

BAY COUNTY BOARD OF COMMISSIONERS

A G E N D A

TUESDAY, JULY 8, 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

33-50

V MINUTES (6/10/14; 6/17/14)

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

VII PETITIONS AND COMMUNICATIONS

A. Presentation of \$2,000 Nationwide 2014 Scholarship to Ashton Tacey
(Kenneth Kelbel, Nationwide Representative, will present - 4 P.M.)

VIII REPORTS/RESOLUTIONS OF COMMITTEES

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

- | | |
|---|---|
| 1 | 1. No. 2014-114 - Millage Renewal Ballot Question for Bay County Historical Society |
| 2 | 2. No. 2014-115 - Region VII Area Agency on Aging - Annual Implementation Plan |
| 3 | 3. No. 2014-116 - WIC Program Vacancies (2) (Health Dept.) |
| 4 | 4. No. 2014-117 - Region VII AAA Title V Agreements (Division on Aging) |

- 5- 6 5. No. 2014-118 - Recreation User Fees (Recreation/Facilities)
- 7 6. No. 2014-119 - RAP Grant - Security System at Fairgrounds (Administrative Services & Recreation/Facilities)
- 8 7. No. 2014-120 - Server & Electronic Contact Management System (Information Systems)
- 9 8. No. 2014-121 - Non-Hazardous Waste Contract (Finance Dept.)
- 10-14 9. No. 2014-122 - VEBA Amendment - 115% Funding (Finance Dept.)
- 15 10. No. 2014-123 - Amendment No. 1 to VOCA Agreement (Prosecutor's Office)
- 16 11. No. 2014-124 - Retirement Coordinator - PB-07 - 1 Yr Level (Personnel Dept.)
- 17 12. No. 2014-125 - USFWS Phragmites Grant (Environmental Affairs)[**Note: Referred without recommendation pending Finance Department review.**]
- 18 13. No. 2014-126 - Budget Adjustment

B. PERSONNEL/HUMAN SERVICES (MICHAEL E. LUTZ, CHAIR; DONALD J. TILLEY, VICE CHAIR)

- 19 1. No. 2014-127 - Vacancies: 911 Central Dispatch; Sheriff Dept., Division on Aging

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

- 20 1. No. 2014-128 - Accounts Payable/BAYANET/Center Ridge Arms
- 21-24 2. No. 2014-129 - Reports of County Executive
- 25 3. No. 2014-130 - MSHN - Substance Use Disorder Oversight Policy Board - Richard Gromaski
- 26 4. No. 2014-131 - Waiver of Board Rules for Adoption of Amendment to Bay County Employees' Retirement Ordinance
- 27 5. No. 2014-132 - Amendment to Bay County Employees' Retirement Ordinance - Retention of Legal Counsel
- 28-31 6. No. 2014-133 - Binding Arbitration re Retirement Board's Retention of Outside Counsel

IX REPORTS OF COUNTY OFFICIALS/DEPARTMENTS

- A. County Executive
- B. Corporation Counsel - Update

X UNFINISHED BUSINESS**XI NEW BUSINESS****XII MISCELLANEOUS****XIII ANNOUNCEMENTS****A. 2014 Appointments:****1. 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)

2. NOVEMBER: Building Authority (One 6 year term - Darrell Maciag)**3. DECEMBER: Division on Aging Advisory Committee (Four 2 year terms; districts 2, 4, & 6 and At-large)****XIV CLOSED SESSION (If requested)****XV RECESS/ADJOURNMENT**

