

SPECIAL MEETING
BAY COUNTY BOARD OF COMMISSIONERS
A G E N D A
TUESDAY, SEPTEMBER 17, 2013

4: 30 P.M. (Or immediately following P/HS Committee meeting)

COMMISSION CHAMBERS, FOURTH FLOOR, BAY COUNTY BUILDING

PAGE NO.

- I** **CALL TO ORDER (CHAIRMAN KRYGIER)**
- II** **ROLL CALL**
- III** **INVOCATION**
- IV** **PLEDGE OF ALLEGIANCE**
- V** **CITIZEN INPUT (4:30 P.M.)**
- VII** **ITEMS FOR CONSIDERATION**
 - A. WAYS AND MEANS COMMITTEE (9/6/13)
 - 1 1. No. 2013-168 - Waiver of Ordinance Adoption Process (Board Rules) for Retirement Ordinance Amendment - Bay Arenac Behavioral Health Authority (BABHA)
 - 2-3 2. No. 2013-169 - Retirement Ordinance Amendment - BABHA - Early Retirement
 - B. PERSONNEL/HUMAN SERVICES COMMITTEE (9/17/13)
 - 4 1. No. 2013-170 - Recognizing Effort of Bay County Prevention Network **(Sponsored by Commissioner Donald J. Tilley, 8th District)**
 - 5 2. No. 2013-171 - Opposition to HB 4785 **(Sponsored by Commissioner Brandon Krause, 1st District)**
- VIII** **UNFINISHED BUSINESS**
- IX** **NEW BUSINESS**
- X** **MISCELLANEOUS**
- XI** **ANNOUNCEMENTS**
- XII** **CLOSED SESSION**
- XIII** **RECESS/ADJOURNMENT**

BAY COUNTY BOARD OF COMMISSIONERS

9/17/13

RESOLUTION

BY: BAY COUNTY BOARD OF COMMISSIONERS (9/17/13)

WHEREAS, Article XIII of the Rules of the Bay County Board of Commissioners outlines a process for consideration of ordinance and ordinance amendments, which requires at least three (3) successive full Board meetings. The process is as follows:

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

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

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

ERNIE KRYGIER, CHAIR
AND BOARD

Waiver of Ordinance Adoption Process - Bay County Employees' Retirement Ordinance
MOVED BY COMM. Coonan

SUPPORTED BY COMM. Herek

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
BRANDON KRAUSE	✓			KIM J. COONAN	✓			MICHAEL E. LUTZ			✓
ERNIE KRYGIER	✓			THOMAS M. HEREK	✓						
VAUGHN J. BEGICK	✓			DONALD J. TILLEY	✓						

VOTE TOTALS:
ROLL CALL: ✓ YEAS 6 NAYS 0 EXCUSED 1
VOICE: YEAS _____ NAYS _____ EXCUSED _____

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

-/-

BAY COUNTY BOARD OF COMMISSIONERS

9/17/13

RESOLUTION

BY: WAYS AND MEANS COMMITTEE (9/3/13)

WHEREAS, The Bay-Arenac Behavioral Health Authority (BABHA) participates in the Bay County Employees' Retirement System (BCERS) and on August 15, 2013 the BABHA adopted resolution no. 1308011 which authorized a voluntary early retirement option for BABHA employees 50 years of age or older who have eight years of service enabling them to vest in BCERS before the end of a designated window period; and

WHEREAS, The following outlines the voluntary early retirement option:

A. The incentive is available only to eligible "Members" of the following Groups:

1) "Behavioral Health AFSCME. Group" meaning all employees of the BayArenac Behavioral Health Authority who are members of the American Federation of State, County and Municipal Employees. [Section 4 (4.004)(23)], or

2) "Behavioral Health General Group" meaning all other employees of the BayArenac Behavioral Health Authority.[Section 4 (4.004)(24)].

B. Members shall have 8 (eight) or more years of Credited Service [Section 4.005 (Sec. 5)] as of their retirement date or no later than December 31, 2013 without application of the Early Retirement Option although the 30 (thirty) year service requirement stated in [Section 4.035 (Section 35)] is waived for this Early Retirement Option.

C. Members shall be at least 50 (fifty) years of age on the date of retirement which shall occur no later than December 31, 2013.

D. If a Member complies with Paragraphs A, B, and C above, the Member shall be credited with an additional 5 (five) years of age and/or service credit in any combination of age and service totaling "5."

E. A Member shall submit an application [Section 4.035 (Section 35)] for retirement between October 21, 2013 and November 4, 2013. The application shall be submitted at least thirty (30) days before retiring but the 90 (ninety) day requirement is waived.

F. Retirement shall occur between November 21, 2013 and December 31, 2013. The Bay-Arenac Behavioral Health Authority Human Resources Director shall approve, in writing, the date during this period when the Member's retirement shall begin.

