEDICATION AND CONTRIBUTION AS A COMMUNITY SERVANT. MR. NIEDZINSKI ACCEPTED THE PLAQUE AND SAID THANK YOU.

CHAIRMAN TILLEY ASKED CYNTHIA A. LUCZAK, BAY COUNTY CLERK, TO READ RES. 2011-178.

RES. 2011-178: COMM. KRYGIER MOVED TO ADOPT RES. 2011-178 DESIGNATING OCTOBER AS DOMESTIC VIOLENCE AWARENESS MONTH IN BAY COUNTY AND URGES OUR CITIZENS TO TO SUPPORT THOSE WHO ARE WORKING TOWARD ITS END. IT WAS SUPPORTED BY COMM. RYDER AND ADOPTED BY A VOICE VOTE OF: 9 YEAS, 0 NAYS.

CHAIRMAN TILLEY PRESENTED A PLAQUE TO DEBBIE KEIM, BAY AREA WOMEN'S CENTER DEVELOPMENT ASSOCIATE. MS. KEIM THANKED EVERYONE FOR SUPPORTING THE WORK ACCOMPLISHED BY THE BAY AREA WOMEN'S CENTER. SHE SAID AS PART OF DOMESTIC VIOLENCE AWARENESS MONTH, THERE IS A SEMINAR THURSDAY, OCTOBER 27, 2011 FROM 8:30 A.M. TO 4:00 P.M., AT THE LINCOLN CENTER, 820 S. LINCOLN STREET, BAY CITY, MICHIGAN. THE SEMINAR IS FREE AND FUNDED BY A GRANT FROM DOW CORNING. SHE INVITED EVERYONE TO ATTEND.

MOTION 88: COMM. RYDER MOVED TO RECEIVE THE LETTER OF RECOMMENDATION FROM THE TREASURER, RICHARD BRZEZINSKI, DATED SEPTEMBER 15, 2011, REGARDING APPOINTMENTS TO THE LAND BANK AUTHORITY AND NEIL FRONCEK'S REQUEST FOR APPOINTMENT TO THE LAND BANK AUTHORITY; REAPPOINTING TERRY WATSON, LOCAL UNIT OF GOVERNMENT, TO A THREE (3) YEAR TERM EXPIRING 10/13/2014; AND DONALD J. TILLEY AND MICHAEL J. DURANCZYK, COUNTY COMMISSION REPRESENTATIVES, TO TWO (2) YEAR TERMS EACH EXPIRING 10/13/2013. IT WAS SUPPORTED BY COMM. COONAN FOR DISCUSSION.

COMM. BEGICK SAID NEIL FRONCEK HAD ALSO SUBMITTED AN APPLICATION FOR THE LAND BANK AUTHORITY. HE SUGGESTED A VOTE BETWEEN THE TWO (2) TOWNSHIP OFFICIALS: TERRY WATSON (BANGOR TOWNSHIP SUPERVISOR) AND NEIL FRONCEK (BANGOR TOWNSHIP TRUSTEE), FOR THE POSITION.

CHAIRMAN TILLEY SAID THE VOTE WILL STAND AS PRESENTED BY THE TREASURER WITH HIS RECOMMENDATION. A "NO" VOTE WOULD NOT BE IN SUPPORT THE TREASURER'S RECOMMENDATION.

IT WAS PASSED BY A ROLL CALL VOTE OF:

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7 YEAS - DURANCZYK, KRAUSE, KRYGIER, COONAN, RYDER, RUPP
TILLEY
2 NAYS - BEGICK, DAVIS

MOTION 89: COMM. BEGICK MOVED TO CONCUR WITH THE RECOMMENDATION OF THE RESPECTIVE DEMOCRATIC AND REPUBLICAN POLITICAL PARTY CHAIRMEN TO REAPPOINT WALT WOZNIAK JR. (DEMOCRAT) AND MATTHEW LANCE (REPUBLICAN) TO THE BAY COUNTY BOARD OF CANVASSERS FOR FOUR (4) YEAR TERMS EACH TO EXPIRE 10/31/2015. IT WAS SUPPORTED BY COMM. RUPP AND CARRIED BY A VOICE VOTE OF: 9 YEAS, 0 NAYS.

MOTION 90: COMM. RUPP TO RECEIVE THE FOLLOWING APPLICANT REQUESTS FOR APPOINTMENT/REAPPOINTMENT TO THE BAY COUNTY DEPARTMENT OF HUMAN SERVICES BOARD OF DIRECTORS FOR ONE (1) THREE (3) YEAR TERM TO EXPIRE 10/31/2014:

1. JANE F. SMITH (INCUMBENT)
2. TIMOTHY A. REX
3. JACKLYN ROBERTS-HUG
4. JOHN C. NICHOLS
5. KENNETH H. SMITH
6. MARY LOU GUSTIN
7. STEVEN ESTES

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

MOTION 91: COMM. RUPP MOVED TO REAPPOINT JANE F. SMITH (INCUMBENT) TO THE BAY COUNTY DEPARTMENT OF HUMAN SERVICES BOARD OF DIRECTORS FOR THREE (3) YEAR TERM TO EXPIRE 10/31/2014. VOTING RESULTS WERE AS FOLLOWS:

1. JANE F. SMITH (INCUMBENT) - 6 VOTES: BEGICK, DAVIS, KRYGIER, RYDER, RUPP, TILLEY
2. TIMOTHY A. REX - 2 VOTES: KRAUSE, COONAN
3. JACKLYN ROBERTS-HUG - 0 VOTES
4. JOHN C. NICHOLS - 0 VOTES
5. KENNETH H. SMITH - 0 VOTES
6. MARY LOU GUSTIN - 1
7. STEVEN ESTES - 0 VOTES

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

MOTION 92: COMM. KRAUSE MOVED TO RECEIVE THE FOLLOWING LETTERS OF APPLICATION FOR INDUSTRIAL FACILITIES EXEMPTION CERTIFICATES FROM DARBEE, BOSCO & HAMMOND, P.C., REPRESENTING DOW CORNING CORPORATION:

1. LETTER DATED 9/13/2011, I.F.T. CERTIFICATE APPLICATION, CORPORATE SITE REAL AND PERSONAL PROPERTY IMPROVEMENTS AT 2200 W. SALZBURG ROAD IN WILLIAMS TOWNSHIP, CASE NO. 11-03.
2. LETTER DATED 9/15/2011, AMENDED I.F.T. CERTIFICATE APPLICATION, PERSONAL PROPERTY IMPROVEMENTS AT AEM CORPORATE SITE AT 5300 ELEVEN MILE ROAD IN WILLIAMS TOWNSHIP, CASE NO. 11-04.
3. LETTER DATED 9/19/2011, I.F.T. CERTIFICATE #2009-175, CORPORATE SITE REAL AND PERSONAL PROPERTY IMPROVEMENTS AT 2200 W. SALZBURG ROAD IN WILLIAMS TOWNSHIP, CASE NO. 09-01.