ACTION TAKEN BY BAY COUNTY BOARD OF COMMISSIONERS

DATE OF BOARD MEETING: JULY 8, 2014

MOTION/
RES. NO. INTRODUCED/
SUBMITTED BY

SUBJECT OF RESOLUTION/MOTION

ADOPTED AMENDED CORRECTED DEFEATED REFERRED TABLED WITHDRAWN

MOTION/ RES. NO.	INTRODUCED/ SUBMITTED BY	SUBJECT OF RESOLUTION/MOTION	ADOPTED	AMENDED	CORRECTED	DEFEATED	REFERRED	TABLED	WITHDRAWN
2014-114	Ways and Means	Millage Renewal Ballot Question for Bay County Historical Society	(Referred back to Administration)						XX
2014-115	Ways and Means	Region VII Area Agency on Aging Annual Implementation Plan	XX						
2014-116	Ways and Means	Health Dept. - WIC Program (2) Vacancies for Typist Clerks	XX						
2014-117	Ways and Means	Division on Aging - Region VII Area Agency on Aging Title V Agreements	XX						
2014-118	Ways and Means	Recreation/Facilities - Recreation User Fees Update	XX						
2014-119	Ways and Means	Admin. & Recreation - RAP Grant, Security System at Fairgrounds	XX						
2014-120	Ways and Means	Information Systems - Server & Electronic Contact Mgmt. System	XX						
2014-121	Ways and Means	Finance Dept. - Non-Hazardous Waste Contract	XX						
2014-122	Ways and Means	Finance Dept. - VEBA Amendment, 115% Funding					XX		
2014-123	Ways and Means	Prosecutor's Office - Amendment No. 1 to VOCA Agreement	XX						
2014-124	Ways and Means	Personnel Dept. - Retirement Coordinator, PB-07, 1 Year Level	XX						
2014-125	Ways and Means	Environmental Affairs - USFWS Phragmites Grant	XX						
2014-126	Ways and Means	Budget Adjustment, GIS Purchase of Server Enterprise Standard License	XX						
2014-127	Personnel/Human	Vacancies: 911 Central Dispatch, Sheriff Dept., Division on Aging	XX						
2014-128	Board of Comm.	Accounts Payable, BAYANET, Housing - Center Ridge Arms claims	XX						
2014-129	Board of Comm.	County Executive - Employment Status Report for June 2014	XX						
2014-130	Board of Comm.	MSHN, Substance Use Disorder Oversight Policy Bd., R. Gromaski	XX						
2014-131	Board of Comm.	Waiver of Bd. Rules for Amendment to Employees Retirement Ordinance	(Referred to Future Board Meeting)						XX

BAY COUNTY BOARD OF COMMISSIONERS

7/8/2014

RESOLUTION

BY: WAYS AND MEANS COMMITTEE (7/1/14)
 RESOLVED That the following ballot question be submitted to the electors of this County on November 4, 2014, for the purpose of renewing the property tax limitation by .1 of a mill for historic preservation work within Bay County; And Be It Further
 RESOLVED That the question to be submitted to said electors at said election shall be in the following form:

HISTORICAL PRESERVATION MILLAGE PROPOSAL

This proposal will permit Bay County to renew the previous levy of .1mills for historical preservation services through the Bay County Historical Society or other entity.

"Shall the expired previous voted increase on the tax limitation imposed under Article IX, Sec. 6 of the Michigan Constitution in Bay County of .1 mills (10 cents per \$1,000 of taxable value), previously approved by the voters and reduced to .0952 mills (9.52 cents per \$1,000 of taxable value) by the required millage rollbacks, be renewed at .0952 mills (\$9.52 cents per \$1,000 of taxable value) and levied for 20 years, December 2014 through December 2033 (inclusive), to be used to preserve Bay County's unique history, educate citizens, conduct projects and operate and maintain a museum, raising an estimated \$285,394.81 in the first year the millage is levied?"

Yes

No

RESOLVED That the Agreement between Bay County and the Bay County Historical Society, to include the addendum for historic documents being held in trust for the County of Bay, is approved and the Chairman of the Board authorized to execute said Agreement and addendum on behalf of Bay County following legal review/approval.

KIM COONAN, CHAIR
 AND COMMITTEE

Historical Society - Millage Renewal Ballot Question

MOVED BY COMM. Coonan

SUPPORTED BY COMM. Duranczyk

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
MICHAEL J. DURANCZYK	✓			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 6 NAYS 0 EXCUSED 1

DISPOSITION: ADOPTED _____ DEFEATED _____ WITHDRAWN _____
 AMENDED _____ CORRECTED _____ REFERRED ✓ Back to Administration.

-/-

BAY COUNTY BOARD OF COMMISSIONERS

7/8/2014

RESOLUTION

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

WHEREAS, Region VII, Area Agency on Aging, has submitted its proposed Annual Implementation Plan for FY2015 which outlines how funds benefit older adults within the planning and service area said plan on file in the Board of Commissioners' Office; Therefore, Be It

RESOLVED That the Bay County Board of Commissioners hereby approves the Region VII Area Agency on Aging Annual Implementation Plan for FY2015.

KIM COONAN, CHAIR
AND COMMITTEE

Region VII AAA Annual Implementation Plan for FY2015

MOVED BY COMM. Coonan

SUPPORTED BY COMM. Duranczyk

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
MICHAEL J. DURANCZYK	✓			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 6 NAYS 0 EXCUSED 1

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

BAY COUNTY BOARD OF COMMISSIONERS

7/8/14

RESOLUTION

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

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:

1. Health Department - WIC Program - Typist Clerks (2)

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.

