

BAY COUNTY BOARD OF COMMISSIONERS

A G E N D A

TUESDAY, JANUARY 14, 2014

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

28-55 **V MINUTES (12/10/13; 12/17/13; 1/6/14)**

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

VII PETITIONS AND COMMUNICATIONS

A. Elder Abuse Prevention Grant Update (**Presentation by Julie Chamberlain, Abuse in Later Life Prevention Coordinator - Receive**)

1- 3 B. Presentation on Regional Items Affecting Bay-Arenac Behavioral Health and the Community (**Chris Pinter, Chief Executive Officer of Bay-Arenac Behavioral Health Authority will give update - Receive**)

4- 6 C. City of Bay City - Application for Industrial Facilities Tax Exemption Certificate - Michigan Brand - \$366,145 (**Receive**)

VIII

REPORTS/RESOLUTIONS OF COMMITTEES

A. WAYS AND MEANS (KIM J. COONAN, CHAIR; DONALD J. TILLEY, VICE CHAIR)

- 7 1. No. 2014-1 - Audit of Bay County Public Guardian Accounts
(Probate Court)
- 8 2. No. 2014-2 - Work Release Administrative Fee Increase
(Sheriff Dept.)
- 9 3. No. 2014-3 - Renewal of Health Insurance for 2014
(Corporation Counsel)
- 10 4. No. 2014-4 - Renewal of Property and Liability Insurance
(Housing Department - Center Ridge Arms)
- 11 5. No. 2014-5 - Intergovernmental Agreement for Next
Generation 9-1-1 Phone System (9-1-1 Central Dispatch)
- 12-21 6. No. 2014-6 - Bay County Civil Rights in County Governmental
Affairs, Ordinance 53 **(Pursuant to Board Rules, if the
Board chooses to give further consideration to the
ordinance, there will be a public hearing on said
Ordinance on February 11, 2014. Corporation Counsel
has provided a projected schedule which is attached.)**
- 22 7. No. 2014-7 - Engagement Letter with Rehmann for 2013 Bay
County Audit (Finance Dept.)
- 23 8. No. 2014-8 - 2014 Marine Safety Grant Program (Sheriff
Dept.)

B. PERSONNEL/HUMAN SERVICES (BRANDON KRAUSE, CHAIR; DONALD J. TILLEY, VICE CHAIR)

C. BOARD OF COMMISSIONERS (ERNIE KRYGIER, CHAIR, DONALD J. TILLEY, VICE CHAIR)

- 24 1. No. 2014-9 - Accounts Payable/BAYANET/Center Ridge Arms
- 25-27 2. No. 2014-10 - Reports of County Executive

IX

REPORTS OF COUNTY OFFICIALS/DEPARTMENTS

- A. County Executive

X UNFINISHED BUSINESS

XI NEW BUSINESS

XII MISCELLANEOUS

XIII ANNOUNCEMENTS

A. 2014 Appointments:

1. **MARCH: Bay Arenac Behavioral Health Authority (Four (4) year terms expiring: Boyd Boettger; James Anderson; Richard Gromaski; Colleen Maillette)**
2. **JUNE: Library Board (One 5 year term - Frank Quinn)**
3. **OCTOBER:**
 - a. **Land Bank Authority - One Township Representative, 3 year term - Terry Watson)**
 - b. **Department of Human Services Board of Directors (One 3 year term - Mary Ewald Sayles)**
4. **NOVEMBER: Building Authority (One 6 year term - Darrell Maciag)**
5. **DECEMBER: Division on Aging Advisory Committee (Four 2 year terms; districts 2, 4, 6 & 8 and At-large)**

XIV CLOSED SESSION (If requested)

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.

XV RECESS/ADJOURNMENT

BAY COUNTY BOARD OF COMMISSIONERS

1/14/2014

RESOLUTION

BY: WAYS AND MEANS COMMITTEE (1/7/14)
 WHEREAS, The Bay County Probate Court is soliciting sealed quotes from Certified Public Accounting firms to perform certain agreed upon procedures with respect to the cash records of the Bay County Public Guardian Accounts solely to assist the Probate Court in determining that the cash records have been properly maintained for the years ending December 31, 2013, 2014 and 2015; and
 WHEREAS, These cash records are currently being administered by Catholic Family Services (Public Guardian) in Bay City, MI; and
 WHEREAS, The Bay County Probate Court has contracted with Catholic Family Services to provide guardianship/conservatorship services to individuals who are adjudged by the Court to be incompetent to handle their own affairs and have no other family member or interested party to serve in such a capacity; and
 WHEREAS, As individual cases appear before the Court they are turned over to the Public Guardian to administer the individual's financial and/or personal affairs; Therefore, Be It
 RESOLVED That the Bay County Board of Commissioners authorizes the Chairman of the Board to execute the agreement with the provider of Public Guardian auditing services as determined by the Bay County Probate Court subject to review/approval by legal counsel; Be It Further
 RESOLVED That related budget adjustments, if required, are approved.

