

# BAY COUNTY BOARD OF COMMISSIONERS

## A G E N D A

TUESDAY, SEPTEMBER 9, 2014

4:00 P.M.

COMMISSION CHAMBERS, FOURTH FLOOR, BAY COUNTY BUILDING

PAGE NO.

**I CALL TO ORDER (CHAIRMAN KRYGIER)**

**II ROLL CALL**

**III INVOCATION (Moment of Silence for 9/11 Victims)**

**IV PLEDGE OF ALLEGIANCE**

23-59

**V MINUTES (7/8/14; 7/15/12; 8/12/14)**

**VI CITIZEN INPUT**

**VII PETITIONS AND COMMUNICATIONS**

**VIII REPORTS/RESOLUTIONS OF COMMITTEES**

**A. WAYS AND MEANS (KIM J. COONAN, CHAIR;  
DONALD J. TILLEY, VICE CHAIR)**

1. No. 2014-169 - Gun Show at Bay County Market (9/6/14)
2. No. 2014-170 - Secondary Road Patrol Grant P.A. 416 (Sheriff Dept.)
3. No. 2014-171 - Custodian Vacancies in Buildings and Grounds/Civic Arena (Recreation and Facilities)
4. No. 2014-172 - Winter Season Storage Fee at Fairgrounds (Recreation and Facilities)

- 5 5. No. 2014-173 - Michigan Department of Community Health Innovation Grant (Health Department)
- 6 6. No. 2014-174 - Michigan Department of Community Health Building Healthy Communities (Health Department)
- 7- 8 7. No. 2014-175 - Budget Adjustments (Various)

**B. PERSONNEL/HUMAN SERVICES (MICHAEL E. LUTZ, CHAIR; DONALD J. TILLEY, VICE CHAIR)**

- 9 1. No. 2014-176 - Vacancies: Housing-Center Ridge Arms; Public Defender

**C. BOARD OF COMMISSIONERS (ERNIE KRYGIER, CHAIR; DONALD J. TILLEY, VICE CHAIR)**

- 10 1. No. 2014-177 - Accounts Payable/BAYANET/Center Ridge Arms (Note: No payables received from Center Ridge Arms at time of agenda preparation)
- 11-15 2. No. 2014-178 - Reports of County Executive
- 16 3. No. 2014-179 - Designation of Conflict Resolution Day in Bay County - October 16, 2014

**D. COMMISSIONER RESOLUTIONS**

- 17 1. No. 2014-180 - Support of HCR 31 - Waters of the United States/Clean Water Act (Submitted by Commissioner Ernie Krygier, 2<sup>nd</sup> District)
- 18 2. No. 2014-181 - Opposition to EPA Overreach; Support for SR 168 (Submitted by Commissioner Michael E. Lutz, 7<sup>th</sup> District)

**IX REPORTS OF COUNTY OFFICIALS/DEPARTMENTS**

- A. County Executive

**X UNFINISHED BUSINESS**

**XI NEW BUSINESS**

- 19-20 A. Bid Recommendation on Division on Aging Kitchen Expansion **(Seeking concurrence with recommendation; authorization for Board Chair to sign required documents; approval of required budget adjustments - proposed resolution no. 2014-182 attached)**
- 21-22 B. CDBG Grant Application **(Seeking authorization to make application for grant funding; authorization for Board Chair to sign required documents; approval of required budget adjustments - proposed resolution no. 2014-183 attached)**

**XII MISCELLANEOUS**

**XIII ANNOUNCEMENTS**

- A. **2014 Appointments:**
1. **OCTOBER:**
    - a. **Land Bank Authority - One Township Representative, 3 year term - Terry Watson)**
    - b. **Department of Human Services Board of Directors (One 3 year term - Mary Ewald Sayles)**
  2. **NOVEMBER: Building Authority (One 6 year term - Darrell Maciag)**
  3. **DECEMBER: Division on Aging Advisory Committee (Four 2 year terms; districts 2, 4, & 6 and At-large)**