G. Members shall retire with a Normal (unreduced) retirement benefit [Section 4.035 (Sec. 35)].

H. The recognition of Bay-Arenac Behavioral Health's Resolution 1308011 authorizing this Voluntary Early Retirement Option shall not in any way prejudice or bind the Bay County Board of Commissioners, or any other offices, agencies, boards and departments of Bay County as recognized in Section 4.005 (f) [(Section 5)] or the Bay County Employees' Retirement System Board of Trustees or their successors to offer or deny other voluntary early retirement options during this or succeeding years.

I. Participation is further conditioned upon a Member timely executing all paperwork necessary to this Option, including, but not limited to, documents waiving and releasing age discrimination and other claims against the County and the Retirement System.

J. Applications to retire are irrevocable once received by the Bay County Employees' Retirement System on the 7th Floor of the Bay County Building.

K. Where conflicts arise, this Early Retirement Option shall supercede this Ordinance during the dates stated in this Amendment.

WHEREAS, The funding necessary to implement this change is fully the obligation of the BABHA division within the Retirement System and an actuarial study of the financial impact of this option has been completed as required by law; and

WHEREAS, The Bay County Board of Commissioners is responsible for amending the Retirement Ordinance to memorialize this voluntary early retirement option within the BCERS Ordinance; this amendment would be received by the BCERS; Therefore, Be It

RESOLVED That the Bay County Board of Commissioners approves the Amendment to the Bay County Employees' Retirement System Ordinance for the voluntary early retirement option for Bay-Arenac Behavioral Health Authority employees as outlined above.

KIM COONAN, CHAIR
AND COMMITTEE

Retirement - Ordinance Amendment - BABHA - Early Retirement

MOVED BY COMM. Coonan

SUPPORTED BY COMM. Herek

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
BRANDON KRAUSE	✓			KIM J. COONAN	✓			MICHAEL E. LUTZ			✓
ERNIE KRYGIER	✓			THOMAS M. HEREK	✓						
VAUGHN J. BEGICK	✓			DONALD J. TILLEY	✓						

VOTE TOTALS:

ROLL CALL: YEAS _____ NAYS _____ EXCUSED _____

VOICE: ✓ YEAS 6 NAYS 0 EXCUSED 1

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

Amendment to Bay County Employees' Retirement System Ordinance

4.068 - Voluntary Early Retirement Option by Bay-Arenac Behavioral Health Authority

Sec. 68. The Bay-Arenac Behavioral Health Authority approved Resolution 1308011 on August 15, 2013 to offer a Voluntary Early Retirement Option for its employees who are Members of the Bay County Employees' Retirement System and who comply with all of the following stipulations:

A. The Incentive is available only to eligible "Members" of the following Groups:

1) "Behavioral Health AFSCME. Group" meaning all employees of the Bay-Arenac Behavioral Health Authority who are members of the American Federation of State, County and Municipal Employees. [Section 4 (4.004)(23)], or

2) "Behavioral Health General Group" meaning all other employees of the Bay-Arenac Behavioral Health Authority.[Section 4 (4.004)(24)].

B. Members shall have 8 (eight) or more years of Credited Service [Section 4.005 (Sec. 5)] as of their retirement date or no later than December 31, 2013 without application of the Early Retirement Option although the 30 (thirty) year service requirement stated in [Section 4.035 (Section 35)] is waived for this Early Retirement Option.

C. Members shall be at least 50 (fifty) years of age on the date of retirement which shall occur no later than December 31, 2013.

D. If a Member complies with Paragraphs A, B, and C above, the Member shall be credited with an additional 5 (five) years of age and/or service credit in any combination of age and service totaling "5."

E. A Member shall submit an application [Section 4.035 (Section 35)] for retirement between October 21, 2013 and November 4, 2013. The application shall be submitted at least thirty (30) days before retiring but the 90 (ninety) day requirement is waived.

F. Retirement shall occur between November 21, 2013 and December 31, 2013. The Bay-Arenac Behavioral Health Human Resources Director shall approve in writing the date during this period when the Member's retirement shall begin.

G. Members shall retire with a Normal (unreduced) retirement benefit [Section 4.035 (Sec. 35)].

H. The recognition of Bay-Arenac Behavioral Health's Resolution 1308011 authorizing this Voluntary Early Retirement Option shall not in any way prejudice or bind the Bay

County Board of Commissioners, or any other offices, agencies, boards and departments of Bay County as recognized in Section 4.005 (f) [(Section 5)] or the Bay County Employees' Retirement System Board of Trustees or their successors to offer or deny other voluntary early retirement options during this or succeeding years.

I. Participation is further conditioned upon a Member timely executing all paperwork necessary to this Option, including, but not limited to, documents waiving and releasing age discrimination and other claims against the County and the Retirement System.

J. Applications to retire are irrevocable once received by the Bay County Employees' Retirement System on the 7th Floor of the Bay County Building.

K. Where conflicts arise, this Early Retirement Option shall supercede this Ordinance during the dates stated in this Amendment.

