

BAY COUNTY BOARD OF COMMISSIONERS

DECEMBER 21, 2016

THE BAY COUNTY BOARD OF COMMISSIONERS MET FOR A SPECIAL SESSION ON TUESDAY, DECEMBER 21, 2016, IN THE FOURTH FLOOR COMMISSION CHAMBERS OF THE BAY COUNTY BUILDING. THE MEETING WAS CALLED TO ORDER BY CHAIRMAN ERNIE KRYGIER AT 4:30 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: CYNTHIA A. LUCZAK, 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
JAN HISTED, FINANCE OFFICER
AMBER DAVIS-JOHNSON, CORPORATION COUNSEL
CRISTEN GIGNAC, RECREATION & FACILITIES DIRECTOR, EXCUSED
EILEEN MARSHALL, LADIES ANCIENT ORDER OF THE HIBERNIAN
CORINNE MARTIN, LADIES ANCIENT ORDER OF THE HIBERNIAN
JACKIE DOWD, LADIES ANCIENT ORDER OF THE HIBERNIAN
TREVOR KEYS, BAY FUTURE, VICE PRESIDENT
JOE RIVET, BAY COUNTY DRAIN COMMISSIONER
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

EILEEN MARSHALL, CORINNE MARTIN AND JACKIE DOWD: 1316 BROADWAY, PRESIDENT OF THE LADIES ANCIENT ORDER OF THE HIBERNIAN. WE ARE AN IRISH, CATHOLIC GROUP THAT PROMOTES CHRISTIAN, CHARITABLE WORKS IN OUR COMMUNITY. APPEARED ON BEHALF OF THE GROUP TO PRESENT PLAQUES TO INDIVIDUALS WHO HAVE HELPED WITH FUND RAISING GOALS ON BEHALF OF THE GROUP.

TREVER KEYS: 721 WASHINGTON AVENUE, SUITE 309; BAY FUTURE, VICE PRESIDENT. THE HISTORIC AMOUNT DESIGNATED TO BAY FUTURE THROUGH THE BUDGET HAS BEEN BROUGHT TO OUR ATTENTION THAT IT HAS BEEN SLASHED IN HALF TO \$25,000 FROM THE AMOUNT OF \$50,000. I AM HERE TODAY TO GIVE A QUICK REPORT, WE HAVE WORKED WITH THE COMMISSIONER'S OVER THE LAST YEAR. ONE OF THE BIG THINGS WE HAVE BEEN ABLE TO ACCOMPLISH THIS YEAR, IS THE CAPITAL CAMPAIGN. THESE ARE THE KIND OF THINGS THAT WE DO; RETAIN BUSINESSES HERE IN BAY COUNTY, WE TRY AND ATTRACT BUSINESS TO BAY COUNTY, WE ALSO HELP BUSINESSES EXPAND. WE HELP BROADEN THE TAX BASE AS WELL AS MAKE THAT TAX BASE GO UP. WE ARE LOOKING FORWARD TO THE CONTINUED SUPPORT OF THE COUNTY COMMISSION AND BAY COUNTY AS WE HAD FOR A NUMBER OF YEARS. THEY HAVE BEEN AT THE SAME LEVEL FOR A NUMBER OF YEARS AND HOPE THAT THEY ARE ABLE TO STAY AT THAT SAME LEVEL.

