

## **BAY COUNTY BOARD OF COMMISSIONERS**

**MARCH 17, 2020**

THE BAY COUNTY BOARD OF COMMISSIONERS MET FOR A SPECIAL SESSION ON TUESDAY, MARCH 17, 2020, AT THE BAY COUNTY COMMUNITY CENTER, 800 JOHN F. KENNEDY DRIVE, BAY CITY, MI 48706. DUE TO THE SPREAD OF THE COVID-19 (CORONAVIRUS DISEASE 2019) THE MEETING WAS RELOCATED TO BETTER ALLOW FOR THE 6 FOOT SEPARATION BETWEEN INDIVIDUALS RECOMMENDED BY THE CENTER FOR DISEASE CONTROL. THE MEETING WAS CALLED TO ORDER BY CHAIRMAN MICHAEL DURANCZYK AT 4:39 P.M. WITH THE FOLLOWING MEMBERS AND GUESTS PRESENT.

ROLL CALL: COMMISSIONERS ERNIE KRYGIER, VAUGHN J. BEGICK, KIM COONAN, THOMAS HEREK, TOM RYDER, MICHAEL LUTZ AND CHAIRMAN MICHAEL DURANCZYK

OTHER MEMBERS: CYNTHIA A. LUCZAK, BAY COUNTY CLERK  
DEANNE C. BERGER, BOARD COORDINATOR

ALSO PRESENT: JIM BARCIA, COUNTY EXECUTIVE  
TIFFANY JERRY, PERSONNEL AND EMPLOYEE RELATIONS DIRECTOR  
JAN HISTED, FINANCE OFFICER  
AMBER DAVIS-JOHNSON, CORPORATION COUNSEL  
CRAIG GOULET, ADMINISTRATIVE SERVICES DIRECTOR  
CRISTEN GIGNAC, RECREATION AND FACILITIES  
JOEL STRASZ, HEALTH DEPARTMENT DIRECTOR  
SHAWNA WALRAVEN, BAY COUNTY TREASURER  
BRANDON KRAUSE, BAY COUNTY REGISTER OF DEEDS  
ELIZABETH EURICH, DIRECTOR OF DIVISION ON AGING  
RYAN MANZ, EMERGENCY MGMT COORDINATOR  
VARIOUS ELECTED OFFICIALS  
VARIOUS DEPARTMENT HEADS  
NEWS MEDIA

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

PLEDGE OF ALLEGIANCE:

### **CITIZENS INPUT**

THERE WERE NO CITIZENS PRESENT WHO CAME FORWARD TO ADDRESS THE BOARD.

