

SPECIAL MEETING
BAY COUNTY BOARD OF COMMISSIONERS
A G E N D A
TUESDAY, JANUARY 21, 2014

4:30 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 (P.M.) |
| 1 | VII | PUBLIC HEARING - BAY COUNTY RECREATION PLAN -4:30 P.M. |
| | VIII | ITEMS FOR CONSIDERATION |
| 2 | 1. | Res. No. 2014-11 - Adoption of Bay County Recreation Plan |
| 3 | 2. | Res. No. 2014-12 - Resolution Supporting Restoration of the Community Mental Health General Fund Appropriation |
| 4-8 | 3. | Director of Environmental Affairs - P.A.C.E. Program (Referred from 12/10/13 Board meeting) |
| 9-12 | a. | Resolution of Intent to Establish a Property Assessed Clean Energy Program and Calling Public Hearing |
| 13-55 | b. | Resolution Approving the Establishment of a Property Assessed Clean Energy Program |
| | IX | UNFINISHED BUSINESS |
| | X | NEW BUSINESS |
| | XI | MISCELLANEOUS |
| | XII | ANNOUNCEMENTS |
| | XIII | CLOSED SESSION |
| | XIV | RECESS/ADJOURNMENT |

BAY COUNTY BOARD OF COMMISSIONERS

1/21/2014

RESOLUTION

BY: BAY COUNTY BOARD OF COMMISSIONERS (1/21/14)

WHEREAS, Bay County, and fifteen local jurisdictions within Bay County including the City of Auburn, Bangor Township, Beaver Township, the City of Essexville, Frankenlust Township, Fraser Township, Garfield Township, Gibson Township, Hampton Township, Kawkawlin Township, Merritt Township, Monitor Township, Mount Forest Township, Portsmouth Township, and Williams Township, have undertaken a multi-jurisdictional five-year Recreation Plan which describes the physical features, existing recreation facilities, and the desired actions to be taken to improve and maintain recreation facilities during the period between 2014 and 2018 and,

WHEREAS, Public input was received via an online survey that was available from September 30, 2013 through October 25, 2013, to provide an opportunity for citizens to share ideas, express opinions, regarding the future of parks and recreation in Bay County and the local jurisdictions, and

WHEREAS, The draft plan was made available for review from December 22, 2013 through January 21, 2014, at the Bay County Building and at the four Bay County library locations, and on line at the Bay County web site, and

WHEREAS, A public meeting was held on January 21, 2014, at 4:30 pm at the Bay County Building to provide an opportunity for citizens to express opinions, ask questions, and discuss all aspects of the Recreation Plan, and

WHEREAS, Bay County and the local jurisdictions have developed the Recreation Plan for the benefit of the entire community and wish to adopt the plan as a document to assist in meeting the recreation needs of the community, and

WHEREAS, On this day Bay County voted to adopt said Recreation Plan; Therefore, Be It RESOLVED That the Bay County Board of Commissioners hereby adopts the Recreation Plan as a guideline for improving parks and recreation for the residents of Bay County.

ERNIE KRYGIER, CHAIR AND BOARD

Env Affairs - Recreation Plan

MOVED BY COMM. Tilley

SUPPORTED BY COMM. Krause

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

1/21/2014

RESOLUTION SUPPORTING RESTORATION OF THE COMMUNITY MENTAL HEALTH GENERAL FUND APPROPRIATION

BY: PERSONNEL/HUMAN SERVICES COMMITTEE (1/21/14)
WHEREAS, Bay-Arenac Behavioral Health (BABH) has served, for over 45 years, as the public mental health and developmental disability services provider for this community, serving more than 5,000 residents of Bay and Arenac Counties last year; and
WHEREAS, The Mental Health Code is based on a state and county partnership for the delivery of community mental health services; and
WHEREAS, BABH is required to provide community safety net services including emergency services, prevention, coordination with local law enforcement, assessment and intervention, jail diversion, and collaborative efforts with local schools, Probate Court, and the Department of Human Services; and
WHEREAS, BABH is entitled to a sufficient amount of state general funds to provide support and recovery services in this community for citizens of Bay and Arenac Counties that are not eligible for Medicaid; and
WHEREAS, The State of Michigan has relied on overly optimistic financial projections for the residual community safety net after Medicaid expansion in April of 2014; and
WHEREAS, The State of Michigan plans to reduce the state-wide community mental health general fund by 75%; and
WHEREAS, BABH is expecting annualized reduction in general fund from \$3 million down to \$700,000, which will severely limit the ability of the community mental health program to provide community safety net services and services to persons without Medicaid; Therefore, Be It
RESOLVED, That the Bay County Board of Commissioners strongly supports restoration of the community mental health general fund appropriation to a level consistent with previous years and sufficient to serve the residents of Bay County.

