

SPECIAL MEETING

BAY COUNTY BOARD OF COMMISSIONERS

A G E N D A

TUESDAY, OCTOBER 15 , 2019

4:30 P.M.

(Or immediately following the Personnel/Human Services Committee meeting)

COMMISSION CHAMBERS, FOURTH FLOOR, BAY COUNTY BUILDING

PAGE NO.

I CALL TO ORDER (CHAIRMAN DURANCZYK)

II ROLL CALL

III INVOCATION

IV PLEDGE OF ALLEGIANCE

V CITIZEN INPUT

VI ITEMS FOR CONSIDERATION

A. Personnel/Human Services Committee (10/15/19)

I 1. Res. No. 2019-249 - Bangor DDA (County Executive)

**2- 3 2. Res. No. 2019-250 - Reorganization of Administrative Services
Department (County Executive)**

VII UNFINISHED BUSINESS

VIII NEW BUSINESS

IX MISCELLANEOUS

X ANNOUNCEMENTS

XI CLOSED SESSION

A. Corporation Counsel - Pending Litigation

Motion: To go into closed session pursuant to MCLA 15.268, Sec. 8 (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.

XII RECESS/ADJOURNMENT

BAY COUNTY BOARD OF COMMISSIONERS

OCTOBER 15, 2019

RESOLUTION

BY: PERSONNEL/HUMAN SERVICES COMMITTEE (10/15/19)
 WHEREAS, The Bangor DDA's current Development Plan and TIFA is currently set to expire on November 22, 2019 and the Bangor DDA and Bangor Township has expressed an interest in continuing the DDA, with the removal of a limited number of small residential parcels from the boundaries of the DDA, and has asked for the County's concurrence; and
 WHEREAS, It has been proposed that the County, the Bangor DDA and Bangor Township enter into a new development and revenue sharing agreement wherein the DDA would agree to pass through 50% of all captured tax revenue to the County, and further that the DDA would "true up" at the end of each year to ensure that the DDA never holds more than \$500,000 on hand at the end of any given year; and
 WHEREAS, This Agreement would extend the life of the DDA and the Development Plan and TIFA for a 10 year period, and the Bangor Township Board would be required to amend any necessary Ordinances to accurately reflect the extension and Agreement with the County and DDA; and
 WHEREAS, The DDA would be prohibited from incurring any indebtedness during this ten year period without the express written permission of the County; and
 WHEREAS, The Township would also be required to sunset the DDA at the end of the 10 year period absent express written agreement by the County; Therefore, Be It
 RESOLVED That the Bay County Board of Commissioners approves a Revenue Sharing and Development Agreement with Bangor Township and the Bangor DDA, as noted above, and authorizes the Chairman of the Board to execute said Agreement and related documents on behalf of Bay County following Corporation Counsel review/approval.

TOM RYDER, CHAIR
 AND COMMITTEE

County Executive - Bangor DDA Agreement

MOVED BY COMM. KRYGIER

SUPPORTED BY COMM. COONAN

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
MICHAEL J. DURANCZYK	X			KIM J. COONAN	X			MICHAEL E. LUTZ	X		
ERNIE KRYGIER	X			THOMAS M. HEREK	X						
VAUGHN J. BEGICK	X			TOM RYDER	X						

VOTE TOTALS:

ROLL CALL: YEAS _____ NAYS _____ EXCUSED _____
 VOICE: X YEAS 7 NAYS 0 EXCUSED 0

DISPOSITION: ADOPTED _____ DEFEATED _____ WITHDRAWN _____
 AMENDED _____ CORRECTED _____ REFERRED X

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BAY COUNTY BOARD OF COMMISSIONERS

OCTOBER 15, 2019

RESOLUTION

BY: PERSONNEL/HUMAN SERVICES COMMITTEE (10/15/19)