## **ITEMS FOR CONSIDERATION**

### **REFERRALS FROM 3/10/20 BOARD MEETING**

- RES. 2020-47: PER CHAIRMAN MICHAEL DURANCZYK RES. 2020-47, HOPPLER CREEK DRAIN AGREEMENT WAS PULLED.
- RES. 2020-53: COMM. LUTZ MOVED TO ADOPT RES. 2020-53 AUTHORIZED THE ADMINISTRATIVE SERVICES DIRECTOR TO RETAIN AN ARCHITECTURAL/ENGINEERING FIRM, FOR AN AMOUNT NOT TO EXCEED \$70,000, TO CONDUCT A REVIEW AND PREPARE A REPORT INCLUDING NECESSARY BUILDING PLANS AND ESTIMATED COST OF CAPITAL IMPROVEMENTS TO THE ANIMAL CONTROL SHELTER IN ORDER TO DETERMINE AN ESTIMATED COST/AMOUNT TO BE INCLUDED IN A PROPOSED BALLOT INITIATIVE, AND AUTHORIZES THE CHAIRMAN OF THE BOARD TO EXECUTE SAID AGREEMENT ON BEHALF OF BAY COUNTY FOLLOWING CORPORATION COUNSEL REVIEW AND APPROVAL, WITH THE UNDERSTANDING THAT SAID COST WILL BE REPAID TO THE GENERAL FUND BY ANY MILLAGE FUNDS IF SAID MILLAGE IS APPROVED AS PART OF THE CAPITAL COSTS OF THAT BALLOT INITIATIVE. IT WAS NOT SUPPORTED AND PER CHAIRMAN MICHAEL DURANCZYK THIS RESOLUTION DROPS.
- COMM. COONAN: COMM. COONAN ASKED FOR AN EXPLANATION ON THIS RESOLUTION. PER AMBER DAVIS-JOHNSON, CORPORATION COUNSEL, ANIMAL SERVICES IS REQUESTING A BUDGET ADJUSTMENT OF AN AMOUNT NOT TO EXCEED \$70,000 TO HIRE AN EXPERT ARCHITECT AND ENGINEER WITH EXPERTISE IN ANIMAL SHELTERS. THEY WOULD CONDUCT A REVIEW AND PREPARE A REPORT INCLUDING NECESSARY BUILDING PLANS AND ESTIMATED COST OF CAPITAL IMPROVEMENTS. THE COST WOULD BE REPAID TO THE GENERAL FUND BY ANY MILLAGE FUNDS IF SAID MILLAGE IS APPROVED AS PART OF THE CAPITAL COSTS OF THAT BALLOT INITIATIVE.
- COMM. DURANCZYK: COMM. DURANCZYK QUESTIONED AMBER DAVIS-JOHNSON IF THEY HIRE THIS FIRM WILL THE \$70,000 GO TOWARDS THE PROJECT COST, SHE CONFIRMED IT WOULD BE INCLUDED IN THE TWO PHASE PROJECT COST.
- COMM. RYDER: COMM. RYDER SPOKE OF TWO ISSUES HE HAS WITH THIS PROPOSAL. FIRST ONE, THERE WERE NO COMPETITIVE BIDS, SO IF THEY ACCEPT THIS PROPOSAL THEY ARE JUST GIVING THE

PROJECT DIRECTLY TO THIS COMPANY. SECOND ISSUE, COMM. RYDER WAS OK WITH HAVING AN OPERATING MILLAGE, BUT WE ALREADY HAVE ONE COMING FROM THE BAY MEDICAL CARE FACILITY WHICH IS PEOPLE ORIENTATED. HE DOES NOT WANT PEOPLE TO HAVE TO CHOOSE BETWEEN PEOPLE AND PETS, STATING HE WAS AN ANIMAL PERSON WITH THREE DOGS AND TWO CATS. COMM. RYDER WAS CONCERNED ABOUT THE VOTERS, SO HE WILL BE VOTING NO. AMBER DAVIS-JOHNSON COMMENTED THIS WOULD NOT GO ON THE SAME BALLOT, THE BAY MEDICAL CARE FACILITY WOULD BE ON THE AUGUST BALLOT AND THE ANIMAL SHELTER ON THE NOVEMBER BALLOT. COMM. RYDER SAID THIS WAS NOT THE RIGHT TIME TO DO THIS, ESPECIALLY WITH THE COVID-19 PANDEMIC CURRENTLY HAPPENING, FUNDS ARE SHORT FOR OUR RESIDENTS.

COMM. KRYGIER: COMM. KRYGIER AGREES WITH COMM. RYDER, WE ARE NOT SURE WHAT THE FUTURE HOLDS RIGHT NOW, CITIZENS ARE STRESSED OUT AND THIS IS NOT THE RIGHT TIME. HE WILL NOT SUPPORT THIS RESOLUTION EITHER.