BRANDON KRAUSE, CHAIR AND COMMITTEE

BABHA - Restoration of General Fund Appropriation

MOVED BY COMM. KRAUSE
SUPPORTED BY COMM. LUTZ

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

No. 2014-13
COUNTY OF BAY
STATE OF MICHIGAN

**RESOLUTION OF INTENT TO ESTABLISH A PROPERTY ASSESSED CLEAN
ENERGY PROGRAM AND CALLING PUBLIC HEARING**

Minutes of a regular meeting of the Board of Commissioners of the County of Bay, Michigan (the "County"), held on the 21st day of January, 2014, at 4:20 p.m., prevailing Eastern Time.

PRESENT: 7 Commissioners: Krause, Krygier, Begick, Coonan, Herek, Tilley, Lutz

ABSENT: 0 Commissioners: _____

WHEREAS, the Bay County Board of Commissioners intends to authorize the establishment of a property assessed clean energy program ("PACE Program") and create a PACE district pursuant to Act No. 270, Public Acts of Michigan, 2010 ("Act 270"), for the purpose of promoting the use of renewable energy systems and energy efficiency improvements by owners of certain real property; and

WHEREAS, the Board of Commissioners intends to find that financing energy projects is a valid public purpose because it reduces energy costs, reduces greenhouse gas emissions, stimulates economic development, improves property values and increases employment in the County; and

WHEREAS, the types of energy projects, either energy efficiency improvements or renewable energy systems, that may be financed under the PACE Program include, but are not limited to: insulation in walls, roofs, floors, foundations, or heating and cooling distribution systems; storm windows and doors; multi-glazed windows and doors; heat-absorbing or heat-reflective glazed and coated window and door systems; and additional glazing, reductions in glass area, and other window and door system modifications that reduce energy consumption; automated energy control systems; heating, ventilating, or air-conditioning and distribution system modifications or replacements; caulking, weather-stripping, and air sealing; replacement or modification of lighting fixtures to reduce the energy use of the lighting system; energy recovery systems; day lighting systems; installation or upgrade of electrical wiring or outlets to charge a motor vehicle that is fully or partially powered by electricity; measures to reduce the usage of water or increase the efficiency of water usage; any other installation or modification of equipment, devices, or materials approved as a utility cost-savings measure by the Board of Commissioners; a fixture, product, device, or interacting group of fixtures, products, or devices on the customer's side of the meter that use one or more renewable energy resources to generate electricity. Renewable energy resources include, but are not limited to: biomass (includes a biomass stove but does not include an incinerator or digester); solar and solar thermal energy; wind energy; geothermal energy and methane gas captured from a landfill; and

WHEREAS, the Board of Commissioners intends to create a PACE district having the same boundaries as the County's jurisdictional boundaries; and

WHEREAS, the Board of Commissioners intends to join Lean & Green Michigan^{LLC}, and intends to utilize Levin Energy Partners, LLC as PACE administrator (the "PACE Administrator") to administer its PACE Program; and

WHEREAS, the Board of Commissioners intends to utilize Miller, Canfield, Paddock and Stone, P.L.C. ("PACE Counsel") as legal counsel to coordinate with the authorized official and the PACE Administrator in the review of each PACE project being considered for approval by the County to assure compliance with Act 270 and the PACE Program; and

WHEREAS, the report referenced in Section 9(1) of Act 270 (the "PACE Report") shall be available on the County's website at <http://www.baycounty-mi.gov>, and shall be available for viewing at the office of the County Clerk located at: 515 Center Avenue, Ste. 101, Bay City, Michigan 48708.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Board of Commissioners, being fully apprised of the PACE Program, finds that financing energy projects is a valid public purpose because it reduces energy costs, reduces greenhouse gas emissions, stimulates economic development, improves property values and increases employment in the County.

