

**BAY COUNTY BOARD OF COMMISSIONERS**

**JUNE 21, 2016**

THE BAY COUNTY BOARD OF COMMISSIONERS MET FOR A SPECIAL SESSION ON TUESDAY, JUNE 21, 2016, IN THE FOURTH FLOOR COMMISSION CHAMBERS OF THE BAY COUNTY BUILDING. THE MEETING WAS CALLED TO ORDER BY CHAIRMAN ERNIE KRYGIER AT 4:32 P.M. WITH THE FOLLOWING MEMBERS AND GUESTS PRESENT.

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

OTHER MEMBERS: CHARLENE HOGAN, DEPUTY BAY COUNTY CLERK  
DIANE YAWORSKI, SECRETARY TO THE COUNTY CLERK  
ROBERT J. REDMOND, FINANCIAL ANALYST  
DEANNE C. BERGER, BOARD COORDINATOR

ALSO PRESENT: THOMAS J. HICKNER, COUNTY EXECUTIVE  
TIFFANY JERRY, PERSONNEL AND EMPLOYEE RELATIONS DIRECTOR  
DEBRA RUSSELL, ADMINISTRATIVE SERVICES DIRECTOR  
KIM PRIESSNITZ, FINANCE OFFICER  
SHAWNA WALRAVEN, CORPORATION COUNSEL  
CRISTEN GIGNAC, RECREATION & FACILITIES DIRECTOR  
SCOTT SCHISLER, SCHISLER LAW  
JUDGE DAWN KLIDA, CHIEF JUDGE OF BAY COUNTY  
BRUCE MANNIKKO, DIRECTOR OF PUBLIC DEFENDERS OFFICE  
VARIOUS ELECTED OFFICIALS  
VARIOUS DEPARTMENT HEADS  
NEWS MEDIA

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

PLEDGE OF ALLEGIANCE:

**CITIZENS INPUT**

THERE WAS NO CITIZENS INPUT

JUNE 21, 2016  
COMM. KRYGIER:

BOARD OF COMMISSIONERS MEETING  
A CLARIFICATION AS TO WHY WE ARE HOLDING A PUBLIC HEARING  
IS NEEDED.

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SHAWNA  
WALRAVEN:

TODAY'S PUBLIC HEARING IS PURSUANT TO ACT 139 OF 1973, MCL 45.564, WHICH REQUIRES THE RECOMMENDATION OF THE ELECTED COUNTY EXECUTIVE AND A PUBLIC HEARING IS IN ORDER TO CREATE ADDITIONAL DEPARTMENTS. CURRENTLY THIS BOARD OF COMMISSIONERS HAS APPROVED BRINGING THE REPRESENTATION OF THE INDIGENT DEFENDANTS IN HOUSE AND WHEN THIS IS IMPLEMENTED WILL RESULT IN FIVE ATTORNEYS IN ONE OFFICE. THE PROPOSED RESOLUTION TODAY IS ONLY TO SPLIT THOSE OFFICES INTO TWO SEPARATE OFFICES IN ORDER TO REDUCE CONFLICT AND SAVE MONEY FOR THE COUNTY.

TOM HICKNER:

THE COMMISSIONERS HAVE RECEIVED SOME FEED BACK FROM MEMBERS OF THE BAY COUNTY BAR ASSOCIATION ABOUT THE UTILIZATION OF SPACE IN THE COURT FACILITY, SPECIFICALLY THE SEVEN ROOMS THAT ARE USED BY THE ATTORNEYS TO MEET WITH THEIR CLIENTS. WE ARE EVALUATING A NUMBER OF DIFFERENT OPTIONS AND WE INTEND TO MAKE SURE THAT WHATEVER ULTIMATE STRATEGY WE PURSUE WITH RESPECT TO THE SPACE FOR THE SECOND DEPARTMENT THAT IT DOES NOT DISRUPT OR INTERFERE WITH THE ACTIVITIES OF THE COURT AND THE ATTORNEYS THAT PRACTICE IN THE COURT BUILDING. WE WILL WORK WITH THEM, THE COURTS AND ALSO WITH THE BAR ASSOCIATION TO MAKE SURE THAT, THAT IS THE CASE GOING FORWARD.