#### **UNFINISHED BUSINESS**

THERE WAS NO UNFINISHED BUSINESS

#### **NEW BUSINESS**

THERE WAS NO NEW BUSINESS

RES. 2020-54: COMM. HEREK MOVED TO ADOPT RES. 2020-54 APPROVED \$6,000 TO PAY FOR REOPENING THE DROP BOX AND CREDIT CARD PROCESSING FEES TO ENCOURAGE TAXPAYERS TO MAKE PHONE OR WEB PAYMENTS. FORECLOSURES TAKE PLACE ON MARCH 31, 2020, THE TREASURE'S OFFICE SEES AN INCREASE IN VOLUME OF CALLS AND VISITORS IN THE OFFICE. IN ORDER TO SLOW THE SPREAD OF COVID-19, THE DROP BOX WILL BE MORE CONVENIENT AND SAFER FOR TAXPAYERS. THEY ALSO ENCOURAGED TAXPAYERS TO MAKE PAYMENTS BY PHONE AND THE 3% FEE ON CREDIT AND DEBIT CARDS WILL BE ABSORBED BY THE COUNTY. IT WAS SUPPORTED BY COMM. KRYGIER AND ADOPTED BY A VOICE VOTE: 7 YEAS, 0 NAYS.

RES. 2020-55: COMM. COONAN MOVED TO ADOPT RES. 2020-55 APPROVED THE FOLLOWING CHANGES TO THE MEETING SCHEDULE OF THE BAY COUNTY BOARD OF COMMISSIONERS, WAYS AND MEANS COMMITTEE AND PERSONNEL/HUMAN SERVICES COMMITTEE AS

FOLLOWS:

1. THE WAYS AND MEANS COMMITTEE AND PERSONNEL/HUMAN SERVICES COMMITTEE MEETINGS WILL BE SUSPENDED AND THERE WILL BE ONE BOARD OF COMMISSIONERS' MONTHLY MEETING HELD TO ADDRESS ALL AGENDA ITEMS ON THE SECOND TUESDAY ON THE MONTH OR AS REQUIRED.
2. THE BOARD OF COMMISSIONERS' MEETING WILL BE LIVE-STREAMED AND THE PUBLIC IS URGED TO UTILIZE THIS SERVICE INSTEAD OF PUBLIC ATTENDANCE.
3. THE BOARD OF COMMISSIONERS' MEETING WILL BE HELD IN THE GYM OF THE BAY COUNTY COMMUNITY CENTER, 808 J.F. KENNEDY DRIVE, BAY CITY, MI 48706.
4. AS THIS IS AN EVER-EVOLVING ISSUE, CONTINUING CHANGES TO SCHEDULE ARE MORE THAN LIKELY. THESE CHANGES WERE DONE TO SLOW THE SPREAD OF THE COVID-19 VIRUS AND WAS RECOMMENDED THAT IN-PERSON GATHERINGS OF MORE THAN 10 BE CANCELED OR POSTPONED. IT WAS SUPPORTED BY COMM. BEGICK AND ADOPTED BY A VOICE VOTE: 7 YEAS, 0 NAYS.

RES. 2020-56: COMM. BEGICK MOVED TO ADOPT RES. 2020-56 THE BAY COUNTY BOARD OF COMMISSIONERS HEREBY RESCINDS ARTICLE IX-ABSENCE, 2. OF THE RULES OF THE BAY COUNTY BOARD OF COMMISSIONERS TO ALLOW THE BOARD OF COMMISSIONERS TO CONDUCT MEETINGS VIA TELEPHONE, TELECONFERENCE, INTERACTIVE TELEVISION, OR OTHER MEANS OF AUDIO/VISUAL COMMUNICATION. WITH THE EVER-EVOLVING DIRECTIVES CONCERNING COVID-19, IT WAS NECESSARY TO CONDUCT BOARD MEETINGS THROUGH TELECOMMUNICATING MEANS. IT WAS SUPPORTED BY COMM. LUTZ AND ADOPTED BY A VOICE VOTE: 7 YEAS, 0 NAYS.

RES. 2020-57: COMM. COONAN MOVED TO ADOPT RES. 2020-57 PURSUANT TO AUTHORITY, NAMELY MCL 30.410(1)(B), THAT STATE OF LOCAL EMERGENCY SHALL NOT BE CONTINUED OR RENEWED IN EXCESS OF SEVEN (7) DAYS EXCEPT WITH THE CONSENT OF THE GOVERNING BODY OF THE COUNTY AND THIS COVID-19 PANDEMIC IS ANTICIPATED TO CONTINUE UNTIL THE NEXT FULL BOARD MEETING, APRIL 14, 2020, IS REQUESTED AND THE BOARD MAY ELECT TO CONTINUE TO EXTEND THIS STATE OF EMERGENCY FOR AN ADDITIONAL TIME PERIOD AT THE NEXT MEETING. TO FURTHER RESPOND TO THE COVID-19 PANDEMIC AND IN CONJUNCTION WITH THE LOCAL STATE OF EMERGENCY DECLARATION, ADMINISTRATION IS REQUESTING THE BOARD RELEASE \$150,000 FROM THE COUNTY'S BUDGET STABILIZATION FUND TO BE USED