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

MOTION 93: COMM. COONAN MOVED TO RECEIVE THE LETTER DATED OCTOBER 3, 2011 FROM THE CITY OF BAY CITY FOR APPLICATIONS FOR INDUSTRIAL FACILITIES TAX EXEMPTION CERTIFICATES FOR THE FOLLOWING:

1. MICHIGAN BRAND - FOR PROPERTY LOCATED AT 1313 S. FARRAGUT STREET, BAY CITY, MI, IN THE AMOUNT OF \$230,822.50 FOR MACHINERY & EQUIPMENT.
2. CAMBRON ENGINEERING - FOR PROPERTY LOCATED AT 3800 WILDER ROAD, BAY CITY, MI, IN THE AMOUNT OF \$239,481.01 FOR MACHINERY & EQUIPMENT.
3. MERSEN USA - FOR PROPERTY LOCATED AT 900 HARRISON STREET, BAY CITY, MI, IN THE AMOUNT OF \$2,728,010 FOR LAND, BUILDING IMPROVEMENTS, MACHINERY & EQUIPMENT.

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

REPORTS/RESOLUTIONS OF COMMITTEES

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

MOTION 94: COMM. KRYGIER MOVED TO REFER RESOLUTION 2011-179, AMENDMENT TO THE MONITOR TOWNSHIP DDA DEVELOPMENT

AGREEMENT, TO COUNTY EXECUTIVE, TOM HICKNER, CORPORATE COUNSEL, MARTHA FITZHUGH AND FINANCIAL ANALYST, BOB REDMOND, TO MEET WITH THE DOWNTOWN DEVELOPMENT AUTHORITY (DDA) OF MONITOR TOWNSHIP FOR FURTHER DISCUSSIONS. IT WAS SUPPORTED BY COMM. COONAN FOR DISCUSSION.

COMM. BEGICK FELT THERE WAS ENOUGH INFORMATION PRESENTED TO VOTE ON RES. 2011-179 TODAY. COMM. KRAUSE AGREED, HOWEVER, WOULD SUPPORT THE MOTION TO REFER IF SOME COMMISSIONER'S NEEDED MORE INFORMATION.

IT WAS CARRIED BY A ROLL CALL VOTE OF:
5 YEAS - KRAUSE, KRYGIER, COONAN, RYDER, TILLEY
4 NAYS - DURANCZYK, BEGICK, DAVIS, RUPP

RES. 2011-180: COMM. KRYGIER MOVED TO ADOPT RES. 2011-180 AUTHORIZING THE SHERIFF DEPARTMENT TO MAKE APPLICATION FOR THE 2012 OFFICE OF HIGHWAY SAFETY PROGRAM STRATEGIC TRAFFIC ENFORCEMENT GRANT IN THE AMOUNT OF \$16,000.00. ADDITIONALLY, AUTHORIZING TO ELECTRONICALLY SUBMIT/SIGN ALL REQUIRED DOCUMENTS FOLLOWING LEGAL REVIEW AND THAT THE GRANT APPLICANT/RECIPIENT DEPARTMENTS ARE REQUIRED TO WORK WITH THE FINANCE DEPARTMENT WHOSE STAFF WILL PROVIDE FINANCIAL OVERSIGHT OF SAID GRANT. FURTHER, THAT RELATED BUDGET ADJUSTMENTS, IF REQUIRED, ARE APPROVED. IT WAS SUPPORTED BY COMM. RYDER AND ADOPTED BY A VOICE VOTE OF: 9 YEAS, 0 NAYS.

RES. 2011-181: COMM. KRYGIER MOVED TO ADOPT RES. 2011-181 APPROVES THE TRANSFER OF \$25,862.14 FROM THE DELINQUENT PROPERTY FORECLOSURE FUND TO THE GENERAL FUND FROM 2005 NET PROCEEDS. ALSO, APPROVING THE TRANSFER OF \$56,033.82 FOR 2005 AND \$116,879.15 FOR 2006 DELINQUENT TAX YEARS OR THE FINAL RECONCILED AMOUNT, EXPECTED TO BE SLIGHTLY HIGHER, FROM THE DELINQUENT PROPERTY TAX FORECLOSURE FUND TO THE DELINQUENT TAX REVOLVING FUND AS DIRECTED BY THE STATE OF MICHIGAN DEPARTMENT OF TREASURY NUMBERED LETTER 2008-8. THE TREASURER'S OFFICE STAFF HAS BALANCED THE 2005 AND 2006 IT WAS SUPPORTED BY COMM. RUPP AND PASSED BY A VOICE VOTE OF: 9 YEAS, 0 NAYS.

- RES. 2011-182: COMM. KRYGIER MOVED TO ADOPT RES. 2011-182 ADOPTING THE 2011 ASSESSMENT ROLLS AS SUBMITTED BY THE BAY COUNTY DRAIN COMMISSIONER, JOSEPH RIVET. IT WAS SUPPORTED BY COMM. COONAN AND CARRIED BY A VOICE VOTE OF: 9 YEAS, 0 NAYS.
- RES. 2011-183: COMM. KRYGIER MOVED TO ADOPT RES. 2011-183 AUTHORIZING BAY COUNTY TO ACT AS THE FIDUCIARY AGENT FOR REGION 3 FOR FY 2011 STATE HOMELAND SECURITY GRANT PROGRAM (SHSGP) AND CITIZEN CORPS PROGRAM (CCP) GRANTS. ALTHOUGH THE AMOUNT OF THE GRANTS IS UNKNOWN AT THIS TIME, BAY COUNTY WILL RECEIVE 5% ALLOWABLE REIMBURSEMENT. ADDITIONALLY, AUTHORIZING THE BOARD CHAIRMAN TO EXECUTE ALL RELATED DOCUMENTS FOLLOWING LEGAL REVIEW AND THAT THE GRANT APPLICANT/RECIPIENT DEPARTMENTS ARE REQUIRED TO WORK WITH THE FINANCE DEPARTMENT WHOSE STAFF WILL PROVIDE FINANCIAL OVERSIGHT OF SAID GRANTS. FURTHER, THAT RELATED BUDGET ADJUSTMENTS, IF REQUIRED, ARE APPROVED. IT WAS SUPPORTED BY COMM. COONAN AND ADOPTED BY A VOICE VOTE OF: 9 YEAS, 0 NAYS.
- RES. 2011-184: COMM. KRYGIER MOVED TO ADOPT RES. 2011-184 ACCEPTING THE \$25,000.00 GRANT FROM THE GERSTACKER FOUNDATION FROM MIDLAND COUNTY FOR LAW ENFORCEMENT TRAINING/PLANNING IN TERMS OF ADA COMPLIANCE FOR SPECIAL NEEDS INDIVIDUALS, CONTINGENT ON WRITTEN APPROVAL FROM THE SAGINAW COUNTY SHERIFF AND THE GERSTACKER FOUNDATION. THE PROPOSAL, ON BEHALF OF BAY, MIDLAND, AND SAGINAW SHERIFF OFFICES, WAS ORIGINALLY SUBMITTED BY RICH LIVELY, WHO WAS HIRED AS A CONTRACTOR FOR THE REGION 3 HOMELAND SECURITY PLANNING BOARD (HSPB) AND WILL HAVE THE FUNDS DIRECTED TO THE REGION 3 HSPB WITH BAY COUNTY ACTING AS FIDUCIARY. FURTHER, AUTHORIZING THE BOARD CHAIRMAN TO EXECUTE ALL RELATED REQUIRED DOCUMENTS FOLLOWING LEGAL REVIEW AND THAT THE GRANT APPLICANT/RECIPIENT DEPARTMENTS ARE REQUIRED TO WORK WITH THE FINANCE DEPARTMENT WHOSE STAFF WILL PROVIDE FINANCIAL OVERSIGHT PF SAID GRANT. ALSO, THAT RELATED BUDGET ADJUSTMENTS, IF REQUIRED, ARE APPROVED. IT WAS SUPPORTED BY COMM. DAVIS AND PASSED BY A VOICE VOTE OF: 9 YEAS, 0 NAYS.