MOTION 61:

COMM. HEREK MOVED TO APPROVE A MOTION TO GO OUT OF REGULAR BUSINESS FOR A PUBLIC HEARING. IT WAS SUPPORTED BY COMM. TILLEY AND ADOPTED BY A ROLL CALL VOTE OF: DURANCZYK, BEGICK, COONAN, HEREK, TILLEY, LUTZ, KRYGIER - 7 YEAS, 0 NAYS.

PUBLIC HEARING:

REORGANIZATION OF DEPARTMENT OF PUBLIC DEFENDER

SCOTT SCHISLER:

3447 BAY HARBOR POINT DRIVE, UNIT 317, BAY CITY. OFFICE 701 EAST VERMONT, BAY CITY. I DON'T UNDERSTAND WHY WE ARE MOVING IN THIS DIRECTION. EIGHT YEARS AGO WE HAD A BROKEN SYSTEM. A SYSTEM THAT WAS FIXED AT A SIGNIFICANT SAVINGS TO THE TAX PAYERS OF BAY COUNTY, ROUGHLY A SAVINGS OF \$80,000 PER YEAR. AT THAT TIME, THERE WERE TWO ATTORNEYS WHO SAT ON THIS BOARD, JUDGE KLIDA AND BRIAN

ELDER WHO KNEW THAT THE SYSTEM WAS BROKEN. YOU ARE NOW VOTING TO GO BACK TO THAT SAME BROKEN SYSTEM, AND IT WILL COST THE TAX PAYERS MORE. THE SUPREME COURT HAS NOT EVEN HANDED DOWN WHAT THE STANDARDS ARE. THERE HAS BEEN NO INPUT. I HAVE BEEN CONTACTED TWICE IN EIGHT YEARS AND TOLD THERE WAS A DEFENDANT WITH AN ISSUE, IN BOTH OF THOSE INSTANCES I TOOK CARE OF IT WITHIN 10 MINUTES AND RECEIVED THANK YOU'S BACK FROM CORPORATE COUNSEL. I HAVE HEARD THAT THERE HAS BEEN INSINUATION MADE THAT THE REPRESENTATION GIVEN TO THE INDIGENT CLIENTS IS NOT SATISFACTORY. THAT IS WRONG. THE PEOPLE MAKING THOSE INSINUATIONS HAVE NEVER EVEN PRACTICED LAW IN BAY COUNTY. MS. DAVIS, TO THE EXTENT THAT SHE HAS SAID IT, DOES NOT PRACTICE OVER THERE, I HAVE NEVER SEEN HER ON A DAY TO DAY BASIS DOING WHAT WE DO, AND MR. HICKNER IS NOT EVEN A PRACTICING ATTORNEY. TO SAY THAT OUR REPRESENTATION HAS NOT BEEN THE BEST FOR MISDEMEANOR CLIENTS IS DEAD WRONG. WE HAVE OVER 60 YEARS OF LITIGATION EXPERIENCE BETWEEN THE THREE ATTORNEYS. WE ARE ABLE TO DEDICATE OUR TIME TO MISDEMEANORS, NOT HAVING TO BALANCE OUR TIME WITH FELONIES. THE COURTS HAVE WORKED WITH US TO STREAMLINE THE SYSTEMS SO WE ARE MORE EFFICIENT AND NOT SETTING NUMEROUS HEARINGS. WE ARE DEDICATED TO SPENDING AS MUCH TIME WITH A CLIENT AS THEY WANT US TOO.