KIM COONAN, CHAIR
 AND COMMITTEE

Probate Court - Public Guardian Auditing Services

MOVED BY COMM. Coonan

SUPPORTED BY COMM. Tilley

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
BRANDON KRAUSE	✓			KIM J. COONAN	✓			MICHAEL E. LUTZ	✓		
ERNIE KRYGIER	✓			THOMAS M. HEREK	✓						
VAUGHN J. BEGICK	✓			DONALD J. TILLEY	✓						

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

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

BAY COUNTY BOARD OF COMMISSIONERS

1/14/2014

RESOLUTION

BY: WAYS AND MEANS COMMITTEE (1/7/14)

WHEREAS, Currently the fee for work release inmates is set per work day for those inmates that have jobs and can be released to leave for that job, however, since the original request, the administration fee has increased; and

WHEREAS, Currently the per day charge is \$20 for sentenced work release inmates, however, due to the state mandate that requires a tether, an additional administration fee of \$.50 per day worked is necessary to cover the cost of the tether, increasing the daily rate from \$6.50 to \$7.00 per day; Therefore, Be It

RESOLVED By the Bay County Board of Commissioners that, effective January 15, 2014, the work release fee is increased to \$7.00 per day (from \$6.50 per day) and that the increase be reflected on the fee schedule for the Bay County Jail; Be It Further

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

KIM COONAN, CHAIR
AND COMMITTEE

Sheriff Dept - Work Release Fee Increase

MOVED BY COMM. Coonan

SUPPORTED BY COMM. Lutz

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
BRANDON KRAUSE	✓			KIM J. COONAN	✓			MICHAEL E. LUTZ	✓		
ERNIE KRYGIER	✓			THOMAS M. HEREK	✓						
VAUGHN J. BEGICK	✓			DONALD J. TILLEY	✓						

VOTE TOTALS:

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

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AMENDED _____ CORRECTED _____ REFERRED _____

BAY COUNTY BOARD OF COMMISSIONERS

1/14/2014

RESOLUTION

BY: WAYS AND MEANS COMMITTEE (1/7/14)

WHEREAS, Health insurance services have, for several years, been provided through Bay County's self-insurance with stop-loss coverage and third-party administration through Blue Cross/Blue Shield of Michigan (BCBSM) and Bay County relies upon agent and consultant Angela Garner, of Brown & Brown, retained as required by law by both BCBSM and Bay County, to arrange benefit plans for all our covered employees and retirees; and

WHEREAS, The Bay County Personnel and Employee Relations Department has recommended that Bay County maintains this coverage in 2014, including services provided by Brown and Brown Consultant Angela Garner and implementing our added wellness program benefits; and

WHEREAS, Renewal agreements have been reviewed by the Department of Personnel and Employee Relations and Corporation Counsel; and

WHEREAS, Bay County's health benefits as requested of BCBS include per employee computations of Bay County's rate of amounts for 2014 and employees have been informed of their share of these benefits and the Board has approved its contribution as well; Therefore, Be It

RESOLVED That the Bay County Board of Commissioners approves the Blue Cross Blue Shield of Michigan and Brown & Brown renewal for 1/1/2014 through 12/31/2014 and authorizes the Chairman of the Board to execute all documents required on behalf of Bay County; Be It Further

RESOLVED That budget adjustments, if required, are approved.

KIM COONAN, CHAIR
AND COMMITTEE

Personnel - BXBS Renewal 2014

MOVED BY COMM. Coonan

SUPPORTED BY COMM. Krause

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
BRANDON KRAUSE	✓			KIM J. COONAN	✓			MICHAEL E. LUTZ	✓		
ERNIE KRYGIER	✓			THOMAS M. HEREK	✓						
VAUGHN J. BEGICK	✓			DONALD J. TILLEY	✓						

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

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BAY COUNTY BOARD OF COMMISSIONERS

1/14/2014

RESOLUTION

- BY: WAYS AND MEANS COMMITTEE (1/7/14)
- WHEREAS, Property and Liability coverage for the Bay County Housing Department - Center Ridge Arms - has been provided by the Housing Authority Insurance Group since 2009 and the Bay County Housing Department has been satisfied with the coverage, rates and services provided by HAI; and
- WHEREAS, Due to Bay County Housing Department's claim and loss history and proactive risk management measures, premium costs for commercial liability insurance have remained stable and the 2014 premium for commercial liability insurance provided by Housing Authority Risk Retention Group (HARRG) will be \$7,048.00, which represents no change from 2013, and
- WHEREAS, The 2014 premium for commercial property insurance provided by Housing Authority Property Insurance (HAPI) will be \$11,625.00, which is a \$937 increase from 2013. In addition, during 2013, Bay County Housing Department received \$3,009.62 in dividends from HAI group; and
- WHEREAS, Renewal of the current insurance package is for the term 1/1/2014 through 12/31/14; and
- WHEREAS, Housing Department administration recommends in favor of renewal of the property and liability coverage through Housing Authority Insurance Group; Therefore, Be It
- RESOLVED That the Bay County Board of Commissioners approves continued property and liability coverage for the Housing Department - Center Ridge Arms through Housing Authority Insurance Group for the term 1/1/2014 through 12/31/2014 as outlined above; Be It Further
- RESOLVED That the Chairman of the Board is authorized to sign all documents required for the insurance renewal on behalf of Bay County following legal review/approval; Be It Further
- RESOLVED That related budget adjustments, if required, are approved.

