

**BAY COUNTY BOARD OF COMMISSIONERS**

**A G E N D A**

**TUESDAY, JUNE 14, 2011**

**4:00 P.M.**

COMMISSION CHAMBERS, FOURTH FLOOR, BAY COUNTY BUILDING

PAGE NO.

**I CALL TO ORDER (CHAIRMAN TILLEY)**

**II ROLL CALL**

**III INVOCATION**

**IV PLEDGE OF ALLEGIANCE**

76-89 **V MINUTES (5/3/11; 5/10/11)**

**VI CITIZEN INPUT (4:00 P.M.)**

**VII PETITIONS AND COMMUNICATIONS**

A. Presentations (4:00 p.m.)

1. Diamond Gem Award Winners:

1 A. June Lane (Res. No. 2011-93)

2 B. Jim Deland (Res. No. 2011-94 )

3 2. Bay County Blizzard (Res No. 2011-95 )

B. Requests for Appointment to Bay County Library Board

4 1. Don Carlyon (Incumbent)

5- 6 2. Janelle Felan

7- 8 C. Darbee, Bosco & Hammond, P.C. - Dow Corning Corporation -  
Amended I.F.T. Certificate Application (**Receive**)

## **VIII REPORTS/RESOLUTIONS OF COMMITTEES**

### **A. WAYS AND MEANS (ERNIE KRYGIER, CHAIR; KIM COONAN, VICE CHAIR)**

- 9 1. No. 2011-96 - Purchase of Equipment Utilizing Drug Enforcement Funds (Sheriff Dept.)
- 10 2. No. 2011-97 - Vacancies: Sheriff Dept. - Jail Administrator; Finance Dept. - Staff Accountant
- 11 3. No. 2011-98 - Juvenile Drug Court Program (Probate Court)
- 12 4. No. 2011-99 - Family Treatment Court (Probate Court)
- 13 5. No. 2011-100 - Family Dependency Drug Court Program
- 14 6. No. 2011-101 - Summer Recreation Program - Pinconning, Essexville and Bay City Boys and Girls Clubs (Administrative Services/Recreation)
- 15-41 7. No. 2011-102 - Amended Animal Control Ordinance (Corporation Counsel) [NOTE: To be referred to 7/12/11 Board meeting for public hearing]
- 42-43 8. No. 2011-103 - Adopted Animal Sterillization Subsidy Program (Animal Control)
- 44 9. No. 2011-104 - MERIT/Air Advantage Contracts (Administrative Services/ISD)
- 45 10. No. 2011-105 - Video Surveillance System Upgrade (911 Central Dispatch)
- 46 11. No. 2011-106 - New World Systems CAD View (911 Central Dispatch)
- 47 12. No. 2011-107 - NACCHO Grant (Health Department)
- 48 13. No. 2011-108 - Amendment #2 to CPBC Agreement (Health Dept.)
- 49 14. No. 2011-109 - Delta College Fitness and Recreation Center Membership Renewal (Health Dept.)

- 50 15. No. 2011-110 - Bay County Septic System Replacement Revolving Loan Start-up Funds (Environmental Affairs)
- 51 16. No. 2011-111 - Bay County Transportation Master Agreement between MDOT, BCATS; Memorandum of Understanding (Environmental Affairs/Transportation Planning)
- 52 17. No. 2011-112 - Equalization Director Contract Extension (Personnel/Equalization Dept.)
- 53-54 18. No. 2011-113 - Budget Adjustments (Various)
- 55-56 19. No. 2011-114 - 2012 Budget Schedule/Calendar (Finance Dept.)
- 57 20. No. 2011-115 - Amendment to 2010-2011 Crime Victim Rights Grant Agreement (Prosecutor)
- 58 21. No. 2011-116 - 2011-2012 Crime Victims Rights Grant (Prosecutor)
- B. PERSONNEL/JUDICIAL (TOM RYDER, CHAIR; ERNIE KRYGIER, VICE CHAIR)**
- 59 1. No. 2011-117 - Vacancies: Buildings and Grounds; Housing; Civic Arena
- C. HUMAN SERVICES (MICHAEL J. DURANCZYK, CHAIR; BRANDON KRAUSE, VICE CHAIR)**
- 60 1. No. 2011-118 - Expansion of Community Center Weight Room (Administrative Services/Recreation)
- 61 2. No. 2011-119 - Transfer of Funds from Home Delivered Meals Program to Congregate Meal Program (Division on Aging)
- 62 3. No. 2011-120 - Title V Worksite Agreements (Division on Aging)
- D. BOARD OF COMMISSIONERS (DONALD J. TILLEY, CHAIR; KIM COONAN, VICE CHAIR)**
- 63 1. No. 2011-121 - Accounts Payable/BAYANET/Center Ridge Arms
- 64-69 2. No. 2011-122 - Reports of County Executive

**IX            REPORTS OF COUNTY OFFICIALS/DEPARTMENTS**

A.     County Executive

70-75

1.     Recommendations for Appointment to Workforce Development Board: William Borch (Labor); Laura Hamilton and Mary L. Donnelly (Private Sector); Sheila Dahm (Vocational Rehabilitation) **Seeking concurrence with County Executive recommended appointments)**

**X            UNFINISHED BUSINESS**

**XI           NEW BUSINESS**

**XII          MISCELLANEOUS**

**XIII        ANNOUNCEMENTS**

A.     **2011 Appointments:**

1.     October

- a.     Department of Human Services Board of Directors (One 3 year term)
- b.     Board of Canvassers (Two 4 year terms)

2.     December

- a.     Division on Aging Advisory Council (Five 2 year terms, Districts 1, 3, 5, 7 and 9)

**XIV        CLOSED SESSION (If requested)**

A.     Corporation Counsel - Legal Opinion

**Motion: To go into closed session pursuant to MCL 15.268(h) to consider material exempt from discussion or disclosure by state or federal statute. The statute relied upon is the Michigan Freedom of Information Act which exempts from disclosure "public records subject to the attorney-client privilege." [MCL 15.243(g)]**

**XV        RECESS/ADJOURNMENT**

BAY COUNTY BOARD OF COMMISSIONERS

06/14/11

RESOLUTION

BY: BAY COUNTY BOARD OF COMMISSIONERS
WHEREAS, The Diamond Gem Program accepts nominations to honor volunteers age 75 or older who volunteer their services in Bay County and the Diamond Gem Award is presented to those individuals who provide exemplary volunteer work in our county and several nominations were received from organizations for the 2011 Diamond Gem Award, and
WHEREAS, The Bay County Board of Commissioners has received notification that June Lane, a volunteer since January 1999 nominated by the Bay County Historical Society, is one of the Diamond Gem winners of 2011; and
WHEREAS, June Lane works weekly at The Museum Store completing a variety of tasks at the Store and providing at least 100 volunteer hours faithfully each year since she started donating her time to the Historical Society; and
WHEREAS, June Lane also volunteers regularly at her church and is always willing to try new things, offers friendly services to all who call on her for help, and is often willing to help cover another volunteer's work shift above her own donated time; and
WHEREAS, June Lane's commitment to helping others is demonstrated by her positive attitude, outgoing personality, generous commitment of time and talent, and her dedication to serve others; and
WHEREAS, June Lane was presented the Diamond Gem Award for 2011 at a Volunteer Recognition Dinner held April 6, 2011 at the Riverside Friendship Center; Therefore, Be It
RESOLVED That the Bay County Board of Commissioners and Bay County Executive recognize the outstanding volunteer contributions that June Lane has made and present this tribute to her, with congratulations, for exemplary volunteer services in Bay County.

DONALD J. TILLEY, CHAIR
AND BOARD

Diamond Gem - June Lane
MOVED BY COMM. \_\_\_\_\_

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

Table with 12 columns: COMMISSIONER, Y, N, E, COMMISSIONER, Y, N, E, COMMISSIONER, Y, N, E. Rows include Michael J. Duranczyk, Brandon Krause, Vaughn J. Beglick, Joe Davis, Ernie Krygler, Kim Coonan, Tom Ryder, Christopher Rupp, and 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**

**06/14/11**

**RESOLUTION**

BY: BAY COUNTY BOARD OF COMMISSIONERS

WHEREAS, The Diamond Gem Program accepts nominations to honor volunteers age 75 or older who volunteer their services in Bay County and the Diamond Gem Award is presented to those individuals who provide exemplary volunteer work in our county and several nominations were received from organizations for the 2011 Diamond Gem Award; and

WHEREAS, The Bay County Board of Commissioners has received notification that Jim Deland was nominated by Bangor West Elementary School for his service to the first grade students, a service that began over ten years ago; and

WHEREAS, Jim Deland started his volunteer service reading to the first grade students 2 to 3 times per week and is now volunteering five days a week for two hours of reading each day; and

WHEREAS, Jim Deland has had an impact on all the first grade students that he has worked with over the past ten years, building their confidence as their reading skills improved; and

WHEREAS, Jim Deland's commitment to helping others is demonstrated by his positive attitude, his outgoing personality, his generous commitment of time and talent, and his dedication to serve others; and

WHEREAS, Jim Deland was presented the Diamond Gem Award for 2011 at a Volunteer Recognition Dinner held April 6, 2011 at the Riverside Friendship Center; Therefore, Be It

RESOLVED That the Bay County Board of Commissioners and the Bay County Executive recognize the outstanding volunteer contributions that Jim Deland has made and present this tribute to him, with congratulation, for exemplary volunteer services that benefit the young residents of Bay County.

DONALD J. TILLEY, CHAIR  
AND BOARD

Diamond Gem - Jim Deland  
MOVED BY COMM. \_\_\_\_\_

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

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
Michael J. Duranczyk				Joe Davis				Tom Ryder			
Brandon Krause				Ernie Krygler				Christopher Rupp			
Vaughn J. Begick				Kim Coonan				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**

**06/14/11**

**RESOLUTION**

BY: BAY COUNTY BOARD OF COMMISSIONERS

WHEREAS, The Bay County Board of Commissioners and the Bay County Executive wish to take this opportunity to honor the BAY COUNTY BLIZZARD on capturing the 2011 MAHA State Hockey Squirt A Championship and the 2011 MAHA District 5 Squirt A Championship; and

WHEREAS, The BAY COUNTY BLIZZARD, our local Civic Arena traveling hockey team, had a very strong season and lived up to their mission "To create a strong base of skills and technique while providing a fun and enthusiastic environment focused on player development"; and

WHEREAS, BAY COUNTY BLIZZARD scored many impressive titles (2010 Brad Stone Tournament Squirt A Champions, 2010 3<sup>rd</sup> Annual Rumble on the Rink Tournament Squirt A Runner-Up, 2010 Midland Silver Stick Regional Squirt A Runner-Up, 2009 Trenton Invitational Mite AA Champions, 2010 Capitol City Showdown Mite AA Champions, 2010 EMHA Mite AA Runner-Up, 2010 LCAHL Adams Division Mite AA Champions, 2010 Spring in the Shores Squirt A Champions, and 2010 BT End of School Classic Squirt A Champions), which were the result of hard work, team spirit and focus on a goal they knew was achievable; and

WHEREAS, Coaches Bill Paige and Joe Ledesma showed grit and determination throughout the year to advance their Bay County team and successfully instilled in their team a sense of fair play and commitment to strive to be the best they could be; and

WHEREAS, 2010-2011 team members Michael Andriot, Sam Buckingham, Noah Hayward, Parker Kraenzlein, Kyle Kubiak, Morgan Leuenberger, Victor Mancini, Tommy Papesch, Brady Rappuhn, Michael Reminder, Dane Senkowski, Parker Sullivan, Edison Symons, Thomas Kayner, Colt Van Wormer and Caleb Yaw, with great Integrity and sportsmanship, honored themselves, their coaches, their parents and this community with their athletic achievements; Therefore, Be It

RESOLVED That the Bay County Board of Commissioners and Bay County Executive extend to the BAY COUNTY BLIZZARD and their coaches congratulations for their fine record and history-making effort and offer best wishes for all future endeavors.

DONALD J. TILLEY, CHAIR  
AND BOARD

Bay County Blizzard  
MOVED BY COMM. \_\_\_\_\_

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

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
Michael J. Duranczyk				Joe Davls				Tom Ryder			
Brandon Krause				Ernie Krygler				Christopher Rupp			
Vaughn J. Beglick				Kim Coonan				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

515 CENTER AVENUE, SUITE 405, BAY CITY, MICHIGAN 48708-5125

(989) 895-4120 FAX (989) 895-4226 TDD (989) 895-4049

e-mail address: [bergerd@baycounty.net](mailto:bergerd@baycounty.net)

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

Bay County Building 1932

COUNTY OF BAY

## APPLICATION FOR APPOINTMENT TO:

BAY COUNTY LIBRARY SYSTEM BOARD

DONALD J. TILLEY  
CHAIRMAN  
9<sup>TH</sup> DISTRICT

Name DON CARLYON

KIM COONAN  
VICE CHAIRMAN  
6<sup>TH</sup> DISTRICT

Address 1713 FIFTH STREET

BRANDON KRAUSE  
SERGEANT AT ARMS  
2<sup>ND</sup> DISTRICT

Home Phone No. 895-5988 Business Phone No. \_\_\_\_\_

E-mail Address: DonLeoPantera@charter.net

MICHAEL J. DURANCZYK  
1<sup>ST</sup> DISTRICT

Occupation RETIRED COLLEGE PRESIDENT

Employer \_\_\_\_\_

VAUGHN J. BEGICK  
3<sup>RD</sup> DISTRICT

Are you a resident of Bay County? YES

JOE DAVIS  
4<sup>TH</sup> DISTRICT

List your interests and qualifications for the above Board or  
Commissioner\*: I HAVE SERVED AS A MEMBER OF  
THE LIBRARY BOARD FOR THE PAST FIVE YEARS

ERNIE KRYGIER  
5<sup>TH</sup> DISTRICT

IN A VARIETIES OF WAYS, I HAVE BEEN CONNECTED TO, OR  
HAD RESPONSIBILITIES FOR, LIBRARIES OVER MANY YEARS.  
List any other information you feel would be pertinent in assisting the  
County Board of Commissioners in their selection\*:

TOM RYDER  
7<sup>TH</sup> DISTRICT

I HAVE MUCH ENJOYED MY SERVICE ON THE  
BAY COUNTY BOARD, AND I WOULD VERY MUCH  
APPRECIATE THE OPPORTUNITY TO SERVE  
ANOTHER TERM.

CHRISTOPHER RUPP  
8<sup>TH</sup> DISTRICT

List membership on any other civic boards and/or committees\*:  
THE BAY CITY ODA AND SEVERAL OTHER  
COMMUNITY BOARDS AND COMMITTEES.

ROBERT J. REDMOND  
FINANCIAL ANALYST  
(989) 895-4125  
[redmond@baycounty.net](mailto:redmond@baycounty.net)

\*Feel free to use additional paper if required.

Date submitted:

DEANNE C. BERGER  
BOARD COORDINATOR  
(989) 895-4121  
[bergerd@baycounty.net](mailto:bergerd@baycounty.net)

Please return this form to:

Bay County Board of Commissioners  
Fourth Floor  
Bay County Building  
515 Center Avenue  
Bay City, MI 48708 or  
FAX to: 989-895-4226

**Deanne Berger - Application for Appointment to County Board**

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**From:** <postmaster@netsource-one.net>  
**To:** <bergerd@baycounty.net>  
**Date:** 6/6/2011 5:09 PM  
**Subject:** Application for Appointment to County Board

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FieldName: What Board Are You Applying For?

FieldValue: Library Board

FieldName Name:

1:

FieldValue Janelle L. Felan

1:

FieldName Address:

2:

FieldValue 2116 Center Avenue

2:

FieldName City, State, Zip Code:

3:

FieldValue Bay City, MI 48708

3:

FieldName Home Phone:

4:

FieldValue

4:

FieldName Business Phone:

5:

FieldValue 989-636-0333

5:

FieldName Occupation:

6:

FieldValue Global Compensation Manager

6:

FieldName Employer:

7:

FieldValue Dow Chemical

7:

FieldName Are you a resident of Bay County?

8:

FieldValue Yes

8:

-5-

FieldName How Long?

9:

FieldValue 6 Months

9:

FieldName List your interests and qualifications for the above Board or  
10: Commission

FieldValue I am a 1993 graduate of Bay City Central High School. I received a  
10: Bachelor of Science in Dietetics from Michigan State University in 1999. I also have a Masters Degree in Human Resources and Labor Industrial Relations from Michigan State University in 2003.

I am currently a Global Compensation Manager at Dow Chemical in Midland. I work at the Dow corporate office.

FieldName List any other information you feel would be pertinent in assisting the  
11: County Board of Commissioners in their selection.

FieldValue I was born, bred, and raised in Bay City. After graduating from Bay  
11: City Central, I moved to East Lansing and then to the Richmond, Virginia area. After the past 7 years in Richmond, my family and I decided to relocate back to the Bay City area.

I am the mother of two children, a 4 year old son who turns 5 in August and a 1 year old daughter who turns 2 in August as well. I know firsthand the importance of a strong library system, particularly as my children begin school in the next few years.

I spent many hours in the library at Michigan State University. It is vitally important that we work hard to keep up with ever changing technology. We must work hard to teach our children the importance of summer reading. We must dedicate time and resources toward our senior population so that they have access to books and magazines. Most importantly, we must recognize that the library system is a key tool in educating our citizens and rebuilding the Bay area economy.

The Bay County Library System is truly something that I am passionate about and I appreciate the opportunity to apply for a Board position.

FieldName What is your e-mail address?

12:

FieldValue janelle@felan.net

12:

-6-

# DARBEE, BOSCO & HAMMOND, P. C.

Attorneys and Counselors at Law

From the Desk  
of  
James M. Hammond

e-mail: darbeepc@sbcglobal.net

420 Chemical Bank Bldg.  
P.O. Box 840  
Bay City, Michigan  
48707-0840  
Telephone (989) 892-2531  
Facsimile (989) 892-2741

May 25, 2011

Mr. Paul Arnold  
Williams Township Tax Assessor  
1080 W. Midland Rd.  
Auburn, MI 48611

RE: *Dow Corning Corporation*  
Amended I.F.T. Certificate Application  
Real and Personal Property Improvements at AEM Corporate Site  
Case No. 11-01

Dear Mr. Arnold:

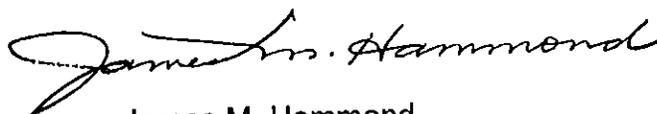
Please be advised that on May 17, 2011, Dow Corning Corporation amended its application for an Industrial Facilities Exemption Certificate for real and personal property improvements at its AEM site which is located at 5300 Eleven Mile Road in Williams Township. The original application was filed on March 25, 2011.

Your notice of the meeting to review the amended application is enclosed, pursuant to *Section 5 of 1974 P.A. 198*. By a copy of this letter and notice I am also informing those persons/entities listed on the attached list of the same. The actual amended application is on file with the Williams Township Clerk's office, 1080 W. Midland Road, Auburn, MI 48611, and can be viewed during normal business hours.

You were earlier notified that the public hearing on the application before the Township Board would take place on May 10, 2011. The new hearing date is June 14, 2011.

If you or anyone else receiving this letter has any questions, please feel free to contact me.

Very truly yours,



James M. Hammond  
Williams Township Attorney

JMH/kh

Enc:

F:\HAMMOND\WILLIAMS\Township Board\Dow 11-01\Arnold-llr.wpd

-7-

**PUBLIC NOTICE**

**TO: ALL TAXING UNITS WITHIN WILLIAMS TOWNSHIP,  
BAY COUNTY, MICHIGAN**

**PLEASE TAKE NOTICE** that a Regular Meeting of the Charter Township of Williams Board of Trustees, will take place on Tuesday, the 14th day of June, 2011 at 7:00 p.m., Prevailing Eastern Time, at the Williams Township Hall, 1080 W. Midland Road, Auburn, Michigan 48611. At the meeting, a public hearing will be held on an amended application of Dow Corning Corporation for an Industrial Facilities Exemption Certificate, pursuant to 1974 P.A. 198, as amended, relating to real and personal property improvements at its AEM site. The amended application of Dow Corning Corporation for the Exemption Certificate is on file in the office of the Clerk of Williams Township, and can be viewed during normal business hours.

The Industrial Development District consists of a parcel of land owned by Dow Corning Corporation located at 5300 Eleven Mile Road, Williams Township, Bay County, Michigan. It is more particularly described as follows, to-wit:

The East 1/2 of Section 28, Town 14 North, Range 3 East.

