

**PERSONNEL/HUMAN SERVICES COMMITTEE**

**A G E N D A**

**TUESDAY, JANUARY 19, 2016**

**4:00 P.M.**

COMMISSION CHAMBERS, FOURTH FLOOR, BAY COUNTY BUILDING

PAGE NO.

- 
- |       |   |
|-------|---|
| I     | CALL TO ORDER   |
| II    | ROLL CALL   |
| 1- 2  | III MINUTES (12/15/15)  |
|       | IV PUBLIC INPUT   |
|       | V PETITIONS AND COMMUNICATIONS  |
| 3- 4  | A. Bay County Sheriff - Blue Cross/Blue Shield Contract Renewal - Inmate Services <b>(Seeking approval of contract; authorization for Board Chair to sign; approval of required budget adjustments - proposed resolution attached)</b>  |
| 5-21  | B. County Executive - Reorganization and Consolidation of Responsibility of Department of the Public Defender and Corporation Counsel <b>(Seeking approval of proposed merger and reorganization of Department of the Public Defender and Corporation Counsel with the concurrence of the County Executive and following a public hearing; authorize posting/filling two additional full time attorneys; reclassify the Assigned Counsel Coordinator to Officer Manager; increase part time secretary to full time; authorize one time capital improvement in an amount not to exceed \$20,000; approve all required budget adjustments related to staffing and capital improvement; and approve discontinuance of pilot program contract to be phased out in a responsible manner; authorize Board Chair to sign necessary documents - proposed resolution attached)</b> |
| 22-25 | C. Bay County Fair & Youth Exposition - Fair Board Lease - Extension for 2016, 2017 and 2018; Approval of Planned Events <b>(Seeking approval of lease for the years 2016, 2017 and 2018 and events planned for those years; authorization for Board Chair to sign Lease; approval of required budget adjustments - proposed resolution attached)</b>   |
| 26-28 | D. Corporation Counsel - Noise Ordinance - Legal Opinion re Rescission of Current Noise Ordinance or Modification that Ordinance Applies to County-Owned or Occupied Properties <b>(Receive and determine course of action)</b>   |
|       | E. Health Director  |
| 29-30 | 1. Agreement with Alarum Institute and Michigan Center for Effective IT Adoption (MCEITA) <b>(Seeking approval of Agreement; authorization for Board Chair to sign; approval of required budget adjustments - proposed resolution attached)</b>   |
| 31-32 | 2. Agreement with Doctors Plus for Credentialing Services <b>(Seeking approval of Agreement; authorization for Board Chair to sign; approval of required budget adjustments - proposed resolution attached)</b>   |
| 33-34 | 3. Agreement with Barbara MacGregor for Development of Protocols of the University Clinic <b>(Seeking approval of Agreement; authorization for Board Chair to sign; approval of required budget adjustments - proposed resolution attached)</b>   |

- 35-36 4. Amendment to Agreement with Saginaw Valley State University regarding the University Clinic (**Seeking approval of the Amendment; authorization for Board Chair to sign; approval of required budget adjustments - proposed resolution attached**)
- 37-40 F. Personnel Director
- 41 1. Vacancies (**proposed resolution attached**)
- a. Health Department - Typist Clerk II (full time, \$12.14/hr. entry)
  - b. Division on Aging - Driver (part time, \$10.18/hr. entry)
  - c. Sheriff Department Marine Division - 5 Supervisors (\$12/hr) and 25 Marine Deputies (\$11/hr.)
  - d. 9-1-1 Central Dispatch - Dispatcher (full time; \$12.95/hr. entry)
  - e. Personnel Department - Retirement Administrator (full time, \$44,648 entry)
- 42 2. Reclassifications (**proposed resolution attached**)
- a. Recreation Coordinator
  - b. Health Director
  - c. Finance Officer
- 43 G. Court Administrator - Circuit Court Positions (**Clarification at meeting**)

- VI REFERRALS
- VII UNFINISHED BUSINESS
- VIII NEW BUSINESS
- IX MISCELLANEOUS
- X ANNOUNCEMENTS
- XI ADJOURNMENT

**PLEASE NOTE: THE COMMITTEE CHAIR HAS REQUESTED THAT ANY ELECTED OFFICIAL, DEPARTMENT/ DIVISION HEAD PLACING AN ITEM ON THIS AGENDA BE PRESENT OR HAVE A REPRESENTATIVE PRESENT TO SPEAK TO THEIR REQUEST AND/OR ANSWER ANY QUESTIONS POSED BY COMMITTEE MEMBERS.**

**PERSONNEL/HUMAN SERVICES COMMITTEE**

**MINUTES**

**MEETING OF THE PERSONNEL/HUMAN SERVICES COMMITTEE ON TUESDAY, DECEMBER 15, 2015, in the Commission Chambers, Fourth Floor, Bay County Building, 515 Center Avenue, Bay City, MI 48708.**

Call to order @ 4:03 P.M. by Chair Lutz.

Roll call:

**MOTION NO.**

COMMISSIONERS PRESENT	1	2	3	4	5	6	7	8	9	10	11
MICHAEL E. LUTZ, CHAIR P	Y	Y	N	Y	Y	Y	Y				
DONALD J. TILLEY, VICE CHAIR P	S/Y	M/Y	Y	Y	Y	Y	Y				
MICHAEL J. DURANCZYK P	M/Y	S/Y	N	Y	S/Y	Y	S/Y				
VAUGHN J. BEGICK P	Y	Y	Y	Y	Y	Y	Y				
KIM COONAN P	Y	Y	S/Y	M/Y	M/Y	M/Y	M/Y				
THOMAS C. HEREK P	Y	Y	M/Y	S/Y	Y	S/Y	Y				
ERNIE KRYGIER, EX OFFICIO	E	X	C	U	S	E	D				

**MOTION NO.**

COMMISSIONERS PRESENT	12	13	14	15	16	17	18	19	20	21	22
MICHAEL E. LUTZ, CHAIR											
DONALD J. TILLEY, VICE CHAIR											
MICHAEL J. DURANCZYK											
VAUGHN J. BEGICK											
KIM COONAN											
THOMAS C. HEREK											
ERNIE KRYGIER, EX OFFICIO											

**MOTION NO.**

COMMISSIONERS PRESENT	23	24	25	26	27	28	29	30	31	32	33
MICHAEL E. LUTZ, CHAIR											
DONALD J. TILLEY, VICE CHAIR											
MICHAEL J. DURANCZYK											
VAUGHN J. BEGICK											
KIM COONAN											
THOMAS C. HEREK											
ERNIE KRYGIER, EX OFFICIO											

OTHERS PRESENT: C.GIGNAC, D.RUSSELL, A.DAVIS-JOHNSON, C.HIEBERT, T.QUINN, K.PRIESSNITZ, J.TORRES, K.ASBURY, J.STRASZ, T.ROEHRS, B.KRAUSE, F.MOORE, J.KWIATKOWSKI, D.YAWORSKI, R.REDMOND, BAY 3 TV, D.BERGER

M-MOVED; S-SUPPORTED; Y-YEA; N-NAY; ABS.-ABSTAIN;E-EXCUSED; A-ABSENT

-1-

**PERSONNEL/HUMAN SERVICES COMMITTEE  
MINUTES  
TUESDAY, DECEMBER 15, 2015  
PAGE 2**

**MOTION NO.**

---

**NOTE:** In addition to these typed minutes, this Committee meeting was also video taped by Bay 3 TV and those tapes are available for review in the Administrative Services Department or can be viewed on Bay County's website [www.baycounty-mi.gov/executive/videos](http://www.baycounty-mi.gov/executive/videos).

**1** MOVED, SUPPORTED AND CARRIED TO APPROVE THE MINUTES OF THE NOVEMBER 17, 2015 PERSONNEL/HUMAN SERVICES COMMITTEE MEETING AS PRINTED.

Public input was called with no one wishing to address the Committee.

**2** MOVED, SUPPORTED AND CARRIED TO RECOMMEND BOARD APPROVAL (12/15/15) TO POST/FILL VACANCIES IN THE PROSECUTOR'S OFFICE AND IN THE HEALTH DEPARTMENT (2) (PERSONNEL DIRECTOR).

**3** MOVED, SUPPORTED AND CARRIED TO RECOMMEND BOARD APPROVAL (12/15/15) OF THE HEALTH DEPARTMENT - DOA STAFFING CHANGES (PERSONNEL DIRECTOR). [NOTE: APPROVED ON A VOTE OF 4-2 (DURANCZYK AND LUTZ.)]

**4** MOVED, SUPPORTED AND CARRIED TO RECOMMEND BOARD APPROVAL (12/15/15) OF THE EXECUTIVE'S RECOMMENDED APPOINTMENTS TO THE BAY COUNTY 401K TRUST PLAN COMMITTEE (CORPORATION COUNSEL).

**5** MOVED, SUPPORTED AND CARRIED TO RECOMMEND BOARD APPROVAL (12/15/15) TO POST/FILL A TYPIST CLERK II (TU06) IN THE COUNTY CLERK'S OFFICE (PERSONNEL DIRECTOR).

**6** MOVED, SUPPORTED AND CARRIED TO RECOMMEND BOARD APPROVAL (12/15/15) OF THE SECTION 125 PLAN DOCUMENT AND AUTHORIZE THE BOARD CHAIR TO SIGN SAID DOCUMENT AND SUBSEQUENT YEARLY UPDATES (PERSONNEL DIRECTOR).

**7** MOVED, SUPPORTED AND CARRIED TO ADJOURN (4:07 P.M.).

Submitted by:

*Deanne Berger*

Deanne Berger  
Board Coordinator

- 2 -

*John E. Miller*  
*Sheriff Of Bay County*

Troy Cunningham  
Undersheriff

Troy A. Stewart  
Jail Administrator



DATE: January 12, 2016

TO: Michael E. Lutz, Chairperson  
Personnel/Judicial Committee

FROM: Sheriff John E. Miller *JEM*

RE: Blue Cross / Blue shield Contract Renewal for Inmate Services

**BACKGROUND:** Bay County has contracted with Blue Cross/Blue Shield (BCBS) in past years for an inmate Administrative Services Contract. The BCBS contract provides for certain medical coverage to county inmates while incarcerated. The BCBS program helps to defer medical expenses that would be otherwise incurred to the county. The BCBS contract is up for Schedule A-Renewal May 2016 and requires the Boards' support to continue their services.

