

**BAY COUNTY BOARD OF COMMISSIONERS**

**TUESDAY, FEBRUARY 21, 2023**

**4:00 P.M.**

COMMISSION CHAMBERS, FOURTH FLOOR, BAY COUNTY BUILDING

**PAGE NO.**

**I. CALL TO ORDER (CHAIRMAN BEGICK)**

**II. ROLL CALL**

**III. INVOCATION**

**IV. PLEDGE OF ALLEGIANCE**

43-56 **V. MINUTES (1/3/23; 1/17/23)**

**VI. CITIZEN INPUT**

**VII. PETITIONS AND COMMUNICATIONS**

1 **A. City of Bay City – Notification of Appointment of Joseph Rivet as representative of the City of Bay City to the Bay County Land Bank Authority (Receive)**

**VIII. REPORTS/RESOLUTIONS OF COMMITTEES**

**A. WAYS AND MEANS (Tim Banaszak, Chair; Kaysey L. Radtke, Vice Chair)**

2 **1. No. 2023-12 - 2023 Marine Patrol Safety Program (Sheriff)**

3 **2. No. 2023-13 - Rescission of Resolution 2022-281 (Drain)**

4 **3. No. 2023-14 - Tire Shredder Agreement (Mosquito Control)**

5-7 **4. No. 2023-15 - Purchase of Insecticides (Mosquito Control)**

8-9 **5. No. 2023-16 - Light Trap Contracts (Mosquito Control)**

10 **6. No. 2023-17 - Addendum to Existing Fixed-Wing Aerial Larvicide Service Contract (Mosquito Control)**

- 11 7. No. 2023-18 - Travel to The National Association of County and City Health Officials (NACCHO) 2023 Preparedness Summit (Health Department)
- 12 8. No. 2023-19 - Agreement with Brown and Brown as Bay County's Insurance Agent for Workers' Compensation and Excess Liability Insurance Coverage (Personnel)
- 13 9. No. 2023-20 - Agreement with Midwest Employers Casualty Company (Personnel)
- 14 10. No. 2023-21 - Bay County Audit F-65 Audit (Finance)
- 15 11. No. 2023-22 - RFQu release for Animal Services and Adoption Center Project Manager (Finance)
- 16 12. No. 2023-23 - Region 3 Homeland Security Grant for New Firewalls (Finance)
- 17 13. No. 2023-24 - Payables (Finance)

**B. PERSONNEL/HUMAN SERVICES (Kathy Niemiec, Chair; Colleen Maillette, Vice Chair)**

- 18 1. No. 2023-25 - Renewal Plan and Cost Analysis for MIDC Grant 2023-2024 (Criminal Defense)
- 19 2. No. 2023-26 - Approval for Employee OnBoarding Project (ISD)
- 20 3. No. 2023-27 - 6-year Community Center Polling Location Agreement with the City of Bay City (Recreation & Facilities)
- 21-23 4. No. 2023-28 - Vacancies: 9-1-1 Central Dispatch; Department on Aging; Sheriff; Mosquito Control; Recreation & Facilities (Personnel)
- 24-36 5. No. 2023-29 - FMLA Policy Update (Personnel)

**C. BOARD OF COMMISSIONERS (Vaughn J. Begick, Chair; Thomas M. Herek, Vice Chair)**

- 37 1. No. 2023-30 – Amendments to Board Rules (Board Chair Begick)
- 38 2. No. 2023-31 – Bay City State Park 100 Year Celebration (Board Chair Begick)
- 39 3. No. 2023-32 – Tribute for Bonnie Worden (Board Chair Begick)
- 40-42 4. No. 2023-33 - Reports of County Executive – JANUARY

**IX. REPORTS OF COUNTY OFFICIALS/DEPARTMENTS**

**A. County Executive**

**X. UNFINISHED BUSINESS**

**XI. NEW BUSINESS**

**XII. MISCELLANEOUS**

**XIII. ANNOUNCEMENTS**

**A. 2023 APPOINTMENTS**

**1. March**

- a. Bay Arenac Behavioral Health Authority (four, 3-year terms; T.Ryder, J.Anderson, R.Meeth, C.Maillette)
- b. Bay Arenac Behavioral Health Authority (one, unexpired term commencing upon appointment and expiring March 31, 2024; C. Barber)
- c. Region VII Area Agency on Aging Advisory Council (one, 3-year term; M.McNally)

**2. June**

- a. Library Board (one, 5-year term; A.Harris)

**3. October**

- a. Lank Bank Authority (two, 3-year terms; D.Kiesel, City of Bay City, & K.McDonald Rivet, City Commissioner)
- b. Bay County Department of Human Services (one, 3-year term; F.Dewyse)
- c. Jury Commission (one, 6-year term; D.Butler)

**4. December**

- a. Bay County Veteran's Affair Committee (one, 4-year term; M.Pergande)
- b. Department on Aging Advisory Committee (four, 2- year terms; Districts 1,3,5 and 7; R.Wiess, D.Behmlander, P.Rabidoux, D.Russell)

**XIV. CLOSED SESSION (IF REQUIRED)**

**XV. RECESS/ADJOURNMENT**

PLEASE NOTE: THE COMMITTEE CHAIR HAS REQUESTED THAT ANY ELECTED OFFICIAL DEPARTMENT/DIVISION HEAD PLACING AN ITEM ON THIS AGENDA BE PRESENT OR HAVE A REPRESENTATIVE PRESENT TO SPEAK TO THEIR REQUEST AND/OR ANSWER ANY QUESTIONS POSED BY COMMITTEE MEMBERS.

Join Zoom Meeting

<https://us02web.zoom.us/j/81694266170>

Meeting ID: 816 9426 6170

Passcode: 547697

One tap mobile

+13126266799,,81694266170#,,,,\*547697# US (Chicago)

+19292056099,,81694266170#,,,,\*547697# US (New York)

The County of Bay will provide necessary and reasonable auxiliary aids and services such as signers for the hearing impaired and audio tapes of printed materials to individuals with disabilities upon 10 days' notice to the County of Bay. Individuals with disabilities requiring auxiliary aids or services should contact the County of Bay by writing or calling:

Amber Davis-Johnson, ADA Coordinator

Corporation Counsel

515 Center Avenue

Fourth Floor, Bay County Building

Bay City, MI 48708

989-895-4131

ACTION TAKEN BY BAY COUNTY BOARD OF COMMISSIONERS

DATE OF BOARD MEETING: FEBRUARY 21, 2023

PAGE 1 OF 2

MOTION/ RES. NO.	INTRODUCED/ SUBMITTED BY	SUBJECT OF RESOLUTION/MOTION	ADOPTED	AMENDED	CORRECTED	DEFEATED	REFERRED	TABLED	WITHDRAWN
2023-12	BANASZAK	APPROVED THE 2023 MARINE PATROL SAFETY PROGRAM (SHERIFF)	XX						
2023-13	BANASZAK	APPROVED THE RECESSON OF RES 2022-281 (AT LARGE DRAIN ASSESSMENT) (DRAIN)	XX						
2023-14	BANASZAK	APPROVED THE TIRE SHREDDER AGREEMENT (MOSQUITO CONTROL)	XX						
2023-15	BANASZAK	APPROVED THE PURCHASE OF INSECTICIDES (MOSQUITO CONTROL)	XX						
2023-16	BANASZAK	APPROVED THE LIGHT TRAP DATA COLLECTOR'S CONTRACT (MOSQUITO CONTROL)	XX						
2023-17	BANASZAK	APPROVED THE AMENDMENT TO THE EXISTING FIXED-WING AERIAL LARVICIDE SERVICE CONTRACT (MOSQUITO CONTROL)	XX						
2023-18	BANASZAK	APPROVED TRAVEL TO THE NATIONAL ASSOCIATION OF COUNTY AND CITY HEALTH OFFICIALS 2023 PREPAREDNESS SUMMIT (HEALTH DEPT.)	XX						
2023-19	BANASZAK	APPROVED THE AGREEMENT WITH BROWN & BROWN AS BAY COUNTY'S INS. AGENT FOR WORKERS COMP & EXCESS LIABILITY INS. COVERAGE (PERSONNEL)	XX						
2023-20	BANASZAK	APPROVED THE AGREEMENT WITH MIDWEST EMPLOYERS' CASUALTY COMPANY (PERSONNEL)	XX						
2023-21	BANASZAK	APPROVED REHMANN ROBSON FOR THE STATE F-65 AUDIT (FINANCE)	XX						
2023-22	BANASZAK	APPROVED REQU RELEASE FOR ANIMAL SERVICES AND ADOPTION CENTER PROJECT MANAGER (FINANCE)	XX						
2023-23	BANASZAK	APPROVED THE REGION 3 HOMELAND SECURITY GRANT FOR NEW FIREWALLS (FINANCE)	XX						
2023-24	BANASZAK	APPROVED THE CLAIMS AGAINST THE COUNTY FOR FEBRUARY (FINANCE)	XX						
2023-25	NIEMIEC	APPROVED THE RENEWAL PLAN & COST ANALYSIS FOR MIDC GRANT 2023-2024 (CRIMINAL DEFENSE)	XX						
2023-26	NIEMIEC	APPROVED THE EMPLOYEE ONBOARDING PROJECT. (ISD)	XX						
2023-27	NIEMIEC	APPROVED THE 6-YEAR COMM. CENTER POLLING LOCATION AGREEMENT WITH THE CITY OF BAY CITY (RECREATION & FACILITIES)	XX						



BAY COUNTY BOARD OF COMMISSIONERS

FEBRUARY 21, 2023

RESOLUTION

BY: WAYS AND MEANS COMMITTEE (2/7/2023)  
 WHEREAS, Each year the Bay County Sheriff's Office participates in the Marine Safety Grant Program offered through the Department of Natural Resources (DNR); and  
 WHEREAS, This DNR State grant provides for equipment and the hiring of seasonal personnel during the boating season in Bay County; and  
 WHEREAS, The DNR has again requested Bay County to participate in the 2023 Marine Safety Program by completing a grant application; and  
 WHEREAS, The State Legislature appropriates comparable DNR funding amounts (75%/25%) to those participating counties each year with notification of the amount awarded in March; applications are due by March 1st; and  
 WHEREAS, Funds for the 25% grant match requirement are included in the 2023 Sheriff Department budget; and  
 WHEREAS, In 2022 the State funded \$19,800 for this program; Therefore, Be it  
 RESOLVED That the Bay County Board of Commissioners authorizes Sheriff's Office participation in the 2023 Marine Safety Program and authorizes the Chairman of the Board to execute all application and grant award documents required for the Grant Program following Finance Department and Corporation Counsel review and approval; Be It Further  
 RESOLVED That the grant applicant/recipient departments are required to work with the Finance Department whose staff will provide financial oversight of said grant; Be It Further  
 RESOLVED That it is clearly understood that if these grant funds are terminated, any position(s) funded by this grant shall be terminated and will be not absorbed by the County; Be It Finally  
 RESOLVED That related budget adjustments, if required, are approved.