Part of tax parcels 09-140-028-200-050-02 and 09-140-028-400-050-00

Any taxing unit representative or member of the general public is welcome to speak for or against the proposed Industrial Facilities Exemption Certificate, either in person or by addressing written comments to:

Amy Charney, Clerk  
Williams Township Board  
1080 West Midland Road  
Auburn, Michigan 48611

Williams Township will provide necessary reasonable auxiliary aids and services, such as signers for the hearing-impaired and readers for printed materials being considered at the hearing, to individuals with disabilities at the hearing upon 10 days' notice. Individuals requiring auxiliary aids or services should contact the Township by writing or calling:

Amy Charney, Clerk, ADA Coordinator  
Charter Township of Williams  
1080 W. Midland Road  
Auburn, MI 48611  
(989) 662-4408 VOICE (989) 662-4631 FAX  
TDDs: Bay Co. Clerks' Association/Bay Co. Executive (989) 895-4049  
or The Michigan Relay Center 1-800-649-3777

DATED: This 25th day of May, 2011.

s/Amy Charney  
Amy Charney, Clerk  
Charter Township of Williams  
Bay County, Michigan

**BAY COUNTY BOARD OF COMMISSIONERS**

**06/14/11**

**RESOLUTION**

BY: WAYS AND MEANS COMMITTEE (6/7/11)

WHEREAS, The Bay County Sheriff Department budget includes a Law Enforcement Drug Fund which, in the past, has been used to replace old, damaged or broken equipment; and

WHEREAS, The 2011 Drug Enforcement Fund has the funds available to purchase firearms, accessories and ammunition needed for drug enforcement and the Sheriff wishes to make these purchases; Therefore, Be It

RESOLVED That the Bay County Board of Commissioners approves the purchase of firearms, accessories and ammunition utilizing 2011 Drug Enforcement Funds; Be It Further

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

ERNIE KRYGIER, CHAIR  
AND COMMITTEE

Sheriff Dept - Drug Enforcement Fund - Equipment Purchases

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

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

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
Michael J. Duranczyk				Joe Davis				Tom Ryder			
Brandon Krause				Ernie Krygier				Christopher Rupp			
Vaughn J. Begick				Kim Coonan				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**

**6/14/11**

**RESOLUTION**

BY: WAYS AND MEANS COMMITTEE (6/7/11)

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, monies for said positions to come from the respective departmental budgets:

- A. **SHERIFF DEPARTMENT** - Jail Administrator (ft, \$63,252.80)
- B. **FINANCE DEPARTMENT** - Staff Accountant (ft, \$47,424 entry)

RESOLVED That budget adjustments, if required, are approved.

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.

ERNIE KRYGIER CHAIR  
AND COMMITTEE

Vacancies2 - 6-14-11

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

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

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
Michael J. Duranczyk				Joe Davls				Tom Ryder			
Brandon Krause				Ernie Krygler				Christopher Rupp			
Vaughn J. Begick				Kim Coonan				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

06/14/11

RESOLUTION

- BY: WAYS AND MEANS COMMITTEE (6/7/11)
WHEREAS, The Probate and Juvenile Court wishes to make application this year for a grant through the Department of Human Services for a Juvenile Drug Court Program; and
WHEREAS, This grant funding would be used to continue to develop and implement a Drug Court for substance-abusing juveniles who are involved in the juvenile justice system; and
WHEREAS, This is a 3 year grant for a maximum of \$125,000 per year and this amount is being sought for the year commencing October 1, 2011; and
WHEREAS, The total cost of the Drug Court is \$133,368 with \$8,368 as the local share which would come from the existing Court budget; Therefore, Be It
RESOLVED That the Bay County Board of Commissioners approves application to the Department of Human Services for grant funding for a Juvenile Drug Court Program in the amount of \$125,000 with the local match required (\$8,368) to come from the Court budget; Be It Further
RESOLVED That the Chairman of the Board is authorized to sign all application documents, including grant award documents, on behalf of Bay County following legal review/approval; Be It Further
RESOLVED That related budget adjustments, if required, are approved.

ERNIE KRYGIER, CHAIR AND COMMITTEE

Probate Court - Juvenile Drug Court Program Grant Funding

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

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

Table with 12 columns: COMMISSIONER, Y, N, E, COMMISSIONER, Y, N, E, COMMISSIONER, Y, N, E. Rows include Michael J. Duranczyk, Brandon Krause, Vaughn J. Beglck, Joe Davis, Ernie Krygler, Kim Coonan, Tom Ryder, Christopher Rupp, 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**

**6/14/11**

**RESOLUTION**

BY: WAYS AND MEANS COMMITTEE (6/7/11)

WHEREAS, The Court has been operating a Family Treatment Court since January 2008 and is very pleased with the results to date with this intensive program which aims to maintain the family relationship while keeping children safe from abuse and neglect caused by parental substance abuse; and

WHEREAS, The Court uses a community-based team approach with intensive, individualized treatment and rehabilitation services with families where substance abuse is an identified issue; and

WHEREAS, The Office of Juvenile Justice and Delinquency Prevention (OJJDP) recently announced that it is seeking applications for funding under the OJJDP Fiscal Year 2011 Family Drug Court Programs; and

WHEREAS, The funding is to be used to either implement new drug courts or enhance pre-existing drug courts for substance-abusing adults involved with the family dependency court as a result of child abuse and neglect issues; and

WHEREAS, OJJDP will make awards of up to \$350,000 per award for up to 3 years for enhancement grants and while there is a 25% match required, most of the match can be met with in-kind contributions; Therefore, Be It

RESOLVED That the Bay County Board of Commissioners designates the 18<sup>th</sup> Circuit Court - Family Division as its representative for the purpose of applying for the OJJDP Fiscal Year 2011 Family Drug Court Program funds and authorizes the Board Chair to sign all required documents on behalf of Bay County following legal review/approval; Be It Further

RESOLVED That budget adjustments required are approved.

ERNIE KRYGIER, CHAIR  
AND COMMITTEE

Probate Court - 2011 Family Treatment Court Grant

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

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

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
Michael J. Duranczyk				Joe Davis				Tom Ryder			
Brandon Krause				Ernie Krygler				Christopher Rupp			
Vaughn J. Beglck				Kim Coonan				Donald J. Tilley			

**VOTE TOTALS:**

ROLL CALL: YEAS \_\_\_\_\_ NAYS \_\_\_\_\_ EXCUSED \_\_\_\_\_

VOICE: YEAS \_\_\_\_\_ NAYS \_\_\_\_\_ EXCUSED \_\_\_\_\_

DISPOSITION: ADOPTED \_\_\_\_\_ DEFEATED \_\_\_\_\_ WITHDRAWN \_\_\_\_\_  
AMENDED \_\_\_\_\_ CORRECTED \_\_\_\_\_ REFERRED \_\_\_\_\_

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**BAY COUNTY BOARD OF COMMISSIONERS  
6/14/11**

**RESOLUTION**

BY: WAYS AND MEANS COMMITTEE (6/7/11)

WHEREAS, The Bay County Probate & Juvenile Court again wishes to make application for grant funding through the State Court Administrative Office for a Family Dependency Drug Court Program; and

WHEREAS, The Probate & Juvenile Court would also like to apply for a grant for a new initiative, a Juvenile Drug Court; and

WHEREAS, The grant funding would be used to continue developing and utilizing a Family Drug Court for substance-abusing adults who are involved with the family court due to child abuse and/or neglect issues; and

WHEREAS, Any Juvenile Drug Court money received would be used to expand the current TODAY program in a full-fledged drug court aimed at reducing substance abuse in the juvenile population; Therefore, Be It

RESOLVED That the Bay County Board of Commissioners authorizes the Bay County Probate & Juvenile Court to file the grant application to continue the Family Drug Court as well as a grant application for a Juvenile Drug Court; Be It Further

RESOLVED That the Chairman of the Board is authorized to execute the grant applications and all related documents including grant awards and contract(s)/related documents on behalf of Bay County following legal review/approval; Be It Finally

RESOLVED That budget adjustments, if required, are approved.

BRIAN K. ELDER, CHAIR  
AND COMMITTEE

Probate Court - Family & Juvenile Drug Court Program Grants  
MOVED BY COMM. \_\_\_\_\_

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

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
Michael J. Duranczyk				Joe Davls				Tom Ryder			
Brandon Krause				Ernie Krygler				Christopher Rupp			
Vaughn J. Beglick				Klm Coonan				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**

**06/14/11**

**RESOLUTION**

BY: WAYS AND MEANS COMMITTEE (6/7/11)

WHEREAS, On April 12, 2011, via resolution no. 2011-63, the Bay County Board of Commissioners reinstated the Community Center Recreation Program for 2011, the Program to operate utilizing registrations and General Fund Balance to fund the program; and

WHEREAS, In prior years, a summer recreation program was held at the Pinconning, Essexville and the Bay City Boys and Girls Clubs, however, due to funding cuts, this program has been terminated; and

WHEREAS, The Bay County Board of Commissioners has always been supportive of summer programs for the youth of Bay County; Therefore, Be It

RESOLVED That the Bay County Board of Commissioners approves reinstatement of the recreation program at the Pinconning, Essexville and Bay City Boys and Girls Clubs and appropriates \$13,000 for the operation of the program, monies to come from Fund Balance; Be It Further

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

**ERNIE KRYGIER, CHAIR  
AND COMMITTEE**

2011 Summer Recreation Program - Boys and Girls Clubs of Pinconning, Essexville and Bay City

Resolution Introduced by Commissioner Michael J. Duranczyk, 1<sup>st</sup> District

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

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

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
Michael J. Duranczyk				Joe Davis				Tom Ryder			
Brandon Krause				Ernie Krygler				Christopher Rupp			
Vaughn J. Begick				Klm Coonan				Donald J. Tilley			

**VOTE TOTALS:**

ROLL CALL: YEAS \_\_\_\_\_ NAYS \_\_\_\_\_ EXCUSED \_\_\_\_\_

VOICE: YEAS \_\_\_\_\_ NAYS \_\_\_\_\_ EXCUSED \_\_\_\_\_

DISPOSITION: ADOPTED \_\_\_\_\_ DEFEATED \_\_\_\_\_ WITHDRAWN \_\_\_\_\_  
AMENDED \_\_\_\_\_ CORRECTED \_\_\_\_\_ REFERRED \_\_\_\_\_

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**BAY COUNTY BOARD OF COMMISSIONERS**

**06/14/11**

**RESOLUTION**

BY: WAYS AND MEANS COMMITTEE (6/7/11)

RESOLVED That the attached Bay County Animal Control Ordinance, as amended, is presented to the Bay County Board of Commissioners for consideration.

ERNIE KRYGIER, CHAIR  
AND COMMITTEE

Animal Control Ordinance - Amended 2011

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

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

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
Michael J. Duranczyk				Joe Davis				Tom Ryder			
Brandon Krause				Ernie Krygler				Christopher Rupp			
Vaughn J. Beglck				Klm Coonan				Donald J. Tilley			

VOTE TOTALS:

ROLL CALL: YEAS \_\_\_\_\_ NAYS \_\_\_\_\_ EXCUSED \_\_\_\_\_

VOICE: YEAS \_\_\_\_\_ NAYS \_\_\_\_\_ EXCUSED \_\_\_\_\_

DISPOSITION: ADOPTED \_\_\_\_\_ DEFEATED \_\_\_\_\_ WITHDRAWN \_\_\_\_\_  
AMENDED \_\_\_\_\_ CORRECTED \_\_\_\_\_ REFERRED \_\_\_\_\_

**Part 50**

**50.000**

**ANIMAL CONTROL\***

**Ord. No. 32**

**Adopted: November 12, 1991**

\* **Cross References:** Wages for County projects, Pt. 1; unnecessary noise by animals or birds, § 62.003 et seq.

An Ordinance relating to and providing for animal control within the boundaries of Bay County; providing for the employment of a County Animal Control Officer and prescribing the duties, authority and responsibilities of that office; prescribing the licensing and vaccination of dogs and cats and the confinement of animals under certain circumstances; authorizing the establishment of a County animal shelter for the impoundment of dogs and other animals and their redemption; permitting the killing and seizing of dogs and other animals; providing special controls and penalties for keeping vicious animals; authorizing an annual census to be made of dogs and cats; enumerating certain violations and penalties therefor; prescribing the County Treasurer's duties with regard to animal control; authorizing certain fees and expenses and the receipt and disbursement of funds; and repealing other ordinances inconsistent herewith.

THE PEOPLE OF THE COUNTY OF BAY OF THE STATE OF MICHIGAN DO HEREBY ORDAIN THE 2011 ~~1991~~ REVISED ANIMAL CONTROL ORDINANCE.

**ARTICLE I**

**50.100**

**PURPOSE, FINDINGS AND POLICY**

The County of Bay deems that the ownership of an animal carries with it responsibilities to the County and its residents with regard to care and control of such animals. In interpretation and application, the provisions of this Ordinance shall be construed to impose a primary responsibility for compliance therewith on the owner of such animal. The County of Bay concludes it advisable to adopt a revised Animal Control Ordinance in the interest of protecting public health and safety, promoting the welfare of animals within Bay County and providing for the orderly and uniform administration of the provisions of Act 339 of the Public Acts of 1919 as amended. The Board of Commissioners finds that the presence of vicious animals, as defined herein, within Bay County creates an increased danger to public health and safety and to the

welfare of other animals. The Board of Commissioners, in recognition of the reallocation of governmental functions brought about by Act 139 of the Public Acts of 1973, hereby assigns the Animals Control Division, under the direction of the Animal Control Officer, to the Department of Recreation and Administrative Services ~~Community Health~~. It is the policy of the Board of Commissioners that this Ordinance shall be vigorously enforced, to the extent that financial means permit such enforcement, whenever the activities of animals and their owners within Bay County directly endanger human life and whenever animals subject to protection by state law or this Ordinance are cruelly or inhumanely treated.

(Amended: Ord. of 10-14-92; Res. No. 2005-58, 4-12-05)

## ARTICLE II

### 50.200

#### DEFINITIONS

For the purpose of this Ordinance, the following terms shall have the following meanings respectively designated for each:

(a) ~~Allow or permit. Action or inaction.~~ Let or allow. Act or omission by an owner that results in movement or activities by his or her animals beyond the area or power of the owner's care custody, or control of said animals.

(b) *Animal*. Unless otherwise stated, the word "Animal" as used in this Ordinance shall mean dogs, cats, birds, fish, mammals, amphibians and reptiles.

(c) *Animal Control Officer*. Any person employed by the County for the purpose of enforcing this Ordinance or state statutes pertaining to dogs or other animals as well as persons and deputies employed by the County to act in the Animal Control Division.

(d) *Animal shelter*. The Grounds and Buildings of the Bay County Animal Control Division.

(e) *Board of Commissioners*. The Bay County Board of Commissioners.

(f) *Cat*. Any member of the animal species *Felis Catus* four (4) months or more in age.

(g) *County*. The County of Bay of the State of Michigan.

(h) *Cruelty*. Cruelty includes neglect and mistreatment as well as inappropriate usage

of animals (such as for fighting), and includes all those forms of cruelty set forth in MCLA 750.49-50; MSA 28.244-245 and MCLA 752.21; MSA 28.161 and in Article VIII of this Ordinance.

(i) *Day.* Monday through Saturday excluding Sundays, Holidays and other days County offices are closed, with hours established by the County Executive.

(j) *Dog.* Any member of the animal species *Canis Familiaris* four (4) months or more in age.

(k) *Hunting.* Allowing a dog to range freely within sight or sound of its owner while in the course of hunting legal game or an unprotected animal.

(l) *Keeping.* Any person who provides food and shelter for any domesticated animal on other than a temporary basis.

(m) *Kennel.* Any establishment, except a pet shop, animal shelter or pound licensed pursuant to Act 287 of the Public Acts of 1969, as amended, being MCLA 287.331-340; MSA 12.481(101)-(110), wherein or whereon three (3) or more dogs are confined and kept for sale, boarding, breeding, training or sporting purposes, for remuneration, constructed so as to prevent the public or stray dogs from obtaining entrance thereto and gaining contact with dogs lodged therein. This definition shall not be deemed to apply to a litter of puppies with their mother and under four (4) months of age.

(n) *Livestock.* Horses, stallions, colts, geldings, mares, sheep, rams, lambs, bulls, bullocks, steers, heifers, cows, calves, mules, jacks, jennets, burros, goats, kids, hogs, swine, and fur-bearing animals being raised in captivity (excluding dogs and cats).

(o) *Non-agricultural area.* Any area zoned by a city, village, township or other governmental body, agency or commission for purposes other than agricultural.

(p) *Owner.* "Owner" and "persons owning premises," when applied to realty, shall include both the title owner of record and those lawfully occupying or in possession of any property or premises; "owner," when applied to the proprietorship of an animal, means every person having a right of property in the animal, an authorized agent of the owner, and every person who keeps or harbors the animal or has it in his care, custody or control, and every person who permits the animal to remain on or about the premises owned or occupied by said person. For purposes of this Ordinance, the records of the Treasurer's Office showing the name of the owner to whom the license number was issued, and the license tag affixed to the collar or harness of the animal showing a corresponding number, shall be prima facie evidence of ownership of an animal.

(q) *Person.* "Person" shall include individuals, corporations, societies,

co-partnerships, associations and state and local officers or employees.

(r) *Police Officer, Peace Officer or Law Enforcement Officer.* Any person employed or elected by the people of the State of Michigan, or by any city, village, county or township whose duty it is to preserve peace, to make arrests and to enforce the law within a specific geographical jurisdiction, and includes game, fish and forest fire wardens, members of the State Police and Conservation Officers.

(s) *Poultry.* All domestic fowl and game birds possessed or being reared under authority of a breeder's license pursuant to Act 191 of the Public Acts of 1929, as amended, being MCLA 317.71-84; MSA 13.1271-1284.

(t) *Rabies suspect animal.* Any animal which has bitten a human, or any animal which has been in contact with or been bitten by a rabid animal, or any animal which shows symptoms suggestive of rabies.

(u) *Run at large.* The unrestrained wandering or roaming of an animal other than a cat on public property or on the private property of other persons, or restrained wandering on a leash held by the owner if the leash is longer than six (6) feet.

(v) *State.* The State of Michigan.

(w) *Vicious animal.* Any animal:

1. With a propensity, tendency or disposition to attack, to cause injury or to otherwise endanger the safety of human beings;

2. Which has previously attacked or bitten a human being or other domestic animal other than under the type of circumstances that would be justifiable;

3. Which has behaved in such a manner that the owner thereof knows or should reasonably know that the animal is possessed of tendencies to attack or bite human beings or other domestic animals other than under the type of circumstances that would be justifiable.

The circumstances that would be justifiable in Subsections 2 and 3 immediately above are those set forth in Section 1(a)(i--iv) of 1988 PA 426, being MCLA 287.321; MSA 12.545(21)

(Amended: Ord. of 10-14-92; Res. No. 2004-05, 10-12-04; Res. No. 2005-58, 4-12-05)

**ARTICLE III**

**50.300**

**ANIMAL CONTROL OFFICER  
DUTIES, AUTHORITY AND RESPONSIBILITIES**

**50.301 Appointment; minimum requirements.**

Sec. 1. An Animal Control Officer shall be appointed by the Bay County Executive and shall serve as the head of the Animal Control Division; provided, however, that said Animal Control Officer shall have and meet the minimum requirements contained in MCLA 287.289b; MSA 12.540(2).

(Amended: Ord. of 10-14-92)

**50.302 Salary.**

Sec. 2. In lieu of all fees and other remuneration under the statutes of this state, the Animal Control Officer or his deputies, assistants and census takers shall be paid a salary or wages as established and determined by the Board of Commissioners.

(Amended: Ord. of 10-14-92)

**50.303 Duties.**

Sec. 3. The Animal Control Officer shall fulfill the following duties:

(a) The Animal Control Officer shall promptly seize, take up and place in the animal shelter all animals being kept or harbored or found running at large any place within the county contrary to the provisions of this Ordinance or the statutes of the State. As to any cat found roaming or wandering on public property or private property other than that of its owner unrestrained, without its owner immediately and visibly present in such area and without an identifying license tag, the animal control officer after reasonable investigation shall be vested with discretion to conclude that such cat is feral or abandoned by its owner and may thereafter seize and make disposition of said cat in like manner as other animals seized pursuant to this Article.

(b) The Animal Control Officer shall be properly deputized as a peace or police officer for the purpose of this Ordinance and shall be legally authorized to have the power and it shall be his duty to issue appearance tickets, citations or summonses to those persons owning, keeping or harboring animals contrary to the provisions of this Ordinance.

(c) The Animal Control Officer, subject to the limitations contained herein, shall destroy in a humane manner all impounded animals which are not claimed and released within four (4) days after being impounded. However, if a dog or a cat has a collar, license, or other evidence of ownership, the Animal Control officer shall notify the owner in writing by first class mail of the impoundment. Disposition of the animal shall then not be made until after seven (7) days from the date of mailing the notice. The Animal Control Division shall maintain a record of when the animal was acquired and under what circumstances. This record shall also indicate the date of notice sent to the owner of an animal and any subsequent disposition. This section does not apply to animals which are sick or injured to the extent that the holding period would cause undue suffering, or to animals whose owners request immediate disposal. If in his judgment an animal is valuable or otherwise desirable for keeping, the Animal Control Officer may release said animal to any person who will undertake to remove said animal from the county or keep said animal within the county in accordance with the provisions of this Ordinance and the statutes of the state, including compliance with licensing and vaccination requirements, upon payment of the proper charge for the care and treatment of said animal while kept in the animal shelter. Regulations regarding the sale of animals from the animal shelter and boarding and other charges shall be posted in a conspicuous place at the animal shelter. The bodies of all animals destroyed at the Animal Shelter or elsewhere in the county shall be disposed of by the Animal Control Officer in a manner approved by the Bay County Health Department and the Board of Commissioners. Any animals voluntarily relinquished to the animal shelter by the owners thereof for disposition (not boarding), need not be kept for the minimum period of four (4) or seven (7) days before release or disposal of such animal by the Animal Control Officer.