JOE RIVET: DRAIN COMMISSIONER, BAY COUNTY. I WAS THE TOWNSHIP SUPERVISOR AT BAY SIDE PARK. I AM INTERESTED IN MAKING SURE THAT WE DON'T FEED A CONSPIRACY THEORY. THERE WAS NEVER A CAP PUT ON THAT FACILITY, SO YOU ARE NEVER GOING TO SEE CLAY ON TOP. THE REASON THE BERMS WERE KNOCKED DOWN, THE RESIDENTS REQUESTED MY SUCCESSOR KNOCK THEM DOWN. THE ORIGINAL PLAN WAS TO LEAVE IT JUST AS A DREDGE SPOIL SITE. THERE WAS AN ATTORNEYS LETTER, SAYING THAT IT WAS PERMISSIBLE TO DO A DREDGE SPOIL SITE FOR RECREATION PURPOSES. KAWKAWLIN RIVER RESIDENTS WERE SUPPORTIVE OF THIS PROJECT. WHATEVER IS IN THERE CAME FROM THE BAY. THE ENTIRE BAY WOULD HAVE THE EXACT SAME PROFILE OF ISSUES. IN BAYSIDE PARK, THERE WERE PERMITS AND TESTING DONE PRIOR TO ITS CREATION, THERE WAS APPROVAL FOR THE RECREATIONAL STAND POINT. THERE WILL BE LOGICAL ANSWERS

TO ALL OF THE THINGS THAT MAY BE BROUGHT TO YOUR ATTENTION.

RESOLUTIONS FOR CONSIDERATION

RES. 2016-320: COMM. TILLEY MOVED TO ADOPT RES. 2016-320 - THE BAY COUNTY BOARD OF COMMISSIONERS OF BAY COUNTY, MICHIGAN; THAT THE 2017 BAY COUNTY BUDGET, AS PRESENTED TO THE BAY COUNTY COMMISSIONERS IS ADOPTED ON A FUNCTIONAL LEVEL FOR THE GENERAL FUND AND ALL SPECIAL REVENUE FUNDS, SUBJECT TO ALL COUNTY POLICIES REGARDING THE EXPENDITURE OF FUNDS AND THE CONDITIONS SET FORTH IN THIS RESOLUTION. THE PROPER ELECTED AND APPOINTED COUNTY OFFICIALS ARE DIRECTED TO IMPLEMENT THIS 2017 COUNTY BUDGET IN CONFORMITY WITH ITS PROVISIONS. IT WAS SUPPORTED BY COMM. BEGICK AND PASSED BY A VOICE VOTE OF: 6 YEAS, 1 NAY, COMM. BEGICK.

COMM. BEGICK: I AM AGAINST PER DIEM PAY FOR COMMISSIONERS, SO I WILL BE VOTING AGAINST THE BUDGET AS I HAVE FOR THE LAST SEVERAL YEARS. WE GET OUR SALARY, I CAN SEE PUBLIC MEMBERS GETTING PER DIEM PAY BUT I DON'T THINK COMMISSIONERS SHOULD GET PER DIEM PAY. I ALSO HAVE A QUESTION ABOUT OUR MEMBERSHIPS AND DUES. I SEE THAT WENT UP AND I AM ASSUMING THAT IS MACC OR NACO?

ROBERT REDMOND: FINANCIAL ANALYST, BAY COUNTY. WE ARE JOINING NACO AND THE EAST MICHIGAN COUNCIL OF GOVERNMENT.

MOTION 133: COMM. TILLEY MOVED TO AMEND THE BOARD OF COMMISSIONERS ADOPTED BUDGET TO ADD \$25,000 FOR BAY FUTURE, WHICH FUNDING HAD BEEN DECREASED FROM \$50,000 TO \$25,000 IN THE 2017 ANNUAL BUDGET. THEREFORE, BRINGING BAY FUTURE BACK TO ITS \$50,000 HISTORICAL AMOUNT. IT WAS SUPPORTED BY COMM. COONAN AND PASSED BY A ROLL CALL VOTE: 7 YEAS: DURANCZYK, BEGICK, COONAN, TILLEY, LUTZ, HEREK, KRYGIER. 0 NAYS.

MOTION 134: COMM. TILLEY MOVED TO AMEND THE BOARD OF COMMISSIONERS ADOPTED BUDGET TO CONTINUE OUR PROMISE TO THE FUNDING OF THE PROPOSED TENNIS COURTS BY INSERTING THE \$25,000 INTO THE BUDGET; AMENDING THE PRIOR RESOLUTION THAT TIED

THE FUNDING TO A MATCHING \$25,000 FROM THE CITY OF BAY CITY. IT WAS SUPPORTED BY COMM. COONAN AND PASSED BY A VOICE VOTE OF: 6 YEAS AND 1 NAY FROM COMM. HEREK.