TIM BANASZAK, CHAIR  
 AND COMMITTEE

Sheriff Dept - 2023 Marine Safety Grant Program

MOVED BY COMM. BANASZAK

SUPPORTED BY COMM. HEREK

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
KATHY NIEMIEC	X			COLLEEN M. MAILLETTE	X			DENNIS R. POIRIER	X		
TIM BANASZAK	X			THOMAS M. HEREK	X						
VAUGHN J. BEGICK	X			KAYSEY L. RADTKE	X						

VOTE TOTALS:

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

VOICE: YEAS 7 NAYS 0 EXCUSED 0

DISPOSITION:

ADOPTED XX DEFEATED \_\_\_ WITHDRAWN- \_\_\_  
 AMENDED \_\_\_ CORRECTED \_\_\_ REFERRED \_\_\_ NO ACTION TAKEN \_\_\_

BAY COUNTY BOARD OF COMMISSIONERS

FEBRUARY 21, 2023

RESOLUTION

BY: WAYS AND MEANS COMMITTEE (2/7/2023)

WHEREAS, On December 6, 2022, Resolution 2022-281 was passed by the Bay County Board of Commissioners for an At-Large Drain Assessment to Hampton Township for \$327,500; and

WHEREAS, The Bay County Drain Office has been made aware this assessment was made in error; and

WHEREAS, The Michigan Drain Code, Section 280.273 of Act 40 of 1956 as amended, states any such error is to be reported to the County Board of Commissioners and request the Board order the same corrected; and

WHEREAS, The Bay County Drain Commissioner is requesting the Bay County Board of Commissioners to rescind Resolution No. 2022-281; Therefore, Be It

RESOLVED That the Bay County Board of Commissioners hereby rescinds Resolution No. 2022-281 adopted December 6, 2022 for an At-Large Drain Assessment to Hampton Township for \$327,500.

TIM BANASZAK, CHAIR  
AND COMMITTEE

Drain Commissioner – Rescission of Resolution 2022-281 - Drain Assessment to Hampton Township

MOVED BY COMM. BANASZAK

SUPPORTED BY COMM. HEREK

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
KATHY NIEMIEC	X			COLLEEN M. MAILLETTE	X			DENNIS R. POIRIER	X		
TIM BANASZAK	X			THOMAS M. HEREK	X						
VAUGHN J. BEGICK	X			KAYSEY L. RADTKE	X						

VOTE TOTALS:

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

DISPOSITION: ADOPTED      DEFEATED      WITHDRAWN       
AMENDED      CORRECTED      REFERRED      NO ACTION TAKEN



BAY COUNTY BOARD OF COMMISSIONERS

FEBRUARY 21, 2023

RESOLUTION

BY: WAYS AND MEANS COMMITTEE (2/7/2023)

WHEREAS, As a part of Bay County Mosquito Control's source reduction program, two scrap tire drives are held each summer to provide a means for homeowners to dispose of unwanted tires and in 2022, 2,608 scrap tires were recycled in Bay County through this collection; and

WHEREAS, For 2023, Mosquito Control is again requesting to contract with Environmental Rubber Recycling of Flint to provide this disposal service; and

WHEREAS, Environmental Rubber has indicated that prices for 2023 tire disposal will be \$1,500 per trailer with less than 500 tires, and \$3 per additional tire in excess of 500 tires, not to exceed \$3,000 per trailer. Scrap tire disposal for 2023 has been budgeted under line item 801.00 (Professional Services); Therefore, Be It

RESOLVED That the Bay County Board of Commissioners approves the contract with Environmental Rubber Recycling for the 2023 scrap tire collection and authorizes the Board Chair to sign required documents on behalf of Bay County following Corporation Counsel review and approval; Be It Further

RESOLVED That budget adjustments related to this contract, if required, are approved.

TIM BANASZAK, CHAIR  
AND COMMITTEE

Mosquito Control - 2023 Tire Shredding Contract with Environmental Rubber

MOVED BY COMM. BANASZAK

SUPPORTED BY COMM. RADTKE

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
KATHY NIEMIEC	X			COLLEEN M. MAILLETTE	X			DENNIS R. POIRIER	X		
TIM BANASZAK	X			THOMAS M. HEREK	X						
VAUGHN J. BEGICK	X			KAYSEY L. RADTKE	X						

VOTE TOTALS:

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

DISPOSITION: ADOPTED      DEFEATED      WITHDRAWN       
AMENDED      CORRECTED      REFERRED      NO ACTION TAKEN

BAY COUNTY BOARD OF COMMISSIONERS

FEBRUARY 21, 2023

RESOLUTION

BY: WAYS AND MEANS COMMITTEE (2/7/2023)

WHEREAS, Insecticide bids conducted jointly with Midland and Tuscola Counties were opened on January 11, 2023; and

WHEREAS, Upon examination of the bid information, all bidders met the requirements of the bid proposal and it is recommended that the bid(s) be awarded to the lowest, qualified bidder as highlighted on the attached bid summary sheet; and

WHEREAS, Along with the bid products, Mosquito Control will also be purchasing VectoBac G and VectoBac 12AS Bti products from Valent BioSciences, a product that was not required to bid as a 2 year purchase extension was granted for 2022 & 2023 at \$1.211/lb and \$24.25/gal.; and

WHEREAS, The total cost of the control materials will not exceed the 2023 budget line item 753.00 (Chemicals); Therefore, Be It

RESOLVED By the Bay County Board of Commissioners that the control materials bid for Bay County Mosquito Control for 2023 is awarded as recommended; Be It Further

RESOLVED That the Chairman of the Board is authorized to sign any required documents pertaining to the control materials on behalf of Bay County following Corporation Counsel review and approval; Be It Finally

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

TIM BANASZAK, CHAIR  
AND COMMITTEE

Mosquito Control - Control Material Bids - 2023

MOVED BY COMM. BANASZAK  
SUPPORTED BY COMM. MAILLETTE

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
KATHY NIEMIEC	X			COLLEEN M. MAILLETTE	X			DENNIS R. POIRIER	X		
TIM BANASZAK	X			THOMAS M. HEREK	X						
VAUGHN J. BEGICK	X			KAYSEY L. RADTKE	X						

VOTE TOTALS:  
ROLL CALL: YEAS 7 NAYS 0 EXCUSED 0  
VOICE: YEAS      NAYS      EXCUSED     

DISPOSITION: ADOPTED      DEFEATED      WITHDRAWN-       
AMENDED      CORRECTED      REFERRED      NO ACTION TAKEN

**2023 MOSQUITO CONTROL INSECTICIDE BIDS**  
 Bid Opening: Wednesday, January 11, 2023 at 11:00 a.m.

Item	Materials & Specifications	Quantity	County	Adapco - Andy Pierce		Clarke - Chris Novak		Target Specialty - JD Suez		Vespris - Dave Driver	
				Unit Cost	Total Cost	Unit Cost	Total Cost	Unit Cost	Total Cost	Unit Cost	Total Cost
A.	Permethrin ULV Adulticide 275 gal. totes	1,575 gal. (5 totes) 1,575 gal. (5 totes)	Bay	\$28.75	\$59,551.25	\$28.80	\$59,600.00	\$47.00	\$64,625.00	\$21.00	\$33,875.00
		825 (3 totes)	Tuscola	\$28.75	\$23,718.57	\$28.80	\$59,600.00	\$47.00	\$64,625.00	\$21.00	\$33,875.00
B.	BYA-2 MLO 275 gal. totes	275 gal. (1 tote)	Midland	\$21.65	\$5,956.50	No Bid	No Bid	\$14.85	\$4,633.75	No Bid	No Bid
C.	Namilar G-30 40 lb. bags	280 lb. (7 bags)	Bay	No Bid	No Bid	\$816.00	\$5,712.00	No Bid	No Bid	No Bid	No Bid
		520 lb. (13 bags)	Midland	No Bid	No Bid	\$816.00	\$10,608.00	No Bid	No Bid	No Bid	No Bid
D.	Namilar XRT 220 / case	5,940 tablets (27 cases)	Bay	No Bid	No Bid	\$1,129.59	\$50,498.93	No Bid	No Bid	No Bid	No Bid
E.	Bacillus sphaericus - WSP 800 / case	7,200 each (9 cases)	Midland	\$849.49	\$7,645.41	No Bid	No Bid	No Bid	No Bid	\$740.00	\$6,660.00
F.	Vectorer FG 40 lb. bags	16,600 lb. (265 bags)	Bay	\$6.66	\$70,596.00	No Bid	No Bid	No Bid	No Bid	\$6.40	\$67,840.00
		120 lb. (3 bags)	Midland	\$6.66	\$799.38	No Bid	No Bid	No Bid	No Bid	\$6.40	\$768.00
		80 lb. (2 bags)	Tuscola	\$6.66	\$532.80	No Bid	No Bid	No Bid	No Bid	\$6.40	\$512.00
G.	Vectorer WDG 24 lb. cases	24 lb. (1 case)	Bay	\$62.65	\$1,503.12	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid
H.	Bacimos Brigquets 180 per case	200 brigquets 2 cases	Bay	No Bid	No Bid	\$124.00	\$248.00	\$104.40	\$208.80	\$104.00	\$208.00
I.	Almosid XR 220 brigquets per case	5,280 each (24 cases)	Midland	No Bid	No Bid	\$818.40	\$19,641.60	\$818.40	\$19,641.60	\$818.40	\$19,641.60
J.	Almosid WSP 800 packages per case	12,800 each (16 cases)	Midland	No Bid	No Bid	\$768.00	\$12,288.00	\$768.00	\$12,288.00	\$768.00	\$12,288.00
K.	Almosid F55 40 lb. bags	280 lb. (7 bags)	Bay	No Bid	No Bid	\$778.80	\$5,451.60	\$778.80	\$5,451.60	\$778.80	\$5,451.60

Pyrenon EM \$72.15/\$68.27 gal  
 MecLary XRP \$2.27/\$2.32/pouch

Red font denotes item/alternate bid product.



June 21, 2021

To: Denise L. Mason  
Procurement & Contracts Administrator  
3<sup>rd</sup> Floor County Services Building  
220 W. Ellsworth St., Midland MI 48640-5194

From: Dave Schumacher  
Manager – Public Health Business, North America  
Valent BioSciences LLC.  
870 Technology Way,

Libertyville, Illinois, 60048

**RE: 2018-2019 Bulk Granular & Liquid BTI Larvicide – Agreement of both vendor and Bay, Midland & Tuscola County to extend bid for 2022 & 2023 season.**

Valent BioSciences LLC. would like to offer to extend the current bid for both VectoBac G granular larvicide and VectoBac 12AS liquid larvicide for 2021 & 2022 season.

Listed are quantities and prices for each product formulation for each county.

<u>County</u>	<u>Product</u>	<u>Pack Size</u>	<u>Quantity</u>	<u>2020 Prices</u>	<u>2022 Prices - 2023 Prices</u>
Midland	VectoBac G	1,300 lb. Bags	89	\$1.249 lb.	\$1.211 lb. \$1.211 lb.
Bay	VectoBac G	1,300 lb. Bags	122	\$1.249 lb.	\$1.211 lb. \$1.211 lb.
Bay	VectoBac 12AS 30-gallon barrels	6		\$ 25.00 gal.	\$24.25 gal. \$24.25 gal.
Tuscola	VectoBac G	40 lb. Bags	740	\$1.249 lb.	\$1.211 lb. \$1.211 lb.
Midland	VectoBac 12AS 264-gallon totes	15		\$25.00 gal.	\$24.25 gal. \$24.25 gal.
Midland	VectoBac 12AS 30-gallon barrels	12		\$25.00 gal.	\$24.25 gal. \$24.25 gal.
Tuscola	VectoBac 12AS 30-gallon barrels	6		\$25.00 gal.	\$24.25 gal. \$24.25 gal.

Prices for 2022 & 2023 are 3% less than 2019 & 2020.  
Shipping is included in the price.

We look forward to your response to extend our current agreement.