WHEREAS, The Director of Administrative Services has historically supervised the Animal Control Facility (now the Animal Services and Adoption Center, "ASAC"), a facility with its own manager, Bay3TV (now BayCTV), oversaw the financial disbursements made by the Soldiers and Sailors Relief Commission ("SSRC"), a separate board appointed by the Bay County Probate Court Judge, has served as the designated FOIA Coordinator, and more recently served as claims administrator for claims submitted to MMRMA, although Corporation Counsel remained the designated MMRMA member representative and Risk Manager; and

WHEREAS, In November 2018, the SSRC was disbanded when the County formed a new Act 139 Department, the Bay County Department of Veteran Affairs, and the Board of Commissioners appointed a five (5) member Veteran Affairs Committee, said Department and Committee requiring administrative oversight; and

WHEREAS, Further, the part-time Animal Control Manager resigned his position in May of this year and that position has remained vacant the past four months, with the current Administrative Services Director filling in to perform many of the functions of that job; and

WHEREAS, Since filling-in for this position, the Administrative Services Director has implemented many changes at the ASAC that have resulted in drastically increased donations, volunteerism and advertising, as well as partial implementation of the written Best Practices Document previously approved by this Board; and

WHEREAS, Department of Corporation Counsel currently provides "backup" or "overflow" services for the Administrative Services Director in both the areas of FOIA responses and MMRMA responsibilities, and Corporation Counsel responds to more complex and difficult FOIA requests, as well as FOIA Appeals; and

WHEREAS, Both FOIA responses and claims submissions are very time sensitive and deadline driven and expose the County to substantial ongoing liability; and

WHEREAS, In addition, both of these areas of responsibility involve legal interpretations and risk management that more naturally coincide with the responsibilities and job duties of the Department of Corporation Counsel; and

WHEREAS, The time expended at the ASAC and the new Veteran Affairs Department reduces the time available to effectively respond to FOIAs and risk management claims; and

WHEREAS, The proposed County Executive Budget does request that the vacant Animal Control Manager position be posted as a full time BCAMPS MB-08 position, at the salary level of \$46,425.60 per year starting rate; and

WHEREAS, There is also anticipation of a proposed millage being placed on the ballot in November 2020 to be levied in 2021 to provide additional funding for animal control that would reduce cost to the general fund for the operation of that facility; and

WHEREAS, Based on the changes in circumstances of the Administrative Service/Veteran Affairs Director's day-to-day responsibilities, and the progress that has been made at the ASAC and Veteran Affairs Department, the County Executive is requesting the following reorganization of the Administrative Affairs Director's and Corporation Counsel's Departments:

1. Do not post and fill the currently requested full- time ASAC MB08 Manager Position, the responsibilities of which will be absorbed by the Administrative Services Director. The responsibilities of Department of Veteran Affairs and BayCTV will remain with the Administrative Services Director as well.
2. Assign the responsibilities of FOIA Coordinator and MMRMA claims management to the current legal contract coordinator in the Department of Corporation Counsel, as that position currently provides FOIA and MMRMA back up and overflow support. This position would also be designated as the FOIA Coordinator. This position would be moved from a PB04 position to an MB09 due to increased responsibility and the requirement to manage a lower level employee and be classified as the Corporation Counsel Administrative Supervisor.

3. Post and fill a full time entry level PB04 position as Risk Management and FOIA Facilitator to work directly under the direction and supervision of the Corporation Counsel Administrative Supervisor.

WHEREAS, These changes will allow the Administrative Services/Veteran Affairs Director to direct more time toward the newly expanded Veteran Affairs Committee and Department as well as absorb the substantial responsibilities of the ASAC Manager, while ensuring that the FOIA requests and Risk Management will have employees dedicated to timely completing these deadline and time sensitive tasks that could expose the County to substantial liability if not completed in a timely manner; and

WHEREAS, The reorganization noted above would cost the County approximately \$1,200 in the first year assuming the Board would approve the full time manager position recommended in the County Executive's Proposed Budget. Further, if any millage is passed, the County will save on a portion of the Administrative Services Director's salary, and any additional costs should also be offset by the various grants and fundraising and volunteer opportunities that have been discovered by the Administrative Services Director to date, as well as he will likely do in the future; Therefore, Be It

RESOLVED That the Bay County Board of Commissioners approves the Reorganization of Administrative Services Department as outlined above and approves the reclassification of the current Legal Contract Coordinator position (PB04) (current salary \$39,416) to an MB09 (salary of \$49,254) and further authorizes hiring a full time entry level PB04 (salary of \$35,942).