**FINANCE/ECONOMINCS:** Funds are available in the County's 2016 budget year to continue BCBS inmate Administrative Services Contract (ASC). The ASC administrative charge, which represents cost paid by the county is 11%, remains the same as last year.

**RECOMMENDATION:** I am requesting the committee's approval and authorization to continue the agreement with BCBS/ASC for the period of May 2016 to April 2017 and conduct necessary budget adjustments when required.

CC: Deanne Berger, BOC  
Crystal Hebert, Finance Director  
Kim Priessnitz, Assistant Finance Officer  
Amber Johnson, Corporation Counsel  
Troy Stewart, Jail Administrator

Enclosure-1

Ls/P&J BCBS-16renewal

- 3 -

**BAY COUNTY BOARD OF COMMISSIONERS**

**FEBRUARY 9, 2016**

**RESOLUTION**

BY: PERSONNEL/HUMAN SERVICES COMMITTEE (1/19/16)

WHEREAS, Bay County has contracted with Blue Cross/Blue Shield (BCBS) in past years for an Inmate Administrative Services Contract; and

WHEREAS, BCBS provides certain medical coverage to county inmates while incarcerated and the BCBS program helps to defer medical expenses that would otherwise be incurred by Bay County; and

WHEREAS, The BCBS contract is up for renewal for the period May 2016 to April 2017; and

WHEREAS, Funds are included in the 2016 budget to continue BCBS coverage and the administrative service charge, which represents cost paid by Bay County, is 11%, the same as 2015; Therefore, Be It

RESOLVED That the Bay County Board of Commissioners approves the Inmate Administrative Services Contract between Bay County (Sheriff Department) and Blue Cross Blue Shield for the period May 2016 thru April 2017 and authorizes the Chairman of the Board to execute said Contract on behalf of Bay County following legal review/approval; Be It Finally

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

MICHAEL E. LUTZ, CHAIR  
AND COMMITTEE

Sheriff - BXBS Inmate Services Contract - 2016-2017

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 \_\_\_\_\_



**OFFICE OF  
BAY COUNTY EXECUTIVE**

**Thomas L. Hickner**  
County Executive

515 Center Avenue, Suite 401  
Bay City, Michigan 48708-5125  
(989) 895-4130 • FAX (989) 895-7658

**MEMORANDUM**

TO: MICHAEL E. LUTZ, CHAIR, PERSONNEL/HUMAN SERVICES COMMITTEE

FROM: THOMAS HICKNER, COUNTY EXECUTIVE

RE: REORGANIZATION AND CONSOLIDATION OF RESPONSIBILITY OF  
DEPARTMENT OF THE PUBLIC DEFENDER AND CORPORATION COUNSEL

DATE: JANUARY 12, 2016

**BACKGROUND**

The Bay County Public Defender Department ("Department") was created pursuant to a federal grant on January 1, 1973, reorganized as an Act 139 Department in 1995, and operates under the administrative control of the County Executive. The Department has historically provided legal defense services to indigent residents of Bay County through attorneys employed by the County in the Department and through its companion Office of Criminal Defense. In November, 2007, an outside law firm, through a 13 month "pilot project" contract with the County, undertook legal defense of all indigent defendants in the District Court who were charged with misdemeanors, misdemeanor violations of probation, and civil infractions accompanied by a misdemeanor complaint or ticket for the monthly fixed fee of \$13,000.00 (\$156,000 yearly). At that time, the responsibilities for all felonies were assigned to the Public Defender Department attorneys. As a result, attorneys were released from their employment with the County and the Office of Criminal Defense was eliminated.

The pilot project agreement was extended for a period of three years effective January 1, 2009, to remain effective through December 31, 2011 and month-to-month thereafter. There remain two (2) full-time attorneys in the Department who represent all of Bay County's indigent defendants charged with felonies (with the exception of cases referred out to local attorneys, at the County's expense, due to potential conflicts).

In 2008 the National Legal Aid and Defender Association ("NLADA"), pursuant to a study requested by United States Senate, found that "Michigan failed to provide competent representation to poor people in its criminal courts," and that Michigan ranked 44th out of all 50 states in per capita indigent defense spending. As a result of that failure, there have been over 250 years of wrongful imprisonment of innocent indigent defendants throughout the State, at least \$7.6 million in lawsuit settlements state-wide, and approximately 185 years of extra incarceration for the poorest criminal offenders due to sentencing errors, costing the Department of Corrections \$6.5 million annually if not corrected at the appellate level.

In October 2011, Michigan's Governor created the Indigent Defense Advisory Commission to investigate problems with the existing county public defender systems and recommend reforms. The Commission found that the services provided to indigent defendants were inconsistent from county to county, there was no data or transparency to ensure taxpayer dollars are spent efficiently or effectively, and that there are no statewide standards to define or ensure constitutionally adequate defense counsel. The Michigan Indigent Defense Commission ("MIDC") was created pursuant to 2013 PA 93 to address those problems. The MIDC will meet on December 15, 2015 to take action on its first set of proposed minimum standards for indigent defense delivery systems. Those proposed minimum standards are attached to this Memorandum. These proposed minimum standards will be submitted to the Michigan Supreme Court, which has 180 days to approve the standards. The MIDC Act will permit Michigan's Counties to submit an approved local compliance plan within 180 days after the Supreme Court approves the standards. Bay County's current pilot project contract does not comply with these proposed standards, and the existing contractual relationship will make it extremely difficult, if not impossible, to ensure proper oversight of contractors or employees and that these standards are being met without considerable extra expense, if at all.

The MIDC Act requires that any improvements made to the County's indigent defense system to comply with the new standards be paid for through grants provided by the state. The MIDC Act measures base funding from Fiscal Year 2009 – three years prior to the creation of the MIDC. Thus, there is no incentive for Bay County to maintain its current system until the state funds plans to comply with the minimum standards. Based on Bay County's history of ensuring competent, constitutionally sufficient legal representation to all of its indigent resident defendants, and in anticipation of the approval of these more stringent MIDC standards, it is recommended that the Board:

- (1) With the affirmative recommendation of the County Executive, **following a public hearing** as required by MCL 45.564(a), reorganize the Departments of the Public Defender and Corporation Counsel as follows:

Consolidate the Department of Corporation Counsel and the Department of the Public Defender, by eliminating the Public Defender Department and creating two "Divisions" within the Department of Corporation Counsel:

- \* The Office of the Public Defender; and
- \* The Office of Criminal Defense.

Each Division will initially be staffed with one existing Department attorney as that Division's "senior" attorney:

- (2) Hire two additional full time attorneys (PN10), one for the Office of the Public Defender and one for the Office of Criminal Defense (2 attorneys total in each office);
- (3) Increase one part-time legal secretary currently employed in the Public Defender Department to full time (from TS07 to TU07), to be assigned to the Office of Criminal Defense (the current full time legal secretary will remain in the Office of the Public Defender);
- (4) Transfer the current Assigned Counsel Coordinator (PC05) to Office Manager (MB08) to manage the administrative components of both Divisions and ultimately report to

Assistant Corporation Counsel. This will move the Assigned Counsel Coordinator's salary from the Courts' budget to the County Executive's budget.

- (5) Approve a written agreement between the current pilot project contract vendor and the County to effectively terminate the existing pilot project agreement and transition the representation of all indigent criminal defendants currently covered under the month-to-month extension of the contract to the two Divisions' attorneys in a manner ensured not to disrupt or deprive the indigent clients of their constitutional right to an adequate criminal defense.

These two separate "divisions" are necessary to avoid potential conflicts of interest which result in referrals to outside attorneys and increased expense to the County. Consolidating the two existing departments (Corporation Counsel and Public Defender) into one department with two divisions will allow for more streamlined oversight of the Act 139 Department by the County Executive and will ensure that, in cooperation with the Courts, any state mandated compliance plan with the minimum standards is in effect and fully operational.

**FINANCIAL IMPACT:**

The total cost of the additional or reclassified employees is dependent on several factors. First, the annual savings as a result of discontinuation of the pilot program contract will be \$156,000 after representation of indigent defendants under that contract is completely phased out. It is safe to assume, however, that it will take a minimum of 3-4 months to completely phase out the contract. In addition, it is the County Executive's intent to request reimbursement from the State as soon as grants are funded for reimbursement of the additional funds necessary to reorganize the Departments under the MIDC Act, with the preferred end result of no costs incurred by the County, assuming the State complies with the MIDC funding mandates. The cost of such a restructuring is set forth below:

Add two (2) new full time Attorney positions, (PN10) (\$72,435 each before fringe)	\$99,460 x 2 = \$198,920
Transfer Assigned Counsel Coordinator (PC05) to Office Manager (MB08), amount of increase \$1,963 before fringe	\$2,278
Increase part time legal secretary to full time, from TS07 to TU07, \$10,056 before fringe	\$26,541
Total Personnel additions	\$227,739
Estimated Building renovations to accommodate additional office: (one time cost)	<u>\$20,000</u>
Total first year estimated costs <b><u>before</u></b> any offsets:	\$247,739
Total cost for <b>first year only</b> assuming a 2/3 cost reduction of the pilot program contract (\$104,520):	\$138,219
Total annual cost for <b>subsequent years</b> (assuming a full year pilot program contract offset and no initial capital improvement costs of \$20,000)	\$156,000
	<b>\$71,739</b>

## **RECOMMENDATION**

That the Committee move to approve the above-noted merger and reorganization of the Department of the Public Defendant and Corporation Counsel with the concurrence of the County Executive and following a public hearing, approve any budget adjustments necessary to add two full time attorneys, reclassify the Assigned Counsel Coordinator to Office Manager, increase one part time secretary to full time, and authorize a one-time capital improvement in the amount not to exceed \$20,000, and approve the discontinuance of the pilot program contract to be phased out in a responsible manner, and authorize the Chairman to sign any necessary contracts and approve any necessary budget adjustments as are necessary.



