

**SPECIAL MEETING**  
**BAY COUNTY BOARD OF COMMISSIONERS**  
**A G E N D A**  
**TUESDAY, NOVEMBER 15, 2016**  
**4:00 P.M.**

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**
- VI           ITEMS FOR CONSIDERATION**
  - A.    Public Hearing on the 2017 Bay County Proposed Budget **(4:00 p.m.)**
  - B.    Resolutions
    - 1.    No. 2016-288 - 2016-2017 CPBC Agreement (Health Department)
    - 2.    No. 2016-289 - Amended L04029 Form/2016 Apportionment
- VII          UNFINISHED BUSINESS**
- VII          NEW BUSINESS**
- IX          MISCELLANEOUS**
- X            ANNOUNCEMENTS**

1-2

3-16

## **XI            CLOSED SESSION**

### **A.        Corporation Counsel - Legal Opinion**

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

### **B.        Personnel Director - Labor Negotiations**

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

## **XII           RECESS/ADJOURNMENT**



**BAY COUNTY BOARD OF COMMISSIONERS**

**NOVEMBER 15, 2016**

**RESOLUTION**

- BY:** BAY COUNTY BOARD OF COMMISSIONERS (11/15/16)
- WHEREAS,** Due to an oversight, the 2016/17 CPBC Agreement was not brought to the Board when the funding was announced in July of this year; and
- WHEREAS,** The purpose of the FY 2016-17 CPBC Agreement between Bay County and the Michigan Department of Health & Human Services is to set forth a joint and cooperative Contractor/Department relationship and basis for facilitating the delivery of public health services to the citizens of Bay County, as described in the Agreement's Output Measures and Annual Budget, established Minimum Program Requirements, and all other applicable Federal, State and Local laws and regulations pertaining to the Contractor and the Department; and
- WHEREAS,** Public health services to be delivered under this agreement include Local Public Health Operations (LPHO) and Categorical Programs as specified in the Agreement. This Agreement covers services from October 1, 2016 and continues through September 30, 2017; and
- WHEREAS,** In accordance with the Funding/Reimbursement Matrix, the total proposed State budget and amount committed for this period for the program elements covered by this Agreement is \$1,191,941 with the enactment of the FY 16-17 Michigan Department of Health and human Services Appropriation Bill and, as is current practice, allocation changes have been and will be made in amendments; Therefore, Be It
- RESOLVED** That the Bay County Board of Commissioners approves the FY 2016-2017 CPBC Agreement retroactively; Be It Further
- RESOLVED** That the Chairman of the Board is retroactively authorized to execute and submit electronically all documents as required ; Be It Finally
- RESOLVED** That any necessary budget adjustments relating to this Agreement are approved.

**ERNIE KRYGIER, CHAIR  
AND BOARD**

**Health Dept - 2016-2017 CPBC Agreement**

MOVED BY COMM. Tilley

SUPPORTED BY COMM. Coonan

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

**NOVEMBER 15, 2016**

**RESOLUTION**

**BY:** BAY COUNTY BOARD OF COMMISSIONERS(11/15/16)  
**WHEREAS,** On September 13, 2016 (res. no. 2016-217) the Bay County Board of Commissioners approved the 2016 Tax Rate Request (L-4029), in compliance with State constitution, and authorized the levy of listed tax rates on the 2016 tax roll; and  
**WHEREAS,** On October 18, 2016, the Bay County Board of Commissioners, in accordance with 211.37 of the Michigan Property Tax Laws, adopted resolution no. 2016-258 approving the 2016 Apportionment/Clerk's Certificates; and  
**WHEREAS,** As four (4) millage questions were included on the November 8, 2016 general election ballot, these millage rates were not included in Bay County resolution nos. 2016-217 and 2016-258 pending the results of the November 8, 2016 general election; and  
**WHEREAS,** On November 8, 2016, the voters of Bay County approved all millage questions on the ballot; Therefore, Be It  
**RESOLVED** That the Bay County Board of Commissioners hereby amends resolution no. 2016-217 (9/13/16) and resolution no. 2016-258 (10/18/16) to include the millages approved by Bay County voters on November 8, 2016, as follows:

Bay County Mosquito Control	.5500 mills
Bay County 911 Central Dispatch	.7000 mills
Bay County Senior Citizens	.5500 mills
Bay County Gypsy Moth	.1000 mills

**RESOLVED** That the Chairman of the Board is authorized to sign the attached amended L-4029 2016 Tax Rate Request form and any other documentation required.