KIM COONAN, CHAIR
AND COMMITTEE

CRA - Property & Liability Coverage

MOVED BY COMM. Coonan

SUPPORTED BY COMM. Begick

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
BRANDON KRAUSE	✓			KIM J. COONAN	✓			MICHAEL E. LUTZ	✓		
ERNIE KRYGIER	✓			THOMAS M. HEREK	✓						
VAUGHN J. BEGICK	✓			DONALD J. TILLEY	✓						

VOTE TOTALS:

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

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

BAY COUNTY BOARD OF COMMISSIONERS

1/14/2014

RESOLUTION

BY: BAY COUNTY BOARD OF COMMISSIONERS (1/7/14)
 WHEREAS, The current 9-1-1 phone system operates on an analog technology that is near end-of-life and unable to accommodate the need to receive and process a steadily increasing call-load from the modern digital communications devices used by our citizens; and
 WHEREAS, The current network cannot accommodate digital communications and the constant evolution of communications technology which impacts the functionality of the 9-1-1 system and the public's expectation of the system; and
 WHEREAS, Next Generation 9-1-1 system features available today with a digital network offer the increased ability to handle and recover from disasters, obtain accurate caller location information and enable applications such as text, video, and telematics which can greatly improve emergency response, meet public expectations and, in turn, save lives; and
 WHEREAS, A Next Generation 9-1-1 system also affords the opportunity for increased collaboration with other 9-1-1 Centers in the Region and the collaboration between Bay County, Midland County, and Tuscola County 9-1-1 Centers will decrease the cost of the next generation 9-1-1 system to Bay County 9-1-1 by up to two-thirds; and
 WHEREAS, Bay County 911, Midland County 911 and Tuscola County 9-1-1 recognize that cost efficiencies can be achieved by common technology purchasing and the coordination of certain technologies among and/or between their respective 9-1-1 operators; and
 WHEREAS, Bay County 9-1-1 has budgeted up to \$375,000 for the purchase and installation of a Next Generation 9-1-1 System; Therefore, Be It
 RESOLVED That the Bay County Board of Commissioners, following legal review/approval, authorizes the Board Chair to sign the necessary paperwork to approve the establishment of an intergovernmental agreement between Bay County, Midland County and Tuscola County for the purpose of sharing the costs of new telephone technologies and virtual backup capabilities for their 9-1-1 call answering and emergency service dispatch operations.

KIM COONAN, CHAIR
 AND BOARD

911 - Next Generation 9-1-1 System

MOVED BY COMM. Coonan

SUPPORTED BY COMM. Krause

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
BRANDON KRAUSE	✓			KIM J. COONAN	✓			MICHAEL E. LUTZ	✓		
ERNIE KRYGIER	✓			THOMAS M. HEREK	✓						
VAUGHN J. BEGICK	✓			DONALD J. TILLEY	✓						

VOTE TOTALS:

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

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

-11-

BAY COUNTY BOARD OF COMMISSIONERS

1/14/2014

RESOLUTION

BY: WAYS AND MEANS COMMITTEE (1/7/14)

RESOLVED That the attached Bay County Civil Rights in County Governmental Affairs, Ordinance 53, is presented to the Bay County Board of Commissioners for consideration.

KIM COONAN, CHAIR
AND COMMITTEE

Ordinance 53 - Bay County Civil Rights in County Governmental Affairs
Sponsored by Commissioner Donald J. Tilley, 6th District

MOVED BY COMM. Tilley

SUPPORTED BY COMM. Coonan

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
BRANDON KRAUSE	✓			KIM J. COONAN	✓			MICHAEL E. LUTZ		✓	
ERNIE KRYGIER	✓			THOMAS M. HEREK	✓						
VAUGHN J. BEGICK		✓		DONALD J. TILLEY	✓						

VOTE TOTALS:
ROLL CALL: ✓ YEAS 5 NAYS 2 EXCUSED 0
VOICE: YEAS _____ NAYS _____ EXCUSED _____

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

DRAFT

ORDINANCE FOR CIVIL RIGHTS IN BAY COUNTY GOVERNMENTAL AFFAIRS

An Ordinance extending additional civil rights pertaining to governmental affairs of the County of Bay and to prohibit discriminatory practices in the conduct of Bay County government's affairs.