(d) The Animal Control Officer shall promptly investigate all animal bite cases involving human injury and shall search out and attempt to discover the animal involved and if such animal is found shall either impound or quarantine it for examination for disease in accordance with the applicable provisions of this Ordinance and the statutes of the State. He shall also be obliged to seize and impound any rabies-suspected animal.

(e) The Animal Control Officer shall make efforts to determine the number of, and locate, all unlicensed dogs and cats, list such dogs and cats and then deliver said list to the Prosecuting Attorney for the necessary proceedings as provided by this Ordinance and the statutes of the State.

(f) The Animal Control Officer is hereby authorized and empowered in accordance with the provisions of this Ordinance to enter upon private premises (excepting entry into buildings, unless in possession of a Search Warrant) for the purpose of inspecting those premises in order to determine if the owners of dogs or cats or animals there harbored, kept or possessed have complied with the provisions of this Ordinance and to apprehend and take with him any dogs or cats for whom no license has been procured in accordance with this Ordinance or for any other violation hereof. The provisions of this subsection shall include, but not be limited to, investigation of or seizure for cruelty to animals.

(g) The Animal Control Officer shall have the duty to inspect any kennel, a license for which has been issued by the County or its authorized agents pursuant to this Ordinance and the statutes of the State, and shall have the duty to suspend said license if conditions exist which are unhealthy or inhumane to the animals kept therein, pending correction of such conditions; and further shall have the duty to revoke said license if such conditions are not corrected within a reasonable period of time.

(h) The Animal Control Officer shall have the duty to investigate complaints of animals alleged to be dangerous or vicious to persons or property and shall have the right to seize, take up and impound such animals pending disposition pursuant to this Ordinance.

(i) The Animal Control Officer shall have the duty to investigate complaints of cruelty to animals and shall have the duty to seize, take up and impound any animal which has been subject to such cruelty; and thereafter said officer shall, when the evidence of such cruelty is compelling, seek a warrant charging the owner of said animals with a criminal violation.

(j) The Animal Control Officer shall be responsible for the sale of licenses and the keeping of appropriate records and books of account with respect thereto.

(k) The Animal Control Officer shall not sell, give or make available in any manner any live or dead animals of any species or any animal body parts or organs to be used for research, demonstration, experimental or any other purposes by any person, firm, corporation or institution, except to the extent necessary to comply with the health laws and regulations concerning rabies and to educate regarding responsible humane animal care.

(l) The Animal Control Officer shall have such other duties relating to the enforcement of this Ordinance as the Board of Commissioners or Bay County Executive may from time to time provide.

(Amended: Ord. of 10-14-92; Res. No. 2009-19, adopt. 2-3-09)

#### **50.304 Enforcing of Ordinance.**

Sec. 4. The Animal Control Officer in enforcing the provisions of this Ordinance and the statutes of the State pertaining to animals may make complaint to the Bay County Prosecuting Attorney and to the District Court in regard to any violations thereof.

(Amended: Ord. of 10-14-92)

#### **50.305 Suspension or revocation of license; seizure of animals.**

Sec. 5. All suspensions and revocations of license and all seizures for cruelty, viciousness or dangerousness as provided for herein shall be in accordance with this Ordinance and with such rules and regulations as are adopted from time to time by the Board of Commissioners.

(Amended: Ord. of 10-14-92)

**50.306 Issuing dog licenses; book of receipt.**

Sec. 6. The Animal Control Officer shall at all times carry a book of receipts, properly numbered in sequence for accounting purposes, for the issuing of dog and cat licenses as provided in this Ordinance and shall issue such dog and cat licenses in accordance herewith.

(Amended: Ord. of 10-14-92)

**50.307 Fees and monies collected.**

Sec. 7. All fees and monies collected by the Animal Control Officer as herein provided shall be accounted for and turned over to the Treasurer on or before the first of each and every month, or more often if reasonably necessary, under the standard practices of the Treasurer's accounting system.

(Amended: Ord. of 10-14-92)

**ARTICLE IV**

**50.400**

**LICENSING AND VACCINATION**

**50.401 License requirements; exception.**

Sec. 1. It shall be unlawful for any person:

(a) To own any dog or cat four (4) months old or older, unless the dog or cat is licensed as hereinafter provided;

(b) To own any dog or cat four (4) months old or older that does not at all times wear a collar with an identifying tag approved by the Director of the Michigan Department of Agriculture (see exception below), attached as hereinafter provided, except when engaged in lawful hunting or training activity accompanied by its owner; or

(c) Except the owner, to remove any collar and license tag from a dog or cat.

(d) To fail to vaccinate their dog or cat with a rabies vaccine approved by the United States Department of Agriculture.

Exception: An owner of a cat who for safety of the cat elects not to have the cat wear a collar is relieved of the obligation of attaching said cat's license to a collar. However, said owner shall, upon request of an animal control officer, produce and display the current year license tag and/or official documentation of such licensing of said cat. Such owner electing not to affix a license and collar to his cat assumes the risk that the animal control officer, in fulfilling his duties under this Ordinance, will regard such cat as feral or abandoned and therefore subject to seizure and disposition in accordance with Article III.

(Amended: Res. No. 2004-05, 10-12-04)

#### **50.402 License application.**

Sec. 2. The owner of any dog or cat four (4) months old or older, except as provided in Section 3 of this Article, shall apply to the Animal Control Officer or Treasurer for a license for each dog or cat owned or kept by said owner by one of the following dates, at the owner's option: (1) by the last day of the month of the dog's or cat's current rabies vaccination each year; and (2) effective no later than 2009, by the last day of the month of the dog's or cat's current rabies vaccination, every third year. Such application shall state the breed, sex, age, color and markings of such dog or cat, and the name and address of the last previous owner. Such application for a license shall be accompanied by proof of vaccination of the dog or cat for rabies by a valid certificate of vaccination for rabies, with a vaccine licensed by the United States Department of Agriculture, signed by an accredited veterinarian. A license shall not be issued if the dog's or cat's current rabies vaccination will expire more than one (1) month before the date on which that license would expire. Dogs or cats attaining the age of four (4) months after February 28 shall have seven (7) days after attaining four (4) months in which to obtain a license. If a dog is licensed before it becomes five (5) months old and is subsequently spayed or neutered before it becomes seven (7) months old, the owner of the dog may exchange the license for a license for a spayed or neutered dog and receive a refund for the difference in the cost of the licenses. The owner shall exchange the license before the dog becomes seven (7) months old.

(Amended: Ord. of 10-14-92; Res. No. 2004-05, 10-12-04)

#### **50.403 Exemption from rabies vaccine requirement.**

Sec. 3. No dog or cat shall be exempt from the rabies vaccine requirements as herein set forth unless a registered and practicing veterinarian of the State of Michigan certifies in writing that such rabies vaccine would be detrimental to the health of said dog or cat and thereafter the Prosecuting Attorney of Bay County approves the same in writing.

(Amended: Ord. of 10-14-92)

#### **50.404 License fee.**

Sec. 4. The license fee for dogs or cats shall be as follows:

- (a) For all intact dogs or cats of the age of four (4) months old or older on or

before February 28, 2005, eighteen dollars (\$18.00) for one (1) year if this license is obtained on or before February 28, 2005 or prior to the annual license expiration date thereafter.

(b) For all intact dogs or cats who attain the age of four (4) months after February 28 of any year, eighteen dollars (\$18.00), subject to Section 50.402.

(c) For all altered dogs or cats, so certified by an accredited veterinarian, of the age of four (4) months old or older on or before February 28, 2005 or prior to the license expiration date of every year thereafter, six dollars (\$6.00) if this license is obtained timely.

(d) For all dogs or cats which are not licensed within the time periods set forth in paragraphs (a) through (c) above, the licenses will be considered delinquent and late fees as approved by the Board of Commissioners may be assessed.

(e) Fees for leader dogs, service dogs, or dogs in training as such are hereby waived.

(f) For any dog or cat that is vicious as defined in Article II(w) and that is subject to Article IX, the license fees scheduled above (and as amended from time to time) shall be increased by fifty dollars (\$50.00).

(g) The license fees as herein established may be changed by Motion or Resolution of the Board of Commissioners.

(h) Current licenses issued by other Michigan counties and by other governmental agencies shall be honored in Bay County until the last day of the month of the dog's current rabies vaccination.

(Amended: Ord. of 10-14-92; Res. No. 2004-05, 10-12-04; Res. No. 2005-58, 4-12-05)

#### **50.405 Transfer of license.**

Sec. 5. No license or license tag issued for one dog or cat shall be transferable to another dog or cat. Whenever the ownership or possession of any dog or cat is permanently transferred from one person to another within the same county, the license of such dog or cat may be likewise transferred by the last registered owner upon proper notice in writing to the Treasurer who shall note such transfer upon his records. This Ordinance does not require the procurement of a new license, or the transfer of a license already secured, where the possession of a dog or cat is temporarily transferred for the purpose of boarding, hunting game, breeding, trial or show.

(Amended: Ord. of 10-14-92)

#### **50.406 Loss of license tag.**

Sec. 6. If any license tag is lost, it shall be replaced without cost by the Bay County Treasurer upon application by the owner and upon production of a license receipt and a sworn

statement of the facts regarding the loss of such tag.

(Amended: Ord. of 10-14-92)

**50.407 Kennel license; rules; application of section.**

Sec. 7. Any person who owns, keeps or operates a kennel shall on or before July 1 of the year following such ownership obtain a kennel license from the Treasurer and shall be subject to the following rules:

(a) Any person who owns, keeps or operates a kennel may, in lieu of individual licenses required under this Ordinance, on or before March 31 of each year, apply to the Animal Control Officer for a kennel license entitling said person to own, keep or operate such kennel in accordance with the applicable statutes of the State, including Section 10 of Act 339, Public Acts of 1919, as amended, being MCLA 287.270; MSA 12.520.

(b) All kennels must be kept sanitary and provide adequate housing for and humane treatment to the dogs kept therein.

(c) Issuance of a kennel license does not relieve or exempt the owner of the kennel from the requirement in Section 3 of this Article that all dogs of licensing age have a current rabies vaccination with a vaccine licensed by the United States Department of Agriculture evidenced by a valid certificate of vaccination for rabies, signed by a licensed veterinarian. (See Resolution 92-115.)

(d) The Animal Control Officer shall not issue to any person a kennel license unless such person complies with this Ordinance and the laws of the State of Michigan, including but not limited to Michigan Department of Agriculture Regulation No. 129 governing dog kennels, PA 339 of 1919, being MCLA 287.261-293; MSA 12.511-543 and obtains the written approval for the issuance of a kennel license from the appropriate township, village, and/or city zoning administrator.

(e) The fees for said kennel license shall be fifteen dollars (\$15.00) for three (3) to five (5) dogs, twenty-five dollars (\$25.00) for six (6) to ten (10) dogs, forty dollars (\$40.00) for eleven (11) to fifteen (15) dogs, and twenty dollars (\$20.00) for each additional ten (10) dogs, unless changed from time to time by a resolution or motion of the Board of Commissioners.

This section shall not apply to a litter of puppies when with the mother of such litter, so long as said litter of puppies are less than four (4) months of age; nor shall it apply to a duly licensed pet shop. Failure to obtain such kennel license shall be punished as set forth in the penalty provisions of this Ordinance.

(Amended: Ord. of 10-14-92; Res. No. 2005-58, 4-12-05)

## ARTICLE V

### 50.500

#### CONFINEMENT

##### **50.501 Animals kept as pets which bite persons, animals or livestock.**

Sec. 1. Any animal kept as a pet that shall bite a person, animal or livestock shall be securely confined by the owner thereof inside an appropriate building or enclosure for a minimum period of ten (10) days following the biting of such person, animal or livestock. In the event that the owner of such animal shall fail to securely confine the animal for such period of time, then in that event, the Animal Control Officer, his deputies and assistants, may take possession and custody of said animal, confine him at the Animal Shelter until the expiration of said ten (10) day period and upon satisfactory evidence that said animal is not suffering from rabies may release the animal. Said animal shall be kept at the Animal Shelter at the expense of the owner thereof in the event that said owner fails to securely confine said animal. Any animal (including cats) running loose after biting a person, animal or livestock, and whose owner cannot be determined, shall, if located, be confined for the required ten (10) days at the Animal Shelter or other suitable location. However, the Animal Control Officer, his deputies and assistants, may humanely destroy the animal upon the recommendation of the victim's medical doctor and a veterinarian; a sample specimen shall be sent immediately to the Michigan Department of Public Health Virology Laboratory. Nothing contained herein shall require the Animal Control Officer to accept rodents or lagomorphs, either dead or alive, for shipment to the Michigan Department of Public Health Virology Lab.

(Amended: Ord. of 10-14-92)

##### **50.502 Animals not kept as pets which bite persons, animals or livestock.**

Sec. 2. Any other animal not kept as a pet, including wild animals, which shall bite a human, animal, or livestock, if located and capable of being seized, shall be sent immediately to the Michigan Department of Public Health Virology Lab, Lansing, Michigan or similar lab by the Animal Control Officer.

(Amended: Ord. of 10-14-92)

**ARTICLE VI**

**50.600**

**ANIMAL SHELTER AND IMPOUNDMENT**

**50.601 Dogs found running at large; impoundment.**

Sec. 1. All dogs found running at large and not under the control of their owners may be seized by the Animal Control Officer or any peace officer, impounded and thereafter be sold or disposed of in accordance with Article III of this Ordinance.

(Amended: Ord. of 10-14-92)

**50.602 Citation of owners of dogs found running at large.**

Sec. 2. If the Animal Control Officer or other peace officer comes upon a non-vicious or non-dangerous dog running at large whose ownership is known and the owner is available, said officer shall *need* not seize and impound such animal, but rather may cite the owner of such animal to appear in court to answer charges of violation of this Ordinance (Amended: Ord. of 10-14-92)

**50.603 Cats found running at large.**

Sec. 3. Cats seized and impounded by the Animal Control Officer pursuant to this Ordinance shall be treated in the same manner as dogs pursuant to Section 1 above. (Amended: Ord. of 10-14-92)

**50.604 Notification of owner.**

Sec. 4. Immediately upon impounding an animal, the Animal Control Officer shall use reasonable efforts to notify the owner of such animal so impounded and inform such owner of the conditions whereby custody of such animal may be regained pursuant to the regulations for the operation of the animal shelter.

(Amended: Ord. of 10-14-92)

**50.605 Redeeming animals.**

Sec. 5. An owner may claim and obtain release of an animal from the animal shelter by executing a sworn statement of ownership, furnishing a license and tag as required by this Ordinance and state law, and paying the required fees required by the Board of Commissioners

and posted at the animal shelter.  
(Amended: Ord. of 10-14-92)

## ARTICLE VII

### 50.700

#### KILLING AND SEIZING OF DOGS AND OTHER ANIMALS

##### 50.701 Killing dogs.

Sec. 1. Any person, including a law enforcement officer, may kill any dog he or she sees in the act of pursuing, worrying or wounding any livestock or poultry or attacking persons, and there shall be no liability on such person in damages or otherwise for such killing. Any dog that enters any field or enclosure outside of a city which is owned or leased by any person producing livestock or poultry, said dog not being accompanied by its owner or the owner's agent, shall constitute a trespass and the owner of said dog shall be liable in damages. In no event shall the provisions of this section exonerate a person from compliance with the criminal laws of this state including, but not limited to, the safe discharge of firearms.

(Amended: Ord. of 10-14-92)

##### 50.702 Seizing dogs.

Sec. 2. It shall be lawful for any person to seize any dog running at large in violation of this Ordinance for the purpose of turning said dog or other animal over to the Animal Control Officer.

(Amended: Ord. of 10-14-92)

## ARTICLE VIII

### 50.800

#### ENUMERATION OF CERTAIN VIOLATIONS; CRUELTY; AND PROCEDURES

##### 50.801 Violations pertaining to owners.

Sec. 1. It shall be unlawful for an owner to permit let or allow his animal to do any of the following:

(a) By loud, frequent and persistent barking, howling, yelping, crying or any other disturbing sounds or behaviors to create a nuisance in the neighborhood in which said animal is kept, possessed or harbored.

(b) For dogs to run at large; provided, however, that working dogs such as leader dogs, farm dogs, hunting dogs, and other trained dogs actively engaged in their trained activities accompanied by their owners need not be leashed when under the reasonable control of their owners;

(c) To permit *let or allow* any female dog or cat to go beyond the premises of such owner when she is in heat, unless the female is held properly in leash;

(d) To be within the confines of any public park when such park, by appropriate signs or notices, prohibits all animals, pets or a specific animal, except a dog assisting its **handicapped** owner *who is an individual with a disability*.

(e) To destroy property, real or personal, or to trespass in a manner that causes actual damage to the property of persons other than the owner including, but not limited to, the repetitive depositing of feces or urine on said property.

*(f) to menace, chase, display threatening or aggressive behavior or otherwise threaten or endanger the safety of any domestic animal;*

*(g) To attack or bite a domestic animal;*

*(h) To show vicious tendencies or molest passers-by or neighbors when such persons are lawfully on the public highways or rights-of-way or on their own property; or*

*(i) To attack or bite a person;*

(Amended: Ord. of 10-14-92)

#### **50.802 Poultry or livestock running at large prohibited.**

Sec. 2. It shall be unlawful for any owner of poultry or livestock to allow or permit said animals to run at large upon public highways or rights-of-way or on the private property of others.

(Amended: Ord. of 10-14-92)

**50.803 Violations pertaining to persons generally.**

Sec. 3. It shall be unlawful for any person:

- (a) To remove a collar or tag from any animal without the permission of its owner;
- (b) To decoy or entice any animal out of its enclosure or off the property of its owner;
- (c) To seize, molest or tease any animal while held or led by any person or while on the property of its owner;
- (d) To neglect or cruelly treat any animal under said person's care, custody or control by:
  - i) Failing to provide adequate shelter, food and potable water on a regular basis which causes the animal to suffer exposure, thirst and hunger;
  - ii) Confining an animal in a fashion that a substantial portion of the animal's living area is contaminated with excreta which the animal directly contacts or above or below which the animal must live;
  - iii) Confining an animal in a fashion that the animal does not have a dry area on which to exercise and rest;
  - iv) Confining an animal in enclosed quarters without sufficient fresh air or ventilation and light;
  - v) Repeatedly allowing an animal who is tied or chained to become entangled so that the animal has less than five (5) feet of lead;
  - vi) Caging or chaining an animal continuously in an area insufficient for the animal to obtain adequate exercise;
  - vii) Placing an animal on a porch or roof at a height of greater than five (5) feet without a protective restraining barrier or without chaining so that the length of lead does not reach any of the edges of the elevated area; or,
  - viii) Restraining an animal so that the weight of the animal's tie does not allow the animal to comfortably raise his or her head or move;
- (e) To fail to inquire as to the necessity for medical care when an animal is in obvious pain or distress (examples: in a state of emaciation; unable to rise and walk; unable to urinate or defecate; crying out in pain; unable to eat or drink; suffering from unattended broken bones;

painful or difficult breathing; wounds; burns; convulsions; passing blood in urine, feces, and/or vomit; infested with maggots; severe skin disease);

(f) To permit let or allow an ill, diseased, aged, maimed, or injured animal to suffer unnecessary pain by neglecting to do the following: provide medical treatment; put the animal out of its misery by euthanasia; or give the animal to another person who can provide the proper and necessary care for the animal;

(g) To put any dead animal or part of the carcass of any dead animal, into any lake, river, creek, pond, road, street, alley, lane, lot, field, meadow or common, except the same and every part thereof be buried at least four (4) feet underground; or the owner or owners of the animal to knowingly permit the same to remain in any of the aforesaid places, to the detriment of public health;

(h) To overdrive, overload, drive when overloaded, overwork, torture, torment, cruelly beat, mutilate, or cruelly kill, or cause or procure to be so overdriven, overloaded, driven when overloaded, overworked, tortured, tormented, cruelly beaten, mutilated, or cruelly killed, any animal;

(i) To abandon an animal in the care, custody or control of said person;

(j) To transport or confine an animal in a cruel manner;

(k) To intentionally injure or poison an animal;

(l) To kill an animal belonging to another without legal authority or the owner's effective consent;

(m) To cause or allow an animal to fight with another animal; or

(n) Who is an owner of an animal that is deceased to knowingly allow the carcass to be left unattended and not properly disposed of for more than seventy-two (72) hours after death of the animal.

(o) To let or allow an animal under his or her care, custody, or control to attack or bite a person.

(Amended: Ord. of 10-14-92; Res. No. 2005-58, 4-12-05)

**50.804 Appearance ticket, citation, summons; complaint; warrant and arrest.**

Sec. 4. In the event of any of the above violations or a violation of any other provision of this Ordinance or of the laws of the State, the Animal Control Officer or any peace officer may issue an appearance ticket, citation or summons to the owner of said animal, summoning the

owner to appear before the district court to answer charges made of violation of this Ordinance or laws of this State. The Animal Control Officer or any peace officer may sign a complaint before said court for violation of the provisions of this Ordinance or the laws of the State, proceed to obtain the issuance of a warrant and cause the arrest of the person against whom said violation is charged in order to bring said person before the Court to answer the charge. The Court, upon conviction thereof, may impose penalties in accordance with the penalty provision of this Ordinance and the law of the State.