Respectfully,

Dave Schumacher

BAY COUNTY BOARD OF COMMISSIONERS

FEBRUARY 21, 2023

RESOLUTION

BY: WAYS AND MEANS COMMITTEE (2/7/2023)

- WHEREAS, As part of Bay County Mosquito Control's adult mosquito surveillance, eleven New Jersey Light Traps are operated on the properties of local Bay County residents to collect adult mosquitoes; and
- WHEREAS, These traps are turned on three evenings each week with the mosquito samples collected and identified by Bay County Mosquito Control Biology Department; and
- WHEREAS, The residents who operate the light traps serve a very valuable role in Bay County's mosquito surveillance program; and
- WHEREAS, Light trap collectors are paid \$50 a month and utilized in the months of June, July, August and September; and
- WHEREAS, The total amount paid for the 2023 surveillance season will be \$2,200 and the funds are budgeted in the 2023 Mosquito Control approved budget; Therefore, Be It
- RESOLVED By the Bay County Board of Commissioners that the Light Trap Data Collector's Contracts between Bay County and various individuals (11) (listing attached) are approved and the Chairman of the Board authorized to execute said Agreements on behalf of Bay County following Corporation Counsel review and approval; Be It Further
- RESOLVED That the light trap collectors shall be reimbursed at the rate of \$50 per month for the months of June, July, August and September, totaling \$2,200 for the season, funds budgeted in the Mosquito Control 2023 budget; Be It Finally
- RESOLVED That related, required budget adjustments are approved.

TIM BANASZAK, CHAIR  
AND COMMITTEE

Mosquito Control-2023 Light Trap Data Contracts

MOVED BY COMM. BANASZAK

SUPPORTED BY COMM. RADTKE

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
KATHY NIEMIEC	X			COLLEEN M. MAILLETTE	X			DENNIS R. POIRIER	X		
TIM BANASZAK	X			THOMAS M. HEREK	X						
VAUGHN J. BEGICK	X			KAYSEY L. RADTKE	X						

VOTE TOTALS:

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

VOICE: YEAS 7 NAYS 0 EXCUSED 0

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

AMENDED \_\_\_ CORRECTED \_\_\_ REFERRED \_\_\_ NO ACTION TAKEN \_\_\_

## 2023 LIGHT TRAP CONTRACTORS

Name	Address	Township	Phone
1. Angie Schatzer	51 Spruce Ridge Dr. Bay City, MI 48706	BANGOR	989-522-4041
2. Penny McGill	1600 S. Grant Bay City, MI 48708	BAY CITY EAST	989-482-8855
3. Ruth Kridler	2545 Old Beaver Rd Kawkawlin, MI 48631	KAWKAWLIN	989-686-3317
4. Bruce and Pam Pfenninger	669 N. Elevator Rd. Linwood, MI 48634	FRASER	989-430-2200
5. Shari Niemi	1000 W. Second Street	PINCONNING	989-879-6830
6. Jerry Maxson	P.O. Box 1705 Saginaw, MI 48605	MT FOREST	989-324-7230
7. Beverly Eschenbacher	204 Grant St. Auburn, MI 48611	WILLIAMS	989-662-6652
8. Richard Butler	4819 3 Mile Rd Bay City, MI 48706	MONITOR	989-392-3249
9. Robert Gilbert	506 Columbian Bay City, MI 48706	BAY CITY WEST	989-316-9265
10. Randy Luczak	412 S. Trumbull Rd. Bay City, MI 48708	PORTSMOUTH	989-326-0581
11. Terri Owczarzak	107 Pine Essexville, MI 48732	ESSEXVILLE	989-439-6901 c 989-894-0461 h

BAY COUNTY BOARD OF COMMISSIONERS

FEBRUARY 21, 2023

RESOLUTION

BY: WAYS AND MEANS COMMITTEE (2/7/2023)

WHEREAS, On December 14, 2021 the Bay County Board of Commissioners adopted resolution 2021-210 approving a 3-year Aerial Application Contract with Earl's Spray Service, with a 2 year renewal option; and

WHEREAS, The resolution covered the Spring aerial application, however, there is a need to conduct a Fall aerial treatment; and

WHEREAS, It is necessary to amend the existing contract to include the additional timeframe and cost;

WHEREAS, The price per acre for fall aerial treatment would be \$20/acre for any project under 1,000 acres. Expected costs for 2023 would be \$12,000, with funding available through the Mosquito Control millage. Funding for aerial contractor services has been budgeted in Line Item 802.00 Contractual Services; Therefore Be It

RESOLVED That the Bay County Board of Commissioners approves an amendment to the "Fixed-Wing Aerial Larvicide Service" contract dated March 2022 with Earl's Spray Service to include fall applications under 1,000 acres at \$20/acre with all other contract conditions remaining the same; Be It Further

RESOLVED That the Chairman of the Board is authorized to sign any required documents pertaining to the Fixed-Wing Aerial Larvicide Service contract on behalf of Bay County following Corporation Counsel review and approval; Be It Finally

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

TIM BANASZAK, CHAIR  
AND COMMITTEE

Mosquito Control - Addendum to Existing Fixed-Wing Aerial Larvicide Service Contract

MOVED BY COMM. BANASZAK

SUPPORTED BY COMM. HEREK

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
KATHY NIEMIEC	X			COLLEEN M. MAILLETTE	X			DENNIS R. POIRIER	X		
TIM BANASZAK	X			THOMAS M. HEREK	X						
VAUGHN J. BEGICK	X			KAYSEY L. RADTKE	X						

VOTE TOTALS:

ROLL CALL: YEAS 7 NAYS 0 EXCUSED 0

VOICE: YEAS 7 NAYS 0 EXCUSED 0

DISPOSITION: ADOPTED        DEFEATED        WITHDRAWN       

AMENDED        CORRECTED        REFERRED        NO ACTION TAKEN

BAY COUNTY BOARD OF COMMISSIONERS

FEBRUARY 21, 2023

RESOLUTION

BY: WAYS AND MEANS COMMITTEE (2/7/2023)

WHEREAS, The Emergency Preparedness and Health Education Division Manager and the Community Health Educator/Health Analyst have been approved by the Michigan Department of Health and Human Services Bureau of EMS, Trauma and Preparedness (MDHHS BETP) for the current grant cycle to attend the National Association of County and City Health Officials (NACCHO) 2023 Preparedness Summit being held April 24, 2023 to April 27, 2023 in Atlanta, Georgia; and

WHEREAS, The Preparedness Summit is the first and longest running national conference on public health preparedness and provides attendees opportunities to learn how to implement model practices that enhance the nation’s capabilities to prepare for, respond to, and recover from disasters and other emergencies; and

WHEREAS, There are no direct costs for this travel request as all expenses have been approved and will be covered by MDHHS Public Health Emergency Preparedness grant funding; Therefore, Be It

RESOLVED That the Bay County Board of Commissioners approves the travel request as outlined for the National Association of County and City Health Officials (NACCHO) 2023 Preparedness Summit from April 24, 2023 to April 27, 2023 in Atlanta, Georgia for the Emergency Preparedness and Health Education Division Manager and the Community Health Educator/Health Analyst; Be It Further

RESOLVED That related budget adjustments, if required, are approved

TIM BANASZAK, CHAIR  
AND COMMITTEE

Health Dept –The National Association of County and City Health Officials (NACCHO) 2023 Preparedness Summit – Travel Request

MOVED BY COMM. BANASZAK  
SUPPORTED BY COMM. MAILLETTE

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
KATHY NIEMIEC	X			COLLEEN M. MAILLETTE	X			DENNIS R. POIRIER	X		
TIM BANASZAK	X			THOMAS M. HEREK	X						
VAUGHN J. BEGICK	X			KAYSEY L. RADYKE	X						

VOTE TOTALS:  
ROLL CALL: YEAS 7 NAYS 0 EXCUSED 0  
VOICE: YEAS 7 NAYS 0 EXCUSED 0

DISPOSITION: ADOPTED        DEFEATED        WITHDRAWN-         
AMENDED        CORRECTED        REFERRED        NO ACTION TAKEN



BAY COUNTY BOARD OF COMMISSIONERS

FEBRUARY 21, 2023

RESOLUTION

BY: WAYS AND MEANS COMMITTEE (2/7/2023)

WHEREAS, In 2018, Bay County entered into an agreement with Brown and Brown as Bay County's Insurance Agent for purposes of Workers' Compensation and Excess Liability Insurance coverage; and

WHEREAS, The annual cost is \$10,000 which has not increased; funds exist within the existing budget and no general fund dollars will be used; Therefore, Be It

RESOLVED That the Bay County Board of Commissioners approves the Agreement with Brown and Brown as Bay County's insurance agent for purposes of Workers' Compensation and Excess Liability Insurance coverage; Be It Further

RESOLVED That the Chairman of the Board is authorized to execute said Agreement and related documents on behalf of Bay County following Corporation Counsel review and approval; Be It Finally

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

TIM BANASZAK, CHAIR  
AND COMMITTEE

Personnel - Agreement with Brown & Brown as Bay County Insurance Agent

MOVED BY COMM. BANASZAK  
SUPPORTED BY COMM. HEREK

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
KATHY NIEMIEC	X			COLLEEN M. MAILLETTE	X			DENNIS R. POIRIER	X		
TIM BANASZAK	X			THOMAS M. HEREK	X						
VAUGHN J. BEGICK	X			KAYSEY L. RADTKE	X						

VOTE TOTALS:

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

VOICE: YEAS 7 NAYS 0 EXCUSED 0

DISPOSITION:

ADOPTED \_\_\_ DEFEATED \_\_\_ WITHDRAWN-\_\_\_

AMENDED \_\_\_ CORRECTED \_\_\_ REFERRED \_\_\_ NO ACTION TAKEN \_\_\_

BAY COUNTY BOARD OF COMMISSIONERS

FEBRUARY 21, 2023

RESOLUTION

BY: WAYS AND MEANS COMMITTEE (2/7/2023)

WHEREAS, The annual quote for excess coverage for the time period March 2, 2023 through February 1, 2025 is \$139,430 (\$69,715 annually); the current annual amount is \$66,826 (February 1, 2021 – March 1, 2023) and

WHEREAS, Funds are budgeted in the self-insurance fund with no additional funds required; and

WHEREAS, This amount is split between Bay County, Bay County Department of Water and Sewer and the Bay County Medical Care Facility; Therefore, Be It

RESOLVED That the Bay County Board of Commissioners approves the Agreement with Midwest Employers Casualty Company for excess coverage for the time period March 2, 2023 through February 1, 2025; Be It Further

RESOLVED That the Chairman of the Board is authorized to execute the Agreement on behalf of Bay County following Corporation Counsel review and approval; Be It Finally

RESOLVED That related budget adjustments, if required, are approved

TIM BANASZAK, CHAIR  
AND COMMITTEE

Personnel - Agreement Midwest Employers Casualty Company - Workers' Comp

MOVED BY COMM. BANASZAK  
SUPPORTED BY COMM. HEREK

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
KATHY NIEMIEC	X			COLLEEN M. MAILLETTE	X			DENNIS R. POIRIER	X		
TIM BANASZAK	X			THOMAS M. HEREK	X						
VAUGHN J. BEGICK	X			KAYSEY L. RADTKE	X						

VOTE TOTALS:

ROLL CALL: YEAS 7 NAYS 0 EXCUSED 0

VOICE: YEAS 7 NAYS 0 EXCUSED 0

DISPOSITION:

ADOPTED      DEFEATED      WITHDRAWN       
AMENDED      CORRECTED      REFERRED      NO ACTION TAKEN

BAY COUNTY BOARD OF COMMISSIONERS

FEBRUARY 21, 2023

RESOLUTION

BY: WAYS AND MEANS COMMITTEE (2/7/2023)  
 WHEREAS, As part of the 2022 Annual Audit, Bay County Finance Department prepares the State of Michigan Form F-65 called the Annual Local Unit Fiscal Report; and  
 WHEREAS, The F-65 Report matches the audited financial statement numbers and is due the same day that Bay County's 2022 Comprehensive Annual Financial Report is due, June 30, 2023; and  
 WHEREAS, Due to the new Chart of Accounts corrections, the Finance Department is requesting the Bay County Auditors, Rehmann Robson, prepare the F-65 Form on behalf of the County; and  
 WHEREAS, Bay County Finance Department requested a quote for this additional service from the Auditors and they have indicated they would provide this services at a cost not to exceed \$4,500; The Finance Department has funds within its 2023 budget to cover this expense; Therefore, Be It  
 RESOLVED That the Bay County Board of Commissioners approves the Letter of Understanding with Rehmann for preparation of the State required F-65 Form and authorizes the Chairman of the Board to execute said Letter of Understanding on behalf of Bay County following Corporation Counsel review and approval, funds required (up to \$4,500) to come from the Finance Department budget; Be It Finally  
 RESOLVED That related budget adjustments, if required, are approved.