JUDGE KLIDA:

ONE VERY IMPORTANT POINT, AS OF RIGHT NOW IF THERE ARE CONFLICTS WITH THE ATTORNEYS WHO HANDLE THESE CASES OUT OF THE SCHISLER LAW FIRM, SCHISLER PAYS TO HAVE ANOTHER ATTORNEY TO SET IN FOR THAT CONFLICT. THE COUNTY DOES NOT PAY FOR THAT, SCHISLER LAW PAYS. THIS HAD BEEN DISCUSSED FOR OVER A YEAR AND THE PRIOR CHIEF JUDGE HAD NEVER BEEN BROUGHT INTO THE DISCUSSIONS. I DON'T THINK THIS IS GOING TO SAVE WHAT YOU THINK IT IS, AND I DON'T BELIEVE IT IS GOING TO COST AS LITTLE AS YOU ARE BEING TOLD. THERE IS ANOTHER ATTORNEY IN THAT OFFICE THAT I DO NOT SEE BEING DISCUSSED HERE AND WHAT HER SECRETARY ASSIGNMENT IS GOING TO BE. YOU HAVE ALREADY MADE THE DECISION AND I WILL CONTINUE TO WORK WITH YOU ON THIS, BUT WHEN YOU HAVE ALREADY MADE THE DECISION AND THE CURRENT STAKEHOLDER KNOW NOTHING ABOUT IT, THERE WAS NO DISCUSSION ABOUT WHAT THE TRANSITION IS GOING TO BE, HOW ARE WE GOING TO TRANSITION, WHERE ARE WE GOING TO

HOUSE THEM. THE ISSUE OF THE ATTORNEY CONFERENCE ROOMS WAS EXACTLY WHAT I WAS TOLD. I WAS TOLD THAT, THAT WAS GOING TO BE THE PLAN. FIRST PLAN WAS TO HAVE DEFENDANTS COME INTO THE SECURED JUDICIAL CORRIDOR, THE JUDGES WOULD BE PASSING DEFENDANTS IN THE HALLWAY. THIS WAS THE SECOND PLAN. IF YOU DON'T START BRINGING SOME PEOPLE TO THE TABLE TO DISCUSS THIS YOU ARE REALLY GOING TO HAVE SOME DEFENDANTS FALLING THROUGH THE CRACKS.

COMM. BEGICK: HAS THE SUPREME COURT MADE ANY FINAL DECISIONS ON THE INDIGENT DEFENDANT WORDING?

JUDGE KLIDA: NOTHING HAS BEEN HANDED DOWN YET. APPEARS THERE WILL NOT BE ADDITIONAL MONEY IN THE 2017 AND 2018 YEARS. THEN IT MAYBE IN GRANTS WHICH WILL NEED TO BE APPLIED FOR AND ARE NOT CERTAIN.

COMM. TILLEY: ASSUMED WE WERE ALL ON THE SAME PAGE, WE ARE NOW HEARING THAT KEY PEOPLE HAVE NOT EVEN BEEN INFORMED OR ASKED THEIR OPINION. PERPLEXED, AS TO WHY WE ARE NOW DOING A PUBLIC HEARING AFTER WE HAVE ALREADY VOTED TO HIRE TWO NEW ATTORNEYS.

SHAWNA WALRAVEN: THIS PUBLIC HEARING IS FOR THE DEPARTMENT TO SEPARATE, CREATING A DIFFERENT DEPARTMENT. IF YOU VOTE THE RESOLUTION DOWN TODAY, WE WILL STILL HAVE FIVE ATTORNEYS BUT THEY WILL ALL BE IN ONE OFFICE, CAUSING THE COUNTY TO HAVE TO SEND MORE REFERRAL OUT DUE TO CONFLICT.

BRUCE MANNIKKO: HAVING FIVE ATTORNEYS IN ONE OFFICE WOULD BE A PRETTY BIG DISASTER, FINANCIALLY. YOU WOULD HAVE MULTIPLE CONFLICTS WITH CO-DEFENDANTS AND RELATED CASES. YOU COULD NEVER REPRESENT ALL OF THEM WITHIN THE CONFINES OF ONE OFFICE WITHOUT HAVING A GRIEVANCE FILED AGAINST YOU. THERE WOULD BE A GOOD DEAL OF CASES AND ADDED EXPENSE TO HAVE THE FIVE ATTORNEY IN ONE OFFICE AND A GOOD PORTION OF CASES BEING SENT OUT TO THE LOCAL CONTRACT ATTORNEYS TO HANDLE THE CONFLICTS.