TOM RYDER, CHAIR
AND COMMITTEE

County Executive - Reorganization of Administrative Services Department

MOVED BY COMM. KRYGIER

SUPPORTED BY COMM. COONAN

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
MICHAEL J. DURANCZYK	X			KIM J. COONAN	X			MICHAEL E. LUTZ	X		
ERNIE KRYGIER	X			THOMAS M. HEREK	X						
VAUGHN J. BEGICK	X			TOM RYDER	X						

VOTE TOTALS:

ROLL CALL: YEAS _____ NAYS _____ EXCUSED _____

VOICE: X YEAS 7 NAYS 0 EXCUSED 0

DISPOSITION: ADOPTED _____ DEFEATED _____ WITHDRAWN _____

AMENDED _____ CORRECTED _____ REFERRED X

BAY COUNTY BOARD OF COMMISSIONERS

OCTOBER 15, 2019

RESOLUTION

BY: PERSONNEL/HUMAN SERVICES COMMITTEE (10/15/19)

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:

A. VACANCIES (BUDGETED)

1. County Clerk - Clerk Typist III (full time; \$15.81/hr. entry)
2. Bay County Prosecutor - Assistant Prosecuting Attorney (full time; \$62,400.00/year entry)
3. 9-1-1 Central Dispatch - Dispatcher (full time; \$15.85/hr. entry)
4. Department on Aging
 - a. Cook (NEW POSITION) (full time; \$11.71/hr. entry) (Department on Aging Fund Balance)
 - b. Case Management Workers (2) (full time; \$39,145.60/year)
5. Community Center - Typist Clerk I (NEW POSITION) (part time; \$11.71/hr. entry) (No additional funding required in 2019)

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.

TOM RYDER, CHAIR
AND COMMITTEE

Vacancies

MOVED BY COMM. RYDER

SUPPORTED BY COMM. KRYGIER

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
MICHAEL J. DURANCZYK	X			KIM J. COONAN	X			MICHAEL E. LUTZ	X		
ERNIE KRYGIER	X			THOMAS M. HEREK	X						
VAUGHN J. BEGICK	X			TOM RYDER	X						

VOTE TOTALS:

ROLL CALL: YEAS 7 NAYS 0 EXCUSED 0
VOICE: X YEAS 7 NAYS 0 EXCUSED 0

DISPOSITION: ADOPTED X DEFEATED WITHDRAWN
AMENDED CORRECTED REFERRED

BAY COUNTY BOARD OF COMMISSIONERS

MEETING DATE: OCTOBER 15, 2019

MOTION SPONSORED BY: COMM. KRYGIER

MOTION SUPPORTED BY: COMM. COONAN

MOTION NO.: 102

MOVED TO REFER RESOLUTION 2019-249 REVENUE SHARING AND DEVELOPMENT AGREEMENT WITH BANGOR TOWNSHIP AND THE BANGOR DDA; AND RESOLUTION 2019-250 THE REORGANIZATION OF ADMINISTRATIVE SERVICES DEPARTMENT, TO ADMINISTRATION FOR FURTHER REVIEW AND RECOMMENDATION.