TIM BANASZAK, CHAIR  
 AND COMMITTEE

Finance - Rehmann - F-65 Form

MOVED BY COMM. BANASZAK  
 SUPPORTED BY COMM. MAILLETTE

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
KATHY NIEMIEC	X			COLLEEN M. MAILLETTE	X			DENNIS R. POIRIER	X		
TIM BANASZAK	X			THOMAS M. HEREK	X						
VAUGHN J. BEGICK	X			KAYSEY L. RADTKE	X						

VOTE TOTALS:

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

VOICE: YEAS 7 NAYS 0 EXCUSED 0

DISPOSITION:

ADOPTED \_\_\_ DEFEATED \_\_\_ WITHDRAWN-\_\_\_  
 AMENDED \_\_\_ CORRECTED \_\_\_ REFERRED \_\_\_ NO ACTION TAKEN \_\_\_

BAY COUNTY BOARD OF COMMISSIONERS

FEBRUARY 21, 2023

RESOLUTION

BY: WAYS AND MEANS COMMITTEE (2/7/2023)  
 WHEREAS, In July of 2022, Tevis Architectural Groups submitted a Feasibility Study regarding the need for a facility upgrade and improvements to the existing animal shelter; and  
 WHEREAS, This study included options to upgrade and improve the current facility or to build a new facility on property the County currently owns; and  
 WHEREAS, Last November voters approved a millage to allow for construction or renovation of a new animal shelter. The County requires a firm or individual with knowledge and experience renovating/building an animal shelter and the special requirements of this building type. This person or firm will be expected to oversee the project, monitor construction, and assist the County during construction of this building; and  
 WHEREAS, The cost for this service is unknown at this time but there are existing funds for this service; and  
 WHEREAS, Bay County Purchasing Department requests authorization to release a Request for Qualifications (RFQu) searching for an individual or firm to oversee the Animal Services and Adoption Center building replacement/renovation; Therefore, Be It  
 RESOLVED That the Bay County Board of Commissioners authorizes the Purchasing Department to develop and release a Request for Qualifications (RFQu) searching for an individual or firm to oversee the Animal Services and Adoption Center building replacement/renovation in accordance with Bay County's Purchasing Policy; Be It Further  
 RESOLVED That related budget adjustments, if required, are approved.

TIM BANASZAK, CHAIR  
 AND COMMITTEE

Finance/Purchasing – RFQu release for Animal Services and Adoption Center Project Manager

MOVED BY COMM. BANASZAK  
 SUPPORTED BY COMM. RADTKE

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
KATHY NIEMIEC	X			COLLEEN M. MAILLETTE	X			DENNIS R. POIRIER	X		
TIM BANASZAK	X			THOMAS M. HEREK	X						
VAUGHN J. BEGICK	X			KAYSEY L. RADTKE	X						

VOTE TOTALS:  
 ROLL CALL: YEAS \_\_\_ NAYS \_\_\_ EXCUSED \_\_\_  
 VOICE: YEAS 7 NAYS 0 EXCUSED 0  
 DISPOSITION: ADOPTED \_\_\_ DEFEATED \_\_\_ WITHDRAWN-\_\_\_  
 AMENDED \_\_\_ CORRECTED \_\_\_ REFERRED \_\_\_ NO ACTION TAKEN \_\_\_

BAY COUNTY BOARD OF COMMISSIONERS

FEBRUARY 21, 2023

RESOLUTION

**BY:** WAYS AND MEANS COMMITTEE {2/7/2023}

**WHEREAS,** Michigan's Region 3 has a project to provide security enhancements for the election infrastructure of county clerk's offices within the region; and

**WHEREAS,** Election infrastructure is an essential resource for local communities, and the federal government now defines it as part of the nation's critical infrastructure. This means that government stakeholders must understand not only the associated cybersecurity threats but also the larger emergency management implications of breaches to election systems; and

**WHEREAS,** An attack on voting and registration systems may provide access into other essential services, such as networks used for public safety. Disruption to voting combined the loss of essential services may result in political uncertainty, threats to public health and safety, and even civil unrest; and

**WHEREAS,** This project will be used to purchase, setup, and configure new firewalls within Bay County. The State of Michigan recently converted to a web-based voter roll, which requires the need for enhanced protection, segmentation, protect information transferred over the internet. Voting machines in Bay County are not connected to the internet and are segmented for safeguarding. The new equipment will be used to maximize effectiveness and cost effective for all parties involved; and

**WHEREAS** This project addresses the national priority by implementing and maintaining risk-informed countermeasures and policies to protect people, structures, and materials associated with key operational activities and critical infrastructure sectors. It will also establish a secure and resilient nation by identifying and mitigating vulnerabilities to incidents for elections and the web-based voter roll; and

**WHEREAS,** The existing enterprise next generation firewalls were purchased in 2015. Refreshing Bay County's firewalls is part of the 2023 project plan. By learning new features and subscriptions available, it is recommended to purchase new firewalls that can help improve the security posture of Bay County. Part of the security subscription bundle available provides the ability for threat prevention, advanced URL filtering, cloud-based malware detection and analysis, and DNS security. In order to subscribe to the new features available, new equipment needs to be purchased; and

**WHEREAS,** The award of this grant to Bay County will allow the collaboration between Region 3 and Bay County to purchase the new equipment and implementation for the improved security required. No additional funds are requested. Each year Information Systems Division budgets for yearly subscription maintenance for the Palo Alto firewalls. The requested amount for the Region 3 grant is \$25,492.26. In addition to that grant funding, there is a cost savings of over \$6,200 each year for subscription maintenance to Bay County with the purchase of the new subscription packages; Therefore, Be It

**RESOLVED** That the Bay County Board of Commissioners authorizes Information Systems Division to apply for the Region 3 Homeland Security Grant for the requested amount up to \$25,492.26 for election infrastructure security enhancements; Be It Further

**RESOLVED** That that Bay County Board of Commissioners authorizes the purchase of the approved equipment and implementation services with use of the Region 3 Homeland Security Grant funds and authorizes the Chairman of the Board to execute and submit electronically, if required, the grant and related documents as well as contracts pertaining to the purchase and implementation of new enterprise firewalls for Bay County utilizing Region 3 Homeland Security Grant following Finance and Corporation Counsel review and approval; Be It Further,

**RESOLVED** That the grant applicant/recipient departments are required to work simultaneously with the Finance Department whose staff will provide financial oversight of said grant; Be It Finally

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

TIM BANASZAK, CHAIR  
AND COMMITTEE

Finance/ISD -- Region 3 Homeland Security Grant for New Firewalls

MOVED BY COMM. BANASZAK  
SUPPORTED BY COMM. HEREK

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
KATHY NIEMIEC	X			COLLEEN M. MAILLETTE	X			DENNIS R. POIRIER	X		
TIM BANASZAK	X			THOMAS M. HEREK	X						
VAUGHN J. BEGICK	X			KAYSEY L. RADTKE	X						

VOTE TOTALS:

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

VOICE: YEAS 7 NAYS 0 EXCUSED 0

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

AMENDED \_\_\_ CORRECTED \_\_\_ REFERRED \_\_\_ NO ACTION TAKEN \_\_\_

BAY COUNTY BOARD OF COMMISSIONERS

FEBRUARY 21, 2023

RESOLUTION

BY: WAYS AND MEANS COMMITTEE (2/7/2023)

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

ACCOUNTS PAYABLE:

1/18/2023	\$162,199.70
1/18/2023	\$462,315.63
1/25/2023	\$507,802.24
1/25/2023	\$463,636.05
2/1/2023	\$227,563.79
2/1/2023	\$665,830.31

TIM BANASZAK, CHAIR  
AND COMMITTEE

Payables

MOVED BY COMM. BANASZAK

SUPPORTED BY COMM. MAILLETTE

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
KATHY NIEMIEC	X			COLLEEN M. MAILLETTE	X			DENNIS R. POIRIER	X		
TIM BANASZAK	X			THOMAS M. HEREK	X						
VAUGHN J. BEGICK	X			KAYSEY L. RADTKE	X						

VOTE TOTALS:

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

VOICE: YEAS 7 NAYS 0 EXCUSED 0

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

AMENDED \_\_\_ CORRECTED \_\_\_ REFERRED \_\_\_ NO ACTION TAKEN \_\_\_

BAY COUNTY BOARD OF COMMISSIONERS

FEBRUARY 21, 2023

RESOLUTION

- BY: PERSONNEL/HUMAN SERVICES COMMITTEE (2/14/2023)
- WHEREAS, Under 780.993 Bay County must submit a plan and cost analysis to the Michigan Indigent Defense Commission (MIDC) in order to comply with standards in representing indigent defendants as required by the State of Michigan; and
- WHEREAS, Bay County must submit a renewal plan and cost analysis to MIDC for approval for the next fiscal year for the State of Michigan which begins October 1, 2023; and
- WHEREAS, The renewal plan will allow Bay County to continue to comply with standards set as well as provide representation for indigent defendants in Bay County; and
- WHEREAS, The renewal plan may require changes as requested or required by the MIDC regional manager or the MIDC; and
- WHEREAS, The application must be submitted via Electronic Grants Administration & Management System (EGRAMS); and
- WHEREAS, Submitting the plan will not use any funds and the plan, if approved, is requesting additional funds from the State of Michigan with no general funds being requested; Therefore, Be It
- RESOLVED That the Bay County Board of Commissioners authorizes electronic submittal of the 2023-2024 MIDC application for grant renewal and authorizes the Chairman of the Board to sign the grant application documents electronically and, if approved by the State, authorizes the Chairman of the Board to sign any grant award documentation electronically, all contingent upon Corporation Counsel review and approval; Be It Further
- RESOLVED That changes/adjustments to the plan, as needed or required with guidance of the MIDC Commission and Regional Manager prior to submittal, are permitted; Be It Finally
- RESOLVED That related budget adjustments, if required, are approved.