RES. 2011-185: COMM. KRYGIER MOVED TO ADOPT RES. 2011-185 CONSIDERATION OF THE AMENDMENT TO THE BAY COUNTY EMPLOYEES' RETIREMENT ORDINANCE AS FOLLOWS:

4.035 NORMAL RETIREMENT; AGE AND SERVICE REQUIREMENTS.
SECTION 35 (e) NOTWITHSTANDING, A MEMBER SHALL BECOME 100 PERCENT VESTED UPON ATTAINMENT OF THAT MEMBER'S 65TH BIRTHDAY.

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

RES. 2011-186: COMM. KRYGIER MOVED TO ADOPT RES. 2011-186 SUSPENDING THE RULES OF THE BAY COUNTY BOARD OF COMMISSIONERS, ARTICLE XIII, FOR THE ADOPTION OF AMENDMENTS TO THE BAY COUNTY EMPLOYEES' RETIREMENT ORDINANCE. IT WAS SUPPORTED BY COMM. RUPP AND ADOPTED BY A VOICE VOTE OF: 9 YEAS, 0 NAYS.

RES. 2011-187: COMM. KRYGIER MOVED TO ADOPT RES. 2011-187 ADOPTING THE FOLLOWING AMENDMENT TO THE BAY COUNTY EMPLOYEES' RETIREMENT ORDINANCE WITH THE REMAINDER OF THIS ORDINANCE REMAINING EFFECTIVE AS APPROVED PRIOR TO THIS DATE:

4.035 NORMAL RETIREMENT; AGE AND SERVICE REQUIREMENTS.
SECTION 35 (e) NOTWITHSTANDING, A MEMBER SHALL BECOME 100 PERCENT VESTED UPON ATTAINMENT OF THAT MEMBER'S 65TH BIRTHDAY.

IT WAS SUPPORTED BY COMM. KRAUSE AND PASSED BY A ROLL CALL VOTE OF:
9 YEAS - DURANCZYK, KRAUSE, BEGICK, DAVIS, KRYGIER, COONAN, RYDER, RUPP, TILLEY
0 NAYS

RES. 2011-188: COMM. KRYGIER MOVED TO ADOPT RES. 2011-188 AUTHORIZING THE DIRECTOR OF THE BAY COUNTY JUVENILE DETENTION FACILITY TO MAKE APPLICATION FOR A RISK AVOIDANCE PROGRAM (RAP) GRANT IN THE AMOUNT OF \$10,000.00. GRANT FUNDS ARE UTILIZED TO ENHANCE SECURITY WHICH WOULD INCLUDE UPDATING AUDIO EQUIPMENT AND ADDING ONTO THE EXISTING CAMERA SYSTEM. FURTHER, AUTHORIZING THE BOARD CHAIRMAN TO EXECUTE ALL RELATED DOCUMENTS FOLLOWING LEGAL REVIEW

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AND THAT THE GRANT APPLICANT/RECIPIENT DEPARTMENTS ARE REQUIRED TO WORK WITH THE FINANCE DEPARTMENT WHOSE STAFF WILL PROVIDE FINANCIAL OVERSIGHT OF SAID GRANT. ALSO, THAT RELATED BUDGET ADJUSTMENTS, IF REQUIRED, ARE APPROVED. IT WAS SUPPORTED BY COMM. KRAUSE AND CARRIED BY A VOICE VOTE OF: 9 YEAS, 0 NAYS.

- RES. 2011-189: COMM. KRYGIER MOVED TO ADOPT RES. 2011-189 APPROVING THE BUILDING AND GROUNDS DEPARTMENT TO PURCHASE A NEW 6' X 12' DUMP-TRAILER AND USED SKID STEER WITH A 6 FOOT WIDE BUCKET, WITH AN ESTIMATED COST OF \$4,400.00. ADDITIONALLY, AUTHORIZATION TO SELL A FORD FRONT-END LOADER, APPROXIMATE VALUE \$8,000.00 TO \$10,000.00, AND THE EMERGENCY GENERATOR, APPROXIMATE VALUE \$4,000.00 TO \$5,000.00, WITH PROCEEDS GOING TOWARDS ACQUISITION OF THE DUMP-TRAILER AND SKID STEER. FURTHER, THAT SALE PROCEEDS, INCLUDING REVENUE FROM THE SALE OF SCRAP STEEL, WILL BE UTILIZED TO PURCHASE THE NEW EQUIPMENT WITH THE BALANCE TO COME FROM THE BUILDINGS AND GROUNDS BUDGET, IF REQUIRED. ALSO, THAT RELATED REQUIRED BUDGET ADJUSTMENTS ARE APPROVED. IT WAS SUPPORTED BY COMM. BEGICK AND ADOPTED BY A VOICE VOTE OF: 9 YEAS, 0 NAYS.
- RES. 2011-190: COMM. KRYGIER MOVED TO ADOPT RES. 2011-190 APPROVING VARIOUS BUDGET ADJUSTMENTS. IT WAS SUPPORTED BY COMM. DAVIS AND PASSED BY A VOICE VOTE OF: 9 YEAS, 0 NAYS.
- RES. 2011-191: COMM. KRYGIER MOVED TO ADOPT RES. 2011-191 AUTHORIZING THE BOARD CHAIRMAN TO ESTABLISH/APPOINT A COMMITTEE COMPRISED OF COMMISSIONERS AND ADMINISTRATIVE STAFF TO WORK WITH MIDLAND AND SAGINAW COUNTIES ON COLLABORATIVE EFFORTS AND/OR SHARED SERVICES. IT WAS SUPPORTED BY COMM. KRAUSE AND CARRIED BY A VOICE VOTE OF: 9 YEAS, 0 NAYS.
- RES. 2011-192: COMM. KRYGIER MOVED TO ADOPT RES. 2011-192 TO DIRECT THE BAY COUNTY PERSONNEL DIRECTOR, TIM QUINN, TO APPEAL THE RECENT 312 ARBITRATION RULING ON BEHALF OF BAY COUNTY. IT WAS SUPPORTED BY COMM. RYDER AND ADOPTED BY A VOICE VOTE OF: 9 YEAS, 0 NAYS.