BAY COUNTY BOARD OF COMMISSIONERS

9/17/13

RESOLUTION

BY: PERSONNEL/HUMAN SERVICES COMMITTEE (9/17/13)
 WHEREAS, The Bay County Prevention Network (BCPN) is an alliance of representatives from different sectors, organizations, and constituencies with a common purpose of reducing substance abuse among the youth and adults of Bay County, Michigan; and
 WHEREAS, This coalition works at changing the programs, policies, and practices of sectors within the community that contribute to the abuse of alcohol, tobacco, and all other illicit drugs; and
 WHEREAS, The Bay County Prevention Network, originally formed as the Bay County Substance Abuse Coalition in 1989, was a response to community concerns about the issues and problems associated with the abuse of substances. To address this concern, community leaders mobilized local citizens to reduce the risk factors of substance abuse; and
 WHEREAS, The Bay County Prevention Network has been working as a catalyst for positive change by assessing the dynamic interactions of the coalition-building and prevention service delivery process. The Bay County Prevention Network has been providing feedback to improve functioning and eliminate duplication of services; and
 WHEREAS, The Bay County Prevention Network attempts to maximize community resources by providing support, direction and coordination of behavioral health (substance abuse and mental health) prevention services to address the needs of our community, families and individuals; to improve their overall quality of life and promote a safe and nurturing environment; Therefore, Be It
 RESOLVED That the Bay County Board of Commissioners and Bay County Executive extend their sincere gratitude and support to the Bay County Prevention Network and its efforts to educate, support, and be an advocate for the citizens of Bay County; Be It Further
 RESOLVED That the Bay County Board of Commissioners and Bay County Executive support the efforts of the Bay County Prevention Network to reduce substance abuse among the youth and adults in Bay County, Michigan.

BRANDON KRAUSE, CHAIR
 AND COMMITTEE

TILLEY - Bay County Prevention Network

Resolution sponsored by Commissioner Donald J. Tilley, 6th District

MOVED BY COMM. Krause

SUPPORTED BY COMM. Coonan

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
BRANDON KRAUSE				KIM J. COONAN				MICHAEL E. LUTZ			
ERNIE KRYGIER				THOMAS M. HEREK							
VAUGHN J. BEGICK				DONALD J. TILLEY							

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

DISPOSITION: ADOPTED _____ DEFEATED _____ WITHDRAWN _____
 AMENDED _____ CORRECTED _____ REFERRED To Oct. 8, 2013 Board Meeting

BAY COUNTY BOARD OF COMMISSIONERS

9/17/13

RESOLUTION

BY: PERSONNEL/HUMAN SERVICES COMMITTEE (9/17/13)
 WHEREAS, House Bill 4785 has been introduced and has been submitted to amend 1978 PA 368, entitled "Public Health Code" regarding Emergency Medical Services; and
 WHEREAS, HB 4785 would inhibit local ambulance services in rural communities by increasing fees and imposing new (additional) fines, fees and fines that could have a devastating impact on providing emergency care throughout many regions of the State; and
 WHEREAS, The proposed amendments will be the decline, or possible elimination, of volunteer EMS services; and
 WHEREAS, Many medical first responders are fire departments, the majority being volunteer departments who provide their service free of charge or at an extremely depreciated rate; and
 WHEREAS, Volunteer EMS services are crucial to Bay County and other rural communities; Therefore, Be It
 RESOLVED That the Bay County Board of Commissioners strongly opposes HB 4785 because of the negative impact on volunteer EMS providers in Bay County and other rural areas; Be It Finally
 RESOLVED That a copy of this resolution be forwarded to our area Legislators, the Michigan Association of Counties and the other 82 Michigan counties.

BRANDON KRAUSE, CHAIR
 AND COMMITTEE

KRAUSE - HB 4785

Resolution sponsored by Commissioner Brandon Krause, 1st District

MOVED BY COMM. KRAUSE

SUPPORTED BY COMM. TILLEY

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
BRANDON KRAUSE	✓			KIM J. COONAN	✓			MICHAEL E. LUTZ			✓
ERNIE KRYGIER	✓			THOMAS M. HEREK	✓						
VAUGHN J. BEGICK	✓			DONALD J. TILLEY	✓						

VOTE TOTALS:
 ROLL CALL: YEAS _____ NAYS _____ EXCUSED _____
 VOICE: / YEAS 6 NAYS 0 EXCUSED 1

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

BAY COUNTY BOARD OF COMMISSIONERS

MEETING DATE: SEPTEMBER 17, 2013

MOTION SPONSORED BY: COMM. KRAUSE

MOTION SUPPORTED BY: COMM. COONAN

MOTION NO.: 100

TO ADJOURN THE SPECIAL BOARD MEETING OF
SEPTEMBER 17, 2013 AT 4:25 P.M.

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
Brandon Krause	X			Kim Coonan	X			Michael Lutz			X
Ernie Krygier	X			Thomas Herek	X						
Vaughn J. Begick	X			Donald J. Tilley	X						

VOTE TOTALS:

ROLL CALL: YEAS _____ NAYS _____ EXCUSED _____

VOICE: XX YEAS 6 NAYS 0 EXCUSED 1

DISPOSITION: ADOPTED XX DEFEATED _____ WITHDRAWN _____

AMENDED _____ CORRECTED _____ REFERRED _____