KATHY NIEMIEC, CHAIR  
AND COMMITTEE

Criminal Defense - MIDC Grant Renewal – 2023-2024

MOVED BY COMM. NIEMIEC

SUPPORTED BY COMM. HEREK

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
KATHY NIEMIEC	X			COLLEEN M. MAILLETTE	X			DENNIS R. POIRIER	X		
TIM BANASZAK	X			THOMAS M. HEREK	X						
VAUGHN J. BEGICK	X			KAYSEY L. RADTKE	X						

VOTE TOTALS:

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

VOICE: YEAS 7 NAYS 0 EXCUSED 0

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

AMENDED \_\_\_ CORRECTED \_\_\_ REFERRED \_\_\_ NO ACTION TAKEN \_\_\_

BAY COUNTY BOARD OF COMMISSIONERS

FEBRUARY 21, 2023

RESOLUTION

**BY:** PERSONNEL/HUMAN SERVICES COMMITTEE (2/14/2023)

**WHEREAS,** In the effort to move towards a streamlined paperless process, Information Systems Division is working with the Bay County Personnel Department to find the best solution to onboard new employees of Bay County; and

**WHEREAS,** The current vendor, Tyler Technologies has a module in Munis that will allow Personnel to send a packet of documents for new employees to electronically sign and send back to file electronically to Personnel; and

**WHEREAS,** The packet of documents is a vital part of the employee record and by making the process electronic, it will save time, paper cost and allow for a consist record of employee document; and

**WHEREAS,** No additional funds are requested. Each year Information Systems Division budgets training and implementing of projects. The requested amount of the project shall not exceed \$19,000 and each year the cost of any software maintenance of approximately \$9,725 shall be included in the budget; Therefore, Be it

**RESOLVED** That the Bay County Board of Commissioners approves the purchase of the software and implementation services associated with the Employee OnBoard project with a solution by Tyler Munis not to exceed \$19,000; Be It Further

**RESOLVED** That the Chairman of the Board is authorized to sign any documents relating to the purchase and implementation of the new model, if required, on behalf of Bay County (Information Systems Division) following Corporation Counsel review and approval; Be It Finally

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

KATHY NIEMIEC, CHAIR  
AND COMMITTEE

ISD/Personnel– Approval for Employee OnBoarding Project

MOVED BY COMM. NIEMIEC  
SUPPORTED BY COMM. BANASZAK

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
KATHY NIEMIEC	X			COLLEEN M. MAILLETTE	X			DENNIS R. POIRIER	X		
TIM BANASZAK	X			THOMAS M. HEREK	X						
VAUGHN J. BEGICK	X			KAYSEY L. RADTKE	X						

VOTE TOTALS:  
ROLL CALL: YEAS \_\_\_ NAYS \_\_\_ EXCUSED \_\_\_  
VOICE: YEAS 7 NAYS 0 EXCUSED 0

DISPOSITION: ADOPTED \_\_\_ DEFEATED \_\_\_ WITHDRAWN \_\_\_  
AMENDED \_\_\_ CORRECTED \_\_\_ REFERRED \_\_\_ NO ACTION TAKEN \_\_\_



BAY COUNTY BOARD OF COMMISSIONERS

FEBRUARY 21, 2023

RESOLUTION

- BY: PERSONNEL/HUMAN SERVICES COMMITTEE (2/14/2023)
- WHEREAS, The City Clerk's office is currently utilizing Kolb Elementary as a polling location in the 7<sup>th</sup> ward and, due to safety concerns related to opening schools to the public, a new polling location is needed; and
- WHEREAS, Currently there are four (4) possible election dates for each year and, at this time, no odd year elections are scheduled unless a special one is called; and
- WHEREAS, The Bay County Community Center's small gym is an ideal polling location for this public mandatory service; and
- WHEREAS, The Community Center would be able to continue many, if not all, of its services during the use for a polling location. The large gym, meeting rooms and fitness center will continue to be open during this time; and
- WHEREAS, As the City Clerk has requested a waiver of fees. It is recommended that Bay County waive rental fees for use of the Community Center's small gym for election services, as a polling location is a community service; it is further recommended that Bay County and enter into a six (6) year Agreement with the City of Bay City, with an option for renewal, for use of the Community Center as a polling location; Therefore, Be It
- RESOLVED That the Bay County Board of Commissioners approves a 6 year Agreement with the City of Bay City, with an option for renewal, to utilize Bay County's Community Center as a polling location for elections said Agreement to include a waiver of rental fees; Be It Further
- RESOLVED The Chairman of the Board is authorized to execute said Agreement on behalf of Bay County (Recreation and Facilities) following Finance and Corporation Counsel review and approval; Be It Finally
- RESOLVED That related budget adjustments, if required, are approved.

KATHY NIEMIEC, CHAIR  
AND COMMITTEE

Recreation & Facilities - City of Bay City 6-year Agreement - Community Center Polling Location

MOVED BY COMM. NIEMIEC

SUPPORTED BY COMM. MAILLETTE

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
KATHY NIEMIEC	X			COLLEEN M. MAILLETTE	X			DENNIS R. POIRIER	X		
TIM BANASZAK	X			THOMAS M. HEREK	X						
VAUGHN J. BEGICK	X			KAYSEY L. RADTKE	X						

VOTE TOTALS:

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

VOICE: YEAS 7 NAYS 0 EXCUSED 0

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

AMENDED \_\_\_ CORRECTED \_\_\_ REFERRED \_\_\_ NO ACTION TAKEN \_\_\_

BAY COUNTY BOARD OF COMMISSIONERS

FEBRUARY 21, 2023

RESOLUTION

BY: PERSONNEL/HUMAN SERVICES COMMITTEE (2/14/2023)

RESOLVED By the Bay County Board of Commissioners that concurrence is given to post/advertise/fill the following full time/part time/temporary/seasonal or co-op positions/vacancies/new positions, monies for said positions to come from the respective departmental budgets:

I. VACANCIES (BUDGETED)

- a. 9-1-1 Central Dispatch: Dispatcher (full time; \$17.80/hr. entry)
- b. Department on Aging: Support Staff (part time; \$12.02/hr. entry)
- c. Sheriff:
  - 1. Correctional Facilities Officer (full time; \$19.72/hr. entry)
  - 2. Marine Patrol (Grant Funded)
    - 1. Supervisors (3) (\$14.00/hr)
    - 2. Marine Deputies (25) (\$13.00/hr)
- d. Mosquito Control: Seasonal Staff Positions - 32 Field and/or Biology Technicians (\$14.25 - \$15.25 per hour) (day shift year 1: \$14.25/hr.; day shift year 2: \$14.75/hr; night shift year 1: \$14.75; night shift year 2: \$15.25)
- e. Recreation & Facilities – Seasonal

**Golf Course — Clubhouse**

**Approx. Dates of Employment: April -**

**October**

**Position:**

**Hourly Wage:**

- Clubhouse Assistant (2)
- Clubhouse Attendants - Part Time (4+)
- Service Assistants - Part Time (5+)

- \$13.00/hr
- \$10.50/hr
- \$10.50/hr

**Golf Course — Starters/Randers**

**Approx. Dates of Employment: April -**

**October**

**Position:**

**Hourly Wage:**

- Starter/Rangers — Part Time (8+)

- \$10.50/hr

**Golf Course — Grounds/Maintenance**  
**April - October**

**Approx. Dates of Employment:**

<b>Position:</b>	<b>Hourly Wage:</b>
Equipment Operator/Team Leader — Variable Hours (3)	<b>\$12.00/hr</b>
Equipment Operators - Variable Hours (6+)	\$11.00/hr
General Laborers - Variable Hours (2+)	\$11.00/hr

**Community Center Pool Staff**  
**August**

**Approx. Dates of Employment: June - August**

<b>Position:</b>	<b>Hourly Wage:</b>
Pool Supervisor (1)	\$13.00/hr
Pool Asst. Supervisor (1)	\$12.00/hr
Lifeguard/WSI (10+)	\$10.50/hr
Cashier (2+)	\$10.10/hr

**Community Center Summer Recreation Program** **Approx. Dates of Employment: June —August**

<b>Position:</b>	<b>Hourly Wage:</b>
Supervisor (2)	\$13.00/hr
Counselor (13+)	\$10.50/hr

**Pinconning Park Rangers**

**Approx. Dates of Employment: May-Sep**

<b>Position:</b>	<b>Hourly Wage:</b>
Seasonal Rangers (2+)	\$12.00/hr (entry level) \$12.25/hr (1 year level)

**Seasonal Recreation I Maintenance**

**Approx. Dates of Employment: May October**

<b>Position:</b>	<b>Hourly Wage:</b>
Seasonal Recreation Workers Variable Hours (2+)	\$12.00/hr
General Laborer Variable Hours (1)	\$13.00/hr

**Seasonal Property Maintenance**

**Approx. Dates of Employment: May October**

<b>Position:</b>	<b>Hourly Wage:</b>
Seasonal Foreclosed Homes Worker Variable Hrs (1+)	\$12.00/hr

- RESOLVED** That authorization is granted to post/fill vacancies resulting from moves within a department whereby a Board approved vacancy was filled from staff within the department creating another vacancy in the same department, monies for said positions to come from the respective departmental budgets; Be It Further
- RESOLVED** That in the event individuals hired to fill approved vacancies prove to be unqualified or no longer want the position, the Personnel Director is authorized to post/fill the previously approved vacancy within a 60 day time period; Be It Further
- RESOLVED** That budget adjustments, if required, are approved; Be It Further
- RESOLVED** That it is clearly understood that any positions funded through a grant shall be terminated or hours reduced if grant funding is terminated or reduced

**KATHY NIEMIEC, CHAIR  
AND COMMITTEE**

Vacancies – February

**MOVED BY COMM. NIEMIEC**

**SUPPORTED BY COMM. BANASZAK**

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
KATHY NIEMIEC	X			COLLEEN M. MAILLETTE	X			DENNIS R. POIRIER	X		
TIM BANASZAK	X			THOMAS M. HEREK	X						
VAUGHN J. BEGICK	X			KAYSEY L. RADTKE	X						

**VOTE TOTALS:**

**ROLL CALL: YEAS      NAYS      EXCUSED**

**VOICE: YEAS 7 NAYS 0 EXCUSED 0**

**DISPOSITION: ADOPTED      DEFEATED      WITHDRAWN-**

**AMENDED      CORRECTED      REFERRED      NO ACTION TAKEN**

BAY COUNTY BOARD OF COMMISSIONERS

FEBRUARY 21, 2023

RESOLUTION

BY: PERSONNEL/HUMAN SERVICES COMMITTEE (2/14/2023)

WHEREAS, The previous review of the Family Medical Leave Act Policy took place in 1998 and since that time, there have been several updates required; and

WHEREAS, An attorney specializing in FMLA has reviewed and updated Bay County's policy to follow the provisions of the law; and

WHEREAS, There is no financial impact resulting from updating this policy; no additional general funds are required; Therefore, Be It

RESOLVED By the Bay County Board of Commissioners that the attached Bay County FMLA Policy, as revised, is hereby adopted and shall take effect immediately following Corporation Counsel review and approval; Be It Further

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

KATHY NIEMIEC, CHAIR AND COMMITTEE

Personnel – FMLA Policy 2023

MOVED BY COMM. NIEMIEC

SUPPORTED BY COMM. HEREK

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
KATHY NIEMIEC	X			COLLEEN M. MAILLETTE	X			DENNIS R. POIRIER	X		
TIM BANASZAK	X			THOMAS M. HEREK	X						
VAUGHN J. BEGICK	X			KAYSEY L. RADTKE	X						

VOTE TOTALS:

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

VOICE: YEAS 7 NAYS 0 EXCUSED 0

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

AMENDED \_\_\_ CORRECTED \_\_\_ REFERRED \_\_\_ NO ACTION TAKEN \_\_\_

## RULE 20

### FAMILY AND MEDICAL LEAVE POLICY FOR THE COUNTY OF BAY (FMLA)

In order to comply with the provisions of the Family and Medical Leave Act and ensure that the County of Bay and all of its employees are able to freely exercise the rights and avail themselves of the protection provided by the Act, the County of Bay has adopted the following Family and Medical Leave Policy.