COMM. LUTZ: BACK EIGHT YEARS AGO WHEN WE LOOKED TO CONTRACT OUT THE MISDEMEANOR CASES AS WE WERE LOOKING AT WAYS TO CUT COSTS. IT WAS THEN DECIDED TO CONTRACT OUT MISDEMEANOR CASES. THAT WITHIN ITSELF ELIMINATED A LOT OF THE

CONFLICTS. EIGHT YEARS AGO WE DECIDED TO CHANGE OUR SYSTEM, WE SHOULD REMEMBER WHY WE CHANGED IT. IF OUR SUBCONTRACTORS ARE NOT DOING THEIR JOB, WE CAN THEN ADDRESS THAT. ANY MOTION THAT THIS BOARD VOTES ON, CAN BE OVERTURNED OR RESCINDED. THAT IS WHAT I WOULD LIKE TO SEE HAPPEN. THAT IS WHAT I WOULD LIKE TO SEE. THAT MOTION RESCINDED. IF WE DO NOT, I CAN SEE IN A FEW YEARS GOING BACK TO SUBCONTRACTING.

TOM HICKNER: PUBLIC DEFENDER'S OFFICE HAS BEEN AROUND FOR OVER 40 YEARS. HISTORICALLY, 20 YEARS AGO WE SPLIT THE DEPARTMENT AND CREATED TWO DIFFERENT DEPARTMENTS. EIGHT YEARS AGO, WE TRIED A NEW MODEL AND SUBCONTRACTED THE MISDEMEANOR CASES WITH SCHISLER LAW FIRM. I AM NOT SURE HOW WE CAME TO THE \$80,000 SAVINGS NUMBER BUT AS THE COUNTY EXECUTIVE ONE OF MY FIRST RESPONSIBILITY IS TO MAKE SURE THE COUNTIES FINANCES ARE MANAGED PROPERLY. THE SECOND RESPONSIBILITY WE HAVE, IS TO MAKE SURE THAT PEOPLE CHARGED WITH CRIMES HAVE THE REPRESENTATION THAT THE CONSTITUTION CALLS FOR AND THE COMMISSION DID ALREADY STATE WHAT THEIR RECOMMENDATIONS WERE. UNDER THE NEW SYSTEM DEFENDANTS WILL HAVE ACCESS TO MORE REPRESENTATION THEN THE STATUS QUE.

COMM.  
DURANCZYK: I WOULD LIKE TO SEE US RESCIND THE TWO MOTIONS THAT WERE ALREADY PASSED AND TAKE TIME TO SEE WHAT WE WILL NEED DOWN THE ROAD. THEN MEET WITH THE PEOPLE WHO ARE INVOLVED, THE JUDGES AND THE COURT OFFICIALS SO WE CAN COME UP WITH A PLAN AND SOMETHING WE CAN AFFORD. I FOUND OLD FINANCIAL INFORMATION BACK FROM WHEN WE TALKED ABOUT THIS 8 YEARS AGO. BACK THEN IT CAME IN AT A COST OF \$280,000; WE CONTRACT OUT AT \$156,000 PER YEAR, AND THIS WAS EIGHT YEARS AGO, WHAT WILL IT BE TODAY?

ROBERT  
REDMOND: CLARIFICATION ON EXPENSES AND QUESTIONS. ALL EXPENSES DISCUSSED LIKE SUBPOENAS, EXPERT WITNESSES, ETC., THOSE ARE BEING PAID TO SCHISLER LAW NOW. DO YOU INTEND TO COME UP WITH A PLAN TO PHASE IN THE NEW SYSTEM?

TOM HICKNER: I THOUGHT THERE WAS A CONSENSUS ON THE BOARD, I DON'T LIKE TO SEE A SITUATION WHERE THE BOARD IS DIVIDED LIKE ON A FOUR TO THREE. WE CAN PUT MORE DETAILS TOGETHER AND NOT MOVE FORWARD UNTIL THOSE HAVE BEEN DISCUSSED. THAT

DOES NOT REQUIRE RECEDING ANYTHING WE JUST WILL NOT MOVE FORWARD UNTIL WE HAVE THE DETAILS WORKED OUT.