THE BAY COUNTY BOARD OF COMMISSIONERS DOES HEREBY ORDAIN THE ORDINANCE FOR CIVIL RIGHTS IN BAY COUNTY GOVERNMENTAL AFFAIRS.

ARTICLE I

PURPOSE, FINDINGS AND POLICY

The County of Bay deems that none of its employees, nor anyone using nor housed in County owned facilities, receiving services or contracted by this County shall be denied equal protection of U.S. and Michigan law; nor shall any person be discriminated against because of race, color, religion, national origin, sex, age, height, weight, marital status, physical or mental limitation, familial status, sexual orientation, or gender identity/expression. It is the policy of the Board of Commissioners that this Ordinance shall be vigorously enforced in its affairs and practices.

ARTICLE II

DEFINITIONS

For the purpose of this Ordinance, the following terms shall have the following meanings:

- (a) *Contractor*. A person who by contract furnishes services, materials or supplies to Bay County government. "Contractor" does not include persons who are merely creditors or debtors of the County, such as those holding the County's notes or bonds or persons whose notes, bonds or stock is held by the County.

- (b) *Discriminate*. To make a decision, offer to make a decision or refrain from making a decision based in whole or in part on the race, color, religion, national
- (c) origin, sex, age, height, weight, marital status, handicap, familial status, sexual orientation or gender identity/expression.
- (d) *County*. Bay County, Michigan.
- (e) *Employer*. The County government or a person or contractor employing one or more persons and doing business with the County government.
- (f) *Familial status*. 1 or more individuals under the age of 18 residing with a parent or other person having custody or in the process of securing legal custody of the individual or individuals or residing with the designee of the parent or other person having or securing custody, with the written permission of the parent or other person. For purposes of this definition, "parent" includes a person who is pregnant.
- (g) *Gender identity/expression*. A person's actual or perceived gender, including a person's gender identity, self-image, appearance, expression, or behavior, whether or not that gender identity, self-image, expression, or behavior is different from that traditionally associated with the person's sex at birth as being either female or male.
- (h) *Housing Facility*. Any dwelling unit or facility used or intended to or designed to be used as the home or residence of one or more persons which is owned or solely maintained by the County. Housing Facility shall not include any County jail or detention center.
- (i) *Labor organization*. Includes an organization of any kind, an agency or employee representation committee, group, association, or plan that does business with the County, in which employees participate and which exists for the purpose, in whole or in part, of dealing with employees concerning grievances, labor disputes, wages, rate of pay, hours, or other terms or conditions of employment.
- (j) *Marital status*. The state of being married, unmarried, divorced or widowed.
- (k) *Place of Public accommodation*. A County owned educational, governmental, health, entertainment, cultural, recreational, refreshment, transportation, park, or facility of any kind, whose goods, services, facilities, privileges, advantages or accommodations are extended, offered, sold, or otherwise made available to the public.
- (l) *Religious organization or institution*. A religious association, educational institution or society, which is, in whole or substantial part, owned, supported, controlled or managed by a particular religion whose purpose or character is directed toward the propagation of that particular religion and that has the inculcation of religious values as part of its purpose.
- (m) *Sexual orientation*. Male or female homosexuality, heterosexuality or bisexuality, by orientation or practice, whether past or present. Sexual orientation does not include the physical or sexual attraction to a minor by an adult.

-14-

ARTICLE III

NON-DISCRIMINATORY HIRING PRACTICE

111.301 Hiring Statement

Sec. 1. The County will not discriminate in its employment practices, and shall adhere to the following hiring policy statement:

“Bay County shall not discriminate against or grant preferential treatment to any individual or group on the basis of race, sex, color, ethnicity, national origin, gender identity or expression, or sexual orientation. Bay County shall not discriminate against any individual with respect to the services, or hire, tenure, terms, conditions or privileges of employment because of a handicap that is unrelated to the individual’s ability to perform the duties of a particular position; or because of race, color, religion, national origin, age, sex, height, weight, gender identity or expression, sexual orientation or marital status.”

111.302 Non-Discrimination in Hiring.

Sec. 2. The County shall not discriminate in the employment, compensation, work classifications, conditions or terms, promotion or demotion or termination of employment of any person.

111.303 Labor Organizations doing business with the County.

Sec. 3. No labor organization may do business with the County if it discriminates in limiting membership, conditions of membership, or termination of membership of any person in any labor union or apprenticeship program. The County shall not enter into future collective bargaining agreements which contain provisions inconsistent with this Ordinance.

111.304 Employment Agencies doing business with the County.

Sec. 4. No employment agency may do business with the County if it discriminates in the procurement or recruitment of any person for possible employment or contracted services with the County.

111.305 Constitutionality.

Sec. 5. Nothing in this Section shall operate to violate Article I, Section 25 of the Michigan Constitution.