#### 20.1 Definitions

The terms used in this FMLA Policy shall have the following meanings unless otherwise specifically provided herein:

- a. "FMLA" or "Act" means the Family and Medical Leave Act of 1993, as amended.
- b. "Employee" means any person employed by the Employer.
- c. "Employer" means the County of Bay.
- d. "Family Leave" means leave taken to care for an employee's newborn child or child placed for adoption or foster care within 12 months of the birth or placement or to care for a child, parent or spouse with a serious health condition.
- e. "Medical Leave" means leave taken to care for the employee's own serious health condition that makes the employee unable to perform the essential functions of their position.
- f. "Qualifying Exigency Family Leave" means a leave due to a qualifying exigency that arises when a spouse, parent or child of the employee is on or has been called to covered active duty. A call to active duty refers to a federal call to active duty. State calls to active duty are not covered unless under order of the President of the United States, pursuant to certain laws.
- g. "Military Caregiver Family Leave" means leave to care for the employee's spouse, child, parent, or next of kin who is a covered servicemember and who suffers from a serious injury or illness incurred in the line of duty while on active duty in the Armed Forces.
- h. "Intermittent Leave" means leave taken in separate periods of time due to a single serious health condition, rather than for one continuous period of time. For example, intermittent leave would include time taken off work for a series

of physical therapy sessions, or leave taken several days at a time over a period of months, such as for a course of chemotherapy.

- i. "Reduced Schedule Leave" means a leave taken based on a work schedule which reduces the number of hours worked per day or week on a regular basis.
- j. "Serious Health Condition" means an illness, injury, impairment, or physical or mental condition that involves inpatient care or "continuing treatment by a health care provider" for a condition that either prevents the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities. Unless complications arise, the common cold, flu, upset stomachs, headaches, routine dental problems and cosmetic treatments do not meet the definition of a "serious health condition."
- k. Subject to certain conditions, "Continuing Treatment by a Health Care Provider" includes (1) a period of incapacity of more than three consecutive calendar days (including subsequent treatments or periods of incapacity relating to the same condition) that requires at least two visits to a health care provider, or one visit plus a regimen of continuing treatment (e.g., a course of prescription drugs, physical therapy), (2) a period of incapacity due to pregnancy or for prenatal care, (3) a period of incapacity or treatment due to a chronic condition (e.g., asthma, diabetes, epilepsy), (4) a period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective (e.g., a severe stroke or the terminal stages of a disease), or (5) a period of incapacity to receive multiple treatments by a health care provider for restorative surgery or a condition that, if left untreated, could result in a period of incapacity of more than three consecutive calendar days (e.g., dialysis for kidney disease or chemotherapy for cancer).
- l. "FMLA Policy" means the County of Bay Family and Medical Leave Policy and any amendments to the Policy.
- m. "Group Health Plan" means the County of Bay group health insurance plan.
- n. "Leave Year" means a "rolling" twelve (12) month period measured back from the commencement date of the leave, except in the case of a Military Caregiver Family Leave which is calculated based on a single twelve (12) month period the commences on the first day of the Military Caregiver Family Leave.

## **20.2 Eligibility and Qualification**

To be **eligible** for a Family and Medical Leave, an employee must:

- a. Have been employed by the Employer for at least twelve (12) months which need not be consecutive;

- b. Have worked at least 1,250 hours during the twelve (12) months immediately preceding the commencement of the leave; and
- c. Work at a location where the Employer employs 50 or more employees within a 75-mile radius.

All periods of absence from work due to or necessitated by USERRA-covered military service is counted in determining an employee's eligibility for FMLA leave.

An eligible employee is **qualified** to use Family and Medical Leave for the following purposes:

- a. To care for a newborn following the birth of a child;
- b. To care for a newborn child or for a newly-adopted child or child recently placed in the employee's home for foster care;
- c. To care for a spouse, child or parent (but not parent-in-law) who has a serious health condition;
- d. The employee's own serious health condition;
- e. For a qualifying exigency that arises when a spouse, parent or child of the employee is on or has been called to covered active duty ("Qualifying Exigency Family Leave"); or
- f. When the employee is a spouse, parent, son, daughter or next of kin of a covered servicemember and is needed to care for that covered servicemember who suffers from a serious injury or illness incurred on active duty ("Military Caregiver Family Leave").

Family leave to care for a newborn child or for adoption or foster care placement of a child must be completed within 12 months of the birth, adoption or placement of the child.

### **20.3 Qualifying Exigency Family Leave**

The FMLA Policy permits eligible employees to take leave for a "qualifying exigency" that arises when a spouse, parent or child is on or has been called to "covered active duty." "Covered active duty" means duty by a member of the regular Armed Forces during deployment to a foreign country. In the case of a member of the reserve component of the Armed Forces, "covered active duty" means duty during deployment to a foreign country under a call or order to active duty. "Qualifying exigencies" include absences:



- a. Due to short-notice deployments (short-notice deployments occur when notice of the deployment is received within seven days of the deployment and leave is limited to seven calendar days from the notice);
- b. To attend any official military ceremony, program, or event related to covered active duty or call to covered active duty status or to attend certain family support or assistance programs and informational briefings;
- c. To arrange for alternative childcare, to provide childcare on an urgent, immediate need basis, to enroll in or transfer to a new school or daycare facility, or to attend meetings with staff at a school or daycare facility;
- d. To make or update various financial or legal arrangements, or to act as the covered military member's representative before a federal, state, or local agency in connection with service benefits;
- e. To attend counseling (by someone other than a health care provider) for yourself, for the military member, or for a child or dependent when necessary as a result of duty under a call or order to covered active duty;
- f. To spend time with a servicemember who is on short-term rest and recuperation leave during a period of deployment (limited to fifteen days for each instance of short-term rest and recuperation leave);
- g. To attend arrival ceremonies, reintegration briefings and events, and any other official ceremony or program sponsored by the military for a period of up to ninety (90) days following termination of the military member's active duty status. This also encompasses leave to address issues that arise from the death of a military member while on active duty status;
- h. To care for a parent who is incapable of self-care, when the care is necessitated by the covered active duty, including arranging for alternative care, providing care on an immediate need basis, admitting or transferring the parent to a care facility, or attending meeting with staff at a care facility (the parent must be the military member's biological, adoptive, step or foster father or mother, or any other individual who stood *in loco parentis* to the military member when the member was under eighteen (18) years of age); and
- i. To address other events arising out of the active duty or call-up, provided that the employee and the Employer agree that the leave qualifies as an exigency and agree as to both the timing and duration of such leave.

#### **20.4 Military Caregiver Family Leave**

The FMLA Policy permits a spouse, son, daughter, parent or next of kin to take up to 26 weeks of leave during a single 12-month period to care for a covered servicemember who

suffers from a serious injury or illness incurred on active duty. The leave is limited to a single 12-month period but can last as long as 26 weeks. During the single 12-month period, an employee is limited to a combined total of 26 weeks of Military Caregiver Family Leave and any other type of Family and Medical leave.

A "covered servicemember" is a member of the Armed Forces, including a member of the National Guard or Reserves, with a serious injury or illness, who (a) is undergoing medical treatment, recuperation, or therapy, (b) is otherwise in outpatient status, or (c) is otherwise on a temporary disability retired list. A "covered servicemember" is also a veteran who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness and who was a member of the Armed Forces, including a member of the National Guard or Reserves, at any time during the period of 5 years preceding the date on which the veteran undergoes that medical treatment, recuperation or therapy.

In the case of a member of the Armed Forces, a "serious injury or illness" means an injury or illness incurred by a servicemember in the line of duty on active duty, or that existed before the active duty and was aggravated by service in the line of duty on active duty that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating.

In the case of a veteran who was a member of the Armed Forces at any time during the period of 5 years preceding the date on which the veteran undergoes medical treatment, recuperation or therapy, a "serious injury or illness" means an injury or illness that was incurred by the servicemember in the line of duty on active duty in the Armed Forces, or that existed before the active duty and was aggravated by service in the line of duty on active duty, and that manifested itself before or after the servicemember became a veteran, and is:

- a. A continuation of the serious injury or illness that was incurred or aggravated when the covered veteran was a member of the Armed Forces and rendered him/her unable to perform the duties of his/her office, grade, rank or rating; or
- b. A physical or mental condition for which the covered veteran has received a U.S. Department of Veterans Affairs Service-Related Disability Rating of 50% or greater based in whole or in part on the condition precipitating the need for leave; or
- c. A physical or mental condition that substantially impairs, or would do so absent treatment, the covered veteran's ability to secure or follow a substantially gainful occupation by reason of a disability or disabilities related to military service; or
- d. An injury, including a psychological injury, on the basis of which the covered veteran has been enrolled in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers.

To be eligible for Military Caregiver Family Leave, you must be a spouse, son, daughter, parent or next of kin of the covered servicemember. *Next of kin* means the nearest blood relative of the servicemember, other than the servicemember's spouse, parent, son, or daughter, in the following order of priority: blood relatives who have been granted legal custody of the servicemember by court decree or statutory provisions; brothers and sisters; grandparents; aunts and uncles; and first cousins; unless the servicemember has specifically designated, in writing, another blood relative as their nearest blood relative for purposes of Military Caregiver Family Leave. You must also meet all other eligibility standards as set forth within the FMLA Policy.

## **20.5 Duration of the Leave**

Eligible Employees may take up to twelve (12) weeks of unpaid leave during any rolling twelve (12) month period for a purpose which qualifies for a family leave, a disability/medical leave, or a Qualifying Exigency Family Leave under the FMLA Policy. The twelve (12) month leave year is calculated backwards from the date the requested leave commences.

If an eligible Employee qualifies for a Military Caregiver Family Leave, he/she may take up to twenty-six (26) weeks of leave during a single twelve (12) month period. The single twelve (12) month period is different than the rolling twelve (12) month period addressed in section 5.1 and begins on the first day of a Military Caregiver Family Leave.

Military Caregiver Family Leave applies on a per-injury basis for each servicemember. Consequently, an eligible employee may take separate periods of caregiver leave for each and every covered servicemember, and/or for each and every serious injury or illness of the same covered servicemember. A total of no more than twenty-six (26) work weeks of Military Caregiver Family Leave, however, may be taken within any single 12-month period.

If spouses are both employed by the Employer and both are eligible for a Family or Medical Leave, spouses may take up to a combined total of twelve (12) weeks of Family and Medical Leave for the birth and care of a newborn child, the placement of a child in the spouses' home for adoption or foster care, or the care of a seriously ill parent. This limitation does not apply to the care of a spouse or child with a serious health condition or to the employee's own serious health condition. For example, if one spouse takes eight (8) weeks to care for a newborn child and the other spouse takes four (4) weeks for the same reason, neither spouse will be able to take additional Family and Medical Leave Act time for that same reason. However, the first spouse would have four (4) weeks remaining within the twelve (12) month period and the other spouse, eight (8) weeks, to use for other kinds of Family and Medical Leaves (or longer, if they take Military Caregiver Family Leave), if necessary.

If both spouses are employed by the Employer and both attempt to use a Military Caregiver Family Leave, the aggregate number of weeks that they can use is a combined

total of 26 during a single 12-month period, including any time spent on other types of Family and Medical Leave.

## **20.6 Intermittent and Reduced Scheduled Leaves**

Family and Medical Leaves for absences necessitated by a serious health condition or the treatment of a serious health condition may be taken intermittently or on a reduced schedule basis, but only if such a schedule is medically necessary (including the care of and psychological comfort to a parent, child or spouse suffering from a serious health condition or needing treatment for a serious health condition).

In the case of caring for a newborn, adopted or foster child, intermittent Family and Medical Leave or a reduced schedule requires prior approval by the Employer. The Employer's consideration of such requests will include several factors, such as the length of the requested leave, the nature of your job, your existing and proposed work schedule and the Employer's business needs.

Military Caregiver Family Leave and Qualifying Exigency Family Leave may be taken intermittently or on a reduced leave schedule.