COMM. HEREK: I HAD QUESTIONS ABOUT THE PUBLIC USE AND WHEN THE TENNIS COURTS WOULD BE AVAILABLE TO THE GENERAL PUBLIC. MY PROBLEM WAS WITH THE FACT THAT THEY COULD NOT ANSWER THAT QUESTION. THERE WERE A LOT OF UNANSWERED QUESTIONS. IT IS THE SAME REASON THAT SO MANY ON THE CITY COMMISSION DO NOT SUPPORT THIS.

COMM. COONAN: THE BENEFITS OF THESE EIGHT TENNIS COURTS ENHANCING THE QUALITY OF LIFE HERE, PROVIDING A FACILITY FOR ALL THE PEOPLE IN THE COMMUNITY.

RES. 2016-321: COMM. TILLEY MOVED TO ADOPT RES. 2016-321 - THE BAY COUNTY BOARD OF COMMISSIONERS THAT, EFFECTIVE DECEMBER 21, 2016, THE BENEFIT OF RETIREE HEALTHCARE WILL NOT BE OFFERED TO ANY BAY COUNTY JUDGE NOT CURRENTLY SERVING ON THE BENCH OR ALREADY RECEIVING THIS BENEFIT AT THE TIME OF ADOPTION OF THIS RESOLUTION. IT WAS SUPPORTED BY COMM. COONAN AND PASSED BY A VOICE VOTE OF: 7 YEAS, 0 NAYS.

AMBER
DAVIS-JOHNSON: WE ARE ASKING THAT THIS RESOLUTION BE AMENDED TO ALLOW PROBATE JUDGE ELECT JAN MINER TO BE INCLUDED IN THE GROUP WHO WOULD BE ELIGIBLE FOR RETIREES HEALTHCARE FOR A NUMBER OF REASONS. FIRST, AT THE TIME SHE RAN FOR ELECTION SHE WAS UNDER THE ASSUMPTION THAT SHE WOULD BE PROVIDED THE SAME BENEFITS AS THE SITTING JUDGES THAT WERE CURRENTLY IN OFFICE. THE SECOND REASON IS BECAUSE THE PROBATE JUDGE POSITION IS A UNIQUE POSITION, IT IS SLIGHTLY DIFFERENT FROM BOTH THE DISTRICT AND CIRCUIT COURT POSITIONS. DISTRICT AND CIRCUIT COURT JUDGES ARE UNQUESTIONABLY STATE EMPLOYEES. THE PROBATE JUDGE BECAUSE OF THE MANOR SHE IS PAID, SHE IS PAID 100% BY THE COUNTY AND THEN IT IS REIMBURSED IN THE FORM OF A GRANT FROM THE STATE. IN LIGHT OF THAT FACT SHE IS ALSO NOT OFFERED THE OPTION OF TAKING HEALTH INSURANCE WITH THE STATE, OR IN THE STATE PROGRAM AT ALL.

MOTION 135: COMM. TILLEY MOVED TO AMEND THE RES. 2016-321 - EFFECTIVE DECEMBER 21, 2016, THE BENEFIT OF RETIREE HEALTHCARE WILL

NOT BE OFFERED TO ANY BAY COUNTY JUDGE NOT CURRENTLY SERVING ON THE BENCH OR ALREADY RECEIVING THIS BENEFIT AT THE TIME OF ADOPTION OF THE RESOLUTION; TO SHOW PROBATE JUDGE ELECT, JAN MINER, BE INCLUDED IN THE GROUP WHO WOULD BE ELIGIBLE FOR RETIREES HEALTHCARE PROVIDED BY BAY COUNTY, AT THE TIME SHE RAN FOR ELECTION SHE WAS UNDER THE ASSUMPTION THAT SHE WOULD BE PROVIDED THE SAME BENEFITS AS THE SITTING JUDGES. IT WAS SUPPORTED BY COMM. HEREK AND PASSED BY A VOICE VOTE OF: 7 YEAS AND 0 NAY.