MICHIGAN INDIGENT  
DEFENSE COMMISSION

---

FINAL PROPOSED MINIMUM STANDARDS SET 1  
FOR DECEMBER 15, 2015 COMMISSION MEETING

## Introduction

The statute creating the Michigan Indigent Defense Commission (MIDC) provides: "The MIDC shall implement minimum standards, rules, and procedures to guarantee the right of indigent defendants to the assistance of counsel as provided under amendment VI of the constitution of the United States and section 20 of article I of the state constitution of 1963..." M.C.L. §780.991(2).

The MIDC proposes these first four standards for implementation in accordance with the statutory mandate. The MIDC wishes to thank everyone who submitted comments and suggestions on our first four minimum standards. The text and comments on these standards now incorporate this feedback.

In response to this feedback, the MIDC also makes the following observations:

- The standards should not be examined in the framework of status quo indigent defense delivery. Rather, they establish requirements for system changes to be implemented through state funding. The Act provides a process for the formation of state-funded compliance plans to meet the standards. M.C.L. §780.993.
- The MIDC will release white papers to outline sample compliance plans for each minimum standard. The MIDC looks forward to creative, effective, and proactive compliance plans.
- The minimum standards are not simply a series of performance standards for attorneys who practice indigent defense. The standards should be implemented instead as system-wide requirements and reforms. For example, where there is no current infrastructure for attorney skills training or continuing legal education, attorneys will not need to fund attendance at programs. Instead, state grants funding the compliance plans will allow attorneys to meet this requirement.
- The MIDC emphasizes that these four standards are the first step in an ongoing process. Future standards will involve delivery of indigent defense independent of the judiciary, caseload levels, the assignment of counsel, qualifications and review of counsel, economic incentives and disincentives for the practice of indigent defense, and representation of clients by the same attorney at every court appearance. M.C.L. §780.991.
- The MIDC minimum standards neither create an independent basis for the challenge of a criminal conviction or sentence, nor expand United States or Michigan Supreme Court law on the effective assistance of counsel. M.C.L. §780.1003.

## Standard 1

### Education and Training of Defense Counsel

The MIDC Act requires adherence to the principle that “[d]efense counsel is required to attend continuing legal education relevant to counsel’s indigent defense clients.” M.C.L. §780.991(2)(e). The United States Supreme Court has held that the constitutional right to counsel guaranteed by the Sixth Amendment includes the right to the effective assistance of counsel. The mere presence of a lawyer at a trial “is not enough to satisfy the constitutional command.” *Strickland v. Washington*, 466 U.S. 668, 685 (1984). Further, the Ninth Principle of The American Bar Association’s *Ten Principles of a Public Defense Delivery System* provides that a public defense system, in order to provide effective assistance of counsel, must ensure that “Defense counsel is provided with and required to attend continuing legal education.”

The MIDC proposes a minimum standard for the education and training of defense counsel:

**A. Knowledge of the law.** Counsel shall know substantive Michigan and federal law, constitutional law, criminal law, criminal procedure, rules of evidence, ethical rules and local practices. Counsel has a continuing obligation to know the changes and developments in the law.

**B. Knowledge of scientific evidence and applicable defenses.** Counsel shall know the forensic and scientific issues that can arise in a criminal case, know the legal issues concerning defenses to a crime, and be able to effectively litigate those issues.

**C. Knowledge of technology.** Counsel shall know how to utilize office technology commonly used in the legal community, and technology used within the applicable court system. Counsel shall be able to thoroughly review materials that are provided in an electronic format.

**D. Continuing education.** Counsel shall annually complete continuing legal education courses relevant to the representation of the criminally accused. Counsel shall participate in skills training and educational programs in order to maintain and enhance overall preparation, oral and written advocacy, and litigation and negotiation skills. Lawyers can discharge this obligation for annual continuing legal education by attending local trainings or statewide conferences. Attorneys with fewer than two years of experience practicing criminal defense in Michigan shall participate in one basic skills acquisition class. All attorneys shall annually complete at least twelve (12) hours of continuing legal education.

#### *Staff comments:*

- o *Training should be funded through compliance plans submitted by the local delivery system. This standard is not designed to place any financial burden on assigned counsel.*
- o *The minimum of twelve hours of training represents typical national and some local county requirements, and is accessible in existing programs offered statewide.*

- o *Data will be collected as to the amount of hours offered to and attended by assigned counsel. The quality of the training should be analyzed through evaluations, and the effectiveness of the training shall be measurable and validated.*

## **Standard 2**

### **Initial Interview**

The MIDC Act requires adherence to the principle that “[d]efense counsel is provided sufficient time and a space where attorney-client confidentiality is safeguarded for meetings with defense counsel’s client.” M.C.L. §780.991(2)(a). United States Supreme Court precedent and American Bar Association Principles recognize that the “lack of time for adequate preparation and the lack of privacy for attorney-client consultation” can preclude “any lawyer from providing effective advice.” *See United States v. Morris*, 470 F.3d 596, 602 (CA6, 2006) (citing *United States v. Cronin*, 466 U.S. 648, (1984)). Further, the Fourth Principle of The American Bar Association’s *Ten Principles of a Public Defense Delivery System* provides that a public defense system, in order to provide effective assistance of counsel, must ensure that “Defense counsel is provided sufficient time and a confidential space within which to meet with the client.”

The MIDC proposes a minimum standard for the initial client interview:

- A. Timing of the Interview:** Counsel shall conduct a client interview as soon as practicable after appointment to represent the defendant in order to obtain information necessary to provide quality representation at the early stages of the case and to provide the client with information concerning counsel’s representation and the case proceedings. Counsel shall conduct subsequent client interviews as needed. Following appointment, counsel shall conduct the initial interview with the client sufficiently before any subsequent court proceeding so as to be prepared for that proceeding. When a client is in local custody, counsel shall conduct an initial client intake interview within three business days of appointment. When a client is not in custody, counsel shall promptly deliver an introductory communication so that the client may follow-up and schedule a meeting.
- B. Setting of the interview:** All client interviews shall be conducted in a private and confidential setting. Counsel and the indigent criminal defense system shall ensure the necessary accommodations for private discussions between counsel and clients in courthouses, lock-ups, jails, prisons, detention centers, and other places where clients must confer with counsel.
- C. Preparation:** Counsel shall obtain copies of any relevant documents which are available, including copies of any charging documents, recommendations and reports concerning pretrial release, and discoverable material.
- D. Client status:**
  - 1. Counsel shall evaluate whether the client is competent to participate in his/her representation, understands the charges, and has some basic comprehension of

criminal procedure. Counsel has a continuing responsibility to evaluate the client's capacity to stand trial or to enter a plea pursuant to Mich. Ct. R. 6.125 and M.C.L. §330.2020. Counsel shall take appropriate action where there are any questions about a client's competency.

2. Where counsel is unable to communicate with the client because of language or communication differences, counsel shall take whatever steps are necessary to fully explain the proceedings in a language or form of communication the client can understand. Steps include seeking the appointment of an interpreter to assist with pre-trial preparation, interviews, investigation, and in-court proceedings, or other accommodations pursuant to Mich. Ct. R. 1.111.

*Staff comments:*

- *The MIDC recognizes that counsel cannot ensure communication prior to court with an out of custody indigent client. For out of custody clients the standard instead requires the attorney to notify clients of the need for a prompt interview.*
- *The requirement of a meeting within three business days is typical of national requirements (Florida Performance Guidelines suggest 72 hours; in Massachusetts, the Committee for Public Counsel Services Assigned Counsel Manual requires a visit within three business days for custody clients; the Supreme Court of Nevada issued a performance standard requiring an initial interview within 72 hours of appointment).*
- *Certain indigent criminal defense systems only pay counsel for limited client visits in custody. In these jurisdictions, compliance plans with this standard will need to guarantee funding for multiple visits.*
- *In certain systems, counsel is not immediately notified of appointments to represent indigent clients. In these jurisdictions, compliance plans must resolve any issues with the failure to provide timely notification.*
- *Some jurisdictions do not have discovery prepared for trial counsel within three business days. The MIDC expects that this minimum standard can be used to push for local reforms to immediately provide electronic discovery upon appointment. Even without these reforms and timely provision of discovery, the MIDC still requires prompt in-custody client interviews to (1) establish the best possible relationship with the indigent client; (2) review charges; (3) determine whether a motion for pretrial release is appropriate; (4) determine the need to start-up any immediate investigations; (5) determine any immediate mental or physical health needs or need for foreign language interpreter assistance; (6) advise that clients should not discuss the circumstances of the arrest or allegations to cellmates, law enforcement, family or anybody else without counsel present.*
- *The three business day requirement is specific to clients in "local" custody because some indigent defendants are in the custody of the Department of Corrections (MDOC) while*

*other defendants might be in jail in a different county from the charging offense. In these situations, counsel should arrange for confidential client visits in advance of the first pre-trial hearing.*

- *In jurisdictions with a large client population in MDOC custody or rural jurisdictions requiring distant client visits compliance plans might setup visits through confidential videoconferencing. Counsel for indigent criminal appellants have facilities for confidential videoconferencing. If similar facilities are made available for trial attorneys, visits should at least be scheduled within three business days.*
- *Systems without adequate settings for confidential visits for either in custody or out of custody clients will need compliance plans to create this space.*
- *This standard only involves the initial client interview. Other confidential client interviews are expected, as necessary.*

### **Standard 3**

#### **Investigation and Experts**

The United States Supreme Court has held: (1) “counsel has a duty to make reasonable investigations or to make a reasonable decision that makes particular investigations unnecessary.” *Strickland v. Washington*, 466 U.S. 668, 691 (1984); and (2) “[c]riminal cases will arise where the only reasonable and available defense strategy requires consultation with experts or introduction of expert evidence, whether pretrial, at trial, or both.” *Harrington v. Richter*, 562 U.S. 86, 106 (2011). The MIDC Act authorizes “minimum standards for the local delivery of indigent criminal defense services providing effective assistance of counsel...” M.C.L. §780.985(3).

The MIDC proposes a minimum standard for investigations and experts:

- A. Counsel shall conduct an independent investigation of the charges and offense as promptly as practicable.
- B. When appropriate, counsel shall request funds to retain an investigator to assist with the client’s defense. Reasonable requests must be funded.
- C. Counsel shall request the assistance of experts where it is reasonably necessary to prepare the defense and rebut the prosecution’s case. Reasonable requests must be funded as required by law.
- D. Counsel has a continuing duty to evaluate a case for appropriate defense investigations or expert assistance.

