

# **SPECIAL MEETING**

## **BAY COUNTY BOARD OF COMMISSIONERS**

### **A G E N D A**

**TUESDAY, MAY 3, 2016**

**4:30 P.M.**

**(Or immediately following Ways and Means Committee meeting)**

COMMISSION CHAMBERS, FOURTH FLOOR, BAY COUNTY BUILDING

PAGE NO.

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

**II            ROLL CALL**

**III           INVOCATION**

**IV           PLEDGE OF ALLEGIANCE**

**V            CITIZEN INPUT**

**VII           ITEMS FOR CONSIDERATION**

1            A.     Res. No. 2016-103 - Recognition of YWCA Great Lakes Bay Region

2            B.     Res. No. 2016-104 - Acceptance of DNR Phragmites Grant (Environmental Affairs)

**VIII           UNFINISHED BUSINESS**

**IX           NEW BUSINESS**

**X            MISCELLANEOUS**

**XI           ANNOUNCEMENTS**

## **XII            CLOSED SESSION**

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### **A.      Corporation Counsel - Pending Litigation**

**Motion: To go into closed session pursuant to MCLA 15.268, Sec. 8 (e): To consult with its attorney regarding trial or settlement strategy in connection with specific pending litigation, but only when an open meeting would have a detrimental financial effect on the litigating or settlement position of the public body.**

## **XIII          RECESS/ADJOURNMENT**



BAY COUNTY BOARD OF COMMISSIONERS

MAY 3, 2016

RESOLUTION

BY: BAY COUNTY BOARD OF COMMISSIONERS (5/3/16)

WHEREAS, On May 4, 2016, YWCA Great Lakes Bay Region is celebrating its One Hundred Twenty-Fifth Birthday; and

WHEREAS, On May 4, 1891 eleven women met with the goal of serving women of Bay City and their vision created an organization that has served thousands of individuals of all ages through the many programs, classes, and services offered by YWCA Great Lakes Bay Region; and

WHEREAS, While there have been many changes in society, in our community, and in the way we have lived over the past 125 years, the commitment of YWCA Great Lakes Bay Region to meet the needs warranted by the changing times has been very evident and has had a significant impact on the women of the Great Lakes Bay Region; and

WHEREAS, Countless lives have been touched and enriched by the efforts of the YWCA Great Lakes Bay Region. Therefore, Be It

RESOLVED That the Bay County Board of Commissioners and Bay County Executive recognize all past and present hard work and contributions of YWCA Great Lakes Bay Region and extend best wishes for continued success, growth and prosperity.

ERNIE KRYGIER, CHAIR  
AND BOARD

YWCA

MOVED BY COMM. TILLEY

SUPPORTED BY COMM. HEREK

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

VOTE TOTALS:

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

DISPOSITION: ADOPTED X DEFEATED      WITHDRAWN       
AMENDED      CORRECTED      REFERRED     

- / -

**BAY COUNTY BOARD OF COMMISSIONERS**

**MAY 3, 2016**

**RESOLUTION**

**BY:** WAYS AND MEANS COMMITTEE (5/3/16)  
**WHEREAS,** It was learned today that Midland Community TV (MCTV) is conducting a sale of surplus video equipment on Friday, May 6, 2016; and

**WHEREAS,** With the assistance of Bay 3 TV staff, several items of equipment have been identified that would enhance the current equipment currently used by Bay 3 TV and the following is a list of the equipment identified and the proposed bid amount:

1. Sony DSR-1500A & DSR-11 Cassette Recorders (2) – which would allow us to intake any filmed media into the computer (2 @ \$50/each - \$100)
2. Sony DSR 250 DVCAM with Battery Charger, 2 Batteries & Sony Bag – these would be an upgrade from current ENG Cameras being used (2 @ \$300/each - \$600)
3. Extra Batteries for Cameras (2 @ \$50/each - \$100)
4. Tripods for Cameras (2 @ \$25/each - \$50)

**WHEREAS,** Funds exist within the Administrative Services budget for this purchase; Therefore, Be It

**RESOLVED** That the Bay County Board of Commissioners authorizes County administration to submit a bid on behalf of Bay County for the equipment listed above for an amount not to exceed \$2,000, as well as additional funds in the event equipment was viewed at the auction that would supplement or enhance the existing equipment; Be It Further

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

**KIM COONAN, CHAIR  
 AND COMMITTEE**

**Adm Serv - MCTV Equipment Auction (Bay 3 TV)**

MOVED BY COMM. TILLEY

SUPPORTED BY COMM. DURANCZYK

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

VOTE TOTALS:

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

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

## BAY COUNTY BOARD OF COMMISSIONERS

MEETING DATE:   MAY 3, 2016  

MOTION SPONSORED BY:   COMM. TILLEY  

MOTION SUPPORTED BY:   COMM. DURANCZYK  

MOTION NO.:   39  

MOTION TO INTERVIEW AND FILL THE ATTORNEY VACANCY(S) IN THE PUBLIC DEFENDER'S OFFICE THAT WERE PREVIOUSLY APPROVED TO BE POSTED BY THE BAY COUNTY BOARD OF COMMISSIONERS ON FEBRUARY 16, 2016 (RES. NO 2016-56).