RES. 2016-322: COMM. TILLEY MOVED TO ADOPT RES. 2016-322 - THE BAY COUNTY BOARD OF COMMISSIONERS APPROVED THE ADDITION OF A FULL TIME, NON-REPRESENTED CONFIDENTIAL ADMINISTRATIVE ASSISTANT TO THE 2017 COUNTY EXECUTIVE'S BUDGET AND HEREBY APPROPRIATES THE ADDITIONAL REQUIRED FUNDING FOR THE COST OF THIS POSITION, INCLUDING FULL BENEFITS; THAT THE COUNTY EXECUTIVE IS AUTHORIZED TO FILL SAID POSITION EFFECTIVE JANUARY 3, 2017. IT WAS SUPPORTED BY COMM. LUTZ AND PASSED BY A VOICE VOTE OF: 7 YEAS, 0 NAYS.

RES. 2016-323: COMM. TILLEY MOVED TO ADOPT RES. 2016-323 - THE BAY COUNTY BOARD OF COMMISSIONERS WAIVED THE COUNTY'S PERSONNEL POLICY TO ALLOW THE NEWLY HIRED CHIEF ASSISTANT PROSECUTOR MN16 PAY GRADE, STEP 5 EFFECTIVE JANUARY 1, 2017. IT WAS SUPPORTED BY COMM. COONAN AND PASSED BY A VOICE VOTE OF: 7 YEAS, 0 NAYS.

RES. 2016-234: COMM. TILLEY MOVED TO ADOPT RES. 2016-234 - THE BAY COUNTY BOARD OF COMMISSIONERS AUTHORIZED THE POSTING AND FILLING OF A FULL TIME ASSISTANT PROSECUTOR VACANCY, SAID POSITION CLASSIFIED AS A PN10 WITH A STARTING SALARY OF \$62,396.88. IT WAS SUPPORTED BY COMM. LUTZ AND PASSED BY A VOICE VOTE OF: 7 YEAS, 0 NAYS.

RES. 2016-325: COMM. TILLEY MOVED TO ADOPT RES. 2016-325 - THE BAY COUNTY BOARD OF COMMISSIONERS APPROVED THE AGREEMENTS WITH DISTRICT HEALTH DEPARTMENT #2 DHD2 AND AUSABLE VALLEY MENTAL HEALTH TO PROVIDE NURSE PRACTITIONER SERVICES VIA TELEMEDICINE. THE HEALTH DEPARTMENT WOULD BE ELIGIBLE FOR UP TO \$33,280 IN COMPENSATION FOR SERVICES RENDERED THROUGH THE CONTRACT THROUGH SEPTEMBER 30, 2017. IT WAS SUPPORTED BY COMM. LUTZ AND PASSED BY A VOICE VOTE OF: 7 YEAS, 0 NAYS.