(Amended: Ord. of 10-14-92)

**50.805 Records constituting prima facie evidence of ownership.**

Sec. 5. In all prosecutions for violation of this Ordinance or State law pertaining to animals, the records of the Treasurer, showing the name of the owner and the license number which was issued, and the license tag affixed to the collar or harness of the animal showing a corresponding number, or lack thereof, shall be prima facie evidence of ownership of any animal and of issuance, or non-issuance respectively, of an animal license or tag.

(Amended: Ord. of 10-14-92)

**50.806 Order to show cause for killing or confining a dog.**

Sec. 6. The provisions of Section 26a of Act No. 339 of the Public Acts of 1919, as amended, being MCLA 287.286a; MSA 12.537 are available under this Ordinance and shall be utilized by the Animal Control Officer whenever the actions of any dog bring that dog within the provisions of that statute.

(Amended: Ord. of 10-14-92)

**50.807 Enumeration of some violations does not constitute all violations.**

Sec. 7. The enumeration of certain violations in this Article does not constitute all violations of this Ordinance for which penalties are provided by this Ordinance.

(Amended: Ord. of 10-14-92)

## ARTICLE IX

### 50.900

#### SPECIAL PROVISIONS REGARDING VICIOUS ANIMALS

##### 50.901 Standards for keeping vicious animals.

Sec. 1. The keeping of vicious animals shall be subject to the following standards:

(a) *Leash and Muzzle.* No person shall permit a vicious animal to go outside of its kennel, pen or the owner's residence unless such animal is securely leashed with a leash no longer than four (4) feet in length. No person shall permit such an animal to be kept on a chain, rope or other type of leash outside its kennel or pen unless a person is in physical control of the leash. Such animals may not be leashed to inanimate objects such as trees, posts, buildings, etc. In addition, all such animals on a leash outside of the animal's kennel, pen or the owner's residence must be muzzled by a muzzling device sufficient to prevent the animal from biting persons or other animals.

(b) *Confinement.* All vicious animals shall be securely confined indoors or in a securely enclosed and locked pen or kennel, except when leashed and muzzled as provided in paragraph (a) above. Such pen, kennel or structure must have secure sides and a secure top attached to its sides. A fenced-in yard by itself is insufficient to meet this standard. All structures used to confine such animals must be locked with a key or combination lock when such animals are within the structure. Such structure must have a secure bottom or floor attached to the sides of the pen or the sides of the pen must be embedded inground to a depth of no less than two (2) feet. All structures erected to house such animals must comply with all zoning and building regulations of the City or Township where located. All such structures must be adequately lighted and ventilated and kept in a clean and sanitary condition. The house or shelter for said animal shall be totally enclosed within the confinement structure.

(c) *Confinement Indoors.* No vicious animal may be kept on a porch, patio or in any part of a house or structure that would allow the animal to exit such building on its own volition. In addition, no such animal may be kept in a house or structure where window screens or screen doors are the only obstacle preventing the animal from exiting the structure.

(d) *Signs.* All owners, keepers or harborers of vicious animals within the County of Bay shall within ten (10) days of the effective date of this Ordinance display in a prominent place on their premises a sign, easily readable by the public from adjoining public roads or streets, using such words as "Beware of Dog" or other appropriate warning language. In addition, a similar sign must be posted on the kennel or pen of such animal.

(Amended: Ord. of 10-14-92)

**50.902 Identification and reporting requirements.**

Sec. 2.

(a) *Insurance.* All owners, keepers or harborers of vicious animals must within ten (10) days of the effective date of this Ordinance provide proof to the County of Bay at its Animal Control Division at the Animal Shelter of liability insurance in an amount of **five *one*** hundred thousand dollars (\$500,000.00) for each occurrence for bodily injury to or death of any person or persons which may result from ownership, keeping or maintenance of such animal. Such insurance policy shall provide that no cancellation of the policy will be effective unless ten (10) days written notice is first given to the Animal Control Officer at his business address.

(b) *Identifcattion photographs.* All owners, keepers or harborers of vicious animals must within ten (10) days of the effective date of this Ordinance provide the Animal Control Officer two (2) color photographs of the registered animal clearly showing the color and approximate size of the animal.

(c) *Reporting requirements.* All owners, keepers or harborers of vicious animals must within three (3) days of the following incidents report the same in writing to the Animal Control Officer:

- 1) The removal from the County or death of a vicious animal.
- 2) The birth of offspring of a vicious animal.
- 3) The new address of a vicious animal should the owner move within the County limits.
- 4) The animal is on the loose, has been stolen or has attacked a person.

(Amended: Ord. of 10-14-92)

**50.903 Repeal of Presumption as to Pit Bull Dogs**

~~Standards for keeping potentially vicious or potentially dangerous animals. Rebuttable presumption as to pit bulls.~~

~~Sec. 3. There shall be a rebuttable presumption that Pit Bull dogs are vicious animals for purposes of this Article. "Pit Bull Dog" is defined for purposes of this section to mean the Bull Terrier breed of dog, the Staffordshire Bull Terrier breed of dog, the American Pit Bull Terrier breed of dog, the American Staffordshire Terrier breed of dog, dogs of mixed breed or other breeds which breed or mixed breed is known as Pit Bulls, Pit Bull Dogs, or Pit Bull Terriers, and any dog which has the appearance and characteristics of being predominantly of the breeds of Bull Terrier, Staffordshire Bull Terrier, American Pit Bull Terrier, American Staffordshire Terrier, any other breed commonly known as Pit Bulls, Pit Bull Dogs or Pit Bull Terriers, or a~~

combination of any of these breeds.  
(Amended: Ord. of 10-14-92)

#### 50.904 Failure to comply.

Sec. 4. If the owner, keeper or harbinger of a vicious animal resident within the County of Bay fails to comply with the requirements and conditions set forth in this Article and this entire Ordinance, the failure to comply shall be punishable as a misdemeanor in accordance with Article X, Section 50.1001(3), and said animal shall be subject to immediate seizure and impoundment and further disposition in accordance with this Ordinance, including the procedures set forth in Article VIII, Section 6.  
(Amended: Ord. of 10-14-92)

### ARTICLE X

#### 50.1000

#### PENALTY

#### 50.1001 Civil infractions[; misdemeanors].

Sec. 1. Violation of Article IV, Section 50.401, ~~Article VI Sections 50.602 and 50.603, Article VIII, Section 50.801(a)~~ is punishable as a civil infraction with the Courts assessing fines in an amount up to Five Hundred Dollars (\$500.00), plus court costs.

Sec. 2. Violations of Article VIII, Section 50.801(a), (b), (c), and ~~(g)~~ (d), 802, and 803(a), (b) and (c), is are punishable as a civil infractions with the Courts assessing fines in an amount up to Five Hundred Dollars (\$500.00), plus court costs. Two or more violations of Article VIII, Section 50.801(a), shall be punishable as a misdemeanor and upon conviction thereof, shall be punishable by imprisonment in the county jail for not more than ninety (90) days or by a fine of not more than Five Hundred Dollars (\$500.00), together with court costs, or by both such fine and imprisonment.

Sec. 3. Violations of Article VIII, Section 50.801 ~~(d), (e), (f), (g), (h), (i)~~ and Section 50.803(d), (e), (f), (g), (h), (i), (j), (k), (l), (m), (n), or (o), and Article IX, Sections 50.901 and 50.902, are is punishable as a misdemeanor and upon conviction thereof, shall be punishable by imprisonment in the county jail for not more than ninety (90) days or by a fine of not more than Five Hundred Dollars (\$500.00), together with court costs, or by both such fine and imprisonment. The Court shall impose a fine of at least Two Hundred Dollars (\$200.00) upon a conviction of any violation of Article VIII, Section 3, subsections (d), (e), (f), (h), (i), (j), (k), or (o).

A violation of this Ordinance as to each animal in the care, custody or control of a person constitutes a separate offense, each such separate offense being subject to the penalties provided in this Ordinance.

In all situations where penalties are provided for any act or omission, they shall be held to apply to each and every such act or omission. When any such act or omission is of a continuing character, each and every day's continuance of such act or omission constitutes a separate offense which may be separately charged and punished according to the provisions of this Ordinance.

(Amended: Ord. of 10-14-92; Res. No. 2005-58, 4-12-05)

## **ARTICLE XI**

### **50.1100**

#### **PRESERVATION OF CERTAIN RIGHTS**

##### **50.1101 Recovery in action at law.**

Sec. 1. Nothing in this Ordinance shall be construed to prevent the owner of a licensed dog or cat from recovery in an action at law from any peace officer or any other person, except as herein provided.

Sec. 2. Nothing in this Ordinance shall be construed as limiting the common law liability of the owner of an animal for damages committed by said animal.

(Amended: Ord. of 10-14-92)

## **ARTICLE XII**

### **50.1200**

#### **TREASURER'S RECORDS AND DUTIES; EVIDENCE**

##### **50.1201 Comparison of records.**

Sec. 1. On June 15 of each year the Treasurer shall make a comparison of his records of the dogs and cats actually licensed in the county with the report of the Animal Control Officer to determine and locate all unlicensed dogs and cats.

(Amended: Ord. of 10-14-92)

##### **50.1202 Unlicensed dogs and cats declared public nuisance.**

Sec. 2. On and after June 15 of each year, every unlicensed dog and cat subject to license under provisions of this Ordinance or the statutes of this State is hereby declared to be a public nuisance and the Treasurer shall immediately thereafter list all such unlicensed dogs and cats, as shown by the returns in his office of the supervisors and assessors, and shall deliver copies of such lists to the Animal Control Officer and the Director of the Michigan Department of Agriculture as well as those officers listed and set forth in Act 339 of the Public Acts of 1919, being MCLA 287.277; MSA 12.527 as amended.

(Amended: Ord. of 10-14-92)

#### **50.1203 Record of licenses.**

Sec. 3. The Treasurer shall keep a record of all dog and cat licenses and all kennel licenses issued during the year in each city and township in the county. Such records shall contain the name and address of the person to whom each license is issued. In the case of all individual licenses the record shall also state the breed, sex, age, color and markings of the dog or cat; and in case of a kennel license, it shall state the place where the business is conducted. The record shall be a public record and open to inspection during business hours. He shall also keep an accurate record of all license fees collected by him or paid over to him by any city or township treasurer.

(Amended: Ord. of 10-14-92)

### **ARTICLE XIII**

#### **50.1300**

#### **FEES AND EXPENSES; DOG AND CAT CENSUS**

#### **50.1301 Remuneration for issuing and recording dog or cat licenses.**

Sec. 1. Every township and city treasurer of Bay County shall receive the sum of fifty cents (\$0.50) for each dog or cat license issued. The remuneration as herein established shall be deemed additional compensation for additional services for each township or city treasurer who receives a salary in lieu of fees, when so designated by the appropriate township board or city council. Subject to the requirements of this Ordinance, the Treasurer may grant licenses through duly authorized agents, and through acceptance of electronic applications and payment.

(Amended: Ord. of 10-14-92; Res. No. 2004-05, 10-12-04)

**50.1302 Annual dog and cat census.**

Sec. 2. It shall be the duty of the Animal Control Officer annually to make a census of the number of dogs and cats owned by all persons in the County. The Animal Control Officer is hereby empowered to employ whatever personnel he reasonably believes necessary to conduct this census within the budget limitations provided by the Board of Commissioners; such personnel shall receive for their services the amount as shall be set from time to time by the Board of Commissioners.

(Amended: Ord. of 10-14-92)

**50.1303 Delegation of duties an obligations.**

Sec. 3. The duties and obligations herein imposed upon the respective designated officials may be delegated when permitted by law to some other appropriate person or persons by each of said officials with like force and effect.

(Amended: Ord. of 10-14-92)

**50.1304 Changing fees and expenses.**

Sec. 4. The fees and expenses as established by this Ordinance may be changed from time to time by Resolution or Motion of the Board of Commissioners.

(Amended: Ord. of 10-14-92)

**ARTICLE XIV**

**50.1400**

**RULES OF CONSTRUCTION; SEVERABILITY**

**50.1401 Words defined; headings.**

Sec. 1. When not inconsistent with the context, words used in the present tense include the future. Words in the singular include the plural and words in the plural include the singular. Masculine includes the feminine and neuter. Words or terms not defined herein shall be interpreted in accordance with their common meaning. Headings are inserted for convenience and shall not limit or increase the scope of any article or section of this Ordinance.

(Amended: Ord. of 10-14-92)

**50.1402 Ordinance supplemental to state regulations.**

Sec. 2. The provisions of this Ordinance are minimum standards supplemental to the rules and regulations duly enacted by the Michigan Departments of Health and Agriculture and to the laws of the State of Michigan.

(Amended: Ord. of 10-14-92)

**50.1403 Severability.**

Sec. 3. If any part of this Ordinance shall be held unconstitutional or void, such part shall be deemed severable and the invalidity thereof shall not affect the remaining parts of this Ordinance.

(Amended: Ord. of 10-14-92)

**ARTICLE XV**

**50.1500**

**REPEAL; SAVINGS CLAUSE**

All Ordinances or parts of ordinances inconsistent herewith are hereby repealed, and specifically Ordinance #18 of the County of Bay Is hereby repealed; however, any and all actions, civil or criminal, arising out of any Ordinance repealed hereby which are pending in a court of this State or otherwise vested on the effective date of this Ordinance shall not abate and shall be saved and may proceed to conclusion pursuant to such repealed ordinances.

(Amended: Ord. of 10-14-92)

**ARTICLE XVI**

**50.1600**

**ADOPTION, PUBLICATION AND  
EFFECTIVE DATE OF ORDINANCE**

This Ordinance shall not be adopted unless a majority of the Commissioners elected and serving shall vote in the affirmative on its adoption. The Clerk of the Board of Commissioners shall then engross this Ordinance and the Chairperson of the County Board of Commissioners shall sign this Ordinance, which shall then be certified by the Clerk before it is considered adopted. This Ordinance shall then take effect seven (7) days after the day that it is published in a

newspaper of general circulation in the County of Bay. The County Clerk shall certify such publication.

(Amended: Ord. of 10-14-92)

**Parts 51--59**

**(Reserved)**

**BAY COUNTY BOARD OF COMMISSIONERS**

**06/14/11**

**RESOLUTION**

BY: WAYS AND MEANS COMMITTEE (6/7/11)

WHEREAS, It has been determined that a change to the Animal Shelter Adoption Policy is warranted to provide an adopter of a Shelter animal subsidization of sterilization fees; and

WHEREAS, Monies for the proposed Adopted Animal Sterilization Subsidy Program are derived from the Breached Contract deposits whose expenditure is limited to Sterilization Education and/or Sterilization; Therefore, Be It

RESOLVED That the Bay County Board of Commissioners hereby approves the attached Adopted Animal Shelter Sterilization Subsidy Program (Pre-Paid Adoption Policy), effective immediately; Be It Further

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

ERNIE KRYGIER, CHAIR  
AND COMMITTEE

Animal Control - Adopted Animal Sterilization Subsidy Program

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

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

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
Michael J. Duranczyk				Joe Davis				Tom Ryder			
Brandon Krause				Ernie Krygler				Christopher Rupp			
Vaughn J. Begick				Kim Coonan				Donald J. Tilley			

VOTE TOTALS:

ROLL CALL: YEAS \_\_\_\_\_ NAYS \_\_\_\_\_ EXCUSED \_\_\_\_\_

VOICE: YEAS \_\_\_\_\_ NAYS \_\_\_\_\_ EXCUSED \_\_\_\_\_

DISPOSITION: ADOPTED \_\_\_\_\_ DEFEATED \_\_\_\_\_ WITHDRAWN \_\_\_\_\_

AMENDED \_\_\_\_\_ CORRECTED \_\_\_\_\_ REFERRED \_\_\_\_\_

PRE-PAID ADOPTION POLICY;

1. Prospective adopter will be advised of the necessity of prepaying for sterilization of selected animal, cat or dog.
2. Adopter will be provided with a listing of ALL Veterinary practices within Bay County so that they might "shop" their choice of the practice providing the sterilization service.
3. A physical description of the subject animal will be provided the prospective adopter to assist them in their search for a Veterinary practice. (To include sex, weight, age and breed as best determined by staff.)
4. Adopter will be advised that Animal Control will assist in the absorption of the cost(s) of sterilization; \$50.00 for a dog; \$35.00 for a cat following presentation of a receipt indicating prepayment to a Veterinary practice. Rabies Vaccination cost(s) and any ancillary cost(s) incurred remain the responsibility of the adopter. The adopter will be advised that reimbursement from Bay County may take two weeks.
5. With the presentation of a receipt from a Veterinary practice indicating prepayment for sterilization and a Rabies Vaccination, adoption of the selected animal will be finalized. Licensing cost(s) and adoption fee will remain the responsibility of the adopter and payable to Animal Control.

**BAY COUNTY BOARD OF COMMISSIONERS**

**06/14/11**

**RESOLUTION**

BY: WAYS AND MEANS COMMITTEE (6/7/11)  
 WHEREAS, Discussions have been ongoing with MERIT Network, Inc. and Air Advantage for the purpose of a centralized location to connect the two fiber providers with their networks and the possibility of Bay County hosting their equipment on the 8<sup>th</sup> floor of the Bay County Building; and

WHEREAS, Three options have been identified as follows:  
 1. Bay County will provide to both parties rack space within the 8<sup>th</sup> floor Data Center that will house their appliances and Bay County will provide a secure facility, electricity, climate control, access 7 days a week, 24 hours a day to the facility, when necessary. In exchange Bay County, for a period of 5 years, will receive a monthly amount of \$350 per provider (\$700/mo. total). Bay County will not have access to MERIT Network, Inc. or Air Advantage broadband and connectivity.  
 2. Bay County will receive, in lieu of funding, access to the MERIT and Air Advantage at a negotiated rate by the reduction of the \$700 monthly fee and will provide the fiber connection to the Internet for Bay County. Currently the County utilizes Speednet Wireless and Charter fiber for the Internet access at Bay County. Speednet Wireless is not cost to the County in exchange for providing a location on top of the County Building for their wireless infrastructure. The cost to Charter for the redundant access is \$800/mo.  
 3. Bay County, through a suggestion from MERIT, will receive services similar to the stipulations in option 2 and can "recruit" other entities to share the broadband traffic at a reduced cost to Bay County based on the number of additional participants.

WHEREAS, Considering the above options, it is determined that option 1 will serve Bay County best, i.e. \$350/mo. per provider. Bay County will remain with Charter for the duration of its contract with Charter and when that contract is up for renewal Bay County will have the option to negotiate with MERIT and/or Air Advantage on potential use of their services to replace Charter if it is a viable and cost effective option; and

WHEREAS, There is no funding request tied to this proposal. If agreement is reached Bay County will receive \$700/mo. from both providers and will continue to pay \$800/mo. to Charter (these funds are included in the 2011 budget); Therefore, Be It

RESOLVED That the Bay County Board of Commissioners approves agreement with MERIT Network, Inc. and with Air Advantage for broadband connectivity and authorizes the Chairman of the Board to execute said Agreements and related documents on behalf of Bay County following legal review/approval; Be It Finally

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

ERNIE KRYGIER, CHAIR  
 AND COMMITTEE

ISD - MERIT & Air Advantage Broadband Connectivity

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

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

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
Michael J. Duranczyk				Joe Davis				Tom Ryder			
Brandon Krause				Ernie Krygier				Christopher Rupp			
Vaughn J. Beglick				Kim Coonan				Donald J. Tilley			

VOTE TOTALS:  
 ROLL CALL: YEAS \_\_\_\_\_ NAYS \_\_\_\_\_ EXCUSED \_\_\_\_\_  
 VOICE: YEAS \_\_\_\_\_ NAYS \_\_\_\_\_ EXCUSED \_\_\_\_\_

DISPOSITION: ADOPTED \_\_\_\_\_ DEFEATED \_\_\_\_\_ WITHDRAWN \_\_\_\_\_  
 AMENDED \_\_\_\_\_ CORRECTED \_\_\_\_\_ REFERRED \_\_\_\_\_

- 44 -

**BAY COUNTY BOARD OF COMMISSIONERS**

**06/14/11**

**RESOLUTION**

- BY: WAYS AND MEANS COMMITTEE (6/7/11)
- WHEREAS, Bay County Central Dispatch has a video surveillance system provided and serviced by Data Consultants, Inc.; and
- WHEREAS, The current system is considered legacy and, on one occasion, the system was down for a few days as parts were difficult to find and the time has come to upgrade the surveillance system; and
- WHEREAS, It is recommended that the 9000 Series, IP based video surveillance system upgrade be purchased for Bay County Central Dispatch from Data Consultants, Inc.; and
- WHEREAS, The 9-1-1 dispatchers work in a secure facility and this system will allow staff the ability to view the perimeter of Central Dispatch including the entire parking lot in front of the 911 facility as well as the rear exit; and
- WHEREAS, The cost of surveillance system upgrade is \$17,090.54 and 9-1-1 Central Dispatch funds will fund the upgrade; and
- WHEREAS, The Service Level Agreement (SLA) currently in place with Data Consultants will be updated upon completion of the installation to include the new hardware and will list the current points of contact with the County for technical support; and
- WHEREAS, The SLA will remain the same as with the current system and will provide unlimited remote and technical support and 1 on-site preventative maintenance visit per 90 days; Therefore, Be It
- RESOLVED That the Bay County Board of Commissioners authorizes acquisition of the Data Consultant, Inc. 9000 Series, IP based video surveillance system upgrade, monies to come from 911 Central Dispatch funds; Be It Further
- RESOLVED That the Chairman of the Board is authorized to execute Service Level Agreement with Data Consultants, Inc., and all related documents, on behalf of Bay County following legal review/approval; Be It Finally
- RESOLVED That related budget adjustments, if required, are approved.