If a Family and Medical Leave is a foreseeable intermittent or reduced schedule leave for planned medical treatment, the Employer may require an employee to transfer temporarily to an alternative position with equivalent pay and benefits that better accommodates recurring periods of absence or to a part-time schedule. Employees must also make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the Employer's operations.

## **20.7 Notice of the Need for Family and Medical Leave**

- a. **Foreseeable Leave:** If the need for a Family and Medical Leave is foreseeable, employees should give at least 30 days' notice of their intent to use the leave. If it is not possible to provide 30 days' notice for a foreseeable leave, the employee must give notice as soon as practicable, which ordinarily means by the same or next business day. Failure to provide such notice may be grounds for delay or denial of leave.
- b. **Unforeseeable Leave:** When the need for a Family and Medical Leave is unexpected, employees must provide notice as soon as practicable after the need for the leave is known. This means that employees generally must comply with the Employer's normal call-in procedures. Failure to provide such notice may be grounds for delay or denial of leave and may result in discipline for failing to comply with the Employer's call-in procedures.
- c. **Content of the Notice:** Employees must provide sufficient information for the Employer to determine if the leave may qualify as an Family and Medical Leave and the anticipated timing and duration of the leave. Sufficient information may

include that the employee is unable to perform job functions, the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for Qualifying Exigency or Military Caregiver Family Leave. Employees must also inform the Employer if the requested leave is for a reason for which Family and Medical Leave was previously taken or certified. If the request is for intermittent leave or reduced schedule leave, employees shall include the proposed leave schedule.

- d. **Applying for Family and Medical Leave:** Notice of the need for Family and Medical Leave should be made in writing, absent extenuating circumstances, and submitted to Personnel. To apply for a Family and Medical Leave, contact Personnel for a Family and Medical Leave Request form.

## 20.8 **Certification**

- a. **Generally:** If an employee is requesting a Family and Medical Leave due to their own serious health condition or to care for a parent, child or spouse with a serious health condition, they will be required to provide medical certification from a health care provider of the health condition involved and, if applicable, verification that the employee is needed to care for the ill family member and for how long. Forms for this purpose will be provided by Personnel when an employee notifies the Employer of the need for the leave. Employees must provide the requested medical certification within 15 days of being supplied with the necessary certification form or the request for a Family and Medical Leave may be delayed or denied.
- b. **Second and Third Opinions:** After submitting the required medical certification, the Employer may require, at its option and its own expense, that a medical certification be obtained from a health care provider of the Employer's own choosing to verify the need for the requested Family and Medical Leave. If the first and second medical certifications differ, the Employer may require, at its option and at its own expense, that a third certification be obtained from a third health care provider who is jointly selected by the Employer and the employee. The third medical certification will be final and binding on both parties.
- c. **Certification of a Qualifying Exigency Family Leaves:** The Employer may seek certification of a Qualifying Exigency Family Leave each time the employee requests such leave in connection with a covered military member. The first time the employee requests such leave, the Employer may also require that the employee provide a copy of active duty orders or other documentation issued by the military indicating that the covered military member is on active duty or called to active duty during deployment in a foreign country and the dates of the service.

- d. **Certification of a Military Caregiver Family Leave:** If an employee is requesting a Military Caregiver Family Leave to care for a seriously injured or ill covered servicemember, medical certification for such a leave must address whether the covered servicemember suffered a serious injury or illness on active duty that may render him/her medically unfit to perform the duties of their office, grade, rank or rating. Such certification must be obtained from one of the following types of health care providers: (1) a Department of Defense (DOD) health care provider; (2) a Department of Veterans Affairs health care provider; (3) a DOD TRICARE network authorized private health care provider; (4) a DOD non-network TRICARE authorized health care provider; or (5) any health care provider as defined in 29 CFR 825.125. In lieu of such certification, the Company will accept Invitational Travel Orders (ITOs) or Invitational Travel Authorizations (ITAs) issued to any family member to join an injured or ill covered servicemember at his/her bedside. It is not necessary for the employee to be the family member named in the ITO or ITA.
- e. **Recertification:** The Employer may also require periodic medical recertifications at the employee's expense.

## **20.9 Utilization of Paid Leave**

To the extent that an employee has accrued rights to paid leave, including but not limited to vacation days, sick days or personal days, an employee who requests and takes unpaid Family or Medical Leave must first utilize all such available accrued paid leave concurrently with the employee's Family and Medical Leave. Paid sick days may only be used concurrently with a Family and Medical Leave due to an employee's own serious health condition.

## **20.10 Continuation of Benefits**

- a. **Continuation of Benefits:** While on paid or unpaid Family and Medical Leave, whether full leave, intermittent leave or reduced schedule leave, the employee's benefits under the Employer's Group Health Plan shall be continued in full force and effect on the same terms as though the employee were not on leave, except as provided in Paragraph (c) below.
- b. **Contributory Benefits:** To the extent that the employee is required to contribute to the cost of maintaining benefits under the Employer's Group Health Plan, the employee shall, during the leave period, continue to make the required contributions as though the employee were not on leave. During any period of unpaid Family and Medical Leave, the employee shall pay their contribution in accordance with any agreement made by and between the employee and the Employer in writing before the commencement of the leave. If no agreement has been made regarding payment of employee contributions, the employee shall remit their contribution to the Employer at the same time as such contribution would be made if by payroll deduction in the ordinary course of employment by the

Employer. Nothing contained in this FMLA Policy shall operate to preclude or defer the effect of any change in the employee's required contribution which becomes effective during the leave period.

- c. **Failure to Reimburse Employer:** If the employee fails, for a period of thirty (30) days, to make any payment required to keep their benefits under the Employer's Group Health Plan in force while on Family and Medical Leave, the Employer's obligation to continue group health coverage will cease. The employee facing cancellation of coverage will be notified in writing at least fifteen (15) days before coverage is to cease. Coverage will be cancelled retroactively to the effective date of the period to which the unpaid premium applies.
- d. **Failure to Return to Employment:** If an employee does not return to work upon the completion of an approved Family and Medical Leave for reasons other than the onset, continuation or recurrence of a serious health condition of the employee or the employee's parent, child or spouse, the serious injury or illness of a covered servicemember or other circumstances beyond the employee's control, the Employer will require repayment of the employer contribution to the employee's health insurance and any other insurance premiums paid during the Family and Medical Leave.
- e. **Continuation of Other Benefits:** Employee benefits for which the employee would be eligible while on paid leave will continue at the Employer's expense while the employee is on unpaid Family and Medical Leave only as set forth in collective bargaining agreement or applicable Personnel Policy.
- f. **Preservation of Accrued Benefits:** All employment benefits accrued by the employee before the start of Family and Medical Leave, except paid leave time substituted for unpaid Family or Medical Leave time pursuant to Paragraph 20.9, shall be preserved during the term of the leave and shall be restored to the employee upon return to work at the expiration of the leave.

#### **20.11 Restoration of Employment**

An employee on a Family and Medical leave who returns to work on or before the expiration of 12 weeks (or 26 weeks, in the case of Military Caregiver Family Leaves) of Family and Medical leave will generally be reinstated to their prior job or to an equivalent position with equivalent pay, employment benefits and other terms and conditions of employment. Some employees, however, may be denied restoration of employment under limited circumstances:

- a. An employee will not be restored to their prior job or an equivalent position if the employee would not otherwise have been employed at the time the restoration would have occurred, such as when an employee's position has been eliminated while the employee was on leave, such as due to a reduction

in force, or when the employee was hired for a specific term that has expired or to perform work on a discrete project that has been completed.

- b. "Key employees" may be denied restoration to their prior or equivalent positions under certain circumstances. A "key employee" is defined as a salaried employee whose compensation falls within the highest 10% of the Employer's workforce within 75 miles from the employee's worksite. A key employee will be permitted to take Family and Medical Leaves but may be denied restoration to their prior or an equivalent position if denial of restoration is necessary to prevent substantial and grievous economic injury to the operations of the Employer. The Employer will notify key employees of its intent to deny restoration as soon as the Employer determines that substantial and grievous economic injury will occur in the event of restoration.
- c. Acceptance of another job while on a Family and Medical Leave will result in the cancellation of the leave and the termination of the employee's employment.

#### **20.12 Status Reports and Fitness-for-Duty Certifications**

It is the employee's responsibility to remain in reasonable and periodic contact with the Employer while on leave and to report on their status and intent to return to work as set forth by the Employer. In addition, if the employee is returning from a Family and Medical Leave relating to their own serious health condition, the employee must provide a written fitness-for-duty certification from a health care provider that the employee is able to resume work.

#### **20.13 Absences Exceeding Entitlement to FMLA Leave**

The Employer cannot guarantee any position to employees who are absent due to Family and Medical Leaves or other reasons for longer than twelve (12) weeks in any twelve (12) month period (or twenty-six (26) weeks, in the case of Military Caregiver Family Leaves). The placement of an employee at the end of such extended leaves will be subject to the length of the leave, the nature of the employee's job, business conditions, staffing needs and the availability of openings for which the employee is qualified, as determined by the Employer. If the employee's position is no longer open, efforts will be made to provide an appropriate alternative position at a comparable salary. If the Employer determines that no appropriate alternative position is available, an employee who is returning from an extended leave will be terminated.

#### **20.14 Additional Information**

For additional information about your rights and responsibilities with respect to the taking of Family and Medical Leaves, please see the Department of Labor information



attached to this FMLA Policy. Issues or questions not covered by this FMLA Policy will be administered in accordance with applicable state and federal law.

BAY COUNTY BOARD OF COMMISSIONERS

FEBRUARY 21, 2023

RESOLUTION

BY: BAY COUNTY BOARD OF COMMISSIONERS (2/21/2023)

WHEREAS, The Board Chair recommends a change to Article III-Order of Business that would now include the following for the Board meeting: CALL TO ORDER, ROLL CALL, INVOCATION, PLEDGE OF ALLEGIANCE, MINUTES OF PRECEDING MEETING(S), **AGENDA APPROVAL**, CITIZEN INPUT, PETITIONS AND COMMUNICATIONS, REPORTS/ RESOLUTIONS OF STANDING COMMITTEES, REPORTS OF COUNTY OFFICIALS, **COMMISSIONER COMMENTS**, UNFINISHED BUSINESS, NEW BUSINESS, **PUBLIC INPUT**, MISCELLANEOUS, ANNOUNCEMENTS, CLOSED SESSION (if requested), RECESS OR ADJOURNMENT, and

WHEREAS, The Board Chair recommends that an addition to Article XVI-Appointments, be made to paragraph two that would state "**The Board Coordinator will offer the applicants the opportunity to speak in Public Comment during a committee or board meeting sometime prior to the vote of the Commission**, and

WHEREAS, There is no financial impact as a result of these rule changes; Therefore, Be It

RESOLVED That the Bay County Board of Commissioners approves the changes.