RES. 2011-193: COMM. KRYGIER MOVED TO ADOPT RES. 2011-193 APPROVING THE EXTENSION OF THE CONTRACT WITH CITIZENS' MANAGEMENT, INC. FOR A TWO (2) YEAR TERM EXPIRING 8/1/2013 AT A COST OF \$35,150.00 PER YEAR THROUGH AUGUST 1, 2013 AND THE SHARE PAID FOR BAY COUNTY'S EMPLOYEES IS APPROXIMATELY \$23,600.00 PER YEAR BASED ON PAYROLL. CITIZENS' MANAGEMENT HAS BEEN THE THIRD PARTY ADMINISTRATOR FOR BAY COUNTY'S SELF-INSURED WORKERS' COMPENSATION PROGRAM. FURTHER, AUTHORIZING THE BOARD CHAIRMAN TO EXECUTE SAID CONTRACT EXTENSION FOLLOWING LEGAL REVIEW AND THAT RELATED BUDGET ADJUSTMENTS, IF REQUIRED, ARE APPROVED. IT WAS SUPPORTED BY COMM. DAVIS AND PASSED BY A VOICE VOTE OF: 9 YEAS, 0 NAYS.

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

RES. 2011-194: COMM. RYDER MOVED TO ADOPT RES. 2011-194 APPROVING THE CHANGE OF STATUS OF THE POSITION HELD BY LYDIA SOLINSKI, INFORMATION SYSTEMS DEPARTMENT (ISD), FROM TEMPORARY PART TIME, NO BENEFITS, TO PERMANENT PART TIME, NO BENEFITS (1,000 HRS./YR.). ISD EMPLOYEE TOM PLACHTA EXPRESSED A DESIRE TO HAVE HIS HOURS REDUCED FROM 40 TO 32 AND WITH THIS SAVINGS, THE TEMPORARY ASSIGNMENT HELD BY MS. SOLINSKI , COULD BE MADE PERMANENT PART TIME AND HAD BEEN RECOMMENDED BY THE BOARD'S FINANCIAL ANALYST AS WELL. FURTHER, THAT RELATED REQUIRED BUDGET ADJUSTMENTS ARE APPROVED. IT WAS SUPPORTED BY COMM. KRYGIER AND CARRIED BY A VOICE VOTE OF: 9 YEAS, 0 NAYS.

RES. 2011-195: COMM. RYDER MOVED TO ADOPT RES. 2011-195 CONCURRING TO POST/ADVERTISE/FILL THE FOLLOWING VACANCIES WITH MONIES FOR SAID POSITIONS TO COME FROM THE RESPECTIVE DEPARTMENTAL BUDGETS:

1. HEALTH DEPARTMENT - WIC COORDINATOR, FULL TIME, \$43,347.20 ENTRY.
2. SHERIFF DEPARTMENT - CORRECTIONAL FACILITY OFFICER, FULL TIME, \$15.49/HR.

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

IF GRANT FUNDING IS TERMINATED OR REDUCED. IT WAS SUPPORTED BY COMM. DURANCZYK AND ADOPTED BY A VOICE VOTE OF: 9 YEAS, 0 NAYS.

RES. 2011-196: COMM. RYDER MOVED TO ADOPT RES. 2011-196 APPROVING A FIVE (5) YEAR EXTENSION OF THE CONTRACT WITH TITLE CHECK LLC, WHICH IS THE TAX REVERSION PROCESSING AGENT FOR BAY COUNTY SINCE JUNE 2005 AND HAS PERFORMED ALL SERVICES IN AN OUTSTANDING MANNER. THE STATUTORY FEES THAT ARE ADDED WHEN REAL PROPERTIES HAVE BEEN DELINQUENT FOR ONE (1) YEAR AND REACH FORFEITURE STATUS IS MORE THAN SUFFICIENT TO COVER THE COSTS SUBMITTED IN THE CONTRACT WITH TITLE CHECK LLC. FURTHER, AUTHORIZING THE BOARD CHAIRMAN AND BAY COUNTY TREASURER TO EXECUTE ALL DOCUMENTS REQUIRED FOLLOWING LEGAL REVIEW AND THAT RELATED REQUIRED BUDGET ADJUSTMENTS ARE APPROVED. IT WAS SUPPORTED BY COMM. RUPP AND PASSED BY A VOICE VOTE OF: 9 YEAS, 0 NAYS.

RES. 2011-197: COMM. RYDER MOVED TO ADOPT RES. 2011-197 AUTHORIZATION IS GRANTED FOR VICTORIA L. ROUPE, BAY COUNTY REGISTER OF DEEDS, TO PURCHASE GOVERNMENTAL SERVICE CREDIT, 1 YEAR WITH BAY CITY SCHOOL SYSTEM, FOR RETIREMENT PURPOSED IN ACCORDANCE WITH ALL TERMS AND CONDITIONS CONTAINED IN RESOLUTION NO. 96-331 - OTHER GOVERNMENTAL SERVICE CREDIT FOR RETIREMENT, ADOPTED DECEMBER 17, 1996. IT WAS SUPPORTED BY COMM. KRYGIER AND CARRIED BY A VOICE VOTE OF: 9 YEAS, 0 NAYS.

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

RES. 2011-198: COMM. DURANCZYK MOVED TO ADOPT RES. 2011-198 APPROVING THE AGREEMENT WITH BAY REGIONAL MEDICAL CENTER FOR THE PURCHASE OF COLD SUPPER SACK MEALS FOR SENIOR CITIZENS WHO ARE HOMEBOUND, IN FISCAL YEAR 2012. FURTHER, TO AUTHORIZE THE BOARD CHAIR TO SIGN SAID AGREEMENT FOLLOWING LEGAL REVIEW AND THAT ALL REQUIRED BUDGET ADJUSTMENTS ARE APPROVED. IT WAS SUPPORTED BY COMM. KRYGIER AND ADOPTED BY A VOICE VOTE OF: 9 YEAS, 0 NAYS.

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

RES. 2011-199: COMM. COONAN MOVED TO ADOPT RES. 2011-199 APPROVING THE CLAIMS AGAINST THE COUNTY AS FOLLOWS: ACCOUNTS PAYABLE FOR 9/14/11, 9/21/11, 9/28/11, 10/5/11; BAYANET FOR 6/1/22-6/30/11, 7/1/11-7/31/11, 8/1/11-8/31/11 AND CENTER RIDGE ARMS PAYABLES FOR 10/5/11. IT WAS SUPPORTED BY COMM. DAVIS AND PASSED BY A VOICE VOTE OF: 9 YEAS, 0 NAYS.

RES. 2011-200: COMM. COONAN MOVED TO ADOPT RES. 2011-200 RECEIVING THE REPORTS OF THE COUNTY EXECUTIVE AS FOLLOWS: THE EMPLOYMENT STATUS REPORT FOR SEPTEMBER 2011. IT WAS SUPPORTED BY COMM. RUPP AND CARRIED 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

COMM. BEGICK SAID A NOTICE WAS SENT TO HIM FROM ANN ARBOR, MICHIGAN THEY HAVE ENACTED THE VETERAN'S MILLAGE ACT AND ALSO AN ECONOMIC DEVELOPMENT ACT WHICH ARE ALLOWED UNDER THE STATE STATUE. HE ASKED ADMINISTRATION TO REVIEW THESE AND WHAT IT WILL MEAN TO US ECONOMICALLY. HE SAID FUNDING MAY BE TAKEN AWAY FROM OUR SOLDIERS AND SAILORS RELIEF FUND.