**XIV CLOSED SESSION (If requested)**

**XV RECESS/ADJOURNMENT**





**BAY COUNTY BOARD OF COMMISSIONERS**

**9/9/14**

**RESOLUTION**

BY: WAYS AND MEANS COMMITTEE (9/2/14)  
 WHEREAS, Charles Militello, Jr. has conducted successful gun shows at the County Market facility in accordance with the terms outlined in an amended Consolidated Lease Agreement between Bay County and Charles Militello, Jr., i.e. appropriate required permits, secure fencing, provision of on-site security, liability coverage, etc; and  
 WHEREAS, Mr. Militello is requesting authorization to conduct another gun show on September 6, 2014; and  
 WHEREAS, In addition, Mr. Militello wishes to have the Consolidated Lease Agreement amended to allow him to conduct two (2) gun shows per year, spring and fall, under the same conditions as in the past; Therefore, Be It  
 RESOLVED By the Bay County Board of Commissioners that authorization is granted for Charles Militello, Jr. to conduct a gun show at the Bay County Market site on September 6, 2014 in accordance with all terms agreed to i.e. appropriate required permits, secure fencing, provision of on-site security, liability insurance coverage, etc.; Be It Further  
 RESOLVED That authorization is granted to the County Executive to approve events for the County Market facility as requested by Charles Militello, Jr. in accordance with the terms of the existing Consolidated Lease Agreement with the Board of Commissioners to be apprised of the approved events; Be It Further  
 RESOLVED That the Chairman of the Board is authorized to execute an Amendment to the Consolidated Lease Agreement between Bay County and Charles Militello, Jr., on behalf of Bay County, approving the September 6, 2014 gun show.

KIM COONAN, CHAIR  
 AND COMMITTEE

County Market - Lease Amendment - Gun Show

MOVED BY COMM. Tilley

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

DISPOSITION: ADOPTED ✓ DEFEATED        WITHDRAWN         
 AMENDED        CORRECTED        REFERRED       

- / -

BAY COUNTY BOARD OF COMMISSIONERS

9/9/2014

RESOLUTION

BY: WAYS AND MEANS COMMITTEE (9/2/14)
WHEREAS, The Bay County Sheriff Department has participated in the Secondary Road Patrol (PA 416) State Office of Highway Safety grant for several years, said grant providing funding for three (3) officers, two (2) patrol vehicles and various items of support equipment; and
WHEREAS, Grant funding in the projected amount of \$139,407 is available for FY 2014-2015 and the Bay County Sheriff again wishes to make application for P.A. 416 funding which requires no local funding as a condition of the grant; and
WHEREAS, The 2013-2014 grant award totaled \$129,916.00; and
WHEREAS, In order to maintain grant compliance, Bay County must continue Maintenance of Effort of twenty-three (23) locally funded Road Patrol officers for the FY 2015 grant cycle; Therefore, Be It
RESOLVED By the Bay County Board of Commissioners that the application for Secondary Road Patrol (PA 416) and Traffic Accident Prevention Program funding for 2014-2015 is approved; 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.

KIM COONAN, CHAIR
AND COMMITTEE

Sheriff Dept - PA 416 Grant - 2015

MOVED BY COMM. Tilley

SUPPORTED BY COMM. Duranczyk

Table with 12 columns: COMMISSIONER, Y, N, E, COMMISSIONER, Y, N, E, COMMISSIONER, Y, N, E. Rows include Michael J. Duranczyk, 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  
9/9/2014  
RESOLUTION**

BY: WAYS AND MEANS COMMITTEE (9/2/14)

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:

1. Buildings and Grounds
  - A. Custodian-County Building (ft, 2<sup>nd</sup> Shift, \$\$11.35/hr. entry)
  - B. Custodian-Civic Arena (pt, \$8.12/hr. entry)

RESOLVED That budget adjustments, if required, are approved; Be It Further

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.

KIM COONAN, CHAIR  
AND COMMITTEE

Vacancies: Buildings and Grounds

MOVED BY COMM. Tilley

SUPPORTED BY COMM. Herek

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
MICHAEL J. DURANCZYK	✓			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

9/9/2014

RESOLUTION

BY: WAYS AND MEANS COMMITTEE (9/2/14)

WHEREAS, Each year (October to May), Bay County offers cement floor unheated, indoor storage rental spaces for cars, boats, travel trailers, motorcycles and the like at the Bay County Fairgrounds; and

WHEREAS, County Administration is recommending increasing the winter storage fee to \$250 per season (currently \$200 per season); Therefore, Be It

RESOLVED That the Bay County Board of Commissioners hereby approves the Winter Storage fee at the Bay County Fairgrounds to \$250 per season and hereby amends the 2014 fee schedule to reflect the \$250 Winter Storage fee at the Fairgrounds.