VAUGHN J. BEGICK, CHAIR  
AND BOARD

Changes to Board Rules - 2023

MOVED BY COMM. HEREK

SUPPORTED BY COMM. MAILLETTE

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
KATHY NIEMIEC	X			COLLEEN M. MAILLETTE	X			DENNIS R. POIRIER	X		
TIM BANASZAK	X			THOMAS M. HEREK	X						
VAUGHN J. BEGICK	X			KAYSEY L. RADTKE	X						

VOTE TOTALS:

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

DISPOSITION: ADOPTED      DEFEATED      WITHDRAWN-       
 AMENDED      CORRECTED      REFERRED      NO ACTION TAKEN

BAY COUNTY BOARD OF COMMISSIONERS

FEBRUARY 21, 2023

RESOLUTION

**BY:** BAY COUNTY BOARD OF COMMISSIONERS (2/21/23)

**WHEREAS** The Bay City State Park has been serving the recreational needs of Bay County residents and for many others around the state and neighboring states for 100 years; and

**WHEREAS,** In the early 1920s, the area was called "Water Works Park," but Bay City donated the land to the state; and

**WHEREAS,** At the time, they wanted to name it "Bay City Park," but because the city donated the land, a commissioner protested that it needed to be named "Bay City State Park"; and

**WHEREAS,** We do not realize how lucky we are to have this gem right in our own backyard. We don't have to go hundreds of miles to experience the beach, the water, the forest, the trails; and

**WHEREAS,** The Bay City State Park, situated on the shores of the Saginaw Bay, is home to one of the largest remaining freshwater, coastal wetlands on the Great Lakes, the Tobico Marsh. More than a thousand feet of sandy beach and over 2,000 acres of wetland woods, wet meadows, cattail marshlands and oak savannah prairies make it an ideal staging area for migratory birds. The park has long been known for its outstanding variety of bird life and as a haven for wetland wildlife and plants; Therefore, Be It

**RESOLVED** That the Bay County Board of Commissioners recognizes and honors the Bay City State Park and its staff on the celebration of its 100 years of serving Bay County and surrounding areas with a place to relax and retreat from everyday activities.

VAUGHN J. BEGICK, CHAIR  
AND BOARD

Bay City State Park 100 Year Celebration

MOVED BY COMM. POIRIER

SUPPORTED BY COMM. HEREK

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
KATHY NIEMIEC	X			COLLEEN M. MAILLETTE	X			DENNIS R. POIRIER	X		
TIM BANASZAK	X			THOMAS M. HEREK	X						
VAUGHN J. BEGICK	X			KAYSEY L. RADTKE	X						

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BAY COUNTY BOARD OF COMMISSIONERS

FEBRUARY 21, 2023

RESOLUTION

**BY:** BAY COUNTY BOARD OF COMMISSIONERS (2/21/23)  
**WHEREAS,** Bonnie Worden was appointed to the Bay County Department on Aging Advisory Committee in 2020 and, during that time, proved to be a very active Committee member; and  
**WHEREAS,** Bonnie participated in events at the Hampton and Canteen Activity Centers to have a first-hand view of what Bay County's 60 year old and Bay County residents experience, always with an eye on improving services at the Centers; and  
**WHEREAS,** Bonnie's great ideas were often put in place garnering positive feedback and encouraging suggestions from the site participants; and  
**WHEREAS,** Unfortunately, due to illness, Bonnie had to put the Advisory Committee meetings on hold while undergoing cancer treatments but always with a goal of returning to the Advisory Committee and Department on Aging; and  
**WHEREAS,** It was a difficult day in October for both Bonnie and Beth Eurich, the Director of the Department on Aging, when Bonnie indicated that she would be unable to continue to serve on the Advisory Committee; Therefore, Be It  
**RESOLVED,** That the Bay County Board of Commissioners, along with the Department on Aging, with heavy hearts, offer their sincere appreciation to the family of Bonnie Worden for sharing her with Bay County and offer condolences for her passing.

May Bonnie, our dear friend, Rest in Peace.

VAUGHN J. BEGICK, CHAIR  
 AND BOARD

Tribute for Bonnie Worden - Bay County Department on Aging Advisory Committee

MOVED BY COMM. BANASZAK

SUPPORTED BY COMM. RADTKE

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
KATHY NIEMIEC	X			COLLEEN M. MAILLETTE	X			DENNIS R. POIRIER	X		
TIM BANASZAK	X			THOMAS M. HEREK	X						
VAUGHN J. BEGICK	X			KAYSEY L. RADTKE	X						

VOTE TOTALS:

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

VOICE: YEAS 7 NAYS 0 EXCUSED 0

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

AMENDED \_\_\_ CORRECTED \_\_\_ REFERRED \_\_\_ NO ACTION TAKEN \_\_\_

BAY COUNTY BOARD OF COMMISSIONERS

FEBRUARY 21, 2023

RESOLUTION

BY: BAY COUNTY BOARD OF COMMISSIONERS (2/21/23)

RESOLVED By the Bay County Board of Commissioners that the following report is received:

1. Employment Status Report – JANUARY 2023

VAUGHN J. BEGICK, CHAIR  
AND BOARD

County Executive – Status Reports

MOVED BY COMM. HEREK  
SUPPORTED BY COMM. BANASZAK

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
KATHY NIEMIEC	X			COLLEEN M. MAILLETTE	X			DENNIS R. POIRIER	X		
TIM BANASZAK	X			THOMAS M. HEREK	X						
VAUGHN J. BEGICK	X			KAYSEY L. RADTKE	X						

VOTE TOTALS:

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

VOICE: YEAS 7 NAYS 0 EXCUSED 0

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

AMENDED \_\_\_ CORRECTED \_\_\_ REFERRED \_\_\_ NO ACTION TAKEN \_\_\_

**CHANGES IN EMPLOYMENT STATUS  
January 2023**

<u>EMPLOYEE NAME</u>	<u>DEPARTMENT</u>	<u>DATE</u>
<b><u>NEW HIRES (Regular Status):</u></b>		
Christopher Seamster Road Patrol Deputy	Sheriff – Road Patrol	1/30/2023
Natalie Milton Part-time Cook	Dept on Aging	1/24/2023
Nicole Duemler Deputy Court Clerk I	District Court	1/17/2023
Maddison Kalinowski Civilian Deputy Recruit	Sheriff-Road Patrol	1/9/2023
Tim Banaszak Commissioner	Board of Commissioners	1/1/2023
Colleen Maillette Commissioner	Board of Commissioners	1/1/2023
Dennis Poirier Commissioner	Board of Commissioners	1/1/2023
Kathy Niemiec Commissioner	Board of Commissioners	1/1/2023
Jessie Scott Wood Judge	Circuit Court	1/1/2023
Mollee Wackerle Circuit Court Clerk	Circuit Court	1/3/2023
Adrianna Marion Full-time Youth Dev Worker	Juvenile Home	1/3/2023
Pamela Moreno Legal Secretary/Recorder	Circuit Court	1/3/2023
André Reed Deputy Health Officer	Health Department	1/3/2023
<b><u>NEW HIRE (On-call/temporary):</u></b>		
<b><u>TRANSFER:</u></b>		

Michael Huber		
From: Assistant Prosecuting Attorney	From: Prosecuting Attorney's Office	
To: Chief Defense Attorney	To: Public Defender's Office	1/9/2023
Melody Remington		1/9/2023
From: Legal Secretary	From: Prosecuting Attorney	
To: Legal Secretary	To: Criminal Defense	

**RETURN:**

Daniel Pope	Civic Arena	1/30/2023
Zamboni Driver		

**SEPARATIONS:**

Crystal Gower	Criminal Defense	12/29/2022
Temp Help		
Steve Armstrong	Department on Aging	1/13/2023
Full-time Cook		

**RETIREMENT:**

Personnel Department

## BAY COUNTY BOARD OF COMMISSIONERS

MEETING DATE: FEBRUARY 21, 2023

MOTION SPONSORED BY: COMM. HEREK

MOTION SUPPORTED BY: COMM. POIRIER

MOTION NO.: 13

MOVED TO APPROVE THE BOARD MINUTES FOR THE BAY COUNTY BOARD OF COMMISSIONERS REGULAR SESSION BOARD MEETING ON JANUARY 17, 2023, AS PRESENTED, AND THE ORGANIZATIONAL MINUTES OF 01/03/2023.

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
Kathy Niemiec	X			Colleen Maillette	X			Dennis Poirier	X		
Tim Banaszak	X			Thomas Herek	X						
Vaughn J. Begick	X			Kaysey Radtke	X						

**VOTE TOTALS:**

**ROLL CALL:** YEAS      NAYS      EXCUSED     

**VOICE: XX** YEAS   7   NAYS   0   EXCUSED   0  

**DISPOSITION:** ADOPTED   XX   DEFEATED      WITHDRAWN     

AMENDED      CORRECTED      REFERRED



## BAY COUNTY BOARD OF COMMISSIONERS

MEETING DATE:   FEBRUARY 21, 2023  

MOTION SPONSORED BY:   COMM. HEREK  

MOTION SUPPORTED BY:   COMM. RADTKE  

MOTION NO.:   14  

MOVED TO RECEIVE THE APPOINTMENT OF JOSEPH RIVET  
AS REPRESENTATIVE OF THE CITY OF BAY CITY TO THE  
BAY COUNTY LANDBANK AUTHORITY

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
Kathy Niemiec	X			Colleen Maillette	X			Dennis Poirier	X		
Tim Banaszak	X			Thomas Herek	X						
Vaughn J. Begick	X			Kaysey Radtke	X						

**VOTE TOTALS:**

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

**VOICE: XX**   YEAS   7   NAYS   0   EXCUSED   0  

**DISPOSITION:**   ADOPTED   XX   DEFEATED        WITHDRAWN         
                  AMENDED        CORRECTED        REFERRED

**BAY COUNTY BOARD OF COMMISSIONERS**

MEETING DATE: FEBRUARY 21, 2023

MOTION SPONSORED BY: COMM. HEREK

MOTION SUPPORTED BY: COMM. RADTKE

MOTION NO.: 15

MOVED TO GO OUT OF ORDER FOR RESOLUTIONS 2023-31  
AND 2023-32;

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
Kathy Niemiec	X			Colleen Maillette	X			Dennis Poirier	X		
Tim Banaszak	X			Thomas Herek	X						
Vaughn J. Begick	X			Kaysey Radtke	X						

**VOTE TOTALS:**

**ROLL CALL:** YEAS      NAYS      EXCUSED     

**VOICE:** XX YEAS  7  NAYS  0  EXCUSED  0

**DISPOSITION:** ADOPTED  XX  DEFEATED      WITHDRAWN       
AMENDED      CORRECTED      REFERRED

**BAY COUNTY BOARD OF COMMISSIONERS**

MEETING DATE: FEBRUARY 21, 2023

MOTION SPONSORED BY: COMM. HEREK

MOTION SUPPORTED BY: COMM. RADTKE

MOTION NO.: 16

MOVED TO GO BACK TO THE REGULAR ORDER OF  
BUSINESS

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
Kathy Niemiec	X			Colleen Maillette	X			Dennis Poirier	X		
Tim Banaszak	X			Thomas Herek	X						
Vaughn J. Begick	X			Kaysey Radtke	X						

**VOTE TOTALS:**

ROLL CALL: YEAS      NAYS      EXCUSED     

VOICE: XX YEAS 7 NAYS 0 EXCUSED 0

DISPOSITION: ADOPTED XX DEFEATED      WITHDRAWN     

AMENDED      CORRECTED      REFERRED

**BAY COUNTY BOARD OF COMMISSIONERS**

MEETING DATE:   FEBRUARY 21, 2023  

MOTION SPONSORED BY:   COMM. HEREK  

MOTION SUPPORTED BY:   COMM. MAILLETTE  

MOTION NO.:   17  

MOVED TO ADJOURN THE REGULAR BOARD SESSION OF  
FEBRUARY 21,2023. THE MEETING CONCLUDED AT 4:28 PM

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
Kathy Niemiec	X			Colleen Maillette	X			Dennis Poirier	X		
Tim Banaszak	X			Thomas Herek	X						
Vaughn J. Begick	X			Kaysey Radtke	X						

**VOTE TOTALS:**

ROLL CALL:   YEAS    NAYS    EXCUSED   

VOICE: XX   YEAS   7   NAYS   0   EXCUSED   0  

DISPOSITION: ADOPTED   XX   DEFEATED    WITHDRAWN   

AMENDED    CORRECTED    REFERRED