MISCELLANEOUS

THERE WERE NO MISCELLANEOUS ITEMS.

ANNOUNCEMENTS

CHAIRMAN TILLEY STATED THE FOLLOWING APPOINTMENTS ARE TO BE MADE IN DECEMBER 2011:

A. DIVISION ON AGING ADVISORY COUNCIL - FIVE 2-YEAR TERMS, DISTRICTS 1, 3, 5, 7, AND 9.

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ADDITIONALLY, A PUBLIC HEARING ON THE PROPOSED 2012 BAY COUNTY BUDGET IS SCHEDULED FOR TUESDAY, OCTOBER 18, 2011 AT 4:00 P.M. IN THE COMMISSIONER'S CHAMBERS.

CLOSED SESSION

THERE WAS NO NEED FOR CLOSED SESSION.

RECESS/ADJOURNMENT

MOTION 95:

COMM. KRYGIER MOVED TO ADJOURN THE REGULAR BOARD SESSION OF OCTOBER 11, 2011. IT WAS SUPPORTED BY COMM. DURANCZYK. THE MEETING CONCLUDED AT 4:55 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

OCTOBER 18, 2011

THE BAY COUNTY BOARD OF COMMISSIONERS MET FOR A SPECIAL SESSION ON TUESDAY, OCTOBER 18, 2011, IN THE FOURTH FLOOR COMMISSION CHAMBERS OF THE BAY COUNTY BUILDING. THE MEETING WAS CALLED TO ORDER BY VICE CHAIRMAN KIM COONAN AT 4:03 P.M. WITH THE FOLLOWING MEMBERS AND GUESTS PRESENT.

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

EXCUSED: COMMISSIONER 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
TIM QUINN, PERSONNEL & EMPLOYEE RELATIONS DIRECTOR
CRYSTAL HEBERT, ASSISTANT FINANCE OFFICER
MARTHA P. FITZHUGH, CORPORATION COUNSEL
DEE BISHOP, HUMANE SOCIETY PRESIDENT
MARIO GUERRERO, BAY COUNTY RESIDENT
VARIOUS ELECTED OFFICIALS
VARIOUS DEPARTMENT HEADS
NEWS MEDIA

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

PLEDGE OF ALLEGIANCE:

CITIZEN INPUT

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

DEE BISHOP: DEE BISHOP, HUMANE SOCIETY PRESIDENT, SAID THEIR MISSION IS TO PROVIDE AND IMPROVE THE QUALITY OF LIFE THROUGH LEADERSHIP AND SERVICES TO BAY COUNTY RESIDENTS. MS. BISHOP THANKED COMM. KRYGIER FOR DISCUSSION OF ORGANIZING A TASK FORCE WITH THE INTENT OF A POSSIBLE NO KILL SHELTER IN BAY COUNTY. SHE ALSO STATED THAT SHE HAD PETITIONS WITH 1,200 SIGNATURES TO REINSTATE SATURDAY HOURS AT ANIMAL CONTROL. MS. BISHOP SUBMITTED THE PETITIONS TO THE BOARD.

M. GUERRERO: MARIO GUERRERO, BAY COUNTY RESIDENT, SAID THERE IS NOT SUFFICIENT FUNDING FOR ANIMAL CONTROL. MR. GUERRERO SAID THERE IS ONLY ONE (1) KENNEL CUSTODIAN AND LESS EMPLOYEES WORKING INSIDE THE OFFICE. HE STRONGLY FELT THE SHELTER REQUIRED MORE HELP AND FUNDING.

ITEMS FOR CONSIDERATION

MOTION 96: COMM. RYDER MOVED TO GO OUT OF REGULAR SESSION FOR THE PURPOSE OF HOLDING A PUBLIC HEARING ON THE PROPOSED 2012 BAY COUNTY BUDGET. IT WAS SUPPORTED BY COMM. RUPP AND PASSED BY A VOICE VOTE OF: 8 YEAS, 0 NAYS, 1 EXCUSED-TILLEY.

NO ONE CAME FORWARD DURING PUBLIC HEARING ON THE PROPOSED 2012 BAY COUNTY BUDGET.

MOTION 97: COMM. KRYGIER MOVED TO GO BACK TO THE REGULAR ORDER OF BUSINESS FOLLOWING PUBLIC HEARING ON THE PROPOSED 2012 BAY COUNTY BUDGET. IT WAS SUPPORTED BY COMM. DAVIS AND CARRIED BY A VOICE VOTE OF: 8 YEAS, 0 NAYS, 1 EXCUSED-TILLEY.

CRYSTAL HEBERT, FINANCE OFFICER, PRESENTED THE HIGHLIGHTS OF THE PROPOSED 2012 BAY COUNTY BUDGET AS FOLLOWS:

- ▶ 2012 GENERAL FUND REVENUE
- ▶ GENERAL FUND PROPERTY TAX COLLECTIONS
- ▶ 2012 GENERAL FUND REVENUES
- ▶ 2012 GENERAL FUND EXPENDITURES
- ▶ OTHER GENERAL FUND EXPENDITURE FACTORS
- ▶ GENERAL FUND EXPENDITURES-RETIREMENT SYSTEM
- ▶ RETIREMENT FUND BALANCES
- ▶ PERCENTAGE FUNDING LEVEL OF PENSION FUNDS
- ▶ 2012 GENERAL FUND-CONTRIBUTIONS

- ▶ 2012 MAJOR TRANSFERS OUT
- ▶ 2012 MAJOR CAPITAL EXPENDITURES
- ▶ GENERAL & BUDGET STABILIZATION FUND BALANCES
- ▶ RECOMMENDATIONS
- ▶ GENERAL FUND/EXPENDITURE RATIO
- ▶ HISTORICAL EXPENDITURES

TOM HICKNER, COUNTY EXECUTIVE, GAVE A SUMMARY OF RECOMMENDATIONS FOR THE PROPOSED 2012 BUDGET WHICH INCLUDED EXPENDITURE REDUCTIONS IN THE FOLLOWING DEPARTMENTS: SHERIFF, DISTRICT COURT, CIRCUIT COURT, PROBATE COURT, FRIEND OF THE COURT AND PROSECUTOR'S OFFICE.

VICE CHAIRMAN COONAN ASKED IF EACH DEPARTMENT WAS AWARE OF THESE EXPECTATIONS TO REDUCE SPENDING IN 2012.

MR. HICKNER SAID THEY WERE AND THAT EACH DEPARTMENT HAS BEEN COOPERATIVE. HE SAID THERE WILL BE CUTS ACROSS THE BOARD. HOWEVER, THERE WILL BE NO FURTHER REDUCTIONS IN THE ELECTED OFFICIALS DEPARTMENTS: DRAIN OFFICE, TREASURER, REGISTER OF DEEDS, AND THE CLERK'S OFFICE, WHICH MUST REMAIN AT A SERVICEABLE LEVEL.

VICE CHAIRMAN COONAN THANKED CRYSTAL HEBERT FOR THE PROPOSED 2012 BUDGET PRESENTATION.