KIM COONAN, CHAIR AND COMMITTEE

Fairgrounds - Winter Storage Fee

MOVED BY COMM. Tilley

SUPPORTED BY COMM. Duranczyk

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
MICHAEL J. DURANCZYK	✓			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**

**9/9/2014**

**RESOLUTION**

- BY: WAYS AND MEANS COMMITTEE (9/9/14)
- WHEREAS, The Michigan Department of Community Health (MDCH) looking for projects that demonstrate an innovative approach to improving the efficiency and effectiveness of the delivery of health services and have the potential for replication within the State; and
- WHEREAS MDCH is allowing more than one grant application to be submitted in this opportunity and the Bay County Health Department wishes to submit grant applications for enhancements to the Health Department facility in conjunction with the implementation of the forthcoming joint clinic with SVSU; and
- WHEREAS, Each grant can be funded up to \$35,000 with is no financial impact to the Health Department as all costs associated will be included in the grants, if funded; Therefore Be It
- RESOLVED That the Bay County Board of Commissioners authorizes the Bay County Health Department to apply for Health Innovation grant funds from the Michigan Department of Community Health for the purpose outlined above; Be It Further
- RESOLVED That the Chairman of the Board is authorized to execute and submit electronically (if required) the grant documents (application, grant award, all related required documents) on behalf of Bay County; 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 Further
- RESOLVED That it is clearly understood that if these grant funds are terminated, any position(s) funded by this grant shall be terminated and will be not absorbed by the County; Be It Finally
- RESOLVED That related budget adjustments, if required, are approved.

KIM COONAN, CHAIR  
AND COMMITTEE

Health Dept - Health Innovation Grant

MOVED BY COMM. Tilley

SUPPORTED BY COMM. Herek

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
MICHAEL J. DURANCZYK	✓			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**

**9/9/2014**

**RESOLUTION**

BY: WAYS AND MEANS COMMITTEE (9/2/14)

WHEREAS, The results of the 2012 Bay County Community Health Assessment demonstrates a need for programs and services targeted toward children and families, with an emphasis on physical activity and nutrition; and

WHEREAS, With obesity among both adults and youth, on the rise in Bay County, the Health Department is seeking funds to support the MDCH's Cardiovascular Health, Nutrition and Physical Activity Section's Building Health Communities grant to reduce the prevalence of chronic disease by promoting healthful eating and physical activity; and

WHEREAS, Physical activity, nutrition, chronic disease prevention and management, and access to care have been identified as the four priority areas in the Community Health Improvement Plan that Bay County is currently addressing and through this initiative, the Health Department will continue to work in collaboration with schools and local community organizations to build upon existing efforts, incorporate new strategies and more effectively address the health needs of the community; and

WHEREAS, This is a 1 year award with a 25% match for total funds requested, which can be in-kind expenses. No additional general funds are requested; Therefore, Be It

RESOLVED That the Bay County Board of Commissioners authorizes the Bay County Health Department to apply for the Michigan Department of Community Health Building Healthy Communities grant; Be It Further

RESOLVED That the Chairman of the Board is authorized to execute and submit electronically (if required) the grant documents (application, grant award, all related required documents) on behalf of Bay County; 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 Further

RESOLVED That it is clearly understood that if these grant funds are terminated, any position(s) funded by this grant shall be terminated and will be not absorbed by the County; Be It Finally

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

KIM COONAN, CHAIR  
AND COMMITTEE

Health Dept - Building Healthy Communities Grant

MOVED BY COMM. Tilley

SUPPORTED BY COMM. Duranczyk

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
MICHAEL J. DURANCZYK	✓			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**

**9/9/2014**

**RESOLUTION**

BY: WAYS AND MEANS COMMITTEE (9/2/14)

