

**SPECIAL MEETING**  
**BAY COUNTY BOARD OF COMMISSIONERS**

**A G E N D A**

**TUESDAY, DECEMBER 17, 2013**

**4:15 P.M. (Or immediately following Personnel/  
Human Services 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 (4:15 P.M.)**

**VII           ITEMS FOR CONSIDERATION**

1- 3

A.    Personnel Director - Ratification of Collective Bargaining Agreements 2014-2016 (**Seeking Board approval of labor agreements as outlined in his letter - proposed Res. No. 2013-251 attached**)

B.    Personnel/Human Services Committee Resolutions

4

1.    No. 2013-252 - Fair Board 2014 Lease Extension & Approval for Various Events to be Held at the Bay County Fairgrounds in 2014

5

2.    No. 2013-253 - Vacancies: Personnel Department; Buildings and Grounds; Information Systems; Health Department

**VIII           UNFINISHED BUSINESS**

**IX            NEW BUSINESS**

**X            MISCELLANEOUS**

**XI           ANNOUNCEMENTS**

**XII           CLOSED SESSION**

**XIII           RECESS/ADJOURNMENT**



**BAY COUNTY BOARD OF COMMISSIONERS**

**12/17/13**

**RESOLUTION**

BY: BAY COUNTY BOARD OF COMMISSIONERS (12/17/13)  
 WHEREAS, Bay County has 12 active bargaining units and the Personnel Director has been in negotiations with these units since April 4, 2013; and  
 WHEREAS, As a result of those negotiations, the following units have ratified their agreements in accordance with the template agreement reviewed in closed door sessions:

1. Steelworkers Full Time Unit
2. BCAMPS
3. District Court
4. Circuit Court
5. Sheriff's Command Unit
6. 911
7. Probate Court
8. Correctional Facilities Officers
9. Nurses

WHEREAS, The following units have not reached tentative agreements as of 12/12/13:

1. Sheriff's Deputies
2. USW Part Time Unit (ratification vote scheduled for 12/18/13)
3. Teamster CFO Part-time Unit

RESOLVED That the Bay County Board of Commissioners approves the Labor Agreements for the period 2014 - 2016 for those units who have ratified Agreements (Steelworkers Full Time Unit, BCAMPS, District Court, Circuit Court, Sheriff's Command Unit, 911, Probate Court, Correctional Facilities Officers and Nurses) and authorizes the Chairman of the Board to execute said Agreements on behalf of Bay County; Be It Further

RESOLVED That the Chairman of the Board is authorized to execute the 2014-2016 Labor Agreement of the USW Part Time Unit if ratified 12/18/13; Be It Further

RESOLVED That the Chairman of the Board is authorized to execute the 2014-2016 Labor Agreement of the two units that have not yet ratified their agreements between this date (12/17/13) and December 31, 2013, if ratification occurs between now and that time; Be It Finally

RESOLVED That the Personnel Director is hereby authorized to apply the provisions of PA 152 (2011) and PA 54 (2011) to any units that have not ratified their Agreements by 4:00 p.m. December 31, 2013.

ERNIE KRYGIER, CHAIR  
 AND BOARD

Personnel - 2014-2016 Labor Agreements

MOVED BY COMM. Coonan

SUPPORTED BY COMM. Begick

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 7 NAYS 0 EXCUSED 0  
 VOICE: ✓ YEAS 7 NAYS 0 EXCUSED 0

DISPOSITION: ADOPTED ✓ DEFEATED      WITHDRAWN       
 AMENDED      CORRECTED      REFERRED     

-/-

**BAY COUNTY BOARD OF COMMISSIONERS**

**12/17/13**

**RESOLUTION**

BY: PERSONNEL/HUMAN SERVICES COMMITTEE (12/17/13)  
 WHEREAS, The Bay County Fair Board is desirous of extending their current lease for the Bay County Fairgrounds and utilizing the Fairgrounds on several dates for various events including the Bay County Fair scheduled for July 27 - August 16 which includes one week prior and one week after the Fair; and  
 WHEREAS, The following dates are requested:

**Grandstands, Race Track, Bathrooms & Grounds**

May 17 - Figure 8 Race  
 June 21 - Figure 8 race  
 July 12 - Bump & Grind Race  
 September 27 - Figure 8 Race  
 October 25 - Figure 8 Race

**Horse Riding Arenas, Horse Barn, Camping, Bathrooms & Showers**

June 6, 7, & 8  
 July 18, 19, & 20

**Canteen Building**

Saturday, March 29 — Tack Sale  
 Friday, August 1 through Sunday, August 10 — Bay County Fair — still exhibits

**Livestock Barn, Horse Barn, Camping, Bathrooms & Showers Grounds**

**Horse Arenas Grandstands and Race Track**

July 27 — August 16 for The Bay County Fair & Youth Exposition — one week prior and one week after the event.

RESOLVED By the Bay County Board of Commissioners approves extension of the Lease with the Bay County Fair Board for 2014; Be It Further  
 RESOLVED That the Bay County Fair Board is granted use of the Bay County Fairgrounds for the dates outlined above contingent upon compliance with all requirements outlined in the Fair Board lease including provision of required financial reports.

BRANDON KRAUSE, CHAIR  
 AND COMMITTEE

Fair Board - Fair Grounds for 2014 Fair

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 \_\_\_\_\_ NAYS \_\_\_\_\_ EXCUSED \_\_\_\_\_

DISPOSITION: ADOPTED \_\_\_\_\_ DEFEATED \_\_\_\_\_ WITHDRAWN \_\_\_\_\_  
 AMENDED \_\_\_\_\_ CORRECTED \_\_\_\_\_ REFERRED  Back to Administration.  
 See Motion 126.

-4-

**BAY COUNTY BOARD OF COMMISSIONERS**  
**12/17/13**  
**RESOLUTION**

BY: PERSONNEL/HUMAN SERVICES COMMITTEE (12/17/13)

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/new positions, monies for said positions to come from the respective departmental budgets:

VACANCIES:

- a. Personnel Department - Typist Clerk II (pt, \$10.53/hr entry)
- b. Buildings and Grounds
  - 1. Mechanical Contractor/Maintenance Worker (ft, \$17.45/hr. entry)
  - 2. Lead Equipment Operator/Fabricator (ft, \$15.81/hr. entry)
- c. Information Systems - PC Technician (ft, \$17.45/hr. entry)
- d. Health Department - Community Health Educator (ft, \$17.92/hr. entry)

RESOLVED That budget adjustments, if required, are approved.

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

BRANDON KRAUSE, CHAIR  
AND COMMITTEE

Vacancies - December 17, 2013

MOVED BY COMM. Coonan

SUPPORTED BY COMM. Krause

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 7 NAYS 0 EXCUSED 0

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

**BAY COUNTY BOARD OF COMMISSIONERS**

**12/17/13**

**RESOLUTION**

BY: PERSONNEL/HUMAN SERVICES COMMITTEE (12/17/13)

WHEREAS, In November, the Bay County Board of Commissioners authorized a contractual arrangement with Sue Montei, RN NP, until a suitable replacement was secured and while Ms. Montei has continued her services, she has substantially cut back her hours; and

WHEREAS, The search for a qualified replacement continues; and

WHEREAS, After careful review and consideration, it is recommended that Bay County (Health Department) enter into a contract with Tammy J. Hill RN MSN NP BC, who is a Nurse Practitioner and instructor at Saginaw Valley State University and has considerable experience in women's health; and

WHEREAS, The contractual arrangement will provide for payment of fees (\$55/hour) and funding for the Nurse Practitioner Services has been budgeted for 2013 and 2014 and can be utilized to pay all fees associated with the Independent Contractor Agreement; Therefore, Be It

RESOLVED That the Bay County Board of Commissioners approves the Independent Contractor Agreement with Tammy J. Hill, RN MSN NP BC and authorizes the Chairman of the Board to execute said Agreement on behalf of Bay County (Health Department) following legal review/approval; Be It Further

RESOLVED That required related budget adjustments are approved.