MOTION 98: COMM. KRYGIER MOVED TO RECEIVE THE PROPOSED 2012 BAY COUNTY BUDGET PRESENTATION AS PRESENTED BY CRYSTAL HEBERT, FINANCE OFFICER. IT WAS SUPPORTED BY COMM. KRAUSE AND ADOPTED BY A VOICE VOTE OF: 8 YEAS, 0 NAYS, 1 EXCUSED-TILLEY.

RES. 2011-201: COMM. KRYGIER MOVED TO ADOPT RES. 2011-201 THAT THE FOLLOWING COUNTY MILLAGES SHALL BE LEVIED ON THE 2011 TAXABLE VALUE OF REAL AND PERSONAL PROPERTY 2011 ASSESSMENT ROLLS OF EACH TOWNSHIP AND CITY WITHIN THE COUNTY OF BAY:

<u>MILLS</u>	
BAY COUNTY FIXED	5.7257
LIBRARY	0.9953
LIBRARY	1.0000

SENIOR CITIZEN	0.5000
911	0.7000
HISTORICAL SOCIETY	0.0952
MEDICAL CARE FACILITY	0.5000
MOSQUITO CONTROL	0.4500

ALL MILLAGES ARE IN ACCORDANCE WITH THE DEMANDS AS PRESENTED ON THE CLERK'S CERTIFICATES FOR SCHOOLS, INTERMEDIATE SCHOOLS, COMMUNITY COLLEGE CITY, TOWNSHIP, AND AUTHORITY WITHIN THE ABOVE LOCAL UNITS. ALL HAVE BEEN CHECKED FOR STATUTORY COMPLIANCE AND, TO THE BEST OF OUR KNOWLEDGE, ARE IN COMPLIANCE WITH THE MICHIGAN STATUTES. ALL SPECIAL ASSESSMENTS, DRAIN TAXES, AND ALL OTHER TAXES AUTHORIZED BY LAW SHALL BE LEVIED IN ACCORDANCE WITH THE MICHIGAN STATUTES. FURTHER, THAT THE BOARD CHAIRMAN IS AUTHORIZED TO EXECUTE THE CLERK'S CERTIFICATES, THE 4029'S AND ANY OTHER DOCUMENTATION REQUIRED. IT WAS SUPPORTED BY COMM. RUPP AND PASSED BY A VOICE VOTE OF: 8 YEAS, 0 NAYS, 1 EXCUSED-TILLEY.

RES. 2011-202: COMM. KRYGIER MOVED TO ADOPT RES. 2011-202 SUPPORTING THE "KAWKAWLIN RIVER WATERSHED MANAGEMENT CRITICAL AREA IMPLEMENTATION" GRANT APPLICATION TO BE SUBMITTED BY THE BAY COUNTY DRAIN COMMISSIONER. THE MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY (MDEQ) HAS REQUESTED PROPOSALS FOR FUNDING FOR STORM WATER QUALITY IMPROVEMENT PROJECTS THE NON-POINT SOURCE PROGRAM. THE KAWKAWLIN RIVER WATERSHED MANAGEMENT PLAN HAS IDENTIFIED A NUMBER OF IMPROVEMENT PROJECTS WITH A COST PROJECTION OF \$320,000.00. THEREFORE, THE DRAIN COMMISSIONER WAS INVITED TO SUBMIT A FULL PROPOSAL FOR FUNDING. IT WAS SUPPORTED BY COMM. RUPP AND CARRIED BY A VOICE VOTE OF: 8 YEAS, 0 NAYS, 1 EXCUSED-TILLEY.

UNFINISHED BUSINESS

THERE WAS NO UNFINISHED BUSINESS.

NEW BUSINESS

THERE WAS NO NEW BUSINESS.

MISCELLANEOUS

THERE WERE NO MISCELLANEOUS ITEMS.

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ANNOUNCEMENTS

VICE CHAIRMAN COONAN SAID THERE IS A TRI COUNTY MEETING SCHEDULED FOR WEDNESDAY, OCTOBER 19, 2011 AT THE MIDLAND COUNTY COUNTRY CLUB AT 5:30 P.M. FOR ANYONE WHO WISHES TO ATTEND.

CLOSED SESSION

THERE WAS NO NEED FOR CLOSED SESSION.

RECESS/ADJOURNMENT

MOTION 99: COMM. KRYGIER MOVED TO RECESS THE SPECIAL BOARD SESSION OF OCTOBER 18, 2011. IT WAS SUPPORTED BY COMM. RUPP. THE MEETING CONCLUDED AT 4:30 P.M. BY A VOICE VOTE OF: 8 YEAS, 0 NAYS, 1 EXCUSED-TILLEY.

KIM COONAN, VICE CHAIRMAN
BOARD OF COMMISSIONERS

CYNTHIA A. LUCZAK, COUNTY CLERK
BOARD OF COMMISSIONERS

SHEILA E. SHAW
SECRETARY TO THE CLERK
BOARD OF COMMISSIONERS

ADDENDUM TO AGENDA
OF THE
BAY COUNTY BOARD OF COMMISSIONERS
TUESDAY, NOVEMBER 8, 2011
4:00 P.M.

COMMISSION CHAMBERS, FOURTH FLOOR, BAY COUNTY BUILDING

PAGE NO.

- A. Additional Resolution for Consideration
 - 1. No. 2011-217 - Agreement w/Mobilex USA for Inmate X-Ray Services (Sheriff Department)

1-11

BAY COUNTY BOARD OF COMMISSIONERS

11/08/11

RESOLUTION

BY: BAY COUNTY BOARD OF COMMISSIONERS
 WHEREAS, In a continuing effort to reduce costs, the Bay County Sheriff is proposing entering into an Agreement with Mobilex USA to provide onsite mobile x-ray services which would reduce the cost of transporting inmates as well as emergency room costs; and
 WHEREAS, The term of this Agreement is one (1) year; Therefore, Be It
 RESOLVED That the Bay County Board of Commissioners approves the Agreement between Bay County (Sheriff Department) and Mobilex USA for onsite mobile x-ray services and authorizes the Chairman of the Board to execute said Agreement on behalf of Bay County following legal review/approval; Be It
 Further
 RESOLVED That related budget adjustments, if required, are approved.

DONALD J. TILLEY, CHAIR
 AND COMMITTEE

Sheriff Dept. - Mobilex USA Agreement
 MOVED BY COMM. _____

SUPPORTED BY COMM. _____

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
Michael J. Duranczyk				Joe Davls				Tom Ryder			
Brandon Krause				Ernie Krygler				Christopher Rupp			
Vaughn J. Beglick				Kim Coonan				Donald J. Tilley			

VOTE TOTALS:

ROLL CALL: YEAS _____ NAYS _____ EXCUSED _____

VOICE: YEAS _____ NAYS _____ EXCUSED _____

DISPOSITION: ADOPTED _____ DEFEATED _____ WITHDRAWN _____

AMENDED _____ CORRECTED _____ REFERRED _____

-/-

John E. Miller
Sheriff Of Bay County

Michael T. Janiskee
Undersheriff

Troy A. Stewart
Jail Administrator



TO: Donald J. Tilley, Chairman
Board of Commissioners

FROM: Sheriff John E. Miller *JEM*

DATE: November 3, 2011

Subject: Mobile X-ray and EKG Service Agreement

Request: I am requesting the Board of Commissions approval to accept a service agreement with Mobllex USA. This company provides an onsite mobile x-ray service, which would not only reduce the cost of transporting the inmate but emergency room costs as well.