RESOLVED: By this Board of Commissioners of Bay County, Michigan, that the following Budget Adjustments are hereby approved on 09/09/2014 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
2014-09-002	FRIEND OF THE COURT FUND FOTC-MEDIATION DUTIES PA294-82 Total FRIEND OF THE COURT FUND		\$23,980	
	BUDGET FOR FRIEND OF COURT SCANNING OF FILES (10 YEARS OF FILES) WITH DSS CORPORATION FOR \$70,528. FOC FEDERAL 4-D COOPERATIVE GRANT WILL COVER 66% OF THIS PROJECT COST. THE FOC 2150 FUND, FUND BALANCE WILL COVER THE REMAINDER OF THESE COSTS WHICH AMOUNTS TO \$23,980.			
2014-09-003	GENERAL FUND BOARD OF COMMISSIONERS ANIMAL SHELTER/DOG WARDEN Total GENERAL FUND		\$6,779	
	TO BUDGET UNDER ANIMAL CONTROL ACTIVITY 10143000 FOR 16 HRS WEEKLY TEMPORARY HELP FROM JANUARY 2014 THROUGH THE WEEK OF AUGUST 18, 2014.			
2014-09-005	GENERAL FUND BOARD OF COMMISSIONERS CIRCUIT COURT WARRANT OFFICER SECONDARY ROAD PATROL 2ND RD PATROL-BANGOR TWP 2ND RD PATROL-MONITOR TWP Total GENERAL FUND		\$23,916	
	TO INCREASE SHERIFF DEPT ROAD PATROL GASOLINE EXPENDITURE BUDGET FOR 2014.			

BAY COUNTY BOARD OF COMMISSIONERS

9/9/2014

RESOLUTION

BY: WAYS AND MEANS COMMITTEE (9/2/14)

MOVED BY COMM. Tilley  
SUPPORTED BY COMM. Herek

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
MICHAEL J. DURANCZYK	✓			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**

9/9/2014

**RESOLUTION**

BY: PERSONNEL/HUMAN SERVICES COMMITTEE (8/19/14)

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:

1. Housing/Center Ridge Arms - Custodian (ft, \$11.15/hr. entry)
2. Public Defender - Legal Secretary (pt,\$14.18/hr. entry)

RESOLVED That budget adjustments, if required, are approved; Be It Further

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.

MICHAEL E. LUTZ, CHAIR  
AND COMMITTEE

Vacancies - September

MOVED BY COMM. Lutz

SUPPORTED BY COMM. Tilley

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
MICHAEL J. DURANCZYK	✓			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

9/9/14

RESOLUTION

BY: BAY COUNTY BOARD OF COMMISSIONERS (9/9/14)

RESOLVED That the Bay County Board of Commissioners hereby approves the claims against the County as follows:

Accounts Payable:

08/13/14	\$ 849,479.29
08/20/14	\$ 425,455.49
08/27/14	\$1,530,371.09
09/03/14	\$ 9,735.43

BAYANET:

7/1/14 - 07/31/14

Payroll	\$ 11,199.62
Payables	\$ 44,296.59

ERNIE KRYGIER, CHAIR  
AND BOARD

Payables-September 2014

MOVED BY COMM. Tilley

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

DISPOSITION: ADOPTED ✓ DEFEATED        WITHDRAWN         
AMENDED        CORRECTED        REFERRED

**BAY COUNTY BOARD OF COMMISSIONERS**

**9/9/2014**

**RESOLUTION**

BY: BAY COUNTY BOARD OF COMMISSIONERS (9/9/14)

RESOLVED By the Bay County Board of Commissioners that the Employment Status Report for August 2014 and the 2<sup>nd</sup> Quarter 2014 Unemployment Report are received.