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
Michael Duranczyk	X			Kim Coonan	X			Michael Lutz	X		
Ernie Krygier	X			Thomas Herek	X						
Vaughn J. Begick	X			Tom Ryder	X						

VOTE TOTALS:

ROLL CALL: YEAS _____ NAYS _____ EXCUSED _____

VOICE: XX YEAS 7 NAYS 0 EXCUSED _____

DISPOSITION: ADOPTED _____ DEFEATED _____ WITHDRAWN _____

 AMENDED _____ CORRECTED _____ REFERRED XX

BAY COUNTY BOARD OF COMMISSIONERS

MEETING DATE: OCTOBER 15, 2019

MOTION SPONSORED BY: COMM. COONAN

MOTION SUPPORTED BY: COMM. KRYGIER

MOTION NO.: 103

MOVED TO GO OUT OF ORDER TO GO INTO CLOSED SESSION PURSUANT TO MCL 15.268 (c): FOR STRATEGY AND NEGOTIATION SESSIONS CONNECTED WITH THE NEGOTIATION OF A COLLECTIVE BARGAINING AGREEMENT WHEN EITHER NEGOTIATING PARTY REQUESTS A CLOSED HEARING.

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
Michael Duranczyk	X			Kim Coonan	X			Michael Lutz	X		
Ernie Krygier	X			Thomas Herek	X						
Vaughn J. Begick	X			Tom Ryder	X						

VOTE TOTALS:

ROLL CALL: **XX** YEAS 7 NAYS 0 EXCUSED 0

VOICE: YEAS NAYS EXCUSED

DISPOSITION: ADOPTED XX DEFEATED WITHDRAWN

AMENDED CORRECTED REFERRED

BAY COUNTY BOARD OF COMMISSIONERS

MEETING DATE: OCTOBER 15, 2019

MOTION SPONSORED BY: COMM. RYDER

MOTION SUPPORTED BY: COMM. HEREK

MOTION NO.: 104

MOVED TO GO BACK TO REGULAR SESSION FROM CLOSED
SESSION TO DISCUSS COLLECTIVE BARGAINING
NEGOTIATIONS.

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
Michael Duranczyk	X			Kim Coonan	X			Michael Lutz	X		
Ernie Krygier	X			Thomas Herek	X						
Vaughn J. Begick	X			Tom Ryder	X						

VOTE TOTALS:

ROLL CALL: YEAS _____ NAYS _____ EXCUSED _____

VOICE: XX YEAS 7 NAYS 0 EXCUSED _____

DISPOSITION: ADOPTED XX DEFEATED _____ WITHDRAWN _____

 AMENDED _____ CORRECTED _____ REFERRED _____

BAY COUNTY BOARD OF COMMISSIONERS

MEETING DATE: OCTOBER 15, 2019

MOTION SPONSORED BY: COMM. KRYGIER

MOTION SUPPORTED BY: COMM. COONAN

MOTION NO.: 105

MOVED TO AUTHORIZE TIFFANY JERRY, PERSONNEL AND EMPLOYEE RELATIONS DIRECTOR, TO PROCEED WITH COLLECTIVE BARGAINING NEGOTIATIONS AS DISCUSSED DURING CLOSED SESSION PROCEEDINGS.

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
Michael Duranczyk	X			Kim Coonan	X			Michael Lutz	X		
Ernie Krygier	X			Thomas Herek	X						
Vaughn J. Begick	X			Tom Ryder	X						

VOTE TOTALS:

ROLL CALL: YEAS _____ NAYS _____ EXCUSED _____

VOICE: XX YEAS 7 NAYS 0 EXCUSED _____

DISPOSITION: ADOPTED XX DEFEATED _____ WITHDRAWN _____

AMENDED _____ CORRECTED _____ REFERRED _____

BAY COUNTY BOARD OF COMMISSIONERS

MEETING DATE: OCTOBER 15, 2019

MOTION SPONSORED BY: COMM. KRYGIER

MOTION SUPPORTED BY: COMM. BEGICK

MOTION NO.: 106

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. IN THE MATTERS OF: CAROL VANOCHTEN VS. COUNTY OF BAY AND KEVIN JANER VS. COUNTY OF BAY.

