

**SPECIAL MEETING
BAY COUNTY BOARD OF COMMISSIONERS**

A G E N D A

TUESDAY, NOVEMBER 5 , 2019

4:30 P.M.

(Or immediately following the Ways and Means 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. Resolutions from 10/15/19 Personnel/Human Services Committee Meeting |
| 1- 8 | 1. No. 2019-249 - Bangor DDA Agreement |
| 9-10 | 2. No. 2019-250 - Reorganization of Department of Administrative Services |
| 11 | B. No. 2019-252 by Commissioner Vaughn J. Begick, 3 rd District & Chair of Veterans Affairs Committee - Veteran's Day Recognition |
| VII | UNFINISHED BUSINESS |
| VIII | NEW BUSINESS |
| IX | MISCELLANEOUS |
| X | ANNOUNCEMENTS |

XI CLOSED SESSION

12

A. BCAMPS - Request for Closed Session

Motion: To go into closed session pursuant to MCLA 15.268, Sec. 8 (c): For strategy and negotiation sessions connected with the negotiation of a collective bargaining agreement when either negotiating party requests a closed hearing.

XII RECESS/ADJOURNMENT

BAY COUNTY BOARD OF COMMISSIONERS

NOVEMBER 5, 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 SEE MOTION #110

MOVED BY COMM. LUTZ

SUPPORTED BY COMM. BEGICK

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 6 NAYS 0 EXCUSED 1
 VOICE: XX YEAS 6 NAYS 0 EXCUSED 1

DISPOSITION: ADOPTED DEFEATED WITHDRAWN
 AMENDED CORRECTED REFERRED X

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BAY COUNTY BOARD OF COMMISSIONERS

NOVEMBER 5, 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. COONAN

SUPPORTED BY COMM. LUTZ

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 6 NAYS 0 EXCUSED 1

VOICE: XX YEAS 6 NAYS 0 EXCUSED 1

DISPOSITION: ADOPTED X DEFEATED WITHDRAWN

AMENDED CORRECTED REFERRED

BAY COUNTY BOARD OF COMMISSIONERS

NOVEMBER 5, 2019

RESOLUTION

BY: COMMISSIONER VAUGHN J. BEGICK, 3RD DISTRICT

WHEREAS, November 11, 2019 at 11 a.m. will mark 101 years since the official end of World War I, the so-called "War to End All Wars"; and

WHEREAS, The 11th hour of the 11th day of the 11th month each year is celebrated, originally as Armistice Day, and now as Veteran's Day; and

WHEREAS, Many Bay County residents have served in the military and Bay County proudly has a large population of Veterans; and

WHEREAS, Bay County recently lost one of its Veterans, Auburn resident John Bacon, who passed on October 19, 2019, and who served in the U.S. Army Air Corps in World War II and was also a Prisoner of War; and

WHEREAS, Many of our aging World War II and Korean War Veterans are passing away and it is necessary to honor and pay tribute for their service to the United States of America; Therefore, Be It

RESOLVED That the Bay County Board of Commissioners recognizes all Veterans who have selflessly served and those who continue to selflessly serve their country to protect us and our freedom.

VAUGHN J. BEGICK
3RD DISTRICT BAY COUNTY COMMISSIONER
CHAIR VETERANS AFFAIRS COMMITTEE

BEGICK - WORLD WAR I RECOGNITION

MOVED BY COMM. BEGICK

SUPPORTED BY COMM. HEREK

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: XX YEAS 6 NAYS 0 EXCUSED 1