ERNIE KRYGIER, CHAIR  
AND BOARD

County Executive - Status Reports

MOVED BY COMM. Tilley

SUPPORTED BY COMM. Begick

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
MICHAEL J. DURANCZYK	✓			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**

**9/9/2014**

**RESOLUTION**

BY: BAY COUNTY BOARD OF COMMISSIONERS  
 WHEREAS, Conflict resolution is a way of people solving individual disputes, as well as a means toward creating a more peaceful community; and  
 WHEREAS, Our citizens possess the moral authority and power to resolve conflicts on their own; and  
 WHEREAS, The conflict resolution process empowers all individuals, families, communities, schools, businesses, and organizations to foster communication and devise solutions that are acceptable to the needs and interests of all the parties involved; and  
 WHEREAS, Michigan Public Act 260 of 1988, known as the Community Dispute Resolution Act, authorized the establishment of Community Dispute Resolution Program Centers throughout the state of Michigan; and  
 WHEREAS, The Michigan Supreme Court Administrative Office provides support to nineteen community resolution centers together as the Michigan Community Dispute Resolution Program Centers' Association, which provide trained volunteer mediators to assist in conflict resolution; and  
 WHEREAS, Community based volunteers and professional partners, trained in conflict resolution, are the backbones of this program. These trained mediators provide mediation, facilitation, and conciliation when asked by their peers or ordered by the court; and  
 WHEREAS, These volunteers and professionals, serving as mediators, provide low-cost, quality services that can strengthen and restore relationships by relieving parties and courts of costly litigation, resulting in less time involved to reach a mutually satisfactory solution rather than an order imposed on them by a third party; and  
 WHEREAS, The third Thursday in October is set aside as National Conflict Resolution Day in recognition of the mediation process and to increase public awareness of constructive ways to resolve interpersonal and intergroup conflicts of any type; Therefore, Be It  
 RESOLVED That the Bay County Board of Commissioners does hereby proclaim, Thursday, October 16, 2014, as Conflict Resolution Day in Bay County, Michigan and encourages its citizens to acknowledge the value of conflict resolution thru mediation, facilitation, and conciliation and encourage use of this form of dispute resolution and to get involved in and support their local Community Dispute Resolution Program Centers.

ERNIE KRYGIER, CHAIR  
 AND BOARD

Conflict Resolution Day - 10-16-14

MOVED BY COMM. Tilley

SUPPORTED BY COMM. Duranczyk

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
MICHAEL J. DURANCZYK	✓			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 \_\_\_\_\_

-16-

**BAY COUNTY BOARD OF COMMISSIONERS**

**9/9/2014**

**RESOLUTION**

BY: ERNIE KRYGIER, 2<sup>ND</sup> DISTRICT COUNTY COMMISSIONER

WHEREAS, The U.S. Environmental Protection Agency (EPA) and the Army Corps of Engineers (Corps) have released a 371-page draft regulation for Definition of Waters of the U.S. under the clean Water Act; and

WHEREAS, Both agencies are seeking a rule change to give the federal government more authority by expanding the definition of "navigable waters" in the Clean Water Act; and

WHEREAS, The rule change proposed by the EPA and the Corps would subject almost all physical areas with a connection to downstream navigable waters, including features such as ditches, natural or man-made ponds, and flood plains, to the jurisdiction of the Clean Water Act; and

WHEREAS, The proposed rule change, if adopted, will cause significant harm to local farmers, stall the development of businesses, take control of land used for sustainable food production out of our local providers' hands and negatively impact county-owned and maintained infrastructure such as roadside ditches and county drains; and

WHEREAS, The cost to our farms, municipalities, and taxpayers will be enormous; and

WHEREAS, HCR 31 calls for the EPA and Corps to withdraw their proposed rule expanding the definition of "waters of the United States" under the Clean Water Act; Therefore

RESOLVED That the Bay County Board of Commissioners supports HCR 31 calling for the U.S. Environmental Protection Agency and the Army Corps of Engineers to withdraw their proposed rule expanding the definition of "waters of the United States" under the Clean Water Act; Be It Further

RESOLVED That copies of this Resolution be forwarded to all Michigan Counties, National Association of Counties, Michigan Association of Counties, Governor Rick Snyder, U.S. Senator Carl Levin, U.S. Senator Debbie Stabenow, Congressman Dan Benishek, State Senator Howard Walker, State Representative Peter Petallia, State Representative Frank Foster, the U.S. Environmental Protection Agency and the Army Corps of Engineers.