KIM COONAN, CHAIR
AND COMMITTEE

Vacancies: Health Department

MOVED BY COMM. Coonan

SUPPORTED BY COMM. Lutz

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
MICHAEL J. DURANCZYK	✓			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 6 NAYS 0 EXCUSED 1

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

BAY COUNTY BOARD OF COMMISSIONERS

7/8/14

RESOLUTION

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

WHEREAS, Region VII Area Agency on Aging has a grant for senior employment, known as the Senior Community Services Employment Program; and

WHEREAS, This grant provides funding for part-time workers age 55+, employed by Region VII; and

WHEREAS, The County of Bay has provided and wishes to continue to provide work settings for these individuals in a variety of Departments including the Bay County Division on Aging, Health Department, Civic Arena, Building and Grounds; Therefore, Be It

RESOLVED That the Bay County Board of Commissioners approves the Agreements with Region VII Area Agency on Aging for fiscal year July 1, 2014 through June 30, 2015 for all the SCSEP sites and authorizes the Board Chairman to sign the Title V Agreements for FY 2014-2015 on behalf of Bay County, subject to legal review/approval; Be It Further

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

KIM COONAN, CHAIR AND COMMITTEE

DOA - Title V Agreements

MOVED BY COMM. Coonan

SUPPORTED BY COMM. Duranczyk

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

VOTE TOTALS:

ROLL CALL: YEAS NAYS EXCUSED
VOICE: YEAS 6 NAYS 0 EXCUSED 1

DISPOSITION: ADOPTED DEFEATED WITHDRAWN
AMENDED CORRECTED REFERRED

BAY COUNTY BOARD OF COMMISSIONERS

7/8/2014

RESOLUTION

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

WHEREAS, In a department-wide effort to ensure the Recreation fee schedule was accurate, it was discovered that additions, deletions, and updates to the fee schedule were necessary; and

WHEREAS, As the following services have been established and are currently available to customers, they are not new fees. This is an update to the fee schedule.

- Fairgrounds – Septic Disposal - \$4.00
- Fairgrounds – Camping per night - \$15.00
- Community Center Pool – Daily Family Swim Pass (Up to 6) - \$13.00
- Civic Arena – Stick & Puck Drop-in Rate:
 - Evening - \$4.00
 - Afternoon - \$3.00
- Civic Arena – Figure Skating Drop-in Rate:
 - 1 Hr. - \$10.00
 - 1 Hr. & 20 Min - \$15.00

WHEREAS, In order to be consistent, weight room fees at the Community Center and the Civic Arena should read exactly the same on the fee schedule as the facility use for our customers is interchangeable. The weight room fee schedule for both facilities be:

- Daily Pass - \$3.00
- Monthly Pass (18 and over) - \$15.00
- Monthly Couple (Same residence) - \$25.00
- Monthly Family – (up to 4) - \$35.00
- Monthly Team pass – \$85.00
- Yearly Pass (18 and over) - \$125.00

WHEREAS, At the Civic Arena, the yearly calendar for hockey runs from September to August (as opposed to the calendar year) and the following fee changes, to be effective immediately (as opposed to December 2014 in the budget packet) in order for the fees to stay consistent through the whole hockey season, should be:

- Remove the following items from the fee schedule:
 - Low volume base prime ice hourly rate
 - Summer Ice – Evenings
 - Summer Ice – Daytime
- The following fees to be changed:
 - U-8 base prime ice hourly rate:
 - Currently \$45.00 (plus \$50.00 per child over 15 children)
 - Increase to \$50.00 (plus \$50.00 per child over 15 children)
 - Dry Floor Rental
 - Currently \$1,550.00
 - Increase to \$1775.00
 - Birthday Parties
 - Currently \$8.00 (regular package) and \$10.00 (deluxe package) per child
 - Increase to \$10.00 (regular package) and \$12.00 (deluxe package) per child

WHEREAS, To provide excellent service to the customers of Bay County, the following fees should be added to the fee schedule as new items and/or services to be provided to the customers.

- Fairgrounds – 1 yr. pre-pay on Horse Stall Rental - \$624.
- Community Center – Add lap swim to gym membership for months pool is open - \$5.00 additional dollars per person per membership.
- Community Center Pool – Private Pool Party – \$50.00 per hour + 4.00 per Attendant
- Civic Arena – Cement Floor Hourly Rental Rate - \$75.00
- Pinconning Park – Two Day Off-Season Cabin rental (Nov1-April30) - \$85.00

RESOLVED That the above outlined user fees are hereby added to Bay County's fee schedule.

KIM COONAN, CHAIR
AND COMMITTEE

Recreation/Facilities - Recreation User Fees

MOVED BY COMM. Coonan

SUPPORTED BY COMM. Begick

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

VOTE TOTALS:

ROLL CALL: YEAS 6 NAYS 0 EXCUSED 1
VOICE: ✓ YEAS 6 NAYS 0 EXCUSED 1

DISPOSITION: ADOPTED ✓ DEFEATED WITHDRAWN
AMENDED CORRECTED REFERRED

BAY COUNTY BOARD OF COMMISSIONERS

7/8/2014

RESOLUTION

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

WHEREAS, The existing security system at various locations within the Bay County Fairgrounds complex is outdated and has limited memory capacity with many areas within that complex not covered by a security system; and

WHEREAS, Recent theft-related incidents at two separate locations within the complex not covered by any security system remain