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
Michael Duranczyk	X			Kim Coonan	X			Michael Lutz	X		
Ernie Krygier	X			Thomas Herek	X						
Vaughn J. Begick	X			Donald J. Tilley	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:   MAY 3, 2016  

MOTION SPONSORED BY:   COMM. COONAN  

MOTION SUPPORTED BY:   COMM. TILLEY  

MOTION NO.:   40  

MOVED TO GO INTO CLOSED SESSION PURSUANT TO MCL 15.268, SEC. 8 (e): TO CONSULT WITH ITS ATTORNEY REGARDING TRIAL OR SETTLEMENT STRATEGY IN CONNECTION WITH SPECIFIC PENDING LITIGATION, BUT ONLY WHEN AN OPEN MEETING WOULD HAVE A DETRIMENTAL FINANCIAL EFFECT ON THE LITIGATING OR SETTLEMENT POSITION OF THE PUBLIC BODY AND PURSUANT TO MCL 15.268 (h): TO CONSIDER MATERIAL EXEMPT FROM DISCUSSION OR DISCLOSURE BY STATE OR FEDERAL STATUTE, SPECIFICALLY A WRITTEN LEGAL OPINION, EXEMPTED UNDER MCL 15.243 (l) (g). TO DISCUSS THE ISSUES OF CYNTHIA A. LUCZAK, BAY COUNTY CLERK VS. BAY COUNTY BOARD OF COMMISSIONERS, ET AL 2015-3583-AW

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

**VOTE TOTALS:**

ROLL CALL: XX YEAS   7   NAYS   0   EXCUSED   0  

VOICE: YEAS        NAYS        EXCUSED       

DISPOSITION: ADOPTED   XX   DEFEATED        WITHDRAWN         
 AMENDED        CORRECTED        REFERRED

## BAY COUNTY BOARD OF COMMISSIONERS

MEETING DATE:   MAY 3, 2016  

MOTION SPONSORED BY:   COMM. DURANCZYK  

MOTION SUPPORTED BY:   COMM. TILLEY  

MOTION NO.:   41  

MOVED TO GO BACK TO REGULAR SESSION FOLLOWING  
CLOSED SESSION TO DISCUSS THE ISSUES OF CYNTHIA A.  
LUCZAK, BAY COUNTY CLERK VS. BAY COUNTY BOARD OF  
COMMISSIONERS, ET AL 2015-3583-AW.

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
Michael Duranczyk	X			Kim Coonan	X			Michael Lutz	X		
Ernie Krygier	X			Thomas Herek	X						
Vaughn J. Begick	X			Donald J. Tilley	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:   MAY 3, 2016  

MOTION SPONSORED BY:   COMM. COONAN  

MOTION SUPPORTED BY:   COMM. DURANCZYK  

MOTION NO.:   42  

MOVED TO PROCEED WITH THE RECOMMENDATION OF CONTRACTUAL, OUTSIDE COUNSEL ALEX BOMMARITO AND AUTHORIZING HIM TO PROCEED AS DISCUSSED IN THE CLOSED SESSION FOLLOWING COMMENTS MADE BY BAY COUNTY LEGAL COUNSEL AMBER DAVIS-JOHNSON.

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
Michael Duranczyk	X			Kim Coonan	X			Michael Lutz	X		
Ernie Krygier	X			Thomas Herek	X						
Vaughn J. Begick	X			Donald J. Tilley	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:   MAY 3, 2016  

MOTION SPONSORED BY:   COMM. DURANCZYK  

MOTION SUPPORTED BY:   COMM. COONAN  

MOTION NO.:   43  

MOVED TO ADJOURN THE SPECIAL BOARD SESSION OF MAY  
3, 2016. THE MEETING CONCLUDED AT 5:35 PM.

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

**VOTE TOTALS:**

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

VOICE:    XX   YEAS   7   NAYS   0   EXCUSED   0  

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

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