ARTICLE IV

NON-DISCRIMINATION BY COUNTY CONTRACTORS

111.401 Non-Discrimination by Contractors doing business with the County.

Sec. 1. A written contract to which the County is a party shall contain a covenant by the contractor and his/her subcontractors not to discriminate against an employee or applicant for employment in any respect because of actual or perceived race, color, religion, national origin, age, sex, height, weight, marital status, handicap, familial status, sexual orientation, gender identity or expression. Breach of this covenant may be regarded as a material breach of the contract. The contractor shall be liable for any costs or expenses incurred by the County in obtaining from other sources the work and services to be rendered or performed or the goods or properties to be furnished or delivered under the contract as a result of the material breach of contract. A contractor may be debarred for up to two years following an investigation and opportunity for hearing substantiating such discrimination and in accordance with the County's Purchasing Policy.

111.402 Labor Organizations doing business with the County.

Sec. 2. This section is also applicable to labor organizations, employment agencies, apprenticeships, and job training programs that do business with the County.

ARTICLE V

NON-DISCRIMINATION IN COUNTY OWNED HOUSING.

111.501. Discriminatory housing practices.

Sec 1. The County government shall not discriminate in referring, leasing, selling, renting, showing, advertising, pricing, offering, inspecting, listing, or otherwise making available any real property, including discrimination in lending, providing information and receiving or communicating a bona fide offer on any real property.

111.502. Other prohibited practices.

Sec. 2. Bay County shall not adopt, enforce or employ any policy or requirement, publish, post or broadcast any advertisement, sign or notice which discriminates or indicates discrimination in providing employment or housing.

ARTICLE VI

NON-DISCRIMINATION IN COUNTY OWNED PUBLIC ACCOMODATIONS

111.601 Discriminatory public accommodation practices.

Sec. 1. The County shall not discriminate in making available full and equal access to all goods, services, activities, privileges and accommodations of any County-owned place of public accommodation.

111.602 Criminal Conduct

Sec. 2. Nothing in this ordinance permits or requires access to any place of public accommodation for the purpose or intent of engaging in criminal conduct, nor does it alter the duty of the County Sheriff, nor operation of the County's jail or juvenile detention facility.

111.603 Restrooms, Changing Rooms, Locker Rooms et. al.

Sec. 3. Nothing in this ordinance shall require the construction or provision of unisex, single-user restrooms, changing rooms, locker rooms, or shower facilities nor effect policies regarding the use of restroom, changing rooms, locker rooms or shower facilities.

ARTICLE VII

EXEMPTIONS

Notwithstanding anything contained in this Article, the following practices of the County or its contractors shall not be violations of this Ordinance.

- (a) For a religious organization or institution that receives money or material support from the County to (i) restrict access or use of any of its facilities it operates; (ii) to restrict employment opportunities for officers, religious instructors, staff, or clergy, for any of its facilities; or (iii) restrict membership or benefits of membership.

- (b) For the County or its contractors to limit occupancy in a County housing project or to provide County public accommodations or County employment privileges or assistance to persons of low income, over 55 years of age or persons with disabilities.
- (c) For the County or its contractors to discriminate based on actual or perceived race, color, religion, national origin, sex, age, height, weight, marital status, physical or mental limitation, familial status, sexual orientation, or gender identity/expression when such discrimination is permitted or required by U.S. or Michigan law under principles of preemption except as required for bona fide occupational qualifications, such as is required for certain law enforcement and juvenile detention facilities.
- (d) For the County or its contractors to refuse to enter a contract with an un-emancipated minor.
- (e) For the County or its contractors to provide discounts on products or service to students, minors and senior citizens, or members of an organization.
- (f) For the County or its contractors to restrict use of lavatories and locker room facilities on the basis of sex.
- (g) For the County or its contractors to restrict any of its facilities or to restrict employment opportunities based on duly adopted institutional policies that conform to federal and state laws and regulations.
- (h) For the County or its contractors to restrict participation in a County instructional program, athletic event or on an athletic team on the basis of age or sex.

ARTICLE VIII

INVESTIGATION; PROVIDING FALSE INFORMATION; PRODUCING DOCUMENTS AND PENALTY; COERCION

111.801 Investigation.

Sec. 1. Any person seeking employment or otherwise doing business with the County claiming a violation of this ordinance shall file a signed, written complaint with the County Executive or his or her designee setting forth the details, including the names, dates, witnesses and other factual matters relevant to the claim within 180 days of the alleged incident forming the basis of the complaint.

111.802 Providing False Information.

Sec. 2. No employee or person doing business with the County shall provide false information to any authorized employee or other person assigned to investigate a complaint regarding a violation of this ordinance.