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

-11-

BAY COUNTY BOARD OF COMMISSIONERS

NOVEMBER 5, 2019

RESOLUTION

- BY: BAY COUNTY BOARD OF COMMISSIONERS (11/5/19)
- WHEREAS, MHT Housing, Inc. a Michigan Nonprofit Corporation, pursuant to Bay County Board of Commissioners' Resolution No. 2018-1, entered into a Non-Binding Memorandum of Understanding with Bay County dated January 9, 2018 to Sell, Develop, Operate and re-purchase Center Ridge Arms, Bay County's Low Income Housing Development ("CRA"); and
- WHEREAS, MHT continues to propose the same Project of Selling, Developing, Operating and Re-Purchasing CRA, but through alternative MSHDA exempt bond financing and MSHDA gap financing, which may include the use of federal housing Trust Funds, as an alternative to a HUD 221(d)(4) loan and construction permanent loan proceeds; and
- WHEREAS, Corporation Counsel previously retained attorney Kevin Kilby, an attorney with the law firm of McGraw Morris, PC, to represent and advise the County in this matter, and Mr. Kilby reviewed the prior MOU and Project and determined that "pursuing the project would not harm Bay County legally;" and
- WHEREAS, The currently proposed MOU does not contain any significant changes from a legal standpoint from the prior MOU other than MHT would no longer be funding all predevelopment costs including third party reports (to be reimbursed at closing with the investor and construction/permanent loan lenders), but those costs would rather be funded by CORE Community Partners (an affiliate of MHT) in the form of a predevelopment loan at an interest rate of 5%; and
- WHEREAS, MHT must submit its application to MSHDA for funding by Friday of this week, which requires a new, written MOU between the County and MHT that accurately reflects the funding sources to be utilized, and the current Resolution 2018-1 specifically references a HUD 221(d)(4) loan which will no longer be used for this Project, requiring a new Resolution authorizing the Board Chair to sign an updated MOU reflecting the corrected fund sourcing; Therefore, Be It
- RESOLVED That the Bay County Board of Commissioners authorizes the Board Chair to enter into an updated Memorandum of Understanding on behalf of the County with MHT that reflects the current parameters for the MSHDA application and funding sources of the Project for the development, operation and ownership of Center Ridge Arms, upon review of corporation counsel, and authorizes the Board Chair to sign any additional necessary agreements to implement the Project and approve any necessary budget adjustments.

MICHAEL J. DURANCZYK, CHAIR AND BOARD

CENTER RIDGE ARMS - MOU WITH MHT

MOVED BY COMM. LUTZ

SUPPORTED BY COMM. BEGICK

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 5 NAYS 1 EXCUSED 1
 VOICE: XX YEAS 5 NAYS 1 EXCUSED 1

DISPOSITION: ADOPTED X DEFEATED WITHDRAWN
 AMENDED CORRECTED REFERRED

BAY COUNTY BOARD OF COMMISSIONERS

MEETING DATE: NOVEMBER 5, 2019

MOTION SPONSORED BY: COMM. LUTZ

MOTION SUPPORTED BY: COMM. BEGICK

MOTION NO.: 110

MOVED TO REFER RESOLUTION 2019-249 REVENUE SHARING
AND DEVELOPMENT AGREEMENT WITH BANGOR TOWNSHIP
AND THE BANGOR DDA.

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 6 NAYS 0 EXCUSED 1

DISPOSITION: ADOPTED XX DEFEATED _____ WITHDRAWN _____

AMENDED _____ CORRECTED _____ REFERRED _____

BAY COUNTY BOARD OF COMMISSIONERS

MEETING DATE: NOVEMBER 5, 2019

MOTION SPONSORED BY: COMM. COONAN

MOTION SUPPORTED BY: COMM. BEGICK

MOTION NO.: 111

MOVED TO GO INTO CLOSED SESSION PURSUANT TO MCL 15.268, SEC. 8 (c): FOR STRATEGY AND NEGOTIATION SESSIONS, (B CAMPS), 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 6 NAYS 0 EXCUSED 1

VOICE: YEAS _____ NAYS _____ EXCUSED _____

DISPOSITION: ADOPTED XX DEFEATED _____ WITHDRAWN _____

AMENDED _____ CORRECTED _____ REFERRED _____

BAY COUNTY BOARD OF COMMISSIONERS

MEETING DATE: NOVEMBER 5, 2019

MOTION SPONSORED BY: COMM. BEGICK

MOTION SUPPORTED BY: COMM. LUTZ

MOTION NO.: 112

MOVED TO GO BACK INTO OPEN SESSION AFTER CLOSED SESSION DISCUSSION IN REGARD TO STRATEGY AND NEGOTIATION SESSIONS CONNECTED WITH THE NEGOTIATION OF THE COLLECTIVE BARGAINING AGREEMENT.

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 6 NAYS 0 EXCUSED 1

DISPOSITION: ADOPTED XX DEFEATED WITHDRAWN

AMENDED CORRECTED REFERRED

BAY COUNTY BOARD OF COMMISSIONERS

MEETING DATE: NOVEMBER 5, 2019

MOTION SPONSORED BY: COMM. LUTZ

MOTION SUPPORTED BY: COMM. BEGICK

MOTION NO.: 113

MOVED TO ADJOURN THE SPECIAL SESSION OF THE BAY COUNTY BOARD OF COMMISSIONERS OF NOVEMBER 5, 2019. THE MEETING CONCLUDED AT 5:50 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 6 NAYS 0 EXCUSED 1

DISPOSITION: ADOPTED XX DEFEATED _____ WITHDRAWN _____

AMENDED _____ CORRECTED _____ REFERRED _____