BRANDON KRAUSE, CHAIR  
AND COMMITTEE

Health Dept - Independent Contractor Agreement - Tammy Hill, Nurse Practitioner

MOVED BY COMM. Coonan

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 7 NAYS 0 EXCUSED 0

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

**BAY COUNTY BOARD OF COMMISSIONERS**

**12/17/13**

**RESOLUTION**

- BY: BAY COUNTY BOARD OF COMMISSIONERS (12/17/13)
- WHEREAS, In late 2012, Congress was in a deadlock over the Federal Budget and did not resolve it until the end of the year in the "fiscal cliff" showdown; and
- WHEREAS, One of the items which was resolved was to remove the "temporary" cut in FICA contributions which effectively raised the employee's rate of contribution from 4.2% to 6.2%, the "normal" rate; and
- WHEREAS, The Payroll Department made inquiries repeatedly about this to the IRS, but no direction was received until 12/31/2012, however, Bay County's payroll at the end of the year spans two years, as it usually does based on payrolls covering two-week periods ending on Sundays and Bay County was unable to adjust the first roll; and
- WHEREAS, The Payroll Department made adjustments on January 2, 2013 in the Munis System to reflect the new rate of 6.2% for the next payroll period and all monies were withheld from employee payroll checks and employer taxes were paid at the scheduled time, however, the adjustment for the partial roll in the beginning of 2013 did not occur; and
- WHEREAS, When the records were reconciled after the end of the first quarter, it was discovered that the first payroll had not been adjusted and the IRS was contacted for guidance on how to record the wages paid on January 4, 2013. The IRS agent Bay County was working with was unable to assist and it was decided to immediately pay the 2% shortage and withhold on the following payroll. A letter was included with the first quarter 941 sent to the IRS providing explanation and that document confirmed that a payment was made on April 19, 2013 (the due date was March 31, 2013, the end of the first quarter); and
- WHEREAS, Bay County's software vendor was contacted on April 18, 2013 to ascertain the cause and to take corrective action; and
- WHEREAS, On December 4, 2013 notice of a fine totaling \$27,918.86 (over and above the original shortage of \$14,000) was received and payment was demanded by 12/9/2013 (neither the form nor the IRS agent articulated how the penalty was computed); and
- WHEREAS, On December 5, 2013, the Payroll Department responded to the IRS demand for payment questioning if an additional penalty would be incurred for not paying this fine. Bay County was advised, orally, that it would be on hold for up to 30 days until IRS acknowledged receipt of Bay County's letter and then an additional 30 days while the IRS made a determination; and

WHEREAS, Several factors should mitigate Bay County's liability in this matter, i.e. late notification of rates from the IRS; verbiage on the IRS website acknowledged that adjustments would take time; this was not a willful violation and upon discovery during the on time quarterly 941 reconciliation, the 2% shortage was immediately paid; and that the \$27,918.86 fine (over and above the \$14,000 shortage) for being about three weeks late seems exorbitant; and

WHEREAS, While doubtful this will be resolved in 2013, pursuant to generally accepted accounting practice, a budget adjustment should be processed to account for the potential liability in 2013; Therefore, Be It

RESOLVED That the Bay County Board of Commissioners approves a budget adjustment in the amount of \$27,918.86, monies to come from Fund Balance, to cover the potential liability in 2013 in the event Bay County is not successful in its appeal of the IRS ruling.