111.803 Production of Evidence of Violation

Sec 3. In the course of the investigation, the County Executive or his or her designee may request a person to produce books, papers, records or other documents which may be relevant to a violation or alleged violation of this ordinance. If said person does not comply with such request (absent a valid legal obstacle) a County employee may be considered liable for violation of this ordinance at the discretion of the County Executive or his or her designee. Failure to provide evidence of a violation of this ordinance may be considered a voluntary dismissal of that complaint.

111.804 Coercion

Sec. 4. No County employee or those having business with the County shall coerce, threaten, or retaliate against a person for making a complaint or assisting in the investigation regarding a violation or alleged violation of this Ordinance, nor require, request, conspire with, assist or coerce another person to retaliate against a person for making a complaint or assisting in an investigation.

111.805 Penalty

Sec. 5. Any employee of the County found guilty of violating this Ordinance following investigation of a formal complaint conducted by the County Executive or their selected representative shall be subject to discipline up to and including termination. Any party doing business with the County found in violation of this ordinance under any contract signed after adoption of this ordinance containing a non-discrimination provision may provide the basis for rescission of that contract until compliance with the ordinance occurs.

ARTICLE IX

RULES OF CONSTRUCTION; SEVERABILITY

111.901 Words defined; headings.

Sec. 1. When not inconsistent with the context, words used in the present tense include the future. Words in the singular include the plural and words in the plural include the singular. Masculine includes the feminine and neuter. Words or terms not defined herein shall be

MARTHA P. FITZHUGH
Corporation Counsel/Risk Manager
fitzhughm@baycounty.net

THOMAS L. HICKNER
County Executive

DEBRA A. RUSSELL
Executive/Legal Coordinator/Administrative Assistant
russelld@baycounty.net

MEMORANDUM

TO: ERNIE KRYGIER, BOARD CHAIR
FROM: MARTY FITZHUGH, CORPORATION COUNSEL *mf*
RE: PROJECTED SCHEDULE AND UPDATED DRAFT OF THE
ORDINANCE FOR CIVIL RIGHTS IN BAY COUNTY
GOVERNMENTAL AFFAIRS
DATE: JANUARY 8, 2014

On January 8, 2014, the Ways and Means Committee resolved to have the Draft Ordinance for Civil Rights in Bay County Governmental Affairs (Ordinance) considered by the Bay County Board of Commissioners on January 14, 2014 in accordance with Bay County Board Rules Article XIII(2)(A).

Following further legal review, the Ordinance has been edited slightly to incorporate details crucial to personnel management, law enforcement and the effective date and to clarify language. These edits are included in the attached draft Ordinance which is identified on page 8 as "Civ Rts Ord mpf 1.08.14" and is stamped "approved as to legal form" by Corporation Counsel.

On January 14, 2014, the Board may either "reject any further consideration" (ArticleXIII)(2)(B), or direct the draft Ordinance for Civil Rights in Bay County Governmental Affairs to a public hearing which may be scheduled on January 27 or later. Tuesday, February 11, 2014 is a suggested date for the public hearing.

At the public hearing, comments will be solicited and the Board is to refer the Ordinance to "the appropriate committee and counsel to consider and evaluate the input and suggestions...at the public hearing. (ArticleXIII)(2)(D).

The referral committee would meet on February 18, 2014, the Personnel/Human Services Committee. If the Committee approves the Draft Ordinance for recommendation to the full board on March 11, 2014, then the Board Coordinator must place notice in a newspaper for 3 consecutive days of the full board meeting to be held at 4:00 P.M. on March 11, 2014 where there will be a vote considering final passage of the draft Ordinance.

If this schedule is not altered and the Ordinance is approved, it would become effective 51 days after Board approval (on May 1, 2014) and subject to other provisions set out in MCL 46.11(j).

BAY COUNTY BOARD OF COMMISSIONERS

1/14/2014

RESOLUTION

BY: WAYS AND MEANS COMMITTEE (1/7/14)

WHEREAS, Bay County wishes to engage the services of Rehmann to conduct the 2013 Bay County audit; and

WHEREAS, Funds have been budgeted for said audit in the 2014 budget in the amount of \$84,000; Therefore, Be It

RESOLVED That the Bay County Board of Commissioners approves the Engagement Letter for the 2013 Bay County Audit between Bay County and Rehmann and authorizes the Chairman of the Board to execute said Engagement Letter on behalf of Bay County following legal review/approval; Be It Finally

RESOLVED That related required budget adjustments are approved.

KIM COONAN, CHAIR AND BOARD

2013 Bay County Audit

MOVED BY COMM. Coonan

SUPPORTED BY COMM. Krause

Table with 12 columns: COMMISSIONER, Y, N, E, COMMISSIONER, Y, N, E, COMMISSIONER, Y, N, E. Rows include Brandon Krause, Ernie Krygier, Vaughn J. Begick, Kim J. Coonan, Thomas M. Herek, and Donald J. Tilley.