**ERNIE KRYGIER, CHAIR  
AND BOARD**

**Equalization - Amended 4029 Form/2016 Apportionment**

MOVED BY COMM. Tilley

SUPPORTED BY COMM. Lutz

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

**OCTOBER 11, 2016**

**RESOLUTION**

- BY:** WAYS AND MEANS COMMITTEE (10/4/16)
- WHEREAS,** Effective in 2015, the Patient Protection and Affordable Care Act (ACA) requires IRS 1094/1095 reporting to be completed in January each year. The reporting requires the employer to report annually, broken down by month, which employees are offered coverage, whether they elected coverage and what months each employee and covered dependent received coverage. Employees and dependents must be reported separately. Each eligible employee will be provided the form for their tax purposes and the information is filed with the IRS (similar to a W2); and
- WHEREAS,** The reporting requires coordination between BCBS, BCN, EHiM and Bay County however, it is an employer responsibility to report timely to prevent penalties; and
- WHEREAS,** The vendor used in 2015, Health Decision, has increased their fees in excess of \$5000 to provide the services for 2016 and, in an effort to keep costs down, efforts were made to locate a vendor that is capable of the coordination and reporting to meet the ACA guidelines at a lower rate for 2016 that is within our current budgeted funds; and
- WHEREAS,** On October 11, 2016, the Bay County Board of Commissioners adopted resolution no. 2016-247 approving an Agreement with HR Workplace Services to provide 6055 and 6056 Service Assistance for ACA reporting services (one EIN, 650 W-2s, Self-Insured Plan, Composite Rates) at a cost of \$4,800; and
- WHEREAS,** Since Board approval, it was learned that HR Solutions is governed by an Arizona State Law and another vendor governed by Michigan Law has been located; and
- WHEREAS,** Funds exist within the Personnel and Employee Relations Department existing budget; Therefore Be It
- RESOLVED** That the Bay County Board of Commissioners rescind resolution no. 2016-247 approving the Agreement with HR Workplace Services, Inc. to provide 6055 and 6056 Service Assistance for ACA reporting services; Be It Further
- RESOLVED** That the Bay County Board of Commissioners approves an Agreement with BASIC to provide 6055 and 6056 Service Assistance for ACA reporting services; Be It Further
- RESOLVED** That the Chairman of the Board is authorized to execute said Agreement on behalf of Bay County following legal review/approval.

**KIM COONAN, CHAIR  
AND COMMITTEE**

Personnel Dept - Agt with BASIC

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 \_\_\_\_\_ 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: NOVEMBER 15, 2016

MOTION SPONSORED BY: COMM. TILLEY

MOTION SUPPORTED BY: COMM. HEREK

MOTION NO.: 116

MOVED TO GO OUT OF ORDER OF REGULAR SESSION AND  
GO INTO PUBLIC HEARING ON THE 2017 BAY COUNTY  
PROPOSED BUDGET.

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: NOVEMBER 15, 2016

MOTION SPONSORED BY: COMM. TILLEY

MOTION SUPPORTED BY: COMM. LUTZ

MOTION NO.: 117

MOVED TO GO BACK INTO THE REGULAR BOARD SESSION  
AND COMPLETE THE PUBLIC HEARING ON THE 2017 BAY  
COUNTY PROPOSED BUDGET.

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
Michael Duranczyk	X			Kim Coonan	X			Michael Lutz	X		
Ernie Krygler	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: NOVEMBER 15, 2016

MOTION SPONSORED BY: COMM. COONAN

MOTION SUPPORTED BY: COMM. LUTZ

MOTION NO.: 118

TO GO INTO CLOSED SESSION PURSUANT TO MCL 15.268 (h): TO DISCUSS A LEGAL OPINION PREPARED BY ATTORNEY KEN KILBY WITH THE FIRM OF MCGRAW MORRIS P.C., 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); AND ALSO PURSUANT TO MCL 15.268 (c): FOR STRATEGY AND NEGOTIATION SESSIONS CONNECTED WITH THE NEGOTIATION OF A COLLECTIVE BARGAINING AGREEMENT WHEN EITHER NEGOTIATING PARTY REQUESTS A CLOSED HEARING.

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
Michael Duranczyk	X			Kim Coonan	X			Michael Lutz	X		
Ernie Krygler	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: NOVEMBER 15, 2016

MOTION SPONSORED BY: COMM. TILLEY

MOTION SUPPORTED BY: COMM. HEREK

MOTION NO.: 119

TO GO TO REGULAR SESSION FOLLOWING CLOSED SESSION 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); AND ALSO PURSUANT TO MCL 15.268 (c); FOR STRATEGY AND NEGOTIATION SESSIONS CONNECTED WITH THE NEGOTIATION OF A COLLECTIVE BARGAINING AGREEMENT WHEN EITHER NEGOTIATING PARTY REQUESTS A CLOSED HEARING.

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
Michael Duranczyk	X			Kim Coonan	X			Michael Lutz	X		
Ernie Krygier	X			Thomas Herek	X						
Vaughn J. Begick	X			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: NOVEMBER 15, 2016

MOTION SPONSORED BY: COMM. TILLEY

MOTION SUPPORTED BY: COMM. HEREK

MOTION NO.: 120

TO AUTHORIZE THE ATTORNEY, KEVIN KILBY, FROM THE LAW FIRM OF MCGRAW MORRIS P.C., TO PROCEED WITH HIS RECOMMENDATION IN CLOSED SESSION, PER CORPORATE COUNSEL, AMBER 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: NOVEMBER 15, 2016

MOTION SPONSORED BY: COMM. DURANCZYK

MOTION SUPPORTED BY: COMM. BEGICK

MOTION NO.: 121

TO ADJOURN THE SPECIAL BOARD SESSION OF NOVEMBER  
15, 2016. THE MEETING CONCLUDED AT 6:30 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 \_\_\_\_\_