COMM. TILLEY: WOULD LIKE TO SEE THE DATA THAT SHOWS THAT THERE IS A NEED TO GO TO THE SYSTEM THAT WE HAVE APPROVED. WE HAVE AN OBLIGATION TO THE CITIZENS OF BAY COUNTY, REGARDLESS OF THERE INCOME, TO PROVIDE LEGAL SERVICES AT A LEVEL THAT IS ACCEPTABLE TO ALL CITIZENS.

JAN MINER: 304 WEST HAMPTON, ESSEXVILLE. I WOULD LIKE TO ADDRESS MR. COONAN, THE COMMENT OF WHERE HAVE WE BEEN, OR WHY IS THIS JUST THE HOT TOPIC NOW. WHEN THIS WAS PROPOSED ON FEBRUARY 9, 2016, IN YOUR PACKET, THE WAY IT WAS ORIGINALLY PROPOSED IS NOT THE WAY IT IS HAPPENING TODAY. IT HAS MORPHED, AS TO WHAT THE ORIGINAL PURPOSE WAS.

JUDGE KLIDA: I CAME OVER AS SOON AS I KNEW ABOUT IT, THAT IS PART OF THE PROBLEM, IT WAS NOT COMMUNICATED AHEAD OF TIME. SPOKE WITH RETIRED JUDGE SCHMIDT, THEY HAD ONE MEETING WITH ALL THREE DISTRICT JUDGES, AMBER DAVIS-JOHNSON AND SHAWNA WALRAVEN WHERE THEY WERE ASKED HOW THE INDIGENT DEFENSE FOR MISDEMEANORS CONTRACT WAS WORKING. WE LET THEM KNOW THAT THE SYSTEM WE HAD WAS WORKING. I TOOK OVER AS CHIEF JUDGE IN JANUARY, AND NO ONE CAME OVER TO TALK TO ME EITHER. I FOUND OUT ABOUT IT AND BASICALLY PUSHED MY WAY IN. I DID COME TO THE MEETING AND SPOKE WITH ALL OF YOU AT THAT TIME. IT IS NOT THAT PEOPLE HAVE NOT BEEN TALKING TO YOU ABOUT THIS, WHAT I HAVE SAID HAVE HAS NOT CHANGED. I THINK IT IS GOING TO COST YOU A LOT MORE AND I THINK IT IS PREMATURE.

SHAWNA WALRAVEN: IF THERE IS OTHER INFORMATION THAT YOU NEED PLEASE LET ME KNOW. WE NEEDED THESE REQUISITE APPROVALS IN ORDER TO MOVE FORWARD FOR AN IMPLEMENTATION PLAN ABOUT HOW TO MAKE THIS TRANSITION. UNTIL WE GOT THESE APPROVALS IT SEEMED PREMATURE TO SET UP A TRANSITION PLAN, WE WOULD INCLUDE THE APPROPRIATE PEOPLE IN THOSE DISCUSSIONS.

SCOTT SCHISLER: WHATEVER THE GUIDELINES ARE WE WILL COMPLY AND IT WILL NOT BE AT ANY ADDITIONAL COST.