**Finance/
Economics:** This would be a great cost savings service to the County for the inmates provided medical care.

Recommendations: I am requesting the committee's approval and authorizations to proceed with the service agreement for the Mobile X-ray and upon approval(s) to make necessary budget adjustments for this service.

CC: Undersheriff Michael T. Janiskee
Captain Troy Stewart
Deanne Berger (attached agreement)
Crystal Hebert, Finance Director
Kim Priessnitz, Budget Supervisor
File

Ls/BOC.MobllexUSA-agree

MOBILE X-RAY AND EKG SERVICES AGREEMENT

THIS MOBILE X-RAY AND EKG SERVICES AGREEMENT (the "Agreement") is made and entered into as of this 3rd day of November, **2011** ("Commencement Date"), by and between Bay County Jail, ("Facility"), and Symphony Diagnostic Services No. 1, Inc., a California corporation doing business as MobillexUSA.

NOW THEREFORE, in consideration of the mutual covenants, premises and agreements herein contained, and other good and valuable consideration, receipt of which is hereby acknowledged, the parties hereto agree as follows:

1. Services. MobillexUSA shall provide portable x-ray, EKG and ultrasound services to residents or patients of the Facility, only on the order of a duly licensed and authorized physician. All x-rays and ultrasounds will be interpreted by a duly licensed and qualified Radiologist (the "Radiologist"). The Radiologist will dictate a report for each examination. MobillexUSA will promptly fax an abbreviated verbal report to the Facility, and transcribe the full written report and fax a copy to the Facility.

2. Payment. For all services rendered hereunder Facility shall pay MobillexUSA on a fee for services basis, in accordance with the fee schedule set forth in Exhibit A. The fees set forth on Exhibit A may include a professional component for services of a Radiologist (the "Professional Component"), as well as a technical component for x-ray, EKG, and ultrasound services and a set-up fee and transportation fee. Facility shall pay MobillexUSA all components of each fee invoiced, including the Professional Component.

MobillexUSA will submit invoices to Facility monthly, on or before the fifth (5th) day of the month immediately following the month in which the services were rendered. Facility shall pay each invoice within 30 days of MobillexUSA's submission of the invoice. Facility's obligation to pay MobillexUSA's invoices is not contingent upon Facility's receipt of reimbursement from Medicare, Medicaid, and Payer, the patient or resident, or any other party. Facility agrees that Facility requested changes to any invoice (i.e. changes in patient insurance status) must be submitted to MobillexUSA within 60 days from date of service.

Facility shall comply with all applicable laws (including, without limitation, all Medicare and Medicaid statutes, regulations, and manuals), and with all applicable agreements with and policies of other third party payers, in connection with Facility's billing for services provided by MobillexUSA pursuant to this Agreement.

3. Term. The term of this Agreement shall be for a period of one (1) year beginning on the Commencement Date ("Initial Term") and shall be automatically renewed for successive one (1) year terms ("Renewal Term") unless written notice of termination is

provided to the other party hereto at least 30 days prior to the expiration of the Initial Term or any Renewal Term. After the Initial Term, either party may terminate this Agreement with or without cause by giving the other party not less than thirty (30) days' prior written notice.

4. Compliance with Laws. MobilexUSA shall insure that all services required of MobilexUSA hereunder are provided by qualified and appropriately licensed and/or certified personnel and in accordance with all applicable laws. MobilexUSA shall comply fully with Title VII of the Civil Rights Act of 1964; Section 504 of the Rehabilitation Act of 1973; and the Age Discrimination Act of 1975; and shall render services to Facility's patients without discrimination due to gender, race, religion, color, national origin, handicapping condition, or age.

5. Inspection of Books and Records. As an independent contractor, MobilexUSA shall, in accordance with 42 U.S.C. §1395x(v)(1)(I) (Social Security Act §1861(v)(1)(I) and 42 C.F.R. Part 420, Subpart D §420.300 ~~et seq.~~, until the expiration of four (4) year after the furnishing of Medicare reimbursable services pursuant to this Agreement, upon proper written request, allow the Comptroller General of the United States, the Department of Health and Human services, and their duly authorized representatives access to this Agreement and to MobilexUSA's books, documents and records (as such terms are defined in 42 C.F.R. § 420.301) necessary to verify the nature and extent of costs of Medicare reimbursable services provided under this Agreement. In accordance with such laws and regulations, if Medicare or Medicaid reimbursable services provided by MobilexUSA under this Agreement are carried out by means of a subcontract with an organization related to MobilexUSA, and such related organization provides the services at a value or cost of \$10,000 or more over a twelve-month period, then the subcontract between MobilexUSA and the related organization shall contain a clause comparable to the clause specified in the preceding sentence. No attorney-client, accountant-client or other legal privilege will be deemed to have been waived by any party hereto by virtue of this Agreement.

6. Insurance. MobilexUSA shall secure and maintain at all times during the term of this Agreement and any renewals or extensions hereof, professional and general liability insurance with a company with an A.M. best rating of not less than A-VI, with such coverages and in such amounts as are customarily carried by similar providers in the state where services are provided, provided that such coverage shall be in a minimum amount of at least \$1,000,000 per claim or occurrence and \$3,000,000 in the aggregate, insuring MobilexUSA, its employees and agents for the services delivered by them hereunder. Upon request, a copy of a certificate of insurance shall be provided evidencing such coverage.

Facility shall secure and maintain at all times during the term of this Agreement, at Facility's sole expense, professional and general liability insurance with a company with an

A.M. best rating of not less than A-VI covering Facility, with such coverages and in such amounts as are customarily carried by similar providers in the state where services are provided, provided that such coverage shall be in a minimum amount of at least \$1,000,000 per claim or occurrence and \$3,000,000 in the aggregate, insuring Facility, its employees and agents for the services delivered by them hereunder. Upon request, a copy of a certificate of insurance shall be provided evidencing such coverage.

7. **Independent Contractor.** MobllexUSA shall not be considered an employee or agent of Facility for any purpose and no partnership, joint venture or co-venture shall be created by virtue of this Agreement or the performance by MobllexUSA hereunder. The parties hereto are independent contractors, contracting with one another solely for the purposes set out herein. MobllexUSA acknowledges that as an independent contractor, neither MobllexUSA nor its employees or agents are covered under Facility's workers' compensation insurance and are not entitled to any fringe benefits afforded to employees of Facility.

8. **Health Information Portability and Accountability Act.** MobllexUSA and the facility are covered entities (as defined in the 1996 Health Information Portability and Accountability Act ("HIPAA") and the regulation promulgated there under) and therefore must be in compliance with all applicable aspects of HIPAA and will treat all protected health information in accordance with the provisions of HIPAA.