VOTE TOTALS:

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

DISPOSITION: ADOPTED DEFEATED WITHDRAWN AMENDED CORRECTED REFERRED

22-

BAY COUNTY BOARD OF COMMISSIONERS

1/14/2014

RESOLUTION

BY: WAYS AND MEANS COMMITTEE (1/7/14)
 WHEREAS, Each year the Bay County Sheriff's Office participates in the Marine Safety Grant Program offered through the Michigan Department of Natural Resources and Environment; and
 WHEREAS, This grant provides funding 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 2014 Marine Safety Program by completing a grant application; and
 WHEREAS, The DNR agrees to reimburse Bay County a sum of money equal to 75% of total eligible costs for operation of the Marine Safety Program but not to exceed the grant allocation of \$45,241; and
 WHEREAS, Funds for the 25% grant match requirement (\$11,310.25) are included in the 2014 Sheriff Department budget; Therefore, Be it
 RESOLVED That the Bay County Board of Commissioners authorizes participation in the 2014 Marine Safety Program and authorizes the Chairman of the Board to execute any documents required following legal review/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.

KIM COONAN, CHAIR
 AND COMMITTEE

Sheriff Dept - 2014 Marine Safety Grant Program
 MOVED BY COMM. Coonan

SUPPORTED BY COMM. Lutz

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
BRANDON KRAUSE	✓			KIM J. COONAN	✓			MICHAEL E. LUTZ	✓		
ERNIE KRYGIER	✓			THOMAS M. HEREK	✓						
VAUGHN J. BEGICK	✓			DONALD J. TILLEY	✓						

VOTE TOTALS:

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

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

BAY COUNTY BOARD OF COMMISSIONERS

1/14/2014

RESOLUTION

BY: BAY COUNTY BOARD OF COMMISSIONERS (1/14/14)

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

Accounts Payable:

12/11/13	\$ 372,336.54
12/19/13	\$ 674,641.30
01/03/14	\$ 193,089.86
01/03/14	\$ 36,140.03
01/08/14	\$ 143,515.95
01/08/14	\$ 13,146.93

BAYANET:

11/1/13 - 11/30/13	
Payroll	\$ 7,502.24
Payables	\$ 38,093.09
12/1/13-12/31/13	
Payroll	\$ 10,735.32
Payables	\$ 28,215.86

Housing Department - Center Ridge Arms:

December 2013 \$ 79,156.10

ERNIE KRYGIER, CHAIR
AND BOARD

Payables-January 2014

MOVED BY COMM. Tilley

SUPPORTED BY COMM. Coonan

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
BRANDON KRAUSE	✓			KIM J. COONAN	✓			MICHAEL E. LUTZ	✓		
ERNIE KRYGIER	✓			THOMAS M. HEREK	✓						
VAUGHN J. BEGICK	✓			DONALD J. TILLEY	✓						

VOTE TOTALS:

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

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

-24-

BAY COUNTY BOARD OF COMMISSIONERS

1/14/2014

RESOLUTION

BY: BAY COUNTY BOARD OF COMMISSIONERS (1/14/14)

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

Employment Status Report: December 2013

ERNIE KRYGIER, CHAIR
AND BOARD

County Executive - Status Reports

MOVED BY COMM. Tilley

SUPPORTED BY COMM. Lutz

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
BRANDON KRAUSE	✓			KIM J. COONAN	✓			MICHAEL E. LUTZ	✓		
ERNIE KRYGIER	✓			THOMAS M. HEREK	✓						
VAUGHN J. BEGICK	✓			DONALD J. TILLEY	✓						

VOTE TOTALS:

ROLL CALL: YEAS _____ NAYS _____ EXCUSED _____

VOICE: ✓ YEAS 7 NAYS 0 EXCUSED 0

DISPOSITION: ADOPTED DEFEATED _____ WITHDRAWN _____

AMENDED _____ CORRECTED _____ REFERRED _____

**CHANGES IN EMPLOYMENT STATUS
December, 2013**

<u>EMPLOYEE NAME</u>	<u>DEPARTMENT</u>	<u>DATE</u>
<u>NEW HIRES:</u>		
Anthony Trevino P.T. Custodian/Kennel Attendant	Animal Control General fund	12/02/2013
Kristy Bray Senior Family Evaluator	Friend of the Court General Fund	12/17/2013
Melanie Holihan P.T. Typist Clerk II	Personnel/Emp. Relations General Fund	12/23/2013
Andrew Grocholski Road Patrol Deputy	Sheriff Department General Fund	12/30/2013
Jill Koziatek Judicial Secretary	Circuit Court General Fund	12/30/2013
<u>NEW HIRES</u> (Temporary/On-call Status):		
<u>Civic Arena:</u>		
Bryce Wilcox	Zamboni Driver	12/09/2013
<u>TRANSFERS:</u>		
Norine Weiler TO: Account Clerk IV FROM: Circuit Court Clerk	Finance Circuit Court	12/02/2013
Jon Morse TO: B&G Maintenance Supervisor FROM: Mechanical Contractor	Buildings and Grounds Buildings and Grounds	12/02/2013
Nicholas Percy TO: Business Process Analyst FROM: Hardware/Software Computer Tech.	Information Systems Division Information Systems Division	12/09/2013