MOTION 62: COMM. COONAN MOVED TO APPROVE A MOTION TO GO BACK TO

**ITEMS FOR CONSIDERATION**

- RES. 2016-163: COMM. TILLEY MOVED TO ADOPT RES. 2016-163 THE BAY COUNTY COMMISSIONERS, WITH THE AFFIRMATIVE RECOMMENDATION OF THE COUNTY EXECUTIVE AND FOLLOWING A PUBLIC HEARING AS REQUIRED BY MCL 45.564(b) APPROVES THE REORGANIZATION FOR THE CURRENT PUBLIC DEFENDER DEPARTMENT INTO TWO SEPARATE DEPARTMENTS, THE DEPARTMENT OF PUBLIC DEFENDER AND THE DEPARTMENT OF CRIMINAL DEFENSE. IT WAS SUPPORTED BY COMM. COONAN AND ADOPTED BY A ROLL CALL VOTE OF: DURANCZYK - NO, BEGICK - NO, COONAN - YES, HEREK - YES, TILLEY - YES, LUTZ - NO, KRYGIER - YES: 4 YEAS, 3 NAYS.
- RES. 2016-164: COMM. TILLEY MOVED TO ADOPT RES. 2016-164 AMENDMENT 2 TO DFA 16-0900. THE BAY COUNTY DEPARTMENT OF HEALTH AND HUMAN SERVICES TO ESTABLISH THE POSITION OF CHILD WELFARE HOME AIDE, NOW KNOWN AS ELIGIBILITY SPECIALIST. BAY COUNTY WILL SHARE HALF THE COST OF THIS POSITION AND THE FUNDS WERE APPROPRIATED. AMENDMENT #2 TO AGREEMENT NUMBER DFA16-09001 HAS BEEN SUBMITTED ADDING ADDITIONAL MONEY (46,400) AND ADDING THE NEW YEAR PAYMENT SCHEDULE TO THE CONTRACT. IT WAS SUPPORTED BY COMM. LUTZ AND PASSED BY A VOICE VOTE OF: 7 YEAS, 0 NAYS.
- RES. 2016-165: COMM. TILLEY MOVED TO ADOPT RES. 2016-165 RECOMMENDATIONS BROUGHT FORTH BY THE PERSONNEL AND HUMAN SERVICES COMMITTEE. SHERIFF DEPARTMENT: CORRECTIONAL FACILITY OFFICERS (3) MANDATED (FULL TIME, \$15.95 PER HOUR ENTRY). ROAD PATROL DEPUTY (FULL TIME; \$15.75 PER HOUR ENTRY). HEALTH DEPARTMENT: ACCOUNT CLERK III (FULL TIME \$13.09 PER HOUR ENTRY). REGISTERED DIETITIAN IN WIC PROGRAM - INCREASING HOURS TO FULL TIME, FROM PART TIME, BASED ON INCREASED GRANT FUNDS (\$22.55 PER HOUR). BILLING CLERK (RETIREE COMING BACK PART TIME UP TO 300 HOURS IN 2016; \$15.46 PER HOUR). COMMUNICABLE DISEASE NURSE (RETIREE COMING BACK PART TIME UP TO 100 HOURS IN 2016; \$23.77 PER HOUR). MANAGER IN ENVIRONMENTAL HEALTH DIVISION (REINSTATEMENT OF POSITION; FULL TIME; \$52,868 ENTRY). BUILDINGS AND GROUNDS - REINSTATEMENT OF GENERAL LABORER POSITION (FULL TIME \$14.37 PER HOUR ENTRY). ADMINISTRATIVE SERVICES: COMMUNITY OUTREACH -

PRODUCTION ASSISTANT (FULL TIME \$37,273 ENTRY). IT WAS SUPPORTED BY COMM. LUTZ AND PASSED BY A VOICE VOTE OF: 7 YEAS, 0 NAYS.

**UNFINISHED BUSINESS**

THERE WAS NO UNFINISHED BUSINESS.

**NEW BUSINESS**

THERE WAS NO NEW BUSINESS

**MISCELLANEOUS**

THERE WAS NO MISCELLANEOUS

**ANNOUNCEMENTS**

COMM. KRYGIER: BEACH WELLNESS THIS IS SET FOR SATURDAY, JULY 25.

COMM. BEGICK: AUBURN CORNFEST, JULY 7, 8, 9 AND 10. THE PARADE IS ON JULY 10<sup>TH</sup> AT 1:00 pm.

**CLOSED SESSION**

NONE REQUESTED

**RECESS/ADJOURNMENT**

MOTION 63: COMM. DURANCZYK MOVED TO ADJOURN THE SPECIAL BOARD SESSION OF JUNE 21, 2016. IT WAS SUPPORTED BY COMM. BEGICK. THE MEETING CONCLUDED AT 5:35 P.M. BY A VOICE VOTE OF: 7 YEAS, 0 NAYS.

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ERNIE KRYGIER, CHAIRMAN  
BOARD OF COMMISSIONERS

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CYNTHIA A. LUCZAK, COUNTY CLERK  
BOARD OF COMMISSIONERS

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DIANE YAWORSKI  
SECRETARY TO THE CLERK  
BOARD OF COMMISSIONERS