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
Michael Duranczyk	X			Kim Coonan	X			Michael Lutz	X		
Ernie Krygier	X			Thomas Herek	X						
Vaughn J. Begick	X			Tom Ryder	X						

VOTE TOTALS:

ROLL CALL: **XX** YEAS 7 NAYS 0 EXCUSED 0

VOICE: YEAS NAYS EXCUSED

DISPOSITION: **ADOPTED** XX **DEFEATED** **WITHDRAWN**

AMENDED **CORRECTED** **REFERRED**

BAY COUNTY BOARD OF COMMISSIONERS

MEETING DATE: OCTOBER 15, 2019

MOTION SPONSORED BY: COMM. RYDER

MOTION SUPPORTED BY: COMM. HEREK

MOTION NO.: 107

TO GO BACK TO REGULAR SESSION AFTER CLOSED SESSION TO CONSULT WITH ITS ATTORNEY REGARDING TRIAL OR SETTLEMENT STRATEGY IN CONNECTION WITH SPECIFIC PENDING LITIGATION, IN THE MATTERS OF, CAROL VANOCHTEN VS. COUNTY OF BAY AND KEVIN JANER VS. COUNTY OF BAY.

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
Michael Duranczyk	X			Kim Coonan	X			Michael Lutz	X		
Ernie Krygier	X			Thomas Herek	X						
Vaughn J. Begick	X			Tom Ryder	X						

VOTE TOTALS:

ROLL CALL: YEAS NAYS EXCUSED

VOICE: XX YEAS 7 NAYS 0 EXCUSED

DISPOSITION: ADOPTED XX DEFEATED WITHDRAWN

 AMENDED CORRECTED REFERRED

BAY COUNTY BOARD OF COMMISSIONERS

MEETING DATE: OCTOBER 15, 2019

MOTION SPONSORED BY: COMM. LUTZ

MOTION SUPPORTED BY: COMM. KRYGER

MOTION NO.: 108

AUTHORIZE TIFFANY JERRY, PERSONNEL AND EMPLOYEE RELATIONS DIRECTOR, TO PROCEED WITH SETTLEMENT OF LAWSUITS OF, CAROL VANOCHTEN VS. COUNTY OF BAY AND KEVIN JANER VS. COUNTY OF BAY, AS OUTLINED BY ATTORNEY MICHAEL SMITH.

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
Michael Duranczyk	X			Kim Coonan	X			Michael Lutz	X		
Ernie Krygier	X			Thomas Herek	X						
Vaughn J. Begick	X			Tom Ryder	X						

VOTE TOTALS:

ROLL CALL: YEAS _____ NAYS _____ EXCUSED _____

VOICE: XX YEAS 7 NAYS 0 EXCUSED _____

DISPOSITION: ADOPTED XX DEFEATED _____ WITHDRAWN _____

 AMENDED _____ CORRECTED _____ REFERRED _____

BAY COUNTY BOARD OF COMMISSIONERS

MEETING DATE: OCTOBER 15, 2019

MOTION SPONSORED BY: COMM. LUTZ

MOTION SUPPORTED BY: COMM. COONAN

MOTION NO.: 109

MOVED TO ADJOURN THE SPECIAL SESSION OF THE BAY
COUNTY BOARD OF COMMISSIONERS OF OCTOBER 15, 2019.
THE MEETING CONCLUDED AT 5:35 P.M.

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
Michael Duranczyk	X			Kim Coonan	X			Michael Lutz	X		
Ernie Krygier	X			Thomas Herek	X						
Vaughn J. Begick	X			Tom Ryder	X						

VOTE TOTALS:

ROLL CALL: YEAS _____ NAYS _____ EXCUSED _____

VOICE: XX YEAS 7 NAYS 0 EXCUSED 0

DISPOSITION: ADOPTED XX DEFEATED _____ WITHDRAWN _____

AMENDED _____ CORRECTED _____ REFERRED _____