2. The Board of Commissioners, by adoption of this Resolution, formally states its intention to establish a PACE district having the same boundaries as the County's jurisdictional boundaries and a PACE Program as described in and for the reasons set forth in this Resolution.

3. The Board of Commissioners formally states its intention to provide a property owner based method of financing and funds for energy projects, including from the sale of bonds or notes which shall not be a general obligation of the County, amounts advanced by the County from any other source permitted by law, or from owner-arranged financing from a commercial lender, which funds and financing shall be secured and repaid by assessments on the property benefited, with the agreement of the record owners, such that no County moneys, general County taxes or County credit of any kind whatsoever shall be pledged, committed or used in connection with any project as required by and subject to Act 270.

4. The Board of Commissioners, by adoption of this Resolution, formally states its intention to join Lean & Green Michigan^{LLC}, and to utilize Levin Energy Partners, LLC as PACE Administrator.

5. The Board of Commissioners, by adoption of this Resolution, formally designates Miller, Canfield, Paddock and Stone, P.L.C. as legal counsel to coordinate with the authorized official and the PACE Administrator in the review of each PACE project being considered for approval by the County to assure compliance with Act 270 and the PACE Program. The engagement of Miller, Canfield, Paddock and Stone, P.L.C., as PACE Counsel is approved

notwithstanding Miller, Canfield, Paddock and Stone, P.L.C.'s representation from time to time of parties to PACE transactions in matters unrelated to the County's PACE transactions.

6. The Board of Commissioners hereby sets a public hearing for Tuesday, February 11, 2014 at 4:15 p.m., in the Board of Commissioners office, 515 Center Avenue, Ste. 405, Bay City, Michigan 48708 to receive comments on the proposed PACE Program, including the PACE Report.

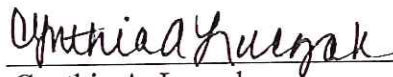
7. The County Clerk is authorized and directed to publish a notice of intent to establish a PACE district and a PACE Program, and a notice of the public hearing set by this Resolution in a newspaper of general circulation in the County as a display advertisement prominent in size. The County Clerk shall maintain on file for public review a copy of the PACE Report and shall cause the PACE Report to be available on the County's website in accordance with the requirements of Act 270.

8. All resolutions and parts of resolutions inconsistent with this Resolution are repealed to the extent of such inconsistency.

YEAS: 7 Commissioners Krause, Krygier, Begick, Coonan, Herek, Tilley, Lutz

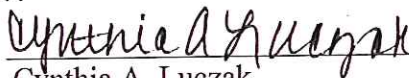
NAYS: 0 Commissioners _____

RESOLUTION DECLARED ADOPTED.



Cynthia A. Luczak
County Clerk

I HEREBY CERTIFY that the attached is a true and complete copy of a resolution adopted by the Board of Commissioners of the County of Bay, Michigan, at a regular meeting held on January 21, 2014, at 4:20 p.m., prevailing Eastern Time, and that public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, Act No. 267, Public Acts of Michigan, 1976 and that minutes of the meeting were kept and will be or have been made available as required by Act 267.



Cynthia A. Luczak
County Clerk



NOTICE OF PUBLIC HEARING

COUNTY OF BAY, STATE OF MICHIGAN

ON THE ESTABLISHMENT OF A PACE
PROGRAM AND A PACE DISTRICT

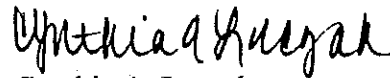
TO ALL INTERESTED PERSONS IN BAY COUNTY:

PLEASE TAKE NOTICE that the Board of Commissioners, County of Bay, State of Michigan, (the "County") will hold a public hearing on Tuesday, February 11, 2014, at 4:00 p.m., in the Board of Commissioners office, 515 Center Avenue, Ste. 405, Bay City, Michigan 48708 to receive comments on the proposed Property Assessed Clean Energy ("PACE") program and the proposed PACE report.

TAKE FURTHER NOTICE that the Board of Commissioners intends to establish a PACE program and to establish a PACE district, having the same boundaries as the County's jurisdictional boundaries, pursuant to Act No. 270, Public Acts of Michigan, 2010 ("Act 270"), for the purposes of encouraging economic development, improving property valuation, increasing employment, reducing energy costs, reducing greenhouse gas emissions, and promoting the use of renewable energy systems and energy efficiency improvements.