ERNIE KRYGIER, CHAIR  
AND COMMITTEE

911 Video surveillance System Upgrade

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

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

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
Michael J. Duranczyk				Joe Davis				Tom Ryder			
Brandon Krause				Ernie Krygler				Christopher Rupp			
Vaughn J. Beglick				Kim Coonan				Donald J. Tilley			

VOTE TOTALS:

ROLL CALL: YEAS \_\_\_\_\_ NAYS \_\_\_\_\_ EXCUSED \_\_\_\_\_

VOICE: YEAS \_\_\_\_\_ NAYS \_\_\_\_\_ EXCUSED \_\_\_\_\_

DISPOSITION: ADOPTED \_\_\_\_\_ DEFEATED \_\_\_\_\_ WITHDRAWN \_\_\_\_\_

AMENDED \_\_\_\_\_ CORRECTED \_\_\_\_\_ REFERRED \_\_\_\_\_

-45-

BAY COUNTY BOARD OF COMMISSIONERS

06/14/11

RESOLUTION

BY: WAYS AND MEANS COMMITTEE (6/7/11)
WHEREAS, When Bay County Central Dispatch was on the AS/400 and used the New World CAD software some agencies had the ability to access that CAD system and view certain information; and
WHEREAS, With the recent transition to the new CAD system with New World Systems that will continue to be possible with a proposed CAD View software acquisition; and
WHEREAS, Because it will be web-based, the CAD View does not have to be managed on work stations or on the Mobile Data Terminals which will save time and money; and
WHEREAS, All appropriate agencies will have an opportunity to view their own CAD data; and
WHEREAS, This acquisition will be entirely funded by 9-1-1 Central Dispatch in the amount of \$10,000 plus the annual Standard Software Maintenance Agreement in the amount of \$1,600; Therefore, Be It
RESOLVED That the Bay County Board of Commissioners authorizes the purchase of the New World Systems' Aegis Web CAD Monitor Software and authorizes the Chairman of the Board to sign all documents required for the acquisition on behalf of Bay County following legal review/approval; Be It Further
RESOLVED That related budget adjustments, if required, are approved.

ERNIE KRYGIER, CHAIR
AND COMMITTEE

911 - New World Systems CAD View
MOVED BY COMM. \_\_\_\_\_

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

Table with 12 columns: COMMISSIONER, Y, N, E, COMMISSIONER, Y, N, E, COMMISSIONER, Y, N, E. Rows include Michael J. Duranczyk, Brandon Krause, Vaughn J. Begick, Joe Davis, Ernie Krygler, Kim Coonan, Tom Ryder, Christopher Rupp, Donald J. Tilley.

VOTE TOTALS:
ROLL CALL: YEAS \_\_\_\_\_ NAYS \_\_\_\_\_ EXCUSED \_\_\_\_\_
VOICE: YEAS \_\_\_\_\_ NAYS \_\_\_\_\_ EXCUSED \_\_\_\_\_

DISPOSITION: ADOPTED \_\_\_\_\_ DEFEATED \_\_\_\_\_ WITHDRAWN \_\_\_\_\_
AMENDED \_\_\_\_\_ CORRECTED \_\_\_\_\_ REFERRED \_\_\_\_\_

-46-

**BAY COUNTY BOARD OF COMMISSIONERS**

**06/14/11**

**RESOLUTION**

BY: WAYS AND MEANS COMMITTEE (6/7/11)

WHEREAS, Currently the Health Department is undertaking a comprehensive Community Health Assessment with other community based organizations, i.e. Bay Regional Medical Center and the Bay Health Plan; and

WHEREAS, Development and implementation of a Community Health Improvement Plan is a vital component of the Community Health Assessment process; and

WHEREAS, The Health Department is seeking grant funds in the amount of \$35,000 from the National Association of County & City Health Officials (NACCHO) to facilitate the creation and execution of the Community Health Improvement Plan; and

WHEREAS, Successfully completing these projects will not only provide statistically significant data regarding the health of our community and assist with setting priorities to address identified health issues, it also positions the Health Department for becoming a nationally accredited health organization in the future; and

WHEREAS, There is no financial cost to Bay County as all costs associated with the project are included in the NACCHO grant; Therefore, Be It

RESOLVED That the Bay County Board of Commissioners approves application to the National Association of County & City Health Officials (NACCHO) and authorizes the Chairman of the Board to execute the grant application documents and all related documents, including grant award documents, on behalf of Bay County following legal review/approval; Be It Finally

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

ERNIE KRYGIER, CHAIR  
AND COMMITTEE

Health Dept - NACCHO Grant

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

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

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
Michael J. Duranczyk				Joe Davis				Tom Ryder			
Brandon Krause				Ernie Krygler				Christopher Rupp			
Vaughn J. Beglck				Klm Coonan				Donald J. Tilley			

VOTE TOTALS:

ROLL CALL: YEAS \_\_\_\_\_ NAYS \_\_\_\_\_ EXCUSED \_\_\_\_\_

VOICE: YEAS \_\_\_\_\_ NAYS \_\_\_\_\_ EXCUSED \_\_\_\_\_

DISPOSITION: ADOPTED \_\_\_\_\_ DEFEATED \_\_\_\_\_ WITHDRAWN \_\_\_\_\_  
AMENDED \_\_\_\_\_ CORRECTED \_\_\_\_\_ REFERRED \_\_\_\_\_

- 47 -

**BAY COUNTY BOARD OF COMMISSIONERS**

**06/14/11**

**RESOLUTION**

BY: WAYS AND MEANS COMMITTEE (6/7/11)

WHEREAS, The 2010/2011 CPBC Agreement between Bay County and the Michigan Department of Community Health (MDCH) is being amended to reflect updated program language and revised allocations received. This amendment reflects positive changes to funding levels:

<u>PROGRAM ELEMENT</u>	<u>PREVIOUS LEVEL</u>	<u>REVISED LEVEL</u>	<u>CHANGE</u>
Eat Safe Fish/Game 1/1/11 - 9/30/11	\$0	\$40,325	\$40,325
Healthy Communities	\$0	\$ 2,000	\$ 2,000
Total CPBC Funding	<b>\$1,321,834</b>	<b>\$1,364,159</b>	<b>\$ 42,325</b>

RESOLVED That the Bay County Board of Commissioners approves amendment # 2 to the 2010-2011 CPBC Contracting Agreement and authorizes the Chairman of the Board to execute all required documents on behalf of Bay County; Be It Further

RESOLVED That budget adjustments relating to this amendment are approved.

ERNIE KRYGIER, CHAIR  
AND COMMITTEE

Health Dept - Amendment # 2 to 2010-2011 CPBC Agt

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

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

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
Michael J. Duranczyk				Joe Davis				Tom Ryder			
Brandon Krause				Ernie Krygier				Christopher Rupp			
Vaughn J. Beglck				Kim Coonan				Donald J. Tilley			

VOTE TOTALS:

ROLL CALL: YEAS \_\_\_\_\_ NAYS \_\_\_\_\_ EXCUSED \_\_\_\_\_  
VOICE: YEAS \_\_\_\_\_ NAYS \_\_\_\_\_ EXCUSED \_\_\_\_\_

DISPOSITION: ADOPTED \_\_\_\_\_ DEFEATED \_\_\_\_\_ WITHDRAWN \_\_\_\_\_  
AMENDED \_\_\_\_\_ CORRECTED \_\_\_\_\_ REFERRED \_\_\_\_\_

-48-

**BAY COUNTY BOARD OF COMMISSIONERS**

**6/14/11**

**RESOLUTION**

BY; WAYS AND MEANS COMMITTEE (6/7/11)  
 WHEREAS, Bay County has had a contractual arrangement with Delta College for the past 6 years for full use of the Delta College Fitness and Recreation Center through nine (9) shared corporate memberships; and  
 WHEREAS, The total cost for nine memberships, shared among eligible County employees, is \$2,835 and this amount has remained unchanged for the past 6 years; and  
 WHEREAS, County employee use of the Delta College Fitness and Recreation Center has increased for the period 5/10 to 4/11 over the prior years usage; and  
 WHEREAS, Funds for the memberships have been budgeted for 2011; Therefore, Be It  
 RESOLVED That the Bay County Board of Commissioners approves renewal of the Delta College Fitness and Recreation Center Membership Agreement and authorizes the Chairman of the Board to execute said Agreement and all related documents on behalf of Bay County following legal review/approval; Be It Further  
 RESOLVED That budget adjustments, if required, are approved.

ERNIE KRYGIER, CHAIR  
AND COMMITTEE

Delta College Fitness Ctr Agt - 2011

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

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

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
Michael J. Duranczyk				Joe Davis				Tom Ryder			
Brandon Krause				Ernie Krygler				Christopher Rupp			
Vaughn J. Beglick				Kim Coonan				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

06/14/11

RESOLUTION

BY: WAYS AND MEANS COMMITTEE (6/7/11)

WHEREAS, The Saginaw Bay Coastal Initiative (SBCI) efforts to eliminate pollution sources and restore water quality in the Bay has been recognized with new funding provided by a variety of sources; and

WHEREAS, The Bay Area Community Foundation, Saginaw Bay Watershed initiative Network (WIN) and the Department of Environmental Quality (DEQ) have pledged funds towards the start-up of a revolving loan fund designated to repair or replace failing on-site septic systems which have been identified as improperly leaching into waters of the state; and

WHEREAS, The septic source elimination fund would be innovative as it would serve to facilitate the immediate remedy of a failing septic system, stopping the wastewater from entering our surface water and polluting the waters flowing to the Saginaw Bay; and

WHEREAS, This is a new option for homeowners if they choose to use this innovative voluntary means to access funds while placing a lien on their property - in the same method as Homeowner Rehabilitation Program; and

WHEREAS, Payments covering the cost of the replacement will be made to the contractor after the secured lien is recorded; and

WHEREAS, Loan funds being paid back will be directed into a dedicated fund available for only new septic replacement projects; and

WHEREAS, The revolving loan fund will provide up-front funding to cover the cost of replacement/repair on a septic system using only Health Department certified installers; and

WHEREAS, Criteria will be established to prioritize those failing on-site septic systems that have a direct hydrologic connection to surface waters on the Saginaw Bay and its tributaries, typically those systems within 500' of a watercourse; and

WHEREAS, Bay County Health Department coordination will be critical to concentrate first in those sub watersheds that have documented high e-coli counts and along the beach areas immediately adjacent to the Saginaw Bay; and

WHEREAS, The grant amounts are as follows: \$50,000 from WIN; \$14,000 from the Bay Area Community Foundation; and a pledged amount of \$50,000 from the DEQ PIRGM Fund and no general funds will be used or obligated; Therefore, Be It

RESOLVED That the Bay County Board of Commissioners accepts \$50,000 from WIN; \$14,000 from the Bay Area Community Foundation; and a pledged amount of \$50,000 from the DEQ PIRGM Fund for up-front funding to cover the cost of replacement/repair of a septic system using Health Department certified installers; Be It Further

RESOLVED That authorization is granted to make application for further grant funds that require no County match with the Chairman of the Board being authorized to execute the application and related documents, including grant award documents, on behalf of Bay County following legal review/approval; Be It Finally

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

ERNIE KRYGIER, CHAIR AND COMMITTEE

Env Affairs - Septic System Replacement Revolving Loan Start-Up Funds

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

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

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
Michael J. Duranczyk				Joe Davis				Tom Ryder			
Brandon Krause				Ernie Krygler				Christopher Rupp			
Vaughn J. Beglck				Kim Coonan				Donald J. Tilley			

VOTE TOTALS: ROLL CALL VOICE: YEAS \_\_\_\_\_ NAYS \_\_\_\_\_ EXCUSED \_\_\_\_\_

DISPOSITION: ADOPTED \_\_\_\_\_ DEFEATED \_\_\_\_\_ WITHDRAWN \_\_\_\_\_ AMENDED \_\_\_\_\_ CORRECTED \_\_\_\_\_ REFERRED \_\_\_\_\_

**BAY COUNTY BOARD OF COMMISSIONERS**

**06/14/11**

**RESOLUTION**

- BY: WAYS AND MEANS COMMITTEE (6/7/11)
- WHEREAS, The Bay County Transportation Master Agreement details the activities, roles and responsibilities of the Bay County Transportation Planning Division which acts as the Metropolitan Planning Organization known as the Bay City Area Transportation Study (BCATS); and
- WHEREAS, BCATS is required to maintain a certified planning program according to federal regulations in order to utilize federal funds for road construction projects in the Bay City Urbanized Area and a Memorandum of Understanding details the activities, roles and responsibilities between BCATS and the Bay Metro Transit Authority; and
- WHEREAS, The Master Agreement outlines the roles and responsibilities of MDOT, BCATS and BMTA during each fiscal year and each fiscal year requires an annual work program description (Unified Work Program) which further details the work items that will be produced during that fiscal year and also requires specific annual authorization forms which detail the amount of funding being allocated to such work activities and each year these forms are submitted to the Ways and Means Committee for approval; Therefore, Be It
- RESOLVED That the Bay County Board of Commissioners approves the Bay County Transportation Master Agreement between the Michigan Department of Transportation (MDOT) and Bay City Area Transportation Study (BCATS) as well as a Memorandum of Understanding (MOU) between BCATS and the Bay Metro Transit Authority (BMTA); Be It Further
- RESOLVED That the Chairman of the Board is authorized to execute the Bay County Transportation Master Agreement and the Memorandum of Understanding, and any other required documents, on behalf of Bay County following legal review/approval; Be It Finally
- RESOLVED That related budget adjustments, if required, are approved.

**ERNIE KRYGIER, CHAIR  
AND COMMITTEE**

Env Affairs - BCATS Master Agreement & Memorandum of Understanding  
MOVED BY COMM. \_\_\_\_\_

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

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
Michael J. Duranczyk				Joe Davis				Tom Ryder			
Brandon Krause				Ernie Krygler				Christopher Rupp			
Vaughn J. Beglck				Kim Coonan				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**

**06/14/11**

**RESOLUTION**

- BY: WAYS AND MEANS COMMITTEE (6/7/11)
- WHEREAS, In December 2009 Kelly Rifenbark was appointed to the position of interim Equalization Director who was scheduled to complete Level IV requirements within 1 year; and
- WHEREAS, The State of Michigan refused to allow Ms. Rifenbark to work as the acting Director for more than 1 year and the certification requirements were changed by the State for Level IV certification adding several additional classes as well as other requirements; and
- WHEREAS, Due to these circumstances, the County entered into a one year contractual relationship with Richard Gruber to perform Level IV duties and supervise the department's activities; and
- WHEREAS, Because of the revamping of required classes and additional requirements and through no fault of Ms. Rifenbark, it is necessary to extend Richard Gruber's contract for approximately two additional years adding approximately \$10,500 to this year's cost and \$1,500/mo. thereafter; and
- WHEREAS, This is the most cost effective means of dealing with the issues imposed on Bay County by the new State guidelines and regulations; Therefore, Be It
- RESOLVED That the Bay County Board of Commissioners approves extension of the contract with Richard Gruber as Equalization Director for up to 24 months or when Ms. Rifenbark achieves Level IV certification, whichever occurs first, at the rate of \$18,000 annually, with an option of either party to cancel with 30 days notice; Be It Further
- RESOLVED That the Chairman of the Board is authorized to execute the contract extension with Richard Gruber on behalf of Bay County following legal review/approval; Be It Further
- RESOLVED That related budget adjustments, if required, are approved.

ERNIE KRYGIER, CHAIR  
AND COMMITTEE

Equalization - Extension of Richard Gruber Contract

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

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

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
Michael J. Duranczyk				Joe Davls				Tom Ryder			
Brandon Krause				Ernie Krygler				Christopher Rupp			
Vaughn J. Beglck				Klm Coonan				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**

**06/14/11**

**RESOLUTION**

By: WAYS AND MEANS COMMITTEE 6/7/2011

RESOLVED: By this Board of Commissioners of Bay County, Michigan, that the following Budget Adjustments are hereby approved on 6/14/11 and, if required, the Chairman of the Board is hereby authorized to execute any documentation necessary for said Budget Adjustments on Behalf of Bay County.

<u>Request Number</u>	<u>Fund Involved Department Involved</u>	<u>Favorable Impact</u>	<u>Unfavorable Impact</u>	<u>No Impact</u>
2011-06-002	General Fund Building & Grounds Activity  Budget for Buildings & Grounds purchasing of an old Division on Aging van for \$3,000, using proceeds from the sale of auction items. This BA also budgets for the extra auction revenue received that was not included in the 2011 budget. With this extra revenue Buildings & Grounds wants to purchase small tools and a saw for Pinconning Park, tools for Buildings & Grounds and \$4,000 to cover a water main break in May 2011.			X
2011-06-003	General Fund Parks & Recreation Activity Golf Course  To budget for the reinstatement of the community center summer recreation program. To allow the hiring of temporary help and use of community center utilizing funds from registration and the general fund balance to operate this program.		\$16,655  \$7,718	

RESOLUTION

NO. 2011-113

2011-06-004

General Fund  
Community Center Activity

\$16,200

To budget for expansion of community center weight room using general fund balance for immediate purchases while generating new revenue to pay off the expansion costs.

Ernie Krygier, Chairman W.& M.  
and Committee

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

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

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
Michael J. Duranczyk				Joe Davis				Tom Ryder			
Brandon Krause				Ernie Krygier				Christopher Rupp			
Vaughn J. Beglck				Klm Coonan				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

6/14/11

RESOLUTION

BY: WAYS AND MEANS COMMITTEE (6/7/11)

RESOLVED By the Bay County Board of Commissioners that the attached 2012 Budget Schedule and Calendar is approved.

ERNIE KRYGIER, CHAIR  
AND COMMITTEE

2012BudgetSchedule/Calendar

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

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

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
Michael J. Duranczyk				Joe Davls				Tom Ryder			
Brandon Krause				Ernie Krygler				Christopher Rupp			
Vaughn J. Begick				Kim Coonan				Donald J. Tilley			

VOTE TOTALS:

ROLL CALL: YEAS \_\_\_\_\_ NAYS \_\_\_\_\_ EXCUSED \_\_\_\_\_

VOICE: YEAS \_\_\_\_\_ NAYS \_\_\_\_\_ EXCUSED \_\_\_\_\_

DISPOSITION: ADOPTED \_\_\_\_\_ DEFEATED \_\_\_\_\_ WITHDRAWN \_\_\_\_\_

AMENDED \_\_\_\_\_ CORRECTED \_\_\_\_\_ REFERRED \_\_\_\_\_

BAY COUNTY, MICHIGAN  
2012 BUDGET SCHEDULE AND CALENDAR

Tuesday 7-Jun-11	WAYS AND MEANS COMMITTEE MEMBERS REVIEW AND APPROVE BUDGET SCHEDULE AND CALENDAR.
Tuesday 14-Jun-11	BOARD OF COMMISSIONERS REVIEW AND APPROVE BUDGET SCHEDULE AND CALENDAR.
Monday 27-Jun-11	DISTRIBUTE 2012 BUDGET PACKAGE AND FORMS TO DEPARTMENTS.
Tuesday 19-Jul-11	DEPARTMENTS TO SUBMIT COMPLETED 2012 BUDGET REQUEST ON LINE TO BUDGET DEPARTMENT FOR SUMMARIZATION.
Monday 15-Aug-11	BUDGET PREPARATION REPORT AVAILABLE FOR REVIEW.
Friday 16-Sep-11	PUBLISH AND POST NOTICE OF PUBLIC HEARING FOR THE 2012 BUDGET AND FOR THE PROPERTY TAX MILLAGE RATE PROPOSED TO BE LEVIED TO SUPPORT THE PROPOSED BUDGET.
Monday 3-Oct-11	COUNTY EXECUTIVE SUBMITS 2012 BUDGET TO THE BOARD OF COMMISSIONERS.
Monday 3-Oct-11	COUNTY EXECUTIVE SUBMITS 2012 BUDGET TO DEPARTMENT/DIVISION HEADS AND OTHER ELECTED OFFICIALS.
Tuesday 4-Oct-11	WAYS AND MEANS COMMITTEE REVIEWS BUDGET; ANNOUNCES PUBLIC HEARING FOR 2012 BUDGET TO BE HELD ON OCTOBER 11, 2011.
Tuesday 11-Oct-11	PUBLIC HEARING ON 2012 PROPOSED BUDGET AND FOR THE PROPERTY TAX MILLAGE RATE PROPOSED TO BE LEVIED TO SUPPORT THE PROPOSED BUDGET.
Tuesday 8-Nov-11	TENTATIVE ADOPTION OF THE 2012 BUDGET BY THE BAY COUNTY BOARD OF COMMISSIONERS.