9. **Standards of Conduct.** By signing this Agreement, the facility hereby acknowledges and understands that MobllexUSA has implemented a compliance program governing the conduct of all MobllexUSA employees. The facility further acknowledges that it has received a copy of the MobllexUSA Standards of Conduct (a copy of which is attached and referred to as ("Standards")) and will ensure that each of its employees who have any interactions with MobllexUSA receives a copy of the Standards for reference.

10. **Exclusions from State and Federal Healthcare Programs.** The facility represents and warrants it has not been excluded from any federal healthcare program, that no basis for such exclusion exists, and that it has not been subject to any final adverse action as defined under the Health Care Fraud and Abuse Data Collection Program. The facility agrees to notify MobllexUSA immediately if it is subject to an inquiry, investigation, or final adverse action by a governmental agency, third-party payer, or intermediary as to the provision of services under this Agreement. MobllexUSA, at its sole discretion, shall have the right to terminate this Agreement immediately upon notice, by the facility or otherwise, of such an event.

11. **Notices.** All notices provided for or contemplated by this Agreement shall be in writing and shall be deemed given when deposited in the U.S. Mail, postage prepaid, certified mail, return receipt requested, addressed as follows:

If to Facility: Bay County Jail
503 Third Street
Bay City, MI 48708
Attn: Administrator

If to Mobilex: Symphony Diagnostic Services No. 1, Inc.,
d/b/a MobilexUSA
13773 Icot Blvd. Suite 502
Clearwater, FL 33760
Attention: Contract Manager

Copy to: MobilexUSA
The Highlands
920 Ridgebrook Road
Sparks, MD 21152

12. General Terms and Conditions. All of the provisions of the General Terms and Conditions addendum, attached to this Agreement, are hereby incorporated by reference herein.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the date first written above.

FACILITY

By: _____

Title: _____

**SYMPHONY DIAGNOSTIC SERVICES NO. 1,
INC. D/B/A MOBILEXUSA**

By: _____

Title: **REGIONAL VICE PRESIDENT**

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PRICES ON PORTABLE SERVICES

X-RAY

STAT	\$160 – per patient and “one” exam \$80 – per additional exam
SCHEDULED	\$80 – per exam

ULTRASOUND

\$125 per exam

DOPPLER

\$165 per exam

GENERAL TERMS AND CONDITIONS
(Addendum to Mobile X-Ray and EKG Services Agreement)

A. Confidentiality. Neither MobilexUSA nor any of its staff shall disclose to any third party, except where permitted or required by law or where such disclosure is expressly approved by Facility in writing, any patient or medical record information regarding Facility's patients, and MobilexUSA and all MobilexUSA staff shall comply with all federal and state laws and regulations, and all rules, regulations, and policies of Facility regarding the confidentiality of such information. Facility shall provide MobilexUSA copies of all such rules, regulations, and policies.

All documentation and records relating to Facility's patients shall be and remain the sole property of Facility, subject to the patient's rights in such records. Facility further covenants and warrants that it and its employees and agents shall at all times during the term of this Agreement and after expiration or termination of this Agreement, maintain the confidentiality of MobilexUSA's operations, prices, rates, clients and patients, methods and any other information relative to MobilexUSA. Further, Facility shall not use such confidential information in any manner adverse to MobilexUSA's or its patients' interests.

B. Miscellaneous.

(1) This Agreement shall be governed by and construed in accordance with the laws of the state in which services are to be performed. This agreement shall be interpreted in accordance with its plain meaning and not for or against any party hereto. All captions herein are for organizational purposes only and not intended to limit the meaning of anything herein or to have an independent legal meaning.

(2) Notwithstanding any other provision of this Agreement, if the governmental agencies (or their representatives) which administer Medicare, any other payer, or any other federal, state or local government or agency passes, issues or

promulgates any law, rules, regulation, standard or interpretation, or any court of competent jurisdiction renders any decision or issues any order, at any time while this Agreement is in effect, which prohibits, restricts, limits or in any way substantially changes the method or amount of reimbursement or payment for services rendered under this Agreement, or which otherwise significantly affects either party's rights or obligations hereunder, either party may give the other notice of intent to amend this Agreement to the satisfaction of both parties, to compensate for such prohibition, restriction, limitation or change. If this Agreement is not so amended in writing within ten (10) days after said notice was given, this Agreement shall terminate as of midnight on the tenth (10) day after said notice was given.

(3) Nothing herein shall require Facility to designate any minimum number of residents or patients for whom MobilxUSA shall provide services.

(4) This Agreement contains the entire understanding of the parties with respect to the subject matter hereof and supersedes all prior agreements, oral or written, and all other communications between the parties relating to such subject matter. This Agreement may not be amended or modified except by mutual written agreement. Signed facsimile copies of this Agreement shall be legal, valid and binding upon the parties hereto.

(5) In the event any provision of this Agreement is held to be invalid, illegal, or unenforceable for any reason and in any respect, if the extent of such invalidity, illegality or unenforceability does not destroy the basis of the bargain herein such invalidity, illegality, or unenforceability shall in no event affect, prejudice, or disturb the validity of the remainder of this Agreement, which shall be in full force and effect, enforceable in accordance with its terms as if such provisions had not been included, or had been modified as provided below, as the case may be. To carry out the intent of the parties hereto as fully as possible, the invalid, illegal or unenforceable provision(s), if possible, shall be deemed modified to the extent necessary and possible to render such provision(s) valid and enforceable. The parties hereto shall negotiate in good faith to modify this Agreement so as to effect the original intent of the parties as closely as possible.

(6) Neither party shall be liable or deemed to be in default for any delay or failure in performance under this Agreement or other interruption of service deemed to result, directly or indirectly, from acts of God, civil or military authority, acts of public enemy, war, accidents, fires, explosions, earthquakes, floods, failure of transportation, strikes or other work interruptions by either party's employees, or any other similar cause beyond the reasonable control of either party.

(7) Assignment. Neither party may assign or transfer, in whole or in part, this Agreement or any of its rights duties or obligations under this Agreement and

MobilexUSA shall not subcontract any of its services hereunder without the prior written consent of the other party. Any such purported assignment or transfer of this Agreement, in whole or in part, without the other party's consent shall be null and void. This Agreement shall inure to the benefit of and be binding upon the parties hereto and their respective heirs, representatives, successors and permitted assigns.

(8) Counterparts. This Agreement may be executed in any number of counterparts, each of which shall be deemed an original.

(9) Attorneys' Fees. In the event of any litigation or arbitration proceeding between the parties concerning the subject matter of this Agreement, the prevailing party shall be entitled to a judgment against the other for an amount equal to reasonable attorneys' fees and expenses and court and other costs incurred.

EXHIBIT A

X-ray Services: MobilexUSA shall bill at a rate of \$160,dollars STAT, \$80 additional or scheduled)per exam.

MobilexUSA will invoice Facility for Ultrasound, Holter monitoring, and EKG Services provided to all patients designated as Medicare Part A or patients whose stay is covered by an "all inclusive arrangement" between Facility and Medicare, private insurance carriers, or managed care organizations. MobilexUSA will invoice Facility based on the current state specific Medicare fee schedule applicable to the locality of the Facility, as such fee schedule may change from time to time. Facility will pay MobilexUSA all invoiced amounts in accordance with Section 2 of this Agreement.