TAKE FURTHER NOTICE that the PACE report, required by Section 9(1) of Act 270, is available on the County's website at <http://www.baycounty-mi.gov>, and is available for viewing at the office of the County Clerk located at 515 Center Avenue, Ste. 101, Bay City, Michigan 48708.

THIS NOTICE is given by order of the Board of Commissioners of Bay County, Michigan.



Cynthia A. Luczak
Bay County Clerk

BAY COUNTY BOARD OF COMMISSIONERS

1/21/2014

RESOLUTION

BY: BAY COUNTY BOARD OF COMMISSIONERS (1/21/14)
 WHEREAS, The City of Bay City has made application for grant funding in the amount of \$36,251 from the Saginaw Bay Watershed Initiative Network as part of a \$352,503 project to develop the new section of Riverwalk along the Saginaw River on Bay City's east side; and
 WHEREAS, In addition to the grant from the Watershed Initiative Network, the City of Bay City also plans to seek \$246,752 from the Michigan Department of Natural Resources Trust Fund and \$69,500 from the Ron and Greta McGillivray Improvement Fund to cover the total cost of the project; and
 WHEREAS, The new Riverwalk would become part of the entire Uptown Bay City development which already is rising from a more than 40-acre site with construction of new office complexes for Dow Corning Corp. and Chemical Bank; and
 WHEREAS, McLaren Bay Region hospital is also planning a building at the site and a Courtyard by Marriott hotel and Real Seafood Co. restaurant are also planned for the site; and
 WHEREAS, The addition of the Riverwalk along the Saginaw River on Bay City's east side has been part of the whole plan to build and improve the entire riverfront area, including the Uptown Bay City project, and it will have a very positive effect on business and the community as a whole; Therefore, Be It
 RESOLVED That the Bay County Board of Commissioners and Bay County Executive wholeheartedly offer their support of the Riverwalk project along the Saginaw River on Bay City's east side and urge favorable consideration of the funding requests to the Watershed Initiative Network, the Michigan Department of Natural Resources Trust Fund and the Ron and Greta McGillivray Improvement Fund for this very worthwhile project.

ERNIE KRYGIER, CHAIR
 AND BOARD

Bay City - East Side Riverwalk - Uptown Bay City

MOVED BY COMM. Tilley

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

MEETING DATE: JANUARY 21, 2014

MOTION SPONSORED BY: COMM. TILLEY

MOTION SUPPORTED BY: COMM. KRAUSE

MOTION NO.: 16

TO SCHEDULE A PUBLIC HEARING DURING THE BOARD OF COMMISSIONERS MEETING TUESDAY, FEBRUARY 11, 2014, FOR THE RESOLUTION OF INTENT TO ESTABLISH P.A.C.E. PROPERTY ASSESSED CLEAN ENERGY (RES. 2014-13).

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: JANUARY 21, 2014

MOTION SPONSORED BY: COMM. TILLEY

MOTION SUPPORTED BY: COMM. KRAUSE

MOTION NO.: 17

TO GO OUT OF REGULAR SESSION FOR THE PURPOSE OF
HOLDING A PUBLIC HEARING ON THE BAY COUNTY
RECREATION PLAN (RES. 2014-11).

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: XX YEAS 7 NAYS 0 EXCUSED 0

VOICE: YEAS _____ NAYS _____ EXCUSED _____

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

BAY COUNTY BOARD OF COMMISSIONERS

MEETING DATE: JANUARY 21, 2014

MOTION SPONSORED BY: COMM. TILLEY

MOTION SUPPORTED BY: COMM. KRAUSE

MOTION NO.: 18

TO GO BACK TO THE REGULAR ORDER OF BUSINESS
FOLLOWING PUBLIC HEARING ON THE BAY COUNTY
RECREATION PLAN (RES. 2014-11).

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: XX YEAS 7 NAYS 0 EXCUSED 0

VOICE: YEAS NAYS EXCUSED

DISPOSITION: ADOPTED XX DEFEATED WITHDRAWN

AMENDED CORRECTED REFERRED

BAY COUNTY BOARD OF COMMISSIONERS

MEETING DATE: JANUARY 21, 2014

MOTION SPONSORED BY: COMM. KRAUSE

MOTION SUPPORTED BY: COMM. LUTZ

MOTION NO.: 19

TO ADJOURN THE SPECIAL BOARD SESSION OF JANUARY 21,
2014 AT 4:30 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 _____