**BAY COUNTY BOARD OF COMMISSIONERS  
6/14/11**

**RESOLUTION**

BY: WAYS AND MEANS COMMITTEE (6/7/11)

WHEREAS, Due to the increased cost of health insurance Bay County has requested and the State of Michigan has agreed to amend the 2010-2011 Crime Victims Rights Grant Agreement to include the increased funding in the amount of \$2,663 to cover the health insurance cost increase; Therefore, Be It

RESOLVED That the Bay County Board of Commissioners approves amendment to the 2010-2011 Crime Victims Rights Grant Agreement that includes the additional \$2,663 to cover health insurance cost increase and authorizes the Chairman of the Board to execute the amended Agreement and all documents related to the amended grant; Be It Further

RESOLVED That it is understood that if grant funding for the Crime Victim Rights Program is terminated, Bay County shall not be responsible to fund the positions (2) or absorb up any costs associated with the positions; Be It Finally

RESOLVED That budget adjustments, if required, are approved.

ERNIE KRYGIER, CHAIR  
AND COMMITTEE

Pros - Amended 2010-2011 Crime Victim Rights Grant Agt

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

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

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
Michael J. Duranczyk				Joe Davis				Tom Ryder			
Brandon Krause				Ernie Krygler				Christopher Rupp			
Vaughn J. Begick				Klm Coonan				Donald J. Tilley			

**VOTE TOTALS:**

ROLL CALL: YEAS \_\_\_\_\_ NAYS \_\_\_\_\_ EXCUSED \_\_\_\_\_

VOICE: YEAS \_\_\_\_\_ NAYS \_\_\_\_\_ EXCUSED \_\_\_\_\_

DISPOSITION: ADOPTED \_\_\_\_\_ DEFEATED \_\_\_\_\_ WITHDRAWN \_\_\_\_\_

AMENDED \_\_\_\_\_ CORRECTED \_\_\_\_\_ REFERRED \_\_\_\_\_

No. 2011-116

**BAY COUNTY BOARD OF COMMISSIONERS**  
6/14/11

**RESOLUTION**

BY: WAYS AND MEANS COMMITTEE (6/7/11)

WHEREAS, Since 1985, the Bay County Prosecutor's Office has been the recipient of a State grant provided to Prosecuting Attorney's offices to fund Crime Victim services with expansion of the program in 1993; and

WHEREAS, The Bay County Prosecutor has been notified of approval of Victim Rights funding for FY 2011-2012 in the amount of \$125,838; and

WHEREAS, There is no county match required for this grant and there are no tax dollars expended for this grant which is funded from monies from defendants who have been convicted of a crime; and

WHEREAS, The Crime Victim Rights funding covers two (2) full-time employees for the Victim Rights Unit in the Prosecutor's Office; Therefore, Be It

RESOLVED By the Bay County Board of Commissioners that the Crime Victim Rights Funding Agreement for the Prosecutor's Office for FY 2011-2012 is approved and the Chairman of the Board authorized to execute said Agreement and related documents on behalf of Bay County following legal review; And Be It Further

RESOLVED That it is understood that if grant funding for the Crime Victim Rights Program is terminated, Bay County shall not be responsible to fund the positions (2) or absorb up any costs associated with the positions; Be It Finally

RESOLVED That budget adjustments, if required, are approved.

ERNIE KRYGIER, CHAIR  
AND COMMITTEE

Pros - CrimeVictimRights-2011-2012

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

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

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
Michael J. Duranczyk				Joe Davis				Tom Ryder			
Brandon Krause				Ernie Krygler				Christopher Rupp			
Vaughn J. Beglick				Kim Coonan				Donald J. Tilley			

**VOTE TOTALS:**

ROLL CALL: YEAS \_\_\_\_\_ NAYS \_\_\_\_\_ EXCUSED \_\_\_\_\_

VOICE: YEAS \_\_\_\_\_ NAYS \_\_\_\_\_ EXCUSED \_\_\_\_\_

DISPOSITION: ADOPTED \_\_\_\_\_ DEFEATED \_\_\_\_\_ WITHDRAWN \_\_\_\_\_  
AMENDED \_\_\_\_\_ CORRECTED \_\_\_\_\_ REFERRED \_\_\_\_\_

-58-

**BAY COUNTY BOARD OF COMMISSIONERS**

**6/14/11**

**RESOLUTION**

BY: PERSONNEL/JUDICIAL COMMITTEE (5/17/11)

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, monies for said positions to come from the respective departmental budgets:

- A. **Buildings and Grounds** - Custodian (ft, \$10.83/hr. entry)
- B. **Housing Department** - Typist Clerk (temporary, no benefits, HUD funds, \$11.79/hr.) **(Note: Temporary employee to start 5/31/11 filling in during leave of absence of 2 months.)**
- C. **Civic Arena** - Zamboni Drivers (up to 4); Concession Workers (up to 4) (pt, \$7.40/hr.)

RESOLVED That budget adjustments, if required, are approved.

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 - June

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

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

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
Michael J. Duranczyk				Joe Davis				Tom Ryder			
Brandon Krause				Ernie Krygler				Christopher Rupp			
Vaughn J. Beglick				Klm Coonan				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**

**06/14/11**

**RESOLUTION**

- BY: HUMAN SERVICES COMMITTEE (5/17/11)
- WHEREAS, The Community Center weight room was expanded in 2010 as an employee wellness initiative and has been well received by employees, retirees, and the general public; and
- WHEREAS, The Community Center offers a moderately equipped weight room including treadmills, elliptical machines, nautilus machines, and some free weights. The highest-use equipment is all cardio machines which include treadmills and elliptical machines; and
- WHEREAS, With the demand of users outweighing the current equipment it is proposed to expand the size of the weight room through demolition and repair while eliminating a current rental room. This expansion would hold the new cardio equipment listed in this proposal; and
- WHEREAS, In addition to this proposal the Civic Arena is adding a weight room by removing its current arcade; and
- WHEREAS, When the Community Center weight room expansion occurred with the purchase of YWCA's equipment, many pieces that would not fit in the Community Center were put in storage at the Fairgrounds; and
- WHEREAS, Because of the requests of current users of the Civic Arena it is felt the addition of a weight room would compliment the Arena as a whole. The equipment going to the Civic Arena includes free weights and weight machines, not the cardio type which is the demand of the Community Center; and
- WHEREAS, The Bangor DDA approved the purchase cardio equipment for the Arena to compliment the new workout room and this weight room will be a nice addition for all its user groups, including the general public; and
- WHEREAS, The proposed cost of the expansion of the Community Center's weight room totals \$20,300; and
- WHEREAS, The initial expansion of the Community Center weight room has boosted revenue for the Community Center. The revenue from registrations, use, admission fees over the last 5 years including 2011 year to date has increased significantly; and
- WHEREAS, The total cost of the proposed expansion is \$20,300 and conservative forecasting reflects that the expansion would pay for itself within 4 years; and
- WHEREAS, While benefitting paying customers at an affordable cost, the expansion will continue to benefit all County employees and retirees and would be a large asset to our employee wellness Initiative; Therefore, Be It
- RESOLVED That the Bay County Board of Commissioners approves expansion of the weight room at the Community Center using Fund Balance money (up to \$20,300) to be replaced by generated revenue; Be It Further
- RESOLVED That related budget adjustments are approved.

MICHAEL J. DURANCZYK, CHAIR  
AND COMMITTEE

Community Center - Weight Room Expansion  
MOVED BY COMM. \_\_\_\_\_

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

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
Michael J. Duranczyk				Joe Davis				Tom Ryder			
Brandon Krause				Ernie Krygler				Christopher Rupp			
Vaughn J. Beglck				Klm Coonan				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**

**06/14/11**

**RESOLUTION**

BY: HUMAN SERVICES COMMITTEE (5/17/11)

WHEREAS, The Bay County Board of Commissioners has a contract with Region VII Area Agency on Aging to provide services to senior citizens in Bay County; and

WHEREAS, The demand for Home Delivered meals services is lower in 2011 than in prior years; and

WHEREAS, The meal count for Home Delivered meals is lower than in prior years partly due to the change from five day hot meal service to four day hot meal service; and

WHEREAS, The congregate program is currently exceeding projected contracted meal amounts; and

WHEREAS, The Region VII Area Agency on Aging will accept requests to transfer funds from one service category to another twice each year; Therefore, Be It

RESOLVED That the Bay County Board of Commissioners goes on record approving the transfer of \$10,620 from the Home Delivered Meals program to the Congregate Meal program with all budget revisions related to this request are approved.

MICHAEL J. DURANCZYK, CHAIR  
AND COMMITTEE

DOA - Home Delivered Meals - Transfer of Funds

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

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

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
Michael J. Duranczyk				Joe Davis				Tom Ryder			
Brandon Krause				Ernie Krygler				Christopher Rupp			
Vaughn J. Beglck				Kim Coonan				Donald J. Tilley			

**VOTE TOTALS:**

ROLL CALL: YEAS \_\_\_\_\_ NAYS \_\_\_\_\_ EXCUSED \_\_\_\_\_

VOICE: YEAS \_\_\_\_\_ NAYS \_\_\_\_\_ EXCUSED \_\_\_\_\_

DISPOSITION: ADOPTED \_\_\_\_\_ DEFEATED \_\_\_\_\_ WITHDRAWN \_\_\_\_\_

AMENDED \_\_\_\_\_ CORRECTED \_\_\_\_\_ REFERRED \_\_\_\_\_

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**BAY COUNTY BOARD OF COMMISSIONERS**

**06/14/11**

**RESOLUTION**

BY: HUMAN SERVICES COMMITTEE (5/17/11)

WHEREAS, The County of Bay has been utilizing Title V workers; and

WHEREAS, The following organizations can benefit from the use of Title V workers if candidates meeting job duties can be identified: Bay County Division on Aging (Office, Kitchen, Canteen Building), Bay County Health Dept, Civic Arena, Building and Grounds (Community Center); and

WHEREAS, The above organizations wish to host Title V worker(s) as outlined in each agreement under the program for the new Title V fiscal year which begins July 1, 2011 and ends June 30, 2012; Therefore, Be It

RESOLVED That the Bay County Board of Commissioners authorizes the Board Chairman to sign the Title V agreements for FY 2011-2012 on behalf of Bay County, subject to legal review/approval; Be It Further

RESOLVED That all budget adjustments related to these agreements are approved.

MICHAEL J. DURANCZYK, CHAIR  
AND COMMITTEE

DOA - Title V Agreements

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

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

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
Michael J. Duranczyk				Joe Davis				Tom Ryder			
Brandon Krause				Ernie Krygler				Christopher Rupp			
Vaughn J. Begick				Klm Coonan				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**

**6/14/11**

**RESOLUTION**

BY: BAY COUNTY BOARD OF COMMISSIONERS

RESOLVED That the Bay County Board of Commissioners hereby approves the claims against the County as follows:

Accounts Payable:

5/12/11	\$446,906.18
5/18/11	\$385,991.27
5/25/11	\$535,480.77
6/1/11	\$370,119.89
6/8/11	\$223,645.98

Center Rldge Arms-Payables:

6/7/11	\$113,820.22
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DONALD J. TILLEY, CHAIR  
BAY COUNTY BOARD OF COMMISSIONERS

Payables - May Bd Mtg

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

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

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
Michael J. Duranczyk				Joe Davis				Tom Ryder			
Brandon Krause				Ernie Krygler				Christopher Rupp			
Vaughn J. Beglck				Kim Coonan				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**

**6/14/11**

**RESOLUTION**

BY: BAY COUNTY BOARD OF COMMISSIONERS (6/14/11)

RESOLVED By the Bay County Board of Commissioners that the reports of the County Executive, listed below and attached, are received:

Employment Status Report: May 2011

Workers' Compensation Report: April & May 2011

DONALD J. TILLEY, CHAIR  
AND BOARD

County Executive - Status Reports

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

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

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
Michael J. Duranczyk				Joe Davls				Tom Ryder			
Brandon Krause				Ernie Krygler				Christopher Rupp			
Vaughn J. Beglck				Klm Coonan				Donald J. Tilley			

**VOTE TOTALS:**

ROLL CALL: YEAS \_\_\_\_\_ NAYS \_\_\_\_\_ EXCUSED \_\_\_\_\_

VOICE: YEAS \_\_\_\_\_ NAYS \_\_\_\_\_ EXCUSED \_\_\_\_\_

DISPOSITION: ADOPTED \_\_\_\_\_ DEFEATED \_\_\_\_\_ WITHDRAWN \_\_\_\_\_

AMENDED \_\_\_\_\_ CORRECTED \_\_\_\_\_ REFERRED \_\_\_\_\_

**CHANGES IN EMPLOYMENT STATUS**  
**May, 2011**

EMPLOYEE NAME	DEPARTMENT/FUNDING	DATE
<b><u>NEW HIRE/APPOINTMENT</u></b> (Regular status)		
Debra Gallagher Part-time Typist Clerk III	Register of Deeds General funds	05/02/2011
<b><u>NEW HIRE</u></b> (Temporary/Grant-funded status)		
Saundra Schrems On-call Worker	Division on Aging Grant/Millage funds	5/02/2011
Gregory Braman On-call Driver/On-call Cook	Division on Aging	5/31/2011
<b><u>Mosquito Control:</u></b>		
Kristy Brandt	Seasonal Control Technician	5/16/2011
Tomas Calvo	Seasonal Control Technician	5/16/2011
Michael Collins	Seasonal Control Technician	5/16/2011
Dale Dreffs	Seasonal Control Technician	5/16/2011
Trisha Hebert	Seasonal Control Technician	5/16/2011
Benjamin Kitts	Seasonal Control Technician	5/16/2011
Robert Klenk	Seasonal Control Technician	5/16/2011
Ryan Krager	Seasonal Control Technician	5/16/2011
Rachel Lauria	Seasonal Control Technician	5/16/2011
Justin Middleton	Seasonal Control Technician	5/16/2011
Matthew Mikolajczak	Seasonal Control Technician	5/16/2011
Nicholas Paige	Seasonal Control Technician	5/16/2011
Jason Pergande	Seasonal Control Technician	5/16/2011
Anastacio Ramirez	Seasonal Control Technician	5/16/2011
Adam Shaffer	Seasonal Control Technician	5/16/2011
Andrew Willson	Seasonal Control Technician	5/16/2011

Joel Reimann	Seasonal Control Technician	5/16/2011
Katlyn Smrecak	Seasonal Control Technician	5/16/2011
Julie Spyhalski	Seasonal Control Technician	5/16/2011
Jake Alvesteffer	Seasonal Control Technician	5/20/2011
Jacob Hebert	Seasonal Control Technician	5/31/2011

**Building and Grounds:**

Jeffrey Fisher	Parks Maintenance Worker	5/02/2011
Timothy Adair	Parks Maintenance Worker	5/02/2011
Daniel Tomczak	Pinconning Park Ranger	5/15/2011
Justin Drzewicki	Parks Maintenance Worker	5/16/2011
Kenneth Maloney	Park Ranger	5/27/2011

**Golf Course:**

Jonathan Bostick	Service Assistant	5/06/2011
Bruce Clark	Starter/Ranger	5/06/2011
Michael Beyer	Starter/Ranger	5/02/2011
Thomas Luczak	Clubhouse Attendant	5/09/2011
Andrew Wright	Service Assistant	5/02/2011
Jazmine Barajas	Snack Shop Team Leader	5/13/2011
Reld Ogar-Weise	Service Assistant	5/07/2011
Lauren Russell	Snack Shop Attendant	5/05/2011
Thomas Tabor	Service Assistant	5/14/2011
Lynn Galloway	Clubhouse Attendant	5/16/2011

**Housing Department:**

Sue Hiltz	Temp. Receptionist	5/31/2011
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**TRANSFER:**

Russell Tanner		5/23/2011
TO: Part-time Driver	Division on Aging	
FROM: On-call Driver	Division on Aging	

**SEPARATIONS:**

JoEllen Bollman		5/06/2011
Temp. Secretary II	Environmental Affairs	

Carol Schaefer		5/12/2011
Personal Care/Homemaking Service Worker	Division on Aging	

Percy Dubay		5/03/2011
Marine Patrol Officer	Marine Patrol	

Norma Bodine		5/03/2011
Marine Patrol Officer	Marine Patrol	

Debbi Patterson		5/22/2011
Receptionist/Clerical	Friend of the Court	

**RETIREMENTS:**

Keith Reinhardt		4/28/2011
C.F.O.	Sheriff Department	

Paul Schulze		5/18/2011
Custodian	Building and Grounds	

Aletha Freeburn		5/13/2011
Dispatcher	Central Dispatch	

Irwin Moreau		5/12/2011
Driver	Division on Aging	

**WORKERS' COMPENSATION REPORT**  
**April, 2011**

<b>EMPLOYEE NAME</b>	<b>DEPARTMENT</b>	<b>DATE OF INJURY</b>	<b>REASON FOR PAYMENT</b>
Margaret Brown	Health Department	05/19/2006	Legal Only
Tiffany Hicks	Sheriff Department	03/03/2010	Medical Only
Robert Lee	Sheriff Department	08/09/2010	Medical & Indemnity
Shirley Lijewski	Sheriff Department	06/13/2010	Medical & Indemnity
Charles Lock	Juvenile Home	2/24/2011	Medical Only
Beverly McCumber	Division on Aging	3/15/2011	Medical Only
Lori Redmond	Sheriff Department	2/08/2011	Medical Only
Karl Reinhardt	Drain Commission	3/21/2011	Medical Only
Jill Torres	Building and Grounds	04/03/2003	Medical & Indemnity

Note: Employees appear on this report if there has been a payment during the month from the self-insurance fund for a work related injury. A name appearing on this report does not necessarily mean the employee is off work. Oftentimes, medical bills are received a month or two after the date of injury.

Submitted by: Danean Wright/Bay County Finance Dept.

Dated: June 7, 2011

**WORKERS' COMPENSATION REPORT**  
**May, 2011**

<b>EMPLOYEE NAME</b>	<b>DEPARTMENT</b>	<b>DATE OF INJURY</b>	<b>REASON FOR PAYMENT</b>
Margaret Brown	Health Department	05/19/2006	Legal Only
Dan Gillman	Sheriff Department	4/01/2011	Medical Only
Tiffany Hicks	Sheriff Department	03/03/2010	Medical Only
Robert Lee	Sheriff Department	08/09/2010	Medical & Indemnity
Shirley Lijewski	Sheriff Department	06/13/2010	Medical & Indemnity
Rose Rose	Division on Aging	3/02/2011	Medical Only
Jill Torres	Building and Grounds	04/03/2003	Medical & Indemnity
Dean Treichel	Sheriff Department	3/15/2011	Medical Only

Note: Employees appear on this report if there has been a payment during the month from the self-insurance fund for a work related injury. A name appearing on this report does not necessarily mean the employee is off work. Oftentimes, medical bills are received a month or two after the date of injury.

Submitted by: Danean Wright/Bay County Finance Dept.  
Dated: June 7, 2011



**OFFICE OF  
BAY COUNTY EXECUTIVE**

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

**Thomas L. Hickner**  
County Executive

May 19, 2011

Donald J. Tilley, Chairman  
Bay County Board of Commissioners  
515 Center Avenue  
Bay City, MI 48708

Dear Chairman Tilley:

I respectfully submit my recommendations of the following individuals for service on the Workforce Development Board for the term July 1, 2011 - June 30, 2013.

Labor: Willam Borch Jr. Mr. Borch is a Business Agent with Local 25 Ironworkers and has been re-nominated to represent Labor on the Workforce Development Board.

Private Sector: Laura Hamilton, Manager of Human Resources at Bay Cast and Mary L. Donnelly, Nurse Case Manager at Injury Solutions, have been re-nominated to represent the Private Sector by the Bay Area Chamber of Commerce.

If you have any questions, please do not hesitate to contact me.

Sincerely,

  
TOM HICKNER  
Bay County Executive

Attachments

-70-

**WORKFORCE DEVELOPMENT BOARD NOMINATIONS**

Please complete the information on this form for each person you are nominating.

NAME: William Borch Jr.

ORGANIZATION OR BUSINESS: Local 25 Ironworkers

TITLE: Business Agent

ADDRESS: 811 Bridgeview – Saginaw Michigan 48604

PHONE: 989-755-9091

FAX: 989-755-1434

WDB SECTOR TO REPRESENT: LABOR

AREA SERVED BY BUSINESS: Tri-Counties

NOTE: Is the person available to attend WDB meetings currently scheduled at 3:30 p.m. the first Tuesday of each month? YES X NO \_\_\_\_\_ Members are required to attend 67% of the meetings and not to miss more than three (3) consecutive meetings.

NOMINATING AGENCY: Tri- County Building Trades Council

ADDRESS: 6705 Weiss Street – Saginaw Michigan 48603

PHONE: 989-799-5261 ext.13

CONTACT PERSON: Scott Brink

Please Mail to:

**NOTE:**

Staff or Board members from agencies that are service providers to the Michigan Workforce Area (MWA) or that will be responding to requests for proposals released by the MWA are not to be appointed to the Workforce Development Board. (An exception is made for employers involved in on-the-job training and incumbent worker training.)