TO COMBAT THIS CRISIS AND COORDINATE THE EMERGENCY RESPONSE TO THE CRISIS AT ADMINISTRATION'S DISCRETION. IT WAS SUPPORTED BY COMM. KRYGIER AND ADOPTED BY A VOICE VOTE: 7 YEAS, 0 NAYS.

RES. 2020-58: COMM. KRYGIER MOVED TO ADOPT RES. 2020-58 PURSUANT TO THIS BOARD RESOLUTION AND THE BAY COUNTY EXECUTIVE JIM BARCIA'S DECLARATION OF A LOCAL STATE OF EMERGENCY, BAY COUNTY DETERMINED THAT CIVIL EMERGENCY CONDITIONS EXIST AND WILL ENACT THE PROVISIONS CONTAINED WITHIN COLLECTIVE BARGAINING AGREEMENTS THAT ALLOW A TEMPORARY SUSPENSION OF THE AGREEMENTS PROVIDED THAT WAGE AND MONETARY FRINGE BENEFITS SHALL NOT BE SUSPENDED. THE TEMPORARY SUSPENSION OF THE AGREEMENTS WILL ALLOW FOR GREATER FLEXIBILITY IN COVERAGE AND SCHEDULING SHOULD THE NEED ARISE. IT WAS SUPPORTED BY COMM. LUTZ AND ADOPTED BY A VOICE VOTE: 7 YEAS, 0 NAYS.

RES. 2020-59: COMM. RYDER MOVED TO ADOPT RES. 2020-59 APPROVED THE ACCEPTANCE OF CONTINUATION OF LOCAL PUBLIC HEALTH HEPATITIS A GRANT FUNDING OF \$25,000.00 AND AUTHORIZES THE CHAIRMAN OF THE BOARD TO EXECUTE ALL GRANT ACCEPTANCE/AWARD DOCUMENTS ON BEHALF OF BAY COUNTY FOLLOWING CORPORATION COUNSEL REVIEW AND APPROVAL. IT WAS SUPPORTED BY COMM. BEGICK AND ADOPTED BY A VOICE VOTE: 7 YEAS, 0 NAYS.

RES. 2020-60: COMM. HEREK MOVED TO ADOPT RES.2020-60 TO POST/ADVERTISE/FILL THE FOLLOWING FULL TIME/PART TIME/TEMPORARY/SEASONAL OR CO-OP POSITIONS/VACANCIES/NEW POSITIONS IN THE FOLLOWING DEPARTMENTS: 911 CENTRAL DISPATCH- FULL TIME DISPATCHER AND A FULL TIM SUPERVISOR. IT WAS SUPPORTED BY COMM. BEGICK AND ADOPTED BY A VOICE VOTE: 7 YEAS, 0 NAYS.

RES. 2020-61: COMM. RYDER MOVED TO ADOPT RES. 2020-61 APPROVED THE UNPAID MEDICAL LEAVE OF ABSENCE FOR RICHARD KOCH, PART TIME KITCHEN ASSISTANT IN THE DEPARTMENT ON AGING, NOT TO EXCEED 180 DAYS, WAS APPROVED AS PER THE USW PART TIME LABOR AGREEMENT. IT WAS SUPPORTED BY COMM. COONAN AND ADOPTED BY A VOICE VOTE: 7 YEAS, 0 NAYS.