- RES. 2016-326: COMM. TILLEY MOVED TO ADOPT RES. 2016-326 - THE BAY COUNTY BOARD OF COMMISSIONERS APPROVED THE MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY (MDEQ) AGREEMENT WITH BAY COUNTY (HEALTH DEPARTMENT) AND AUTHORIZED THE CHAIRMAN TO EXECUTE SAID AGREEMENT FOLLOWING LEGAL REVIEW/APPROVAL. THE AGREEMENT SPECIFIES THAT BCHD WILL RECEIVE \$9,536 TO PROVIDE THE AFOREMENTIONED PROGRAM SERVICES. IT WAS SUPPORTED BY COMM. COONAN AND PASSED BY A VOICE VOTE OF: 7 YEAS, 0 NAYS.
- RES. 2016-327: PER COMM. TILLEY RES. 2016-327 HAS BEEN MOVED TO THE JANUARY PERSONNEL/HUMAN SERVICES COMMITTEE MEETING.
- RES. 2016-328: COMM. TILLEY MOVED TO ADOPT RES. 2016-328 - BY THE BAY COUNTY BOARD OF COMMISSIONERS CONCURRENCE WAS GIVEN TO POST/ADVERTISE/FILL THE FOLLOWING POSITIONS, MONIES FOR SAID POSITIONS TO COME FROM THE RESPECTIVE DEPARTMENTAL BUDGETS: DIVISION ON AGING: SITE MANAGER (PART TIME, \$9.86/HR. ENTRY) COOK (FULL TIME, \$11.71/HR. ENTRY) DRIVER (CASUAL, ON CALL \$10.91/HR.) SITE MANAGER [NEW POSITION] (CASUAL, ON CALL, PART TIME \$10.09/HR.) SHERIFF'S OFFICE - CORRECTIONAL FACILITY OFFICER (CFO) (FULL TIME, \$15.95/HR. ENTRY). IT WAS SUPPORTED BY COMM. COONAN AND PASSED BY A VOICE VOTE OF: 7 YEAS, 0 NAYS.
- RES. 2016-329: COMM. TILLEY MOVED TO ADOPT RES. 2016-329 - THE BAY COUNTY BOARD OF COMMISSIONERS CONCURED WITH THE APPOINTMENT OF MAUREEN FITZGERALD AS DIRECTOR OF FAMILY LAW AND WAIVES THE COUNTY'S PERSONNEL POLICY TO ALLOW THE NEWLY HIRED DIRECTOR OF FAMILY LAW TO BE COMPENSATED AT THE PN10 1 YEAR STEP. IT WAS SUPPORTED BY COMM. LUTZ AND PASSED BY A VOICE VOTE OF: 7 YEAS, 0 NAYS.
- COMM. KRYGIER: ASKED THOMAS HICKNER TO PLEASE MOVE TO THE CENTER OF THE CHAMBERS.
- CYNTHIA A. LUCZAK: BAY COUNTY CLERK, READ THE PLAQUE INTO THE RECORD.
- COMM. KRYGIER: CONGRATULATIONS. OUR TWO BRANCHES OF GOVERNMENT HAVE WORKED WELL TOGETHER. WHILE WE DID NOT ALWAYS AGREE WE COULD ALWAYS SIT DOWN AND WORK IT OUT. ON BEHALF OF

THE BOARD OF COMMISSIONERS AND BAY COUNTY FOR THE YEARS OF SERVICE YOU HAVE PUT IN WE WOULD LIKE TO SAY THANK YOU.

TOM HICKNER: I BELIEVE I HAVE BEEN IN OVER 800 MEETINGS OF THE BOARD OF COMMISSIONERS IN THE LAST 24 YEARS. IT HAS BEEN A REAL PLEASURE TO REPRESENT THE PEOPLE OF BAY COUNTY IN THIS POSITION. WE HAVE ACCOMPLISHED A LOT. THE STAFF WE HAVE HIRED OVER THE YEARS HAVE ALL BEEN QUALIFIED AND EXPERIENCED AND DONE AN EXCELLENT JOB. WITH OUT THEM, THINGS WOULD NOT BE GOING SO WELL. I HAVE ALWAYS WORKED AT WORKING WITH THE COMMISSIONERS GOING BACK TO 1993 AND HAVING WORKED IN THE LEGISLATIVE PROCESS FOR ABOUT 17 YEARS, IT REALLY GAVE ME AN UNDERSTANDING OF WHAT YOUR ROLL IS VS WHAT MY ROLL WAS. THANK YOU.

COMM. KRYGIER: COMMISSIONER TILLEY, IF YOU WOULD PLEASE COME UP.

CYNTHIA A. LUCZAK: BAY COUNTY CLERK, READ THE PLAQUE INTO THE RECORD.

COMM. KRYGIER: THIS IS A SAD MOMENT, BUT THE FUTURE HOLDS GREAT THINGS FOR YOU. ON BEHALF OF THE BOARD OF COMMISSIONERS ALL OF THE TIME YOU PUT IN, WE APPRECIATE EVERYTHING YOU HAVE DONE FOR BAY COUNTY.