ERNIE KRYGIER

2<sup>ND</sup> DISTRICT COUNTY COMMISSIONER

Krygier - Support of HCR 31

MOVED BY COMM. \_\_\_\_\_

SUPPORTED BY COMM. \_\_\_\_\_

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
MICHAEL J. DURANCZYK				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

-17-

**BAY COUNTY BOARD OF COMMISSIONERS**

**9/9/2014**

**RESOLUTION**

- BY: COMMISSIONER MICHAEL E. LUTZ, 7<sup>TH</sup> DISTRICT
- WHEREAS, The U.S. Environmental Protection Agency (EPA) issued a final direct rule on July 2, 2014, that would allow the agency to conduct administrative wage garnishment. Unless the EPA takes action to actively withdraw the rule, the EPA will be able to garnish the nonfederal wages of private citizens to collect unpaid fines without a court order effective September 2, 2014; and
- WHEREAS, The EPA has a long history of regulatory overreach and issuing substantial fines against ordinary citizens conducting activities, ultimately determined to be legal, on their own property. The EPA can administratively fine individuals hundreds of thousands of dollars per day, easily large enough to ruin a family. At the same time, disputes over EPA jurisdiction and enforcement are common and have been successfully challenged in case after case; and
- WHEREAS, Administrative wage garnishment will compound the problems already faced by property owners attempting to fight questionable EPA actions. This process will allow EPA to dictate the procedures for challenging fines and wage garnishment, and remove it from a neutral court setting. The EPA will be able to decide if an individual can present an oral defense, choose the hearing officer, and determine the site of the hearing. The burden of proof will be on the individual, not the agency. In short, administrative wage garnishment will allow an agency with institution-wide issues unbridled discretion to judge its own actions and further power to suppress challenges to its authority; and
- WHEREAS, Senator Thomas Casperson has offered this same resolution as SR 168; Therefore, Be It
- RESOLVED That the Bay County Board of Commissioners vehemently opposes the U.S. Environmental Protection Agency's proposal to garnish wages without a court order and wholly supports SR 168; Be It Further
- RESOLVED That a copy of this Resolution be forwarded to all Michigan counties, Representative Terry Brown, Senator Mike Green, Senator Thomas Casperson, Governor Rick Snyder, the Michigan Association of Counties, Congresswoman Candice Miller, Congressman Dan Benishek, Congressman Bill Huizenga, Congressman Justin Amash, Congressman Dave Camp, Congressman Dan Kildee, Congressman Fred Upton, Congressman Tim Walberg, Congressman Sander Levin, Congressman Mike Rogers, Congressman Kerry Bentivolio, Congressman John Dingell, Congressman John Conyers Jr., Congressman Gary Peters, U.S. Senator Debbie Stabenow, U.S. Senator Carl Levin, the Administrator of the U.S. Environmental Protection Agency, and the National Association of Counties.

MICHAEL E. LUTZ

7<sup>TH</sup> DISTRICT COUNTY COMMISSIONER

Comm Lutz - Opposition to EPA Overreach; Support for SR 168

MOVED BY COMM. Lutz

SUPPORTED BY COMM. Begick

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
MICHAEL J. DURANCZYK	✓			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

9/9/2014

RESOLUTION

BY: BAY COUNTY BOARD OF COMMISSIONERS
WHEREAS, Over the past several months, the County has been participating in the bid process managed by Spicer Engineering for the Division on Aging Riverside Center Kitchen project; and
WHEREAS, Spicer Engineering, with County review and oversight, prepared the specifications, conducted the site walk-through, responded to vendor inquiries and performed the bid opening; and
WHEREAS, The Spicer Engineering bid award recommendation was reviewed by County Administration (Rick Pabalis, Tammy Roehrs and Frances Moore) and they concur with the recommendation; and
WHEREAS, Spicer Engineering has been notified to proceed with the bid notification pursuant to the County's Purchasing Policy; and
WHEREAS, Due to Policy restrictions, the intended vendor cannot be named until the 10 day waiting period has expired; and
WHEREAS, The Division on Aging Riverside Center Kitchen project is funded by a special millage specifically approved for this project; Therefore, Be It
RESOLVED That the Bay County Board of Commissioners, upon recommendation of County Administration and Spicer Engineering and pursuant to the Bay County Purchasing Policy, approves the Agreement with the recommended vendor 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 required budget adjustments are approved.