SEPARATIONS:

Andrew Chartier Division Manager	Information Systems	12/27/2013
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SEPARATIONS: (Temporary/Seasonal)

Building and Grounds:

Leonardo Carrasco	Asst. Parks Maintenance	12/06/2013
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RETIREMENT:

Sharon Lindke Secretary/Ct. Recorder	Circuit Court	12/28/2013
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Jeanne Wittkopp Court Recorder	Probate Court	12/21/2013
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Harry Steger Lead Equipment Operator	Building and Grounds	12/28/2013
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Personnel Department
January 8, 2014

BAY COUNTY BOARD OF COMMISSIONERS

MEETING DATE: JANUARY 14, 2014

MOTION SPONSORED BY: COMM. KRAUSE

MOTION SUPPORTED BY: COMM. LUTZ

MOTION NO.: 8

TO APPROVE THE REGULAR BOARD SESSION MINUTES OF
DECEMBER 10, 2013; THE SPECIAL SESSION MINUTES OF
DECEMBER 17, 2013; AND THE ORGANIZATIONAL MEETING
MINUTES OF JANUARY 6, 2014.

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
Brandon Krause	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: JANUARY 14, 2014

MOTION SPONSORED BY: COMM. TILLEY

MOTION SUPPORTED BY: COMM. KRAUSE

MOTION NO.: 9

TO RECEIVE THE ELDER ABUSE PREVENTION GRANT UPDATE
AS PRESENTED BY JULIE CHAMBERLAIN, ABUSE IN LATER
LIFE PREVENTION COORDINATOR.

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
Brandon Krause	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: JANUARY 14, 2014

MOTION SPONSORED BY: COMM. KRAUSE

MOTION SUPPORTED BY: COMM. COONAN

MOTION NO.: 10

TO RECEIVE AN UPDATE ON REGIONAL ITEMS AFFECTING
BAY-ARENAC BEHAVIORAL HEALTH AND THE COMMUNITY AS
PRESENTED BY CHRIS PINTER, CHIEF EXECUTIVE OFFICER
OF BAY-ARENAC BEHAVIORAL HEALTH AUTHORITY.

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
Brandon Krause	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: JANUARY 14, 2014

MOTION SPONSORED BY: COMM. KRAUSE

MOTION SUPPORTED BY: COMM. COONAN

MOTION NO.: 11

TO RECEIVE THE LETTER DATED DECEMBER 20, 2013 FROM THE CITY OF BAY CITY REGARDING APPLICATION FOR INDUSTRIAL FACILITIES TAX EXEMPTION CERTIFICATE FROM MICHIGAN BRAND, BAY CITY, MICHIGAN FOR PROPERTY LOCATED AT 1313 S. FARRAGUT STREET, IN THE AMOUNT OF \$366,145.00.

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
Brandon Krause	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: JANUARY 14, 2014

MOTION SPONSORED BY: COMM. TILLEY

MOTION SUPPORTED BY: COMM. KRAUSE

MOTION NO.: 12

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.

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
Brandon Krause	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: JANUARY 14, 2014

MOTION SPONSORED BY: COMM. KRAUSE

MOTION SUPPORTED BY: COMM. BEGICK

MOTION NO.: 13

TO GO BACK TO REGULAR SESSION FOLLOWING CLOSED
SESSION DISCUSSIONS REGARDING PENDING LITIGATION.

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
Brandon Krause	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: JANUARY 14, 2014

MOTION SPONSORED BY: COMM. KRAUSE

MOTION SUPPORTED BY: COMM. LUTZ

MOTION NO.: 14

IN ACCORDANCE WITH CLOSED SESSION DISCUSSIONS, TO AUTHORIZE ATTORNEY BILL HORTON TO SEEK A LEAVE OF APPEAL TO THE MICHIGAN SUPREME COURT IN THE MATTER OF BAY COUNTY VS. BLUE CROSS/BLUE SHIELD OF MICHIGAN, IN AN ATTEMPT TO PREVAIL/OVERTURN A MICHIGAN COURT OF APPEAL RULING WHICH COMPROMISED A JUDGMENT FOR REIMBURSEMENT OF OVERPAYMENTS IN THE AMOUNT OF 1.5 MILLION DOLLARS.

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
Brandon Krause	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: JANUARY 14, 2014

MOTION SPONSORED BY: COMM. KRAUSE

MOTION SUPPORTED BY: COMM. LUTZ

MOTION NO.: 15

TO ADJOURN THE REGULAR SESSION MEETING OF
JANUARY 14, 2014 AT 5:45 P.M.

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
Brandon Krause	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 _____