MOTION 28: COMM. RYDER MOVED TO MOVED TO REFER TO THE NEXT BOARD MEETING, APRIL 14, 2020, A PUBLIC HEARING TO CONSIDER A

REQUEST FROM THE BAY MEDICAL CARE FACILITY TO PLACE A BALLOT PROPOSAL REQUESTING 1 MILL FOR A PERIOD OF 9 YEARS, 2020 - 2029, ON THE AUGUST 4, 2020 BALLOT. IT WAS SUPPORTED BY COMM. LUTZ AND PASSED BY A VOICE VOTE: 7 YEAS, 0 NAYS.

COMM. COONAN: COMM. COONAN CONFIRMED WITH AMBER DAVIS-JOHNSON, CORPORATION COUNSEL THIS WOULD BE MOVED TO THE NEXT FULL BOARD MEETING, APRIL 14, 2020. PER AMBER DAVIS-JOHNSON, YES IT WILL BE MOVED TO THE APRIL 14, 2020 MEETING, ANYTIME THERE IS A BALLOT INITIATIVE THEY ARE REQUIRED TO PROVIDE A TEN DAY NOTICE TO THE PUBLIC BEFORE A PUBLIC HEARING. AMBER ALSO SHARED THERE IS CURRENTLY A MILLAGE THAT COVERS CAPITAL IMPROVEMENTS, OPERATION AND MAINTENANCE WHICH SHE BELIEVES EXPIRE IN TWO YEARS. THIS NEW MILLAGE WILL COVER THE SAME THREE INITIATIVES AND THAT FOR TWO YEARS THERE WILL BE TWO MILLAGE'S GOING AT THE SAME TIME, THE NEW ONE WILL EXPIRE IN 2029. THE BAY MEDICAL CARE FACILITY IS ALSO REQUESTING THE COUNTY TO ADVANCE THE CARE FACILITY THREE MILLION DOLLARS (\$3,000,000) FROM THE COUNTY'S BUDGET STABILIZATION FUND. THIS ADVANCE WAS CONTINGENT ON THE PASSAGE OF THE NEW MILLAGE WAS AMBER DAVIS-JOHNSON'S UNDERSTANDING.

COMM. BEGICK: COMM. BEGICK ASKED FOR CLARIFICATION ON RES. 2014-32, PER AMBER DAVIS-JOHNSON, CORPORATION COUNSEL, IF THE BAY MEDICAL CARE FACILITY WANTED TO REQUEST A TAX LEVY THE BOARD WOULD HAVE TO TEMPORARILY SUSPEND RES. 2014-32 IN ORDER PLACE A BALLOT INITIATIVE ON THE AUGUST BALLOT. A SEPARATE MOTION WOULD HAVE TO BE TAKEN AT THE NEXT MEETING.

MOTION 29: COMM. KRYGIER MOVED TO CLARIFY FROM THE PERSONNEL DIRECTOR;

RESOLUTION 2020-58 IS OPEN ENDED AND DOES NOT REQUIRE AN EXTENSION.

RESOLUTION 2020-57 EXTENDED THE LOCAL STATE OF EMERGENCY DECLARATION UNTIL THE NEXT BOARD MEETING, APRIL 14, 2020.  
IT WAS SUPPORTED BY COMM. RYDER AND PASSED BY A VOICE VOTE: 7 YEAS, 0 NAYS.

**MISCELLANEOUS**

THERE WAS NO MISCELLANEOUS BUSINESS

**ANNOUNCEMENTS**

THERE WAS NO ANNOUNCEMENTS

**CLOSED SESSION**

THERE WAS NO NEED FOR A CLOSED SESSION

**RECESS/ADJOURNMENT**

MOTION 30 :

COMM. KRYGIER MOVED TO ADJOURN THE SPECIAL BOARD SESSION OF MARCH 17, 2020. IT WAS SUPPORTED BY COMM. LUTZ THE MEETING CONCLUDED AT 5:00 P.M. BY A VOICE VOTE: 7 YEAS, 0 NAYS.

---

MICHAEL DURANCZYK, CHAIRMAN  
BOARD OF COMMISSIONERS

---

CYNTHIA A. LUCZAK  
BAY COUNTY CLERK  
BOARD OF COMMISSIONERS