ERNIE KRYGIER, CHAIR
AND BOARD

Division on Aging - Riverside Center Kitchen Project - Bid Award

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, Ernie Krygier, Vaughn J. Begick, Kim J. Coonan, Thomas M. Herek, and Donald J. Tilley.

VOTE TOTALS:
ROLL CALL: YEAS \_\_\_\_\_ NAYS \_\_\_\_\_ EXCUSED \_\_\_\_\_
VOICE: YEAS \_\_\_\_\_ NAYS \_\_\_\_\_ EXCUSED \_\_\_\_\_

DISPOSITION: ADOPTED \_\_\_\_\_ DEFEATED \_\_\_\_\_ WITHDRAWN \_\_\_\_\_
AMENDED \_\_\_\_\_ CORRECTED \_\_\_\_\_ REFERRED \_\_\_\_\_ [checked] Back to Administration

**BAY COUNTY BOARD OF COMMISSIONERS**

**9/9/2014**

**RESOLUTION**

- BY: BAY COUNTY BOARD OF COMMISSIONERS (9/9/14)
- WHEREAS, Housing Rehabilitation has, in the past, applied for and received the Community Development Block Grant (CDBG) through the Michigan State Housing Development Authority (MSHDA), a grant that funds a Housing Rehabilitation Program that provides deferred loans to low income residents in accordance with the MSHDA policies and procedures; and
- WHEREAS, The Community Development Block Grant allocations for the term beginning January 1, 2015 through December 31, 2016 will be based on population and Bay County, with a population over 100,000, can potentially be awarded \$300,000 over the length of the grant; and
- WHEREAS, Bay County will continue to utilize a Third Party Administrator for the day to day administration of the grant and the current Third Party Administrator earns a 14% administrative fee or \$42,000 over the length of the grant; Therefore, Be It
- RESOLVED That the Bay County Board of Commissioners authorizes application to the Michigan State Housing Development Authority for CDGB housing rehabilitation grant funding; Be It Further
- RESOLVED That the Chairman of the Board is authorized to execute and submit electronically (if required) the grant documents (application, grant award, all related required documents) on behalf of Bay County; 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 Further
- RESOLVED That it is clearly understood that if these grant funds are terminated, any position(s) funded by this grant shall be terminated and will be not absorbed by the County; Be It Finally
- RESOLVED That related budget adjustments, if required, are approved.

ERNIE KRYGIER, CHAIR  
AND BOARD

Housing Rehabilitation - 2015 MSHDA Grant

MOVED BY COMM. Tilley

SUPPORTED BY COMM. Herek

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
MICHAEL J. DURANCZYK	✓			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: SEPTEMBER 9, 2014

MOTION SPONSORED BY: COMM. DURANCZYK

MOTION SUPPORTED BY: COMM. BEGICK

MOTION NO.: 88

TO APPROVE THE REGULAR BOARD SESSION MINUTES OF  
JULY 8, 2014 AND JULY 15, 2014 AND THE SPECIAL BOARD  
SESSION MINUTES OF AUGUST 12, 2014 AS PRESENTED.

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
Michael Duranczyk	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: SEPTEMBER 9, 2014

MOTION SPONSORED BY: COMM. TILLEY

MOTION SUPPORTED BY: COMM. DURANCZYK

MOTION NO.: 89

TO REFER RES. 2014-180, SUPPORT OF HCR 31, CALLING FOR THE U.S. ENVIRONMENTAL PROTECTION AGENCY AND THE ARMY CORPS OF ENGINEERS TO WITHDRAW THEIR PROPOSED RULE EXPANDING THE DEFINITION OF "WATERS OF THE UNITED STATES" UNDER THE CLEAN WATER ACT, BACK TO ADMINISTRATION FOR FURTHER INFORMATION.

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
Michael Duranczyk	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: SEPTEMBER 9, 2014

MOTION SPONSORED BY: COMM. TILLEY

MOTION SUPPORTED BY: COMM. DURANCZYK

MOTION NO.: 90

TO ADJOURN THE REGULAR BOARD SESSION OF  
SEPTEMBER 9, 2014 AT 4:30 P.M.

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
Michael Duranczyk	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 \_\_\_\_\_