ERNIE KRYGIER, CHAIR  
AND BOARD

Payroll - FICA Penalty

MOVED BY COMM. Coonan

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 7 NAYS 0 EXCUSED 0

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

BAY COUNTY BOARD OF COMMISSIONERS

12/17/13

RESOLUTION

BY: BAY COUNTY BOARD OF COMMISSIONERS (12/17/13)

WHEREAS, The Marine Corps League is a federally chartered veterans organization that supports the Marine Corps, Marine Corps veterans and veterans of all the armed services; and

WHEREAS, League members are active in their communities assisting those veterans in need and many members volunteer at Veteran Hospitals and transport veterans to appointments; and

WHEREAS, On January 10-12, 2014, the Marine Corps League is having their Mid-Winter Conference at the DoubleTree Hotel and over 60 members and spouses will be spending two (2) nights at the hotel and visiting the area restaurants and shops; and

WHEREAS, The Marine Corps League is requesting \$1,000, payable to the John C. Rock Saginaw Valley Detachment 902 of the Marine Corps League, to defray costs of this convention; and

WHEREAS, State law allows counties to contribute to veteran's groups for conventions and conferences up to \$5,000 per year; Therefore, Be It

RESOLVED By the Bay County Board of Commissioners that an appropriation of \$1,000 to the John C. Rock Saginaw Valley Detachment 902 of the Marine Corps League for their Mid Winter Conference to be held January 10 - 12, 2014 at the DoubleTree Hotel in Bay City.

ERNIE KRYGIER, CHAIR  
AND COMMITTEE

Veterans - John C. Rock Saginaw Valley Detachment 902 of the Marine Corps League  
MOVED BY COMM. Coonan

SUPPORTED BY COMM. Lutz

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 7 NAYS 0 EXCUSED 0

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

BAY COUNTY BOARD OF COMMISSIONERS

12/17/13

RESOLUTION

BY: BAY COUNTY BOARD OF COMMISSIONERS

WHEREAS, In 2013 the Bay County Jail housed two inmates who required extensive and expensive medical care/treatments and these medical costs extensively depleted not only the medical fund but the cost of the Corrections Officer in overtime to transport these inmates to and from their medical treatments; and

WHEREAS, The total amount required to cover the medical bills for these two inmates during their incarceration is \$75,000 as well as an overtime cost of \$21,000; and

WHEREAS, There are no funds in the Sheriff Department to cover this expense; Therefore, Be It

RESOLVED That the Bay County Board of Commissioners authorizes the appropriation of \$135,000 from Fund Balance to cover the medical (\$75,000), overtime (\$40,000) and part time (\$20,000) costs incurred for two inmates at the Bay County Jail in 2013.

ERNIE KRYGIER, CHAIR AND BOARD

Sheriff - \$135,000 Appropriation for Medical and Overtime Costs for 2 Inmates

MOVED BY COMM. Coonan

SUPPORTED BY COMM. Tilley

Table with 12 columns: COMMISSIONER, Y, N, E, COMMISSIONER, Y, N, E, COMMISSIONER, Y, N, E. Rows include Brandon Krause, Ernie Krygier, Vaughn J. Begick, Kim J. Coonan, Thomas M. Herek, and Donald J. Tilley.

VOTE TOTALS: ROLL CALL: YEAS NAYS EXCUSED VOICE: YEAS 7 NAYS 0 EXCUSED 0

DISPOSITION: ADOPTED DEFEATED WITHDRAWN AMENDED CORRECTED REFERRED

**BAY COUNTY BOARD OF COMMISSIONERS**

MEETING DATE: DECEMBER 17, 2013

MOTION SPONSORED BY: COMM. COONAN

MOTION SUPPORTED BY: COMM. TILLEY

MOTION NO.: 126

TO REFER RES. 2013-252, APPROVING THE EXTENSION OF THE CURRENT LEASE WITH THE BAY COUNTY FAIR BOARD FOR 2014 AND FOR UTILIZING THE FAIRGROUNDS ON SEVERAL DATES FOR VARIOUS EVENTS, BACK TO ADMINISTRATION UNTIL FURTHER NOTICE.

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 7 NAYS 0 EXCUSED 0

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

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

## BAY COUNTY BOARD OF COMMISSIONERS

MEETING DATE: DECEMBER 17, 2013

MOTION SPONSORED BY: COMM. KRAUSE

MOTION SUPPORTED BY: COMM. LUTZ

MOTION NO.: 127

TO ADJOURN THE SPECIAL BOARD SESSION OF  
DECEMBER 17, 2013 AT 4:45 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 7 NAYS 0 EXCUSED 0

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

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