COMM. TILLEY: WE WILL TAKE SOME TIME TO REGROUP, BUT YOU WILL BE SEEING ME AROUND. THANKS EVERYONE AND THE TIME AND EXPERIENCE ON THIS BOARD HAS BEEN INCREDIBLE.

UNFINISHED BUSINESS

THERE WAS NO UNFINISHED BUSINESS.

NEW BUSINESS

THERE WAS NO NEW BUSINESS

MISCELLANEOUS

A. ORGANIZATIONAL MEETING OF THE BAY COUNTY BOARD OF COMMISSIONERS WILL BE HELD ON TUESDAY, JANUARY 3, 2017 AT 4:00 PM; WAYS AND MEANS COMMITTEE MEETING WILL FOLLOW.

ANNOUNCEMENTS

THERE WAS NOTHING IN ANNOUNCEMENTS

CLOSED SESSION

- MOTION 136: COMM. TILLEY MADE A MOTION TO GO INTO CLOSED SESSION PURSUANT TO MCL 15.268 (e): TO CONSULT WITH ITS ATTORNEY REGARDING TRIAL OR SETTLEMENT STRATEGY IN CONNECTION WITH SPECIFIC PENDING LITIGATION, BUT ONLY WHEN AN OPEN MEETING WOULD HAVE A DETRIMENTAL FINANCIAL EFFECT ON THE LITIGATING OR SETTLEMENT POSITION OF THE PUBLIC BODY. TO DISCUSS THE ISSUES OF CYNTHIA A. LUCZAK, BAY COUNTY CLERK VS. BAY COUNTY BOARD OF COMMISSIONERS, ET AL 2015-3583-AW. IT WAS SUPPORTED BY COMM. COONAN AND PASSED BY A ROLL CALL VOTE: 7 YEAS: DURANCZYK, BEGICK, COONAN, TILLEY, LUTZ, HEREK, KRYGIER. 0 NAYS.
- MOTION 137: COMM. COONAN MADE A MOTION TO GO BACK TO REGULAR SESSION FOLLOWING CLOSED SESSION DISCUSSIONS TO DISCUSS THE ISSUES OF CYNTHIA A. LUCZAK, BAY COUNTY CLERK VS. BAY COUNTY BOARD OF COMMISSIONERS, ET AL 2015-3583-AW. IT WAS SUPPORTED BY COMM. COONAN AND PASSED BY A VOICE VOTE OF: 7 YEAS, 0 NAY.
- MOTION 138: COMM. TILLEY MADE A MOTION TO PROCEED IN ACCORDANCE WITH RECOMMENDATIONS OF THE ATTORNEY AS NOTED DURING CLOSED SESSION, IN THE MATTER OF CYNTHIA A. LUCZAK, BAY COUNTY CLERK VS. BAY COUNTY BOARD OF COMMISSIONERS, ET AL 2015-3583-AW. IT WAS SUPPORTED BY COMM. COONAN AND PASSED BY A ROLL CALL VOTE:
4 YEAS: DURANCZYK, BEGICK, LUTZ, HEREK
3 NAYS: KRYGIER, COONAN, TILLEY

RECESS/ADJOURNMENT

MOTION 139: COMM. DURANCZYK MOVED TO ADJOURN SPECIAL BOARD SESSION OF DECEMBER 21, 2016. IT WAS SUPPORTED BY COMM. TILLEY. THE MEETING CONCLUDED AT 6:00 P.M. BY A VOICE VOTE OF: 7 YEAS, 0 NAYS.

ERNIE KRYGIER, CHAIRMAN
BOARD OF COMMISSIONERS

CYNTHIA A. LUCZAK, COUNTY CLERK
BOARD OF COMMISSIONERS

DIANE YAWORSKI
SECRETARY TO THE CLERK
BOARD OF COMMISSIONERS