*Staff comments:*

- *The MIDC recognizes that counsel can make “a reasonable decision that makes particular investigations unnecessary” after a review of discovery and an interview with the client. Decisions to limit investigation cannot be made merely on the basis of discovery or representations made by the government, and must take into consideration the client’s wishes and the client’s version of the facts.*
- *The MIDC emphasizes that a client’s professed desire to plead guilty does not automatically alleviate the need to investigate.*
- *Counsel should inform clients of the progress of investigations pertaining to their case.*
- *Expected increased costs from an increase in investigations and expert use will be tackled in compliance plans.*

**Standard 4**

**Counsel at First Appearance and other Critical Stages**

The MIDC Act provides that standards shall be established to effectuate the following: (1) “All adults, except those appearing with retained counsel or those who have made an informed waiver of counsel, shall be screened for eligibility under this act, and counsel shall be assigned as soon as an indigent adult is determined to be eligible for indigent criminal defense services.” M.C.L. §780.991(1)(c); (2) “A preliminary inquiry regarding, and the determination of, the indigency of any defendant shall be made by the court not later than at the defendant’s first appearance in court. M.C.L. §780.991(3)(a); (3) ...counsel continuously represents and personally appears at every court appearance throughout the pendency of the case.” M.C.L. §780.991(2)(d), emphasis added. The United States Supreme Court has held that assistance of counsel is required at critical stages of proceedings, and that the right to counsel attaches when a defendant’s liberty is subject to restriction by the court. *Rothgery v. Gillespie County*, 554 U.S. 191 (2008).

The MIDC proposes a minimum standard on counsel at first appearance and other critical stages:

- A. Counsel shall be assigned as soon as the defendant is determined to be eligible for indigent criminal defense services. The indigency determination shall be made and counsel appointed to provide assistance to the defendant as soon as the defendant’s liberty is subject to restriction by a magistrate or judge. Representation includes but is not limited to the arraignment on the complaint and warrant. Nothing in this paragraph shall prevent the defendant from making an informed waiver of counsel.
- B. All persons determined to be eligible for indigent criminal defense services shall also have appointed counsel at pre-trial proceedings, during plea negotiations and at other critical stages, whether in court or out of court.

*Staff comments:*

- *The proposed standard addresses an indigent defendant’s right to counsel at every court appearance and is not addressing vertical representation (same defense counsel*

- continuously represents) which will be the subject of a future minimum standard as described in M.C.L. §780.991(2)(d).*
- *One of several potential compliance plans for this standard may use an on-duty arraignment attorney to represent defendants. This appointment may be a limited appearance for arraignment only with subsequent appointment of different counsel for future proceedings.*
  - *Among other duties, lawyering at first appearance should consist of an explanation of the criminal justice process, advice on what topics to discuss with the judge, a focus on the potential for pre-trial release, or achieving dispositions outside of the criminal justice system via civil infraction or dismissal. In rare cases, if an attorney has reviewed discovery and has an opportunity for a confidential discussion with her client, there may be a criminal disposition at arraignment.*
  - *The MIDC anticipates creative and cost-effective compliance plans like representation and advocacy through videoconferencing or consolidated arraignment schedules between multiple district courts.*
  - *This standard does not preclude the setting of interim bonds to allow for the release of in-custody defendants. The intent is not to lengthen any jail stays. The MIDC believes that case-specific interim bond determinations should be discouraged. Formal arraignment and the formal setting of bond should be done as quickly as possible. Where there are case-specific interim bonds set, counsel at arraignment shall be prepared to make a de novo argument regarding an appropriate bond regardless of and, indeed, in the face of, an interim bond set prior to arraignment which has no precedential effect on bond-setting at arraignment.*
  - *Any waiver of the right to counsel must be both unequivocal and knowing, intelligent, and voluntary. People v. Anderson, 398 Mich. 361 (1976). The uncounseled defendant must have sufficient information to make an intelligent choice dependent on a range of case-specific factors, including his education or sophistication, the complexity or easily grasped nature of the charge, and the stage of the proceeding.*

## Sources and Authority

### **Standard 1 - Education and Training of Defense Counsel**

#### *Sources:*

ABA 10 Principles of a Public Defense Delivery System (Principles 6 and 9)  
Florida Performance Guidelines for Criminal Defense Representation (Section 1.2)

#### *Authority:*

M.C.L. §780.991(2)(c) and (2)(e)

### **Standard 2 - Initial Interview**

#### *Sources:*

ABA 10 Principles of a Public Defense Delivery System (Principle 4)  
Florida Performance Guidelines for Criminal Defense Representation (Section 2.1)  
Committee for Public Counsel Services, Assigned Counsel Manual Policy and Procedures (Part IIB)  
Supreme Court of Nevada, *In the Matter of the Review of Issues Concerning Representation of Indigent Defendants in Criminal and Juvenile Delinquency Cases* (Standard 4-4)

#### *Authority:*

*Strickland v. Washington*, 466 U.S. 668 (1984)  
*United States v. Morris*, 470 F.3d 596 (CA6, 2006)  
M.C.L. §780.991(2)(a)  
Mich. Ct. R. 1.111  
Mich. Ct. R. 6.125  
MRPC 1.6

### **Standard 3 - Investigation and Expert Witnesses**

#### *Sources:*

Florida Performance Guidelines for Criminal Defense Representation (Section 4.2)  
Committee for Public Counsel Services, Assigned Counsel Manual Policy and Procedures (Parts IVA, VIA)  
Supreme Court of Nevada, *In the Matter of the Review of Issues Concerning Representation of Indigent Defendants in Criminal and Juvenile Delinquency Cases* (Standard 4-7)

#### *Authority:*

*Strickland v. Washington*, 466 U.S. 668 (1984)  
*Harrington v. Richter*, 562 U.S. 86 (2011)  
*Ake v. Oklahoma*, 470 U.S. 68 (1985)  
*Hinton v. Alabama*, 134 S. Ct. 1081 (2014)  
*People v Ackley*, 497 Mich. 381 (2015)  
*People v. Trakhtenberg*, 493 Mich. 38 (2012)  
*Wiggins v. Smith*, 539 U.S. 510 (2003)  
*Avery v. Prelesnik*, 548 F.3d. 434 (2008)  
M.C.L. §780.985(3)

**Standard 4 - Counsel at First Appearance**

*Sources:*

*ABA Ten Principles of a Public Defense Delivery System - Principle 3*

*Authority:*

*Rothgery v. Gillespie County*, 554 U.S. 191 (2008)

*United States v. Cronin*, 466 U.S. 648 (1984)

*Powell v. Alabama*, 287 U.S. 45 (1932)

*United States v. Morris*, 470 F.3d 596 (CA6, 2006)

*Lafler v. Cooper*, \_\_\_ U.S. \_\_; 132 S.Ct. 1376 (2012)

M.C.L. §780.991(1)(c), (2)(d), (3)(a)

Mich. Ct. R. 6.005(A)

**BAY COUNTY BOARD OF COMMISSIONERS**

**FEBRUARY 9, 2016**

**RESOLUTION**

- BY: PERSONNEL/HUMAN SERVICES COMMITTEE (1/19/16)
- WHEREAS, The Bay County Public Defender Department ("Department") was created pursuant to a federal grant on January 1, 1973, reorganized as an Act 139 Department in 1995, and operates under the administrative control of the County Executive; and
- WHEREAS, The Department has historically provided legal defense services to indigent residents of Bay County through attorneys employed by the County in the Department and through its companion Office of Criminal Defense; and
- WHEREAS, In November, 2007, an outside law firm, through a 13 month "pilot project" contract with the County, undertook legal defense of all indigent defendants in the District Court who were charged with misdemeanors, misdemeanor violations of probation, and civil infractions accompanied by a misdemeanor complaint or ticket for the monthly fixed fee of \$13,000.00 (\$156,000 yearly); and
- WHEREAS, At that time, the responsibilities for all felonies were assigned to the Public Defender Department attorneys and, as a result, attorneys were released from their employment with the County and the Office of Criminal Defense was eliminate; and
- WHEREAS, The pilot project agreement was extended for a period of three years effective January 1, 2009, to remain effective through December 31, 2011 and month-to-month thereafter. There remain two (2) full-time attorneys in the Department who represent all of Bay County's indigent defendants charged with felonies (with the exception of cases referred out to local attorneys, at the County's expense, due to potential conflicts); and
- WHEREAS, In 2008 the National Legal Aid and Defender Association ("NLADA"), pursuant to a study requested by United States Senate, found that "Michigan failed to provide competent representation to poor people in its criminal courts," and that Michigan ranked 44th out of all 50 states in per capita indigent defense spending. As a result of that failure, there have been over 250 years of wrongful imprisonment of innocent indigent defendants throughout the State, at least \$7.6 million in lawsuit settlements state-wide, and approximately 185 years of extra incarceration for the poorest criminal offenders due to sentencing errors, costing the Department of Corrections \$6.5 million annually if not corrected at the appellate level; and
- WHEREAS, In October 2011, Michigan's Governor created the Indigent Defense Advisory Commission to investigate problems with the existing county public defender systems and recommend reforms. The Commission found that the services provided to indigent defendants were inconsistent from county to county, there was no data or transparency to ensure taxpayer dollars are spent efficiently or effectively, and that there are no statewide standards to define or ensure constitutionally adequate defense counsel. The Michigan Indigent Defense Commission ("MIDC") was created pursuant to 2013 PA 93 to address those problems; and
- WHEREAS, The MIDC will meet on December 15, 2015 to take action on its first set of proposed minimum standards for indigent defense delivery systems. Those proposed minimum standards are attached to this Memorandum. These proposed minimum standards will be submitted to the Michigan Supreme Court, which has 180 days to approve the standards. The MIDC Act will permit Michigan's Counties to submit an approved local compliance plan within 180 days after the Supreme Court approves the standards; and

WHEREAS, Bay County's current pilot project contract does not comply with these proposed standards, and the existing contractual relationship will make it extremely difficult, if not impossible, to ensure proper oversight of contractors or employees and that these standards are being met without considerable extra expense, if at all; and

WHEREAS, The MIDC Act requires that any improvements made to the County's indigent defense system to comply with the new standards be paid for through grants provided by the state. The MIDC Act measures base funding from Fiscal Year 2009 – three years prior to the creation of the MIDC. Thus, there is no incentive for Bay County to maintain its current system until the state funds plans to comply with the minimum standards. Based on Bay County's history of ensuring competent, constitutionally sufficient legal representation to all of its indigent resident defendants, and in anticipation of the approval of these more stringent MIDC standards, it is recommended that the Board:

1. With the affirmative recommendation of the County Executive, **following a public hearing** as required by MCL 45.564(a), reorganize the Departments of the Public Defender and Corporation Counsel as follows:

Consolidate the Department of Corporation Counsel and the Department of the Public Defender, by eliminating the Public Defender Department and creating two "Divisions" within the Department of Corporation Counsel:

- \* The Office of the Public Defender; and
- \* The Office of Criminal Defense.