Please list boards, committees, elected officials or positions which may result in a conflict of interest with the responsibilities of the workforce board member.

Comments:

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**WORKFORCE DEVELOPMENT BOARD NOMINATIONS**

Please complete the information on this form for each person you are nominating.

**NAME:** Laura Hamilton

**ORGANIZATION OR BUSINESS:** Bay Cast, Inc.

**TITLE:** Manager of Human Resources

**ADDRESS:** P.O. Box 126, 2611 Center Ave., Bay City, MI 48707-0126

**PHONE:** (989) 892-0511, ext. 530

**FAX:** (989) 892-0599

**WDB SECTOR TO REPRESENT:** Private Sector

**AREA SERVED BY BUSINESS:** Bay County

**NOTE:** Is the person available to attend WDB meetings currently scheduled at 3:30 p.m. the first Tuesday of each month? YES X NO \_\_\_\_\_ Members are required to attend 67% of the meetings and not to miss more than three (3) consecutive meetings.

**NOMINATING AGENCY:** Bay Area Chamber of Commerce

**ADDRESS:** 901 Saginaw Street, Bay City, MI 48708

**PHONE:** (989) 893-4567

**CONTACT PERSON:** Michael D. Seward, CCE, President & CEO

**Please Mail to:** Debbie Russell, Executive/Legal Coordinator  
Bay County Board of Commissioners  
515 Center Avenue  
Bay City, MI 48708

**NOTE:** Staff or Board members from agencies that are service providers to the Michigan Worksl Area (MWA) or that will be responding to requests for proposals released by the MWA are not to be appointed to the Workforce Development Board. (An exception is made for employers involved in on-the-job training and incumbent worker training.)

**Comments:**

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**WORKFORCE DEVELOPMENT BOARD NOMINATIONS**

Please complete the information on this form for each person you are nominating.

**NAME:** Mary L. Donnelly

**ORGANIZATION OR BUSINESS:** Injury Solutions

**TITLE:** Nurse Case Manager

**ADDRESS:** 613 Green Avenue, Bay City, MI 48708

**PHONE:** (989) 894-2523

**FAX:** (989) 895-6175

**WDB SECTOR TO REPRESENT:** Private Sector

**AREA SERVED BY BUSINESS:** Michigan State-Wide

**NOTE:** Is the person available to attend WDB meetings currently scheduled at 3:30 p.m. the first Tuesday of each month? YES X NO      Members are required to attend 67% of the meetings and not to miss more than three (3) consecutive meetings.

**NOMINATING AGENCY:** Bay Area Chamber of Commerce

**ADDRESS:** 901 Saginaw Street, Bay City, MI 48708

**PHONE:** (989) 893-4567

**CONTACT PERSON:** Michael D. Seward, CCE, President & CEO

**Please Mail to:** Debble Russell, Executive/Legal Coordinator  
Bay County Board of Commissioners  
515 Center Avenue  
Bay City, MI 48708

**NOTE:** Staff or Board members from agencies that are service providers to the Michigan Workforce Area (MWA) or that will be responding to requests for proposals released by the MWA are not to be appointed to the Workforce Development Board. (An exception is made for employers involved in on-the-job training and incumbent worker training.)

**Comments:**

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**OFFICE OF  
BAY COUNTY EXECUTIVE**

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

**Thomas L. Hickner**  
County Executive

June 9, 2011

Donald J. Tilley, Chairman  
Bay County Board of Commissioners  
515 Center Avenue  
Bay City, MI 48708

Dear Chairman Tilley:

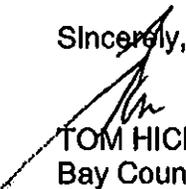
I respectfully submit an additional recommendation of the following individual for service on the Workforce Development Board for the term July 1, 2011 - June 30, 2013.

Vocational  
Rehabilitation

Sheila Dahm, Site Manager, Michigan Rehabilitation Services (MRS), Bay City. Ms. Dahm has been nominated by the State of Michigan, Michigan Rehabilitation Services, Department of Licensing & Regulatory Affairs, to fill the position vacated by the retirement of David Corcoran.

If you have any questions, please do not hesitate to contact me.

Sincerely,

  
TOM HICKNER  
Bay County Executive

Attachments

**WORKFORCE DEVELOPMENT BOARD NOMINATIONS**

Please complete the information on this form for each person you are nominating.

**NAME: Shella Dahm**

**ORGANIZATION OR BUSINESS: Michigan Rehabilitation Services (MRS)**

**TITLE: Site Manager**

**ADDRESS: 401 Ketchum, Suite A, Bay City, MI 48708**

**PHONE: (989) 894-6305**

**FAX: (989) 894-6320**

**WDB SECTOR TO REPRESENT: VOCATIONAL REHABILITATION**

**AREA SERVED BY BUSINESS \_\_\_\_\_**

**NOTE:** Is the person available to attend WDB meetings currently scheduled at 3:30 p.m. the first Tuesday of each month? YES\_\_\_ NO\_\_\_ Members are required to attend 67% of the meetings and not to miss more than three (3) consecutive meetings.

**NOMINATING AGENCY: MRS, State of MI, Department of Licensing and Regulatory Affairs**

**ADDRESS: PO Box 30010, 201 N. Washington Sq., Lansing, MI 48909**

**PHONE:**

**CONTACT PERSON: Lou Adams, Bureau Deputy Director, MRS**

**Please Mail to:**

**NOTE:**

Staff or Board members from agencies that are service providers to the Michigan Works! Area (MWA) or that will be responding to requests for proposals released by the MWA are not to be appointed to the Workforce Development Board. (An exception is made for employers involved in on-the-job training and incumbent worker training.)

Please list boards, committees, elected officials or positions which may result in a conflict of interest with the responsibilities of the workforce board member.

**Comments:**

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**BAY COUNTY BOARD OF COMMISSIONERS**

**MAY 3, 2011**

THE BAY COUNTY BOARD OF COMMISSIONERS MET FOR A SPECIAL SESSION ON TUESDAY, MAY 3, 2011, IN THE FOURTH FLOOR COMMISSION CHAMBERS OF THE BAY COUNTY BUILDING. THE MEETING WAS CALLED TO ORDER BY CHAIRMAN DONALD J. TILLEY AT 5:10 P.M. WITH THE FOLLOWING MEMBERS AND GUESTS PRESENT.

ROLL CALL: COMMISSIONERS MICHAEL J. DURANCZYK, BRANDON KRAUSE, VAUGHN J. BEGICK, JOE DAVIS, ERNIE KRYGIER, KIM COONAN, TOM RYDER, CHRISTOPHER RUPP AND CHAIRMAN DONALD J. TILLEY

OTHER MEMBERS: CYNTHIA A. LUCZAK, BAY COUNTY CLERK  
SHEILA E. SHAW, SECRETARY TO THE COUNTY CLERK  
ROBERT J. REDMOND, FINANCIAL ANALYST  
DEANNE C. BERGER, BOARD COORDINATOR

ALSO PRESENT: THOMAS L. HICKNER, COUNTY EXECUTIVE  
TIM QUINN, PERSONNEL & EMPLOYEE RELATIONS DIRECTOR  
CRYSTAL HEBERT, ASSISTANT FINANCE OFFICER  
MARTHA P. FITZHUGH, CORPORATION COUNSEL  
KURT ASBURY, BAY COUNTY PROSECUTOR

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

PLEDGE OF ALLEGIANCE:

**CITIZENS INPUT**

THERE WAS NO CITIZENS INPUT.

**ITEMS FOR CONSIDERATION**

RES. 2011-71: COMM. RYDER MOVED TO ADOPT RES. 2011-71 THE AGREEMENT BETWEEN MICHIGAN DEPARTMENT OF HUMAN SERVICES (DHS) AND BAY COUNTY PROSECUTOR'S OFFICE. THE AGREEMENT FUNDS A PORTION OF AN ASSISTANT PROSECUTOR'S WAGES DIRECTLY RELATED TO THE IV-E AGREEMENT FOR LEGAL SERVICES TO DHS REGARDING ABUSE/NEGLECT OF CHILDREN. THE PROJECTED THREE (3) YEAR REVENUE UNDER THE IV-E CONTRACT IS \$126,684.00 WITH A 50% IN-KIND COUNTY MATCH. FURTHER, TO AUTHORIZE THE BOARD CHAIRMAN TO EXECUTE SAID AGREEMENT

FOLLOWING LEGAL REVIEW AND THAT RELATED BUDGET ADJUSTMENTS, IF REQUIRED, ARE APPROVED. IT WAS SUPPORTED BY COMM. DURANCZYK FOR DISCUSSION.

KURT ASBURY, BAY COUNTY PROSECUTOR, THANKED THE BOARD OF COMMISSIONERS FOR ACCOMMODATING HIM ON THIS AGREEMENT BY HOLDING A SPECIAL BOARD SESSION. MR. ASBURY EXPLAINED TWO (2) CHANGES TO THE RESOLUTION: THE AGREEMENT FUNDS A PORTION OF AN ASSISTANT PROSECUTOR'S WAGES DIRECTLY RELATED TO THE IV-E AGREEMENT WHICH WAS FORMERLY REFERRED TO AS IV-D AND THERE IS A 50% IN-KIND COUNTY MATCH REQUIREMENT.

RES. 2011-71 WAS PASSED BY A VOICE VOTE OF: 9 YEAS, 0 NAYS.

**UNFINISHED BUSINESS**

THERE WAS NO UNFINISHED BUSINESS.

**NEW BUSINESS**

THERE WAS NO NEW BUSINESS.

**MISCELLANEOUS**

THERE WERE NO MISCELLANEOUS ITEMS.

**ANNOUNCEMENTS**

CHAIRMAN TILLEY COMMENTED ON THE RECENT VICTORY OF THE DEATH OF OSAMA BIN LADEN, HOWEVER, SAID WE MUST NOT FORGET THE VICTIMS OF THE SEPTEMBER 11, 2001 ATTACK.

**CLOSED SESSION**

MOTION 52: COMM. KRYGIER MOVED TO GO INTO CLOSED SESSION PURSUANT TO MCL 15.268, (c), FOR STRATEGY AND NEGOTIATION SESSIONS WITH PERSONNEL AND EMPLOYEE RELATIONS DIRECTOR TIM QUINN CONNECTED WITH THE NEGOTIATION OF A COLLECTIVE BARGAINING AGREEMENT WHEN EITHER NEGOTIATING PARTY REQUESTS A CLOSED HEARING. IT WAS SUPPORTED BY COMM. COONAN AND CARRIED BY A ROLL CALL VOTE OF:

9 YEAS - DURANCZYK, KRAUSE, BEGICK, DAVIS, KRYGIER, COONAN, RYDER, RUPP, TILLEY

0 NAYS.

MOTION 53: COMM. KRYGIER MOVED TO GO BACK TO REGULAR SESSION FOLLOWING CLOSED SESSION DISCUSSIONS REGARDING CONTRACT NEGOTIATIONS. IT WAS SUPPORTED BY COMM. RYDER AND ADOPTED BY A VOICE VOTE OF: 9 YEAS, 0 NAYS.

**RECESS/ADJOURNMENT**

MOTION 54: COMM. KRYGIER MOVED TO ADJOURN THE SPECIAL BOARD SESSION OF MAY 3, 2011. IT WAS SUPPORTED BY COMM. DURANCZYK. THE MEETING CONCLUDED AT 5:30 P.M. BY A VOICE VOTE OF: 9 YEAS, 0 NAYS.

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DONALD J. TILLEY, CHAIRMAN  
BOARD OF COMMISSIONERS

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CYNTHIA A. LUCZAK, COUNTY CLERK  
BOARD OF COMMISSIONERS

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SHEILA E. SHAW  
SECRETARY TO THE CLERK  
BOARD OF COMMISSIONERS

**BAY COUNTY BOARD OF COMMISSIONERS**

**MAY 10, 2011**

THE BAY COUNTY BOARD OF COMMISSIONERS MET FOR A REGULAR SESSION ON TUESDAY, MAY 10 , 2011, IN THE FOURTH FLOOR COMMISSION CHAMBERS OF THE BAY COUNTY BUILDING. THE MEETING WAS CALLED TO ORDER BY CHAIRMAN DONALD J. TILLEY AT 4:02 P.M. WITH THE FOLLOWING MEMBERS AND GUESTS PRESENT.

ROLL CALL: COMMISSIONERS MICHAEL J. DURANCZYK, VAUGHN J. BEGICK, JOE DAVIS, ERNIE KRYGIER, KIM COONAN, TOM RYDER, CHRISTOPHER RUPP AND CHAIRMAN DONALD J. TILLEY

EXCUSED: COMMISSIONER BRANDON KRAUSE

OTHER MEMBERS: PATTI SHORKEY, CHIEF DEPUTY CLERK  
SHEILA E. SHAW, SECRETARY TO THE COUNTY CLERK  
ROBERT J. REDMOND, FINANCIAL ANALYST  
DEANNE C. BERGER, BOARD COORDINATOR

ALSO PRESENT: THOMAS L. HICKNER, COUNTY EXECUTIVE  
MICHAEL K. GRAY, DIRECTOR, DEPT. OF ADMINISTRATIVE SERVICES  
CRYSTAL HEBERT, ASSISTANT FINANCE OFFICER  
MARTHA P. FITZHUGH, CORPORATION COUNSEL  
BILL PALMER, EXECUTIVE DIRECTOR OF BOY'S AND GIRL'S CLUB  
JOSEPH RIVET, BAY COUNTY DRAIN COMMISSIONER  
VARIOUS ELECTED OFFICIALS  
VARIOUS DEPARTMENT HEADS  
NEWS MEDIA

CHAIRMAN TILLEY ASKED FOR A MOMENT OF SILENCE FOR EUGENE F. GWIZDALA, PAST COUNTY COMMISSIONER, WHO PASSED AWAY MAY 4, 2011.

INVOCATION: THE INVOCATION WAS GIVEN BY THE CHIEF DEPUTY CLERK, PATTI SHORKEY.

PLEDGE OF ALLEGIANCE:

**MINUTES**

MOTION 55: COMM. KRYGIER MOVED TO APPROVE THE REGULAR BOARD SESSION MINUTES OF APRIL 12, 2011 AND THE SPECIAL BOARD

SESSION MINUTES OF APRIL 19, 2011. IT WAS SUPPORTED BY COMM. RUPP AND PASSED BY A VOICE VOTE OF: 8 YEAS, 0 NAYS, 1 EXCUSED-KRAUSE.

### **CITIZEN INPUT**

CHAIRMAN TILLEY OFFERED TO ACCEPT COMMENTS OF CITIZENS WISHING TO ADDRESS THE BOARD WITH THEIR CONCERNS.

**BILL PALMER:** BILL PALMER, EXECUTIVE DIRECTOR OF THE BOY'S AND GIRL'S CLUB, APPEALED TO THE COMMISSIONERS FOR RECREATIONAL FUNDING AND SUPPORT FOR THE SUMMER YOUTH PROGRAM. MR. PALMER SAID THE BOY'S AND GIRL'S CLUB SERVES ALL FAMILIES AND WORKING PARENTS DEPEND ON THE BOY'S AND GIRL'S CLUB FOR A SAFE HAVEN FOR THEIR CHILDREN.

MICHAEL GRAY SUGGESTED THE POSSIBILITY OF HAVING A NORTHERN SITE IN BAY COUNTY, DUE TO THE HIGH GAS PRICES. BOB REDMOND SAID HE WOULD WORK WITH MR. PALMER ON THE TRANSPORTATION ASPECT OF THE PROGRAM.

**JOSEPH RIVET:** JOSEPH RIVET, BAY COUNTY DRAIN COMMISSIONER, NOTED THE 2010 ANNUAL DRAIN REPORT WAS PRESENTED TO THE BOARD APRIL 12, 2011 AND THAT COPIES ARE AVAILABLE FOR VIEWING. MR. RIVET SAID THE ENVIRONMENTAL QUALITY BAY AREA STORM WATER AUTHORITY WATER MANAGEMENT PLAN IS UNDER REVIEW AND WILL BE APPROVED SHORTLY. ALSO, HE NOTED THAT THE DEPARTMENT IS PRESENTLY WORKING ON THREE (3) GRANTS.

### **PETITIONS AND COMMUNICATIONS**

CHAIRMAN TILLEY ASKED PATTI SHORKEY, CHIEF DEPUTY CLERK, TO READ RESOLUTION 2011-72.

**RES. 2011-72:** COMM. KRYGIER MOVED TO ADOPT RES. 2011-72 DECLARING THAT A "DRUG COURT MONTH" BE ESTABLISHED IN BAY COUNTY DURING THE MONTH OF MAY, 2011, RECOGNIZING THE SIGNIFICANT CONTRIBUTIONS DRUG COURTS HAVE MADE TOWARD REDUCING SUBSTANCE ABUSE CRIME. IT WAS SUPPORTED BY COMM. BEGICK.

CHAIRMAN TILLEY PRESENTED AN AWARD TO JUDGE KAREN TIGHE AND JUDGE DAWN KLIDA IN RECOGNITION OF THE DRUG TREATMENT COURT FOR SIGNIFICANT CONTRIBUTIONS IN REDUCING SUBSTANCE ABUSE. BOTH JUDGES THANKED THE BOARD FOR THE RECOGNITION. JUDGE KLIDA STATED SHE WOULD PRESENT AN UPDATE ON THE TREATMENT COURT TO THE BOARD.

RES. 2011-72 WAS CARRIED BY A VOICE VOTE OF: 8 YEAS, 0 NAYS, 1 EXCUSED-KRAUSE

MOTION 56: COMM. RYDER MOVED TO RECEIVE THE LETTER DATED MARCH 16, 2011 FROM THE CITY OF BAY CITY REGARDING APPLICATION FOR AN OBSOLETE PROPERTY REHABILITATION DISTRICT FROM STEVEN INGERSOLL FOR THE PROPERTY LOCATED AT 100 STATE STREET, BAY CITY, MICHIGAN IN THE AMOUNT OF \$274,000.00. IT WAS SUPPORTED BY COMM. COONAN AND ADOPTED BY A VOICE VOTE OF: 8 YEAS, 0 NAYS, 1 EXCUSED-KRAUSE.

#### **REPORTS/RESOLUTIONS OF COMMITTEES**

##### **WAYS AND MEANS, ERNIE KRYGIER, CHAIR; KIM COONAN, VICE CHAIR**

RES. 2011-73: COMM. KRYGIER MOVED TO ADOPT RES. 2011-73 APPROVING THE RETURN OF PATROL VEHICLE SALE PROCEEDS TO THE SHERIFF DEPARTMENT 2011 VEHICLE BUDGET FOR THE PURCHASE OF NEW PATROL VEHICLES. FURTHER, THAT REQUIRED BUDGET ADJUSTMENTS ARE APPROVED. IT WAS SUPPORTED BY COMM. RUPP AND PASSED BY A VOICE VOTE OF: 8 YEAS, 0 NAYS, 1 EXCUSED-KRAUSE.

RES. 2011-74: COMM. KRYGIER MOVED TO ADOPT RES. 2011-74 AUTHORIZING THE EXTENSION OF THE REGISTER OF DEEDS INDEXING PROJECT AND THE CONTRACTUAL ARRANGEMENT WITH INDEPENDENT CONTRACTORS THROUGH DECEMBER 2012 AT A COST NOT TO EXCEED \$40,000.00, WITH MONIES TO COME FROM THE REGISTER OF DEEDS AUTOMATION FUND. FURTHER, AUTHORIZING THE BOARD CHAIR TO EXECUTE CONTRACTS FOLLOWING LEGAL REVIEW AND THAT RELATED BUDGET ADJUSTMENTS, IF REQUIRED, ARE APPROVED. IT WAS SUPPORTED BY COMM. COONAN AND CARRIED BY A VOICE VOTE OF: 8 YEAS, 0 NAYS, 1 EXCUSED-KRAUSE.