Each Division will initially be staffed with one existing Department attorney as that Division's "senior" attorney:

2. Hire two additional full time attorneys (PN10), one for the Office of the Public Defender and one for the Office of Criminal Defense (2 attorneys total in each office);
3. Increase one part-time legal secretary currently employed in the Public Defender Department to full time (from TS07 to TU07), to be assigned to the Office of Criminal Defense (the current full time legal secretary will remain in the Office of the Public Defender);
4. Transfer the current Assigned Counsel Coordinator (PC05) to Office Manager (MB08) to manage the administrative components of both Divisions and ultimately report to Assistant Corporation Counsel. This will move the Assigned Counsel Coordinator's salary from the Courts' budget to the County Executive's budget.
5. Approve a written agreement between the current pilot project contract vendor and the County to effectively terminate the existing pilot project agreement and transition the representation of all indigent criminal defendants currently covered under the month-to-month extension of the contract to the two Divisions' attorneys in a manner ensured not to disrupt or deprive the indigent clients of their constitutional right to an adequate criminal defense.

WHEREAS, These two separate "divisions" are necessary to avoid potential conflicts of interest which result in referrals to outside attorneys and increased expense to the County. Consolidating the two existing departments (Corporation Counsel and Public Defender) into one department with two divisions will allow for more streamlined oversight of the Act 139 Department by the County Executive and will ensure that, in cooperation with the Courts, any state mandated compliance plan with the minimum standards is in effect and fully operational; and

WHEREAS, The total cost of the additional or reclassified employees is dependent on several factors. First, the annual savings as a result of discontinuation of the pilot program contract will be \$156,000 after representation of indigent defendants under that contract is completely phased out. It is safe to

assume, however, that it will take a minimum of 3-4 months to completely phase out the contract. In addition, it is the County Executive's intent to request reimbursement from the State as soon as grants are funded for reimbursement of the additional funds necessary to reorganize the Departments under the MIDC Act, with the preferred end result of no costs incurred by the County, assuming the State complies with the MIDC funding mandates. The cost of such a restructuring is set forth below:

Add two (2) new full time Attorney positions, (PN10) (\$72,435 each before fringe)	\$99,460 x 2 = \$198,920
Transfer Assigned Counsel Coordinator (PC05) to Office Manager (MB08), amount of increase \$1,963 before fringe	\$2,278
Increase part time legal secretary to full time, from TS07 to TU07, \$10,056 before fringe	\$26,541
<b>Total Personnel additions</b>	<b>\$227,739</b>
Estimated Building renovations to accommodate additional office: (one time cost)	<u>\$20,000</u>
<b>Total first year estimated costs <u>before</u> any offsets:</b>	<b>\$247,739</b>
Total cost for <b>first year only</b> assuming a 2/3 cost reduction of the pilot program contract (\$104,520):	\$138,219
Total annual cost for <b>subsequent years</b> (assuming a full year pilot program contract offset and no initial capital improvement costs of \$20,000)	<b>\$156,000</b> <b>\$71,739</b>

**RESOLVED:** That the Bay County Board of Commissioners approves the proposed merger and reorganization of Department of the Public Defender and Corporation Counsel with the concurrence of the County Executive and following a public hearing; authorizes posting/filling two additional full time attorneys; approves reclassification of the Assigned Counsel Coordinator to Officer Manager; increases part time secretary to full time; authorizes one time capital improvement in an amount not to exceed \$20,000; approves all required budget adjustments related to staffing and capital improvement; and approves discontinuance of pilot program contract to be phased out in a responsible manner; authorizes Board Chair to sign all necessary documents.

MICHAEL E. LUTZ, CHAIR  
AND COMMITTEE

County Executive - Reorganization and Consolidation of Responsibility of Department of Public Defender and Corporation Counsel  
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 \_\_\_\_\_



800 Livingston \* P.O. Box 633  
Bay City, MI 48707-633  
(Office) 989-895-3744  
[baycountyfair@yahoo.com](mailto:baycountyfair@yahoo.com)

January 10, 2016

Mr. Michael Lutz  
Human Services Committee  
Bay County Board of Commissioners  
515 Center Ave  
Bay City MI 48708

Dear Mr. Lutz:

The Bay County Fair & Youth Exposition is requesting to extend our lease for 2016, 2017, and 2018. We have been busy planning our 2016 community events, along with hosting the 151<sup>th</sup> Bay County Fair & Youth Exposition. Our Board of Directors is very committed to continue showcasing the youth of Bay County, while providing family friendly events for the community to enjoy.

The BCFYE Board has paid the 2014 and 2015 lease payments as agreed. All previous outstanding arrearages have been paid in full. We take pride in being financially responsible by setting a budget, paying our bills on time, and saving money for future projects.

On the following page, a list of proposed events and dates for 2016, 2017, and 2018 are provided.

Please feel free to contact me if you have any questions regarding the proposed dates and events.

Sincerely,

Mary Jo Brandt, President  
989-859-8673 - cell

Cc: Tom Hickner, Cristen Gignac, Jon Morse, Amber Johnson, Beth Trahan

**For Year 2016:**

Grandstands, Race Track, Bathrooms & Grounds

May 7, June 4, July 16, October 1, October 29

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

Dates are not set. Will inform Beth Trahn as soon as they are finalized.

Canteen Building

Friday, August 5 through Sunday, August 14 – Bay County Fair – still exhibits

Livestock Barn, Horse Barn, Camping, Bathrooms & Showers, Grounds, Horse Arenas, Grandstands and Race Track

July 31 – August 20 for The Bay County Fair & Youth Exposition – one week prior and one week after the event.

**For Year 2017:**

Grandstands, Race Track, Bathrooms & Grounds

Dates are not set. Will inform Beth Trahn as soon as they are finalized in 2017.

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

Dates are not set. Will inform Beth Trahn as soon as they are finalized in 2017.

Canteen Building

Friday, August 4 through Sunday, August 13 – Bay County Fair – still exhibits

Livestock Barn, Horse Barn, Camping, Bathrooms & Showers, Grounds, Horse Arenas, Grandstands and Race Track

July 30 – August 19 for The Bay County Fair & Youth Exposition – one week prior and one week after the event.

**For Year 2018:**

Grandstands, Race Track, Bathrooms & Grounds

Dates are not set. Will inform Beth Trahn as soon as they are finalized in 2018.

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

Dates are not set. Will inform Beth Trahn as soon as they are finalized in 2018.

Canteen Building

Friday, August 3 through Sunday, August 12 – Bay County Fair – still exhibits

Livestock Barn, Horse Barn, Camping, Bathrooms & Showers, Grounds, Horse Arenas, Grandstands and Race Track

July 29 – August 18 for The Bay County Fair & Youth Exposition – one week prior and one week after the event.

**BAY COUNTY BOARD OF COMMISSIONERS**

**FEBRUARY 9, 2016**

**RESOLUTION**

- BY: PERSONNEL/HUMAN SERVICES COMMITTEE (1/19/16)
- WHEREAS, The Bay County Fair & Youth Exposition (BCFYE) is desirous of extending their current lease of the Bay County Fairgrounds for the years 2016, 2017 and 2018 and utilizing the Fairgrounds on several dates for various upcoming events; and
- WHEREAS, The BCFYE Board has paid the 2014 and 2015 lease payments as agreed and all previous outstanding arrearages have been paid in full; and
- WHEREAS, The following dates are requested:

**2016:**

**Grandstands, Race Track, Bathrooms & Grounds:** (Dates are not set; will inform the Recreation Coordinator)

**Horse Riding Arenas, Horse Barn, Camping, Bathrooms & Showers:** (Dates are not set; will inform the Recreation Coordinator)

**Canteen Building:** Friday, August 5 through Sunday August 14 - Bay County Fair - still exhibits

**Livestock Barn, Horse Barn, Camping, Bathrooms & Showers Grounds Horse Arenas Grandstands and Race Track:** July 31 - August 20 for The Bay County Fair & Youth Exposition — one week prior and one week after the event.

**2017:**

**Grandstands, Race Track, Bathrooms & Grounds:** (Dates are not set; will inform the Recreation Coordinator)

**Horse Riding Arenas, Horse Barn, Camping, Bathrooms & Showers:** (Dates are not set; will inform the Recreation Coordinator)

**Canteen Building:** Friday, August 4 through Sunday August 13 - Bay County Fair - still exhibits

**Livestock Barn, Horse Barn, Camping, Bathrooms & Showers Grounds Horse Arenas Grandstands and Race Track:** July 30 - August 19 for The Bay County Fair & Youth Exposition — one week prior and one week after the event.

**2018:**

**Grandstands, Race Track, Bathrooms & Grounds:** (Dates are not set; will inform the Recreation Coordinator)

**Horse Riding Arenas, Horse Barn, Camping, Bathrooms & Showers:** (Dates are not set; will inform the Recreation Coordinator)

**Canteen Building:** Friday, August 3 through Sunday August 12 - Bay County Fair - still exhibits

**Livestock Barn, Horse Barn, Camping, Bathrooms & Showers Grounds Horse Arenas Grandstands and Race Track:** July 29 - August 18 for The Bay County Fair & Youth Exposition — one week prior and one week after the event.