- RES. 2011-75: COMM. KRYGIER MOVED TO ADOPT RES. 2011-75 AUTHORIZING THE HIRING OF GRAPHIC SCIENCES TO SCAN THE REGISTER OF DEEDS CARD FILE INDEX INTO DIGITAL IMAGES AND INDEX AND CREATE PDF SEARCHABLE FILES AT A COST OF \$0.25/PAGE, NOT TO EXCEED \$9,200.00, WITH MONIES TO COME FROM THE REGISTER OF DEEDS AUTOMATION FUND. FURTHER, AUTHORIZING THE BOARD CHAIR TO EXECUTE ANY REQUIRED DOCUMENTS FOLLOWING LEGAL REVIEW/APPROVAL AND THAT RELATED BUDGET ADJUSTMENTS, IF REQUIRED, ARE APPROVED. IT WAS SUPPORTED BY COMM. BEGICK AND ADOPTED BY A VOICE VOTE OF: 8 YEAS, 0 NAYS, 1 EXCUSED-KRAUSE.
- RES. 2011-76: COMM. KRYGIER MOVED TO ADOPT RES. 2011-76 APPROVING THE ACQUISITION OF A HIGH DENSITY ROLLER SHELF SYSTEM AND DOUBLE FACE ROLLER SHELF DESK FROM ADVANTAGE BUSINESS SYSTEMS WHO WILL BUILD AND INSTALL THE SYSTEM AT A COST OF \$64,780.00, WITH MONIES TO COME FROM THE REGISTER OF DEEDS AUTOMATION FUND. FURTHER, AUTHORIZING THE BOARD CHAIR TO EXECUTE ANY REQUIRED DOCUMENTS FOLLOWING LEGAL REVIEW AND THAT RELATED BUDGET ADJUSTMENTS, IF REQUIRED, ARE APPROVED. IT WAS SUPPORTED BY COMM. BEGICK AND PASSED BY A VOICE VOTE OF: 8 YEAS, 0 NAYS, 1 EXCUSED-KRAUSE.
- RES. 2011-77: COMM. KRYGIER MOVED TO ADOPT RES. 2011-77 APPROVING THE CONTRACTING OF A REGIONAL INFORMATION COORDINATOR/SOLUTION AREA PLANNER (\$60,000.00/YR.); CRITICAL INFRASTRUCTURE PLANNING (\$60,000.00 ONE TIME GRANT); FUNCTIONAL NEEDS PLANNING & TRAINING (\$60,000.00, ONE TIME GRANT); AND REGION 3 TRAINING AND EXERCISE PLANNING (\$20,000.00, ONE TIME GRANT). FURTHER, AUTHORIZING THE BOARD CHAIRMAN TO EXECUTE REQUIRED CONTRACTS ON BEHALF OF BAY COUNTY AS FIDUCIARY TO THE REGION 3 HOMELAND SECURITY PLANNING BOARD FOLLOWING LEGAL REVIEW AND THAT RELATED BUDGET ADJUSTMENTS, IF REQUIRED, ARE APPROVED. IT WAS SUPPORTED BY COMM. DURANCZYK AND CARRIED BY A VOICE VOTE OF: 8 YEAS, 0 NAYS, 1 EXCUSED-KRAUSE.
- RES. 2011-78: COMM. KRYGIER MOVED TO ADOPT RES. 2011-78 AUTHORIZING TO HIRE SPICER GROUP TO PREPARE A COMPLETE, UP-TO-DATE INVENTORY OF LOCAL PUBLIC RECREATION FACILITIES AND

PROGRAMS FOR A FEE OF \$3,800.00 WITH FUNDS TO COME FROM THE BOARD OF COMMISSIONERS 2011 BUDGET. FURTHER, TO AUTHORIZE THE BOARD CHAIR TO EXECUTE ALL DOCUMENTS FOLLOWING LEGAL REVIEW/APPROVAL AND THAT RELATED BUDGET ADJUSTMENTS, IF REQUIRED, ARE APPROVED. IT WAS SUPPORTED BY COMM. DURANCZYK AND ADOPTED BY A VOICE VOTE OF: 9 YEAS, 0 NAYS, 1 EXCUSED-KRAUSE.

RES. 2011-79: COMM. KRYGIER MOVED TO ADOPT RES. 2011-79 AUTHORIZING THE RECREATION AND ADMINISTRATIVE SERVICES DEPARTMENT TO DEVELOP AND IMPLEMENT COOPERATIVE OFFICE SUPPLY PURCHASES WITH ANY INTERESTED LOCAL CITIES, TOWNSHIPS AND SCHOOL DISTRICTS. FURTHER, AUTHORIZING THE BOARD CHAIRMAN TO EXECUTE ANY DOCUMENTS REQUIRED FOLLOWING LEGAL REVIEW AND THAT RELATED BUDGET ADJUSTMENTS, IF REQUIRED, ARE APPROVED. IT WAS SUPPORTED BY COMM. COONAN AND PASSED BY A VOICE VOTE OF: 8 YEAS, 0 NAYS, 1 EXCUSED-KRAUSE.

RES. 2011-80: COMM. KRYGIER MOVED TO ADOPT RES. 2011-80 APPROVING THE TYLER MUNIS RENEWAL AGREEMENT FOR MAINTENANCE AND SUPPORT TO PROVIDE ROUTINE UPGRADES TO SOFTWARE. BAY COUNTY IS IN RECEIPT OF THE AGREEMENT AND RENEWAL INVOICES FOR TYLER MUNIS SOFTWARE. THE COMBINED TOTAL ANNUAL COST OF THE INVOICES IS \$108,495.40 AND FUNDS ARE INCLUDED IN THE 2011 INFORMATION SYSTEMS DEPARTMENT (ISD) BUDGET. FURTHER, IT WAS SUPPORTED BY COMM. COONAN AND CARRIED BY A VOICE VOTE OF: 8 YEAS, 0 NAYS, 1 EXCUSED-KRAUSE.

RES. 2011-81: COMM. KRYGIER MOVED TO ADOPT RES. 2011-81 THE HEALTH DEPARTMENT HAS BEEN CHARGED TO INSPECT AND LICENSE ALL SCRAP/SECONDHAND DEALERS AND PAWN BROKERS IN BAY COUNTY VIA ORDINANCE NOS. 51 AND 52. THEREFORE, THE FOLLOWING FEES ARE ESTABLISHED AND ADOPTED:

- ▶ BAY COUNTY PAWNBROKER LICENSE FEE - \$200.00 PER YEAR
- ▶ BAY COUNTY SECONDHAND DEALER LICENSE FEE - \$200.00 PER YEAR
- ▶ SCRAP DEALER LICENSE FEE - \$200.00 PER YEAR
- ▶ RE-INSPECTION FEE - \$75.00 PER OCCURRENCE AS STATE IN THE DIVISION ENFORCEMENT PROTOCOLS.

IT WAS SUPPORTED BY COMM. RUPP AND ADOPTED BY A VOICE VOTE OF: 8 YEAS, 0 NAYS, 1 EXCUSED-KRAUSE.

RES. 2011-82: COMM. KRYGIER MOVED TO ADOPT RES. 2011-82 THAT, IN ACCORDANCE WITH THE COUNTY'S FUND RAISING POLICY, LEGAL APPROVAL AND WITH ADVICE AND SUPPORT OF THE BUILDINGS AND GROUNDS DEPARTMENT, THE BAY COUNTY DIVISION ON AGING IS AUTHORIZED TO ACCEPT MONETARY GIFTS AND MATERIAL DONATIONS FOR THE MEMORIAL GARDEN PROJECT HONORING TAMMY STRATTON AND PAUL PABALIS. FURTHER, THE DIVISION ON AGING IS AUTHORIZED TO HOST FUND RAISING DINNERS TO RAISE REMAINING FUNDS FOR THE MEMORIAL GARDEN PROJECT. ADDITIONALLY, THAT RELATED BUDGET ADJUSTMENTS, IF REQUIRED, ARE APPROVED. IT WAS SUPPORTED BY COMM. DURANCZYK AND PASSED BY A VOICE VOTE OF: 8 YEAS, 0 NAYS, 1 EXCUSED-KRAUSE.

RES. 2011-83: COMM. KRYGIER MOVED TO ADOPT RES. 2011-83 AUTHORIZING THE BAY COUNTY DIVISION ON AGING TO SUBMIT A LETTER OF INTENT TO APPLY FOR FUNDING FOR THE FISCAL YEAR 2011-2012 AND AUTHORIZING THE DIVISION ON AGING TO PREPARE AND SUBMIT AN APPLICATION FOR FUNDING FOR THE SAME FISCAL YEAR. FURTHER, AUTHORIZING THE BOARD CHAIRMAN TO SIGN APPLICATION FORMS, BUDGETS, AND SUBSEQUENT CONTRACT DOCUMENTS SUBJECT TO LEGAL REVIEW. FINALLY, APPROVING ALL BUDGET ADJUSTMENTS RELATING TO THIS APPLICATION AND SUBSEQUENT CONTRACT. IT WAS SUPPORTED BY COMM. DURANCZYK AND CARRIED BY A VOICE VOTE OF: 8 YEAS, 0 NAYS, 1 EXCUSED-KRAUSE.

RES. 2011-84: COMM. KRYGIER MOVED TO ADOPT RES. 2011-84 VARIOUS BUDGET ADJUSTMENTS. IT WAS SUPPORTED BY COMM. BEGICK AND ADOPTED BY A VOICE VOTE OF: 8 YEAS, 0 NAYS, 1 EXCUSED-KRAUSE.

RES. 2011-85: COMM. KRYGIER MOVED TO ADOPT RES. 2011-85 URGING LEGISLATIVE SUPPORT TO ENSURE THAT THE COMMUNITY SERVICES BLOCK GRANT PROVIDING CORE FUNDING TO THE MID MICHIGAN COMMUNITY ACTION AGENCY IS NOT REDUCED BELOW FY 2008 LEVELS. FURTHER, THAT A COPY OF THIS RESOLUTION BE SENT TO GOVERNOR SNYDER, AREA LEGISLATORS, THE MICHIGAN ASSOCIATION OF COUNTIES AND THE MID-MICHIGAN COMMUNITY

ACTION AGENCY. IT WAS SUPPORTED BY COMM. DAVIS AND PASSED BY A VOICE VOTE OF: 8 YEAS, 0 NAYS, 1 EXCUSED-KRAUSE.

RES. 2011-86: COMM. KRYGIER MOVED TO ADOPT RES. 2011-86 APPROVING THE PROSECUTOR'S VICTIMS OF CRIME ACT (VOCA) GRANT APPLICATION IN THE AMOUNT OF \$70,455.00 FOR THE 2011-2012 GRANT PERIOD AND AUTHORIZING THE BOARD CHAIRMAN TO EXECUTE ALL RELATED DOCUMENTS SUBJECT TO REVIEW BY CORPORATION COUNSEL. FURTHER, IT IS UNDERSTOOD THAT IF GRANT FUNDING FOR THE VICTIM ADVOCATE POSITION UNDER THE VOCA GRANT IS TERMINATED, BAY COUNTY SHALL NOT BE RESPONSIBLE TO FUND THE POSITION OR PICK UP ANY COST ASSOCIATED WITH THIS POSITION. FINALLY, THAT BUDGET ADJUSTMENTS, IF REQUIRED, ARE APPROVED. IT WAS SUPPORTED BY COMM. COONAN AND CARRIED BY A VOICE VOTE OF: 8 YEAS, 0 NAYS, 1 EXCUSED-KRAUSE.

**PERSONNEL/JUDICIAL, TOM RYDER, CHAIR; ERNIE KRYGIER, VICE CHAIR**

RES. 2011-87: COMM. RYDER MOVED TO ADOPT RES. 2011-87 AUTHORIZING GARY F. LESLEY, BAY ARENAC BEHAVIORAL HEALTH AUTHORITY, TO PURCHASE GOVERNMENTAL SERVICE CREDIT OF 5 YEARS FROM SAGINAW COUNTY AND GENESEE COUNTY COMBINED FOR RETIREMENT PURPOSES, PURSUANT TO RESOLUTION NO. 96-331-OTHER GOVERNMENTAL SERVICE CREDIT FOR RETIREMENT. IT WAS SUPPORTED BY COMM. KRYGIER AND ADOPTED BY A VOICE VOTE OF: 8 YEAS, 0 NAYS, 1 EXCUSED-KRAUSE.

RES. 2011-88: COMM. RYDER MOVED TO ADOPT RES. 2011-88 APPROVING TO POST/ADVERTISE/FILL THE FOLLOWING VACANCIES WITH MONIES FOR SAID POSITIONS TO COME FROM THE RESPECTIVE DEPARTMENT BUDGETS:

1. FINANCE DEPARTMENT - BUDGET/ACCOUNTS PAYABLE ACCOUNT CLERK IV (TU08), FULL TIME, AT \$15.35/HOUR ENTRY LEVEL; AND SUPERVISOR OF BENEFITS AND PAYROLL, FULL TIME, TEMPORARY.
2. DIVISION ON AGING - HOME DELIVERED MEALS DRIVER, TEMPORARY; (2) HOME DELIVERED MEALS DRIVERS, PART TIME; ON-CALL DRIVER; AND ON-CALL COOK.

FURTHER, THAT BUDGET ADJUSTMENTS, IF REQUIRED, ARE APPROVED AND IT IS UNDERSTOOD THAT ANY POSITIONS FUNDED THROUGH A GRANT SHALL BE TERMINATED OR HOURS REDUCED IF GRANT FUNDING IS TERMINATED OR REDUCED. IT WAS SUPPORTED BY COMM. DURANCZYK AND PASSED BY A VOICE VOTE OF: 8 YEAS, 0 NAYS, 1 EXCUSED-KRAUSE.

RES. 2011-89: COMM. RYDER MOVED TO ADOPT RES. 2011-89 APPROVING TO ENTER INTO AN AGREEMENT WITH TEAM HUMAN CAPITAL SOLUTIONS FOR EMPLOYEE ASSISTANCE PROGRAM SERVICES. THE CURRENT PROVIDER'S CONTRACT WITH HELPNET HAS EXPIRED. THE AGREEMENT WITH THE NEW PROVIDER SHOULD RECOGNIZE A SIGNIFICANT NET SAVINGS OF ABOUT \$39,400.00. THE COST OF THE PREFERRED PROVIDER IS ABOUT \$6,500.00 MORE PER YEAR. HOWEVER, THE PROVISIONS OF THE HEALTH CARE PARITY ACT WHICH REMOVES MANY RESTRICTIONS ON THE NUMBER OF VISITS, SHOULD MAKE THE COST AVOIDANCE EVEN MORE DRAMATIC IN THE FUTURE. FURTHER, AUTHORIZING THE BOARD CHAIRMAN TO EXECUTE SAID AGREEMENT FOLLOWING LEGAL REVIEW AND THAT RELATED BUDGET ADJUSTMENTS, IF REQUIRED, ARE APPROVED. IT WAS SUPPORTED BY COMM. KRYGIER AND CARRIED BY A VOICE VOTE OF: 8 YEAS, 0 NAYS, 1 EXCUSED-KRAUSE.

**HUMAN SERVICES, MICHAEL J. DURANCZYK CHAIR;  
BRANDON KRAUSE, VICE CHAIR**

RES. 2011-90: COMM. DURANCZYK MOVED TO ADOPT RES. 2011-90 APPROVING THE CONTRACT WITH BAY 3 TV AND BAY COUNTY, THE CITY OF BAY CITY AND THE BAY CITY PUBLIC SCHOOLS (BAY 3 TV PARTNERS) FOR THE PERIOD OF JULY 1, 2011 THROUGH JUNE 30, 2012 IN THE AMOUNT OF \$41,000.00, CONTINGENT UPON APPROVAL BY THE OTHER PARTNERS. FURTHER, AUTHORIZING THE BOARD CHAIRMAN TO EXECUTE SAID CONTRACT FOLLOWING LEGAL REVIEW AND THAT BUDGET ADJUSTMENTS, IF REQUIRED, ARE APPROVED. IT WAS SUPPORTED BY COMM. RUPP AND ADOPTED BY A VOICE VOTE OF: 8 YEAS, 0 NAYS, 1 EXCUSED-KRAUSE.

**BOARD OF COMMISSIONERS DONALD J. TILLEY, CHAIR; KIM  
COONAN, VICE CHAIR**

RES. 2011-91: COMM. COONAN MOVED TO ADOPT RES. 2011-91 APPROVING THE CLAIMS AGAINST THE COUNTY AS FOLLOWS: ACCOUNTS PAYABLE FOR 4/13/11, 4/20/11, 4/27/11, 4/29/11, 5/4/11; BAYANET FOR 3/1/11 TO 3/31/11; AND CENTER RIDGE ARMS-PAYABLES FOR 5/3/11. IT WAS SUPPORTED BY COMM. RYDER AND PASSED BY A VOICE VOTE OF: 8 YEAS, 0 NAYS, 1 EXCUSED-KRAUSE.

RES. 2011-92: COMM. COONAN MOVED TO ADOPT RES. 2011-92 RECEIVING THE REPORTS OF THE COUNTY EXECUTIVE AS FOLLOWS: THE EMPLOYMENT STATUS REPORT FOR APRIL 2011. IT WAS SUPPORTED BY COMM. KRYGIER AND CARRIED BY A VOICE VOTE OF: 8 YEAS, 0 NAYS, 1 EXCUSED-KRAUSE.

**REPORTS OF COUNTY OFFICIALS/DEPARTMENTS**

THERE WERE NO REPORTS OF COUNTY OFFICIALS/DEPARTMENTS.

**UNFINISHED BUSINESS**

THERE WAS NO UNFINISHED BUSINESS.

**NEW BUSINESS**

MOTION 57: COMM. COONAN MOVED TO RECEIVE THE LETTER DATED MAY 4, 2011 FROM THE CITY OF BAY CITY REGARDING APPLICATION FOR AN INDUSTRIAL FACILITIES TAX EXEMPTION CERTIFICATE FROM SUNSET VALLEY CREMATORY, BAY CITY, MICHIGAN FOR PROPERTY LOCATED AT 1617 LEWIS, BAY CITY, MICHIGAN IN THE AMOUNT OF \$197,695.50. IT WAS SUPPORTED BY COMM. DURANCZYK AND ADOPTED BY A VOICE VOTE OF: 8 YEAS, 0 NAYS, 1 EXCUSED-KRAUSE.

MOTION 58: COMM. KRYGIER MOVED TO RECEIVE THE LETTER DATED MAY 4, 2011 FROM THE CITY OF BAY CITY REGARDING APPLICATION FOR AN OBSOLETE PROPERTY REHABILITATION EXEMPTION CERTIFICATE FROM STEVEN INGERSOLL FOR PROPERTY LOCATED AT 100 STATE STREET, BAY CITY, MICHIGAN IN THE AMOUNT OF \$274,000.00. IT WAS SUPPORTED BY COMM. RUPP AND PASSED BY A VOICE VOTE OF: 8 YEAS, 0 NAYS, 1 EXCUSED-KRAUSE.

**MISCELLANEOUS**

THERE WERE NO MISCELLANEOUS ITEMS.

**ANNOUNCEMENTS**

CHAIRMAN TILLEY NOTED THERE WILL BE A JUNE APPOINTMENT TO THE LIBRARY BOARD FOR ONE (1) 5-YEAR TERM EXPIRING JUNE 30, 2011 FOR DON CARLYON.

MICHAEL GRAY MENTIONED THE BAY COUNTY AUCTION IS THURSDAY, MAY 12, 2011 AT THE BAY COUNTY FAIRGROUNDS AT 3:00 P.M.

COMM. KRYGIER SAID THURSDAY, MAY 16, 2011 THE US ARMY CORP OF ENGINEERS IS HOLDING A MEETING AT THE JACK WIRT LIBRARY, HOURS ARE: 12-3:00 P.M. AND 4-7:00 P.M. HE URGED RESIDENTS TO ATTEND AND VOICE THEIR OPINIONS REGARDING THE BEACH CONDITIONS AT STATE PARK.

### **CLOSED SESSION**

MOTION 59: COMM. KRYGIER MOVED 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 SETTLEMENT POSITION OF THE PUBLIC BODY. IT WAS SUPPORTED BY COMM. DURANCZYK AND CARRIED BY A ROLL CALL VOTE OF:

8 YEAS-DURANCZYK, BEGICK, DAVIS, KRYGIER, COONAN, RYDER, RUPP, TILLEY  
0 NAYS  
1 EXCUSED-KRAUSE

MOTION 60: COMM. KRYGIER MOVED TO GO BACK TO REGULAR SESSION FOLLOWING CLOSED SESSION REGARDING PENDING LITIGATION. IT WAS SUPPORTED BY COMM. BEGICK AND ADOPTED BY A VOICE VOTE OF: 8 YEAS, 0 NAYS, 1 EXCUSED-KRAUSE.

MOTION 61: COMM. KRYGIER MOVED TO AUTHORIZE SETTLEMENT AND REDEMPTION OF WORKER'S COMPENSATION CASE NUMBER 03560603665 AS DESCRIBED IN CLOSED SESSION. IT WAS SUPPORTED BY COMM. RUPP AND CARRIED BY A VOICE VOTE OF: 8 YEAS, 0 NAYS, 1 EXCUSED-KRAUSE.

MOTION 62: COMM. RUPP MOVED TO AUTHORIZE THE SETTLEMENT AND REDEMPTION OF WORKER'S COMPENSATION CASE NUMBER 03560309935 AS DESCRIBED IN CLOSED SESSION. IT WAS SUPPORTED BY COMM. BEGICK AND PASSED BY A VOICE VOTE OF: 8 YEAS, 0 NAYS, 1 EXCUSED-KRAUSE.

**RECESS/ADJOURNMENT**

MOTION 63: COMM. KRYGIER MOVED TO ADJOURN THE REGULAR BOARD SESSION OF MAY 10, 2011. IT WAS SUPPORTED BY COMM. RUPP. THE MEETING CONCLUDED AT 5:10 P.M. BY A VOICE VOTE OF: 8 YEAS, 0 NAYS, 1 EXCUSED-KRAUSE.

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DONALD J. TILLEY, CHAIRMAN  
BOARD OF COMMISSIONERS

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PATTI SHORKEY, CHIEF DEPUTY CLERK  
BOARD OF COMMISSIONERS

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SHEILA E. SHAW  
SECRETARY TO THE CLERK  
BOARD OF COMMISSIONERS