**BAY COUNTY BOARD OF COMMISSIONERS**

**FEBRUARY 9, 2016**

**RESOLUTION**

RESOLVED By the Bay County Board of Commissioners approves extension of the Lease with the Bay County Fair Board for 2016, 2017 and 2018; 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; Be It Further

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

MICHAEL E. LUTZ, CHAIR  
AND COMMITTEE

Fair Board - Fair Grounds Use for 2016, 2017 & 2018

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 \_\_\_\_\_

**CORPORATION COUNSEL**



**BAY COUNTY**

**Amber Davis-Johnson, Corporation Counsel**  
johnsona@baycounty.net

**THOMAS L. HICKNER**  
County Executive

**Shawna Walraven, Assistant Corporation Counsel**  
walravens@baycounty.net

Tel: (989) 895-4131  
Fax: (989) 895-7658  
TDD: (989) 895-4049

**MEMORANDUM**

TO: Kurt Asbury, Bay Bountu Prosecutor  
Ernie Krygier, Chairman, Bay County Board of Commissioners  
Thomas L. Hickner, Bay County Executive

FROM: Amber L. Davis-Johnson, Corporation Counsel

RE: Noise Ordinance #22 (amended)

DATE: 01/07/16

A handwritten signature in blue ink, likely belonging to Amber L. Davis-Johnson, is written over the "FROM:" line of the memorandum.

You have asked that this office prepare a formal opinion regarding the enforceability of the County’s Noise Ordinance #22, as amended. Bay County’s Noise Ordinance in its current amended form was approved by the Bay County Board of Commissioners and adopted on April 28, 1981. Pursuant to the terms of the Ordinance, concurrence from the Governor’s office was necessary before the Ordinance became effective. A review of the Bay County records does in fact reveal that (then) Governor Milliken did concur with the recommendations of the (then) Attorney General Frank Kelley’s office to approve the ordinance (review and recommendation was made by the Attorney General’s Office pursuant to 1851 PA 156, §11; MCL 46.11). That concurrence/approval was given by the Governor on October 28, 1980. The County has, since that time, operated under the presumption that the amended Noise Ordinance is valid and enforceable. However, after reviewing the Noise Ordinance, as well as the applicable statutes and subsequent Attorney General Opinions, it is the Opinion of the Department of Corporation Counsel that the County’s Noise Ordinance is unenforceable as a matter of law.

Counties have only those powers conferred to them by statutes and the Michigan Constitution. Likewise, county boards have limited general power to enact ordinances. That power is conferred by MCL 46.1 *et seq.* Section (11)(j) of that statute reads, in pertinent part, as follows:

-26-

Sec. 11. A county board of commissioners, at a lawfully held meeting, may do 1 or more of the following:

\* \* \*

(j) By majority vote of the members of the county board of commissioners elected and serving, pass ordinances **that relate to county affairs and do not contravene the general laws of this state or interfere with the local affairs of a township, city, or village within the limits of the county,** and pursuant to section 10b<sup>2</sup> provide suitable sanctions for the violation of those ordinances.

MCL 46.11(j)(emphasis added). In addition, specific statutes authorize county boards to enact ordinances for specific, limited purposes. Examples include noxious weed ordinances (MCL 247.70), zoning ordinances (MCL 125.201 *et seq.*), and animal control ordinances (MCL 287.289a). If there is no “specific purpose” statute authorizing the adoption or enactment of an ordinance, a county board is limited to enacting only those governed or authorized by MCL 46.11(j). These ordinances must: (1) relate to county affairs; and (2) not contravene the general laws of the state or interfere with the local affairs of a township, city, or village within the limits of the county. *Ibid.* Finally, cities, villages and townships are also authorized to adopt ordinances that relate to matters of their own local concern. *See Detroit Edison Co v Township of Richmond*, 150 Mich App 40, 47 (1986).

The issue of what constitutes “county affairs” in terms of county enacted ordinances has been addressed by the Michigan Attorney General’s Office subsequent to Attorney General Kelley’s Office recommendation regarding Bay County’s Noise Ordinance in 1981. In 1990, Attorney General Kelley held that a county lacked the legal authority to regulate or prohibit the placement of cigarette vending machines in the townships, villages and cities within the county’s respective borders, but it did have the authority to regulate placement *on its own property*. OAG 1990, No 6665. In addition, the very issue of a county-wide noise ordinance was discussed by (then) Attorney General Granholm’s Office in OAG 2001 No 7096. In that opinion, the Attorney General opined that

[a] countywide noise control ordinance . . . would apply beyond the affairs of a county, which have been characterized in prior Attorney General Opinions as “affairs relating to the county in its organic and corporate capacity and included within its governmental or corporate powers.” On the other hand, it is possible that a noise control ordinance could be adopted by a county board of commissioners, provided that the

-27-

ordinance was limited to the regulation of noise on property owned or occupied by the county government or its boards, commissions, or agencies.

*Id* (citing OAG 1945-1946, No 0-4471, other internal citations omitted).

While this Department understands that Attorney General Opinions are considered persuasive and not binding on Michigan's Courts, we also believe that the reasoning behind both referenced Attorney General Opinions is sound, and that enforcement of the Bay County's Noise Control Ordinance, as written, would exceed the scope of the County's authority, and could also improperly conflict or interfere with a noise ordinance properly authorized or adopted by any village, city or township within Bay County's border.

Corporation Counsel will provide a copy of this Memorandum to the County Executive and the Chairman of the Board of Commissioners and in doing so recommend that the County Board act to either rescind the current Noise Ordinance or, in the alternative, modify the same to apply only to County owned or occupied properties. It would also be the opinion of this Department that the Bay County Prosecutor's Office is under no obligation to enforce this Noise Ordinance at this time due to the questionable nature of its enforceability. The County Board of Commissioners may, at its discretion, encourage the various villages, cities and townships within Bay County to enact their own noise enforcement ordinances within their respective boarders.

Should you have any additional questions or concerns in relation to this matter, please feel free to contact me.

-28-



Thomas L. Hickner  
Bay County Executive



Joel R. Strasz  
Public Health Director

1200 Washington Avenue  
Bay City, Michigan 48708

(989) 895-4003  
FAX (989) 895-4014  
TDD (989) 895-4049  
[www.baycounty-mi.gov/Health](http://www.baycounty-mi.gov/Health)

**TO:** Michael Lutz, Chairperson, Personnel/Human Services Committee  
**FROM:** Joel R. Strasz, Health Director  
**DATE:** January 13, 2016  
**CC:** Tom Hickner, Amber Johnson, Crystal Hebert, Kim Priessnitz, Shawna Walraven, Mark Pickell  
**RE:** Agreement with Altarum Institute and MCEITA (Michigan Center for Effective IT Adoption)

**BACKGROUND:** The Affordable Care Act has designated funds to medical providers who adopt electronic health care software that demonstrates “meaningful use”. Meaningful use is using certified electronic health record (EHR) technology to: Improve quality, safety, efficiency, and reduce health disparities; Engage patients and families; Improve care coordination, and population and public health; And maintain privacy and security of patient health information. Meaningful use sets specific objectives that eligible professionals (EPs) and hospitals must achieve to qualify for Centers for Medicare & Medicaid Services (CMS) Incentive Programs. If a determination is made that providers (such as the Nurse Practitioners and the Medical Director) meet the qualifications for meaningful use incentives, the Health Department may be eligible for funding of up to \$28,000 per year per eligible medical professional for a period of three years. There are currently four Nurse Practitioners and one Medical Director that may be eligible for this incentive funding. MCEITA (Michigan Center for Effective IT Adoption) is the authorized administrator for the State of Michigan to determine meaningful use incentive eligibility and provides an assessment of the current medical professionals and EHR so that incentive funding can be accessed and utilized. In order to determine eligibility, a contract with Altarum/MCEITA must be entered in to and a fee of \$200 per provider must be submitted.

**FINANCE AND ECONOMICS:** The estimated cost of contracting with Altarum/MCEITA to determine if the current nurse practitioners and the medical director are eligible is \$1,000 and will be charged to available grant funds from SVSU University Clinic. No General funds will be utilized and there is no additional financial cost to the Health Department as all costs associated for the project are to be included in the grant. If eligibility is favorably determined, the Health Department may be able to access up to \$140,000 of meaningful use incentives per year.

**RECOMMENDATION:** Upon favorable review by Corporation Counsel, the Health Department recommends approval for signature of the Board Chair to this agreement.

**BAY COUNTY BOARD OF COMMISSIONERS**

**FEBRUARY 9, 2016**

**RESOLUTION**

BY: PERSONNEL/HUMAN SERVICES COMMITTEE (1/19/16)

WHEREAS, The Affordable Care Act has designated funds to medical providers who adopt electronic health care software that demonstrates "meaningful use". Meaningful use is using certified electronic health record (EHR) technology to: Improve quality, safety, efficiency, and reduce health disparities; engage patients and families; improve care coordination, and population and public health; and maintain privacy and security of patient health information; and

WHEREAS, Meaningful use sets specific objectives that eligible professionals (EPs) and hospitals must achieve to qualify for Centers for Medicare & Medicaid Services (CMS) Incentive Programs; and

WHEREAS, If a determination is made that providers (such as the Nurse Practitioners and the Medical Director) meet the qualifications for meaningful use incentives, the Health Department may be eligible for funding of up to \$28,000 per year per eligible medical professional for a period of three years; and

WHEREAS, There are currently four Nurse Practitioners and one Medical Director that may be eligible for this incentive funding in Bay County; and

WHEREAS, MCEITA (Michigan Center for Effective IT Adoption) is the authorized administrator for the State of Michigan to determine meaningful use incentive eligibility and provides an assessment of the current medical professionals and EHR so that incentive funding can be accessed and utilized; and

WHEREAS, In order to determine eligibility, a contract with Altarum/MCEITA must be entered in to and a fee of \$200 per provider must be submitted; and

WHEREAS, The estimated cost of contracting with Altarum/MCEITA to determine if the current nurse practitioners and the medical director are eligible is \$1,000 and will be charged to available grant funds from SVSU University Clinic. No General funds will be utilized and there is no additional financial cost to the Health Department as all costs associated for the project are to be included in the grant. If eligibility is favorably determined, the Health Department may be able to access up to \$140,000 of meaningful use incentives per year; Therefore, Be It

RESOLVED That the Bay County Board of Commissioners approves the Agreement with Aaltarum Institute and MCEITA (Michigan Center for Effective IT Adoption) 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 budget adjustments, if required, are approved.

MICHAEL E. LUTZ, CHAIR  
AND COMMITTEE

Health Dept - Altarum Institute and MCEITA Agreement

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

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

COMMISSIONER N	E			COMMISSIONER	E			COMMISSIONER 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 \_\_\_\_\_



Thomas L. Hickner  
Bay County Executive



Joel R. Strasz  
Public Health Director

1200 Washington Avenue  
Bay City, Michigan 48708

(989) 895-4003

FAX (989) 895-4014

TDD (989) 895-4049

[www.baycounty-mi.gov/Health](http://www.baycounty-mi.gov/Health)

**TO:** Michael Lutz, Chairperson, Personnel/Human Services Committee  
**FROM:** Joel R. Strasz, Health Director  
**DATE:** January 13, 2016  
**CC:** Tom Hickner, Amber Johnson, Crystal Hebert, Kim Priessnitz, Shawna Walraven, Mark Pickell  
**RE:** Agreement with Doctors Plus for Credentialing Services

**BACKGROUND:** The University Clinic has been in operation since January of 2015 and sees a wide variety of clients with chronic conditions. While the majority of clients are covered by Medicaid or uninsured, there have been a number of clients with health insurance benefits that are not in contract with the Health Department or considered to be “out of network” and thus services are compensated at a lower rate. In order to ensure that all services are compensated to the fullest potential and that the clinic may reach more clients in need it is essential that providers such as the Medical Director and the Nurse Practitioners are fully credentialed with available health plans and insurances. Credentialing is a complex and time consuming effort that can often take more than 120 days or longer if not completed in the proper manner and delays can hamper efforts to both treat clients in need and to obtain the proper reimbursement that is due. Doctors Plus is an established company that specializes in credentialing services to many health agencies and can provide these services to the Health Department/University Clinic in 30-60 days.

**FINANCE AND ECONOMICS:** The estimated cost of credentialing the three current nurse practitioners and the medical director is \$3,600 and will be charged to available grant funds from SVSU University Clinic. No General funds will be utilized and there is no additional financial cost to the Health Department as all costs associated for the project are to be included in the grant.

**RECOMMENDATION:** Upon favorable review by Corporation Counsel, the Health Department recommends approval for signature of the Board Chair to this agreement.

BAY COUNTY BOARD OF COMMISSIONERS

FEBRUARY 9, 2016

RESOLUTION

BY: PERSONNEL/HUMAN SERVICES COMMITTEE (1/19/16)

WHEREAS, The University Clinic has been in operation since January of 2015 and sees a wide variety of clients with chronic conditions; and

WHEREAS, While the majority of clients are covered by Medicaid or uninsured, there have been a number of clients with health insurance benefits that are not in contract with the Health Department or considered to be "out of network" and thus services are compensated at a lower rate; and

WHEREAS, In order to ensure that all services are compensated to the fullest potential and that the clinic may reach more clients in need it is essential that providers such as the Medical Director and the Nurse Practitioners are fully credentialed with available health plans and insurances; and

WHEREAS, Credentialing is a complex and time consuming effort that can often take more than 120 days or longer if not completed in the proper manner and delays can hamper efforts to both treat clients in need and to obtain the proper reimbursement that is due; and

WHEREAS, Doctors Plus is an established company that specializes in credentialing services to many health agencies and can provide these services to the Health Department/University Clinic in 30-60 days; and

WHEREAS, The estimated cost of credentialing the three current nurse practitioners and the medical director is \$3,600 and will be charged to available grant funds from SVSU University Clinic. No General funds will be utilized and there is no additional financial cost to the Health Department as all costs associated for the project are to be included in the grant; Therefore, Be It

RESOLVED That the Bay County Board of Commissioners approves the Agreement with Doctors Plus for credentialing services 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 budget adjustments, if required, are approved.

MICHAEL E. LUTZ, CHAIR  
AND COMMITTEE

Health Dept - Agreement with Doctors Plus

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

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

COMMISSIONER	E			COMMISSIONER	E			COMMISSIONER	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 \_\_\_\_\_



Thomas L. Hickner  
Bay County Executive



Joel R. Strasz  
Public Health Director

1200 Washington Avenue  
Bay City, Michigan 48708

(989) 895-4003  
FAX (989) 895-4014  
TDD (989) 895-4049  
[www.baycounty-mi.gov/Health](http://www.baycounty-mi.gov/Health)

**TO:** Michael Lutz, Chairperson, Personnel/Human Services Committee  
**FROM:** Joel R. Strasz, Health Director  
**DATE:** January 13, 2016  
**CC:** Tom Hickner, Amber Johnson, Crystal Hebert, Kim Priessnitz, Shawna Walraven, Mark Pickell  
**RE:** Agreement with Barbara MacGregor Regarding Development of Protocols for the University Clinic

**BACKGROUND:** The University Clinic has been in operation since January of 2015 and sees a wide variety of clients with chronic conditions. The first year evaluation has determined a need to further develop clinic protocols to ensure effective patient care. This is an effort that can take a great deal of time and expertise and the current staffing structure does not allow for it to be accomplished by existing staff. Ms. MacGregor has extensive experience in developing clinical policies, procedures, and protocols. Additionally she has experience working both in and with the Health Department and can develop the needed clinical procedures and protocols in a timely fashion.

**FINANCE AND ECONOMICS:** The rate of pay for Ms. MacGregor is \$50/hour and is limited to available grant funds from SVSU. No General funds will be utilized and there is no additional financial cost to the Health Department as all costs associated for the project are to be included in the grant.

**RECOMMENDATION:** Upon favorable review by Corporation Counsel, the Health Department recommends approval for signature of the Board Chair to this agreement.

**BAY COUNTY BOARD OF COMMISSIONERS**

**FEBRUARY 9, 2016**

**RESOLUTION**

BY: PERSONNEL/HUMAN SERVICES COMMITTEE (1/19/16)

WHEREAS, The University Clinic has been in operation since January of 2015 and sees a wide variety of clients with chronic conditions; and

WHEREAS, The first year evaluation has determined a need to further develop clinic protocols to ensure effective patient care. This is an effort that can take a great deal of time and expertise and the current staffing structure does not allow for it to be accomplished by existing staff; and

WHEREAS, Barbara MacGregor has extensive experience in developing clinical policies, procedures, and protocols. Additionally she has experience working both in and with the Health Department and can develop the needed clinical procedures and protocols in a timely fashion; and

WHEREAS, The rate of pay for Ms. MacGregor is \$50/hour and is limited to available grant funds from SVSU. No General funds will be utilized and there is no additional financial cost to the Health Department as all costs associated for the project are to be included in the grant; Therefore, Be It

RESOLVED That the Bay County Board of Commissioners approves an Agreement with Barbara MacGregor to develop protocols for the University Clinic 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 budget adjustments, if required, are approved.

MICHAEL E. LUTZ, CHAIR  
AND COMMITTEE

Health Dept. - Agreement with Barbara MacGregor

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 \_\_\_\_\_



Thomas L. Hickner  
Bay County Executive



Joel R. Strasz  
Public Health Director

1200 Washington Avenue  
Bay City, Michigan 48708

(989) 895-4003  
FAX (989) 895-4014  
TDD (989) 895-4049  
[www.baycounty-mi.gov/Health](http://www.baycounty-mi.gov/Health)

**TO:** Michael Lutz, Chairperson, Personnel/Human Services Committee  
**FROM:** Joel R. Strasz, Health Director  
**DATE:** January 13, 2016  
**CC:** Tom Hickner, Amber Johnson, Crystal Hebert, Kim Priessnitz, Shawna Walraven, Mark Pickell  
**RE:** Amendment to the Agreement with Saginaw Valley State University Regarding the University Clinic

**BACKGROUND:** The University Clinic has been in operation since January of 2015 and is open to the public. After a review of the grant finances by Saginaw Valley State University, it was determined that additional unspent funds are available and will be offered to the Health Department for additional activities such as outreach and marketing, credentialing of medical professionals for further reimbursement, exploration of electronic health records incentive funding and assistance to further develop clinic protocols.

**FINANCE AND ECONOMICS:** Additional funds are estimated to total of \$17,000. There is no match. No General funds will be utilized and there is no additional financial cost to the Health Department as all costs associated for the project are to be included in the grant.

**RECOMMENDATION:** Upon favorable review by Corporation Counsel, the Health Department recommends approval for signature of the Board Chair to this agreement.

**BAY COUNTY BOARD OF COMMISSIONERS**

**FEBRUARY 9, 2016**

**RESOLUTION**

BY: PERSONNEL/HUMAN SERVICES COMMITTEE (1/19/16)

WHEREAS, The University Clinic has been in operation since January of 2015 and is open to the public; and

WHEREAS, After a review of the grant finances by Saginaw Valley State University, it was determined that additional unspent funds are available and will be offered to the Health Department for additional activities such as outreach and marketing, credentialing of medical professionals for further reimbursement, exploration of electronic health records incentive funding and assistance to further develop clinic protocols; and

WHEREAS, Additional funds are estimated to total of \$17,000. There is no match. No General funds will be utilized and there is no additional financial cost to the Health Department as all costs associated for the project are to be included in the grant; Therefore, Be It

RESOLVED That the Bay County Board of Commissioners approves the Amendment to the Agreement with Saginaw Valley State University regarding the University Clinic and authorizes the Chairman of the Board to execute said Amendment on behalf of Bay County following legal review/approval; Be It Further

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

MICHAEL E. LUTZ, CHAIR  
AND COMMITTEE

Health Dept - Amendment to Agreement with SVSU re University Clinic

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

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

COMMISSSTONER	E			COMMISSSIONER	E			COMMISSIONERE			
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 \_\_\_\_\_



**BAY COUNTY  
PERSONNEL DEPARTMENT**

**Thomas L. Hickner**  
County Executive

Tiffany Jerry, Director  
[tjerry@baycounty.net](mailto:tjerry@baycounty.net)  
(989) 895-4096 (T)  
(989) 895-2076 (F)

To: Michael Lutz, Chair, Personnel/Human Services Committee

From: Tiffany Jerry, Director of Personnel and Employee Relations



Date: January 13, 2016

Re: Personnel/Human Services Committee Agenda

Please consider the following for the agenda of your committee meeting scheduled for January 19, 2016.

1. **Request (Vacancy):**  
Health Director Joel Strasz has submitted a request to post and fill a Typist Clerk II position in WIC at the Health Department.

**Background:**

The current employee has accepted a position recently posted with the Bay County Prosecutor's Office.

**Finance/Economics:**

This position is currently budgeted and no additional funds are necessary. This is a full-time position with full benefits at \$12.14 per hour entry, progressing to \$14.33 per hour after 2 years (TU05).

**Recommendation:**

Please refer to the full board for approval, so that the position may be filled expediently.

2. **Request (Vacancy):**  
Division on Aging Director Tammy Roehrs has submitted a request to post and fill a part-time Driver position with the Division on Aging.

**Background:**

The current employee has accepted a position at the Kitchen with the Division on Aging.

**Finance/Economics:**

This is a part-time union position with limited benefits and variable hours at \$10.18 per hour entry. Funds exist within the FY 15/16 Division on Aging budget.

**Recommendation:**

Please refer to the full board for approval, so that the position may be filled expediently.

3. **Request (Vacancies):**

Sheriff Miller has submitted a request to hire Marine Personnel-DNR Grant positions for 2016: Five Supervisors and twenty-five (25) Marine Deputies.

**Background:**

Each year the Bay County Sheriff's Office participates in the Marine Safety Grant Program offered through the Michigan Department of Natural Resources & Environment. This grant provides funding for equipment as well as other expenditures used for boater safety education and enforcement in Bay County. The Marine Safety Grant provides for Marine patrols during each boating season in Bay County.

**Finance/Economics:**

Supervisors are paid \$12 per hour and the Deputies are paid \$11 per hour. The DNRE agrees to reimburse Bay County a sum of money equal to 75% of total eligible costs for operation of the Marine Safety Program, but not to exceed the grant allocation of \$22,000. A total match of at least 25% of total eligible costs is required for the reimbursement. The Marine Safety Grant has been approved in the 2016 budget.

**Recommendation:**

Refer to the full Board for approval as well as authorize the Finance Department to make any required budget adjustments and expenditures.

4. **Request (Vacancy):**

Chris Izworski has submitted a request to hire a 9-1-1 Dispatcher.

**Background:**

The position is vacant due to the recent separation of a 9-1-1 Dispatcher.

**Finance/Economics:**

Funds exist within the current existing budget. This is a full-time position with benefits in the Dispatchers' union (GELC). Rate of pay is \$12.95 per hour progressing to \$17.57 per hour after four years.

**Recommendation:**

Refer to the full Board for approval to fill.

5. **Request (Vacancy):**

We are requesting to post and fill the Retirement Administrator position.

**Background:**

Current employee has accepted the Payroll and Benefits Supervisor position in the Personnel Department.

**Finance/Economics:**

This is a full-time position with benefits in the BCAMPS Union. \$44,658 entry progressing to \$51,854 after 3 years (PB07).

**Recommendation:**

Please refer to the full Board for approval to fill.

6. **Request (Reclassification):**

Please review and approve the following reclassification for the Recreation Coordinator with the Bay County Community Center.

**Background:**

The position is currently classified as a Recreation Assistant/Account Clerk and has been included on the Technical pay scale in the USW union. Because this position is now responsible for supervising staff, including the summer recreation program and the pool as well as some maintenance and Region VII staff, it should be classified as a Managerial/Supervisory position on the MB scale in the BCAMPS organization.

**Finance/Economics:**

The current rate of pay is \$37,044 on the TU08 wage scale and we are reclassifying the position to the MB06 wage scale at the entry level of \$39,457. The proposed effective date of this reclassification would be January 1, 2016.

**Recommendation:**

Please accept and approve this reclassification report, as well as approve any budget adjustments needed.

7. **Request (Reclassification):**

Please accept and approve the following reclassification for the Public Health Director.

**Background:**

The Public Health Director position is currently classified at the MN14 pay grade which is at the bottom of the pay scale for similar counties. In addition, the Public Health Director is responsible for the administration of the University Clinic.

**Finance/Economics:**

The current rate of pay is \$72,550 on the MN14 scale and we are reclassifying the position to the MN15 wage scale at the 3 year step level of \$78,146. The proposed effective date of this reclassification would be January 1, 2016.

**Recommendation:**

Please receive and approve this reclassification report, as well as approve any budget adjustment needed.

8. **Request (Reclassification):**

Please accept and approve the following reclassification for the Finance Officer.

**Background:**

The Finance Officer position is currently classified at the MN15 pay grade which is under scale compared to the same classifications in similar counties. In addition, the Finance Officer has undertaken new responsibilities: ISD, Purchasing, secretarial and oversight of funds in the retirement board.

**Finance/Economicss:**

The current rate of pay is \$81,286 on the MN15 scale and we are reclassifying the position to the MN16 wage scale at the 4 year step level of \$87,381. The proposed effective date of this reclassification would be January 1, 2016.

**Recommendation:**

Please receive and approve this reclassification report as well as approve any necessary budget adjustments.

Thank you for considering the items listed above and approving any necessary budget adjustments; if you have any questions, please feel free to contact me.

Encl.

cc: Tom Hickner  
Amber Davis Johnson  
Deb Russell  
Crystal Hebert  
Kim Priessnitz  
Joel Strasz  
John Miller

Tammy Roehrs  
Christopher Izworski  
Cristen Gignac  
Beth Trahan  
Frances Moore  
Lisa Neal  
Kathy Barcia

**BAY COUNTY BOARD OF COMMISSIONERS**

**FEBRUARY 9, 2016**

**RESOLUTION**

BY: PERSONNEL/HUMAN SERVICES COMMITTEE (1/19/16)

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. Health Department - Typist Clerk II (full time, \$12.14/hr. entry)
2. Division on Aging - Driver (part time, \$10.18/hr. entry)
3. Sheriff Department Marine Division - 5 Supervisors (\$12/hr) and 25 Marine Deputies (\$11/hr.)
4. 9-1-1 Central Dispatch - Dispatcher (full time; \$12.95/hr. entry)
5. Personnel Department - Retirement Administrator (full time, \$44,648 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 - February

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 \_\_\_\_\_

**BAY COUNTY BOARD OF COMMISSIONERS**

**FEBRUARY 9, 2016**

**RESOLUTION**

BY: PERSONNEL/HUMAN SERVICES COMMITTEE (1/19/16)

WHEREAS, The Bay County Personnel Director has recommended the reclassification of certain positions; and

WHEREAS, The position of Recreation Assistant/Account Clerk has been included on the Technical pay scale (TU08 - \$37,044) in the USW union, however, because this position is now responsible for supervising staff, including the summer recreation program and the pool as well as some maintenance and Region VII staff, it should be classified as a Recreation Coordinator, Managerial/Supervisory position on the MB scale (MB06 - \$39,457, entry level) in the BCAMPS organization; and

WHEREAS, The Public Health Director position is currently classified at the MN14 pay grade which is at the bottom of the pay scale for similar counties and, in addition, the Public Health Director is responsible for the administration of the University Clinic; and

WHEREAS, The current rate of pay for the Public Health Director is \$72,550 (MN14) and it should be reclassified to the MN15 wage scale, 3 year step level of \$78,146; and

WHEREAS, The Finance Officer position is currently classified at the MN15 pay grade which is under scale compared to the same classifications in similar counties and, in addition, the Finance Officer has undertaken new responsibilities: ISD, Purchasing, secretarial and oversight of funds in the retirement board; and

WHEREAS, The Finance Officer's current rate of pay is \$81,286 on the MN15 scale and it should be reclassified to the MN16 wage scale at the 4 year step level of \$87,381; and

WHEREAS, It is recommended that the effective date of the above recommended reclassifications be January 1, 2016; Therefore, Be It

RESOLVED That the Bay County Board of Commissioners concurs with the recommendation of the Personnel Director and approves the reclassification of the Recreation Assistant/Account Clerk to Recreation Coordinator, the Public Health Director, and the Finance Officer, as outlined above, effective January 1, 2016; Be It Finally

RESOLVED That budget adjustments required for the outlined reclassifications are hereby approved.

MICHAEL E. LUTZ, CHAIR  
AND COMMITTEE

Personnel - Reclassifications (Recreation Coordinator, Health Director, Finance Officer)  
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 \_\_\_\_\_



**18<sup>th</sup> JUDICIAL CIRCUIT COURT**  
**74<sup>th</sup> JUDICIAL DISTRICT COURT**

1230 Washington Avenue  
Bay City, Michigan 48708-0010

**KIM B. MEAD**  
Court Administrator

Phone: (989) 895-4266  
Fax: (989) 895-4099  
meadk@baycounty.net

January 14, 2016

Commissioner Michael E. Lutz, Chair  
Personnel/Human Services Committee  
515 Center Avenue  
Bay City, Michigan 48708

Chair Lutz,

In the adoption of the 2016 Budget, two Circuit Court positions were eliminated. One of the positions was a clerk assigned to the Administrative office whose duties provide customer service to clients, attorneys and others. Also to process court documents, file, maintain court dockets, perform Jury Clerk functions in the courtroom as well as many other assigned tasks. This position has been in the court for many years and is a filled position.

The other position is a court recorder/secretary for a Judge. The court had tried to eliminate one over the past several years, however, with the upcoming shuffling of duties in the Judicial Corridor, it has become apparent that the position is needed.

The Court notified both the County and the State Court Administrator's Office that there was a funding dispute based on the removal of these positions.

Chief Judge Dawn A. Klida recently had a meeting with Board Chair Krygier and Financial Analyst Redmond where it was agreed that the Court would retain the clerk position and would post a part-time recorder/secretary position. It was also agreed that in six months, the court may revisit the need of a full-time recorder/secretary.

I ask that the Personnel/Human Services Committee recommend that the two positions as stated above be added to the Circuit Court personnel budget.

Sincerely,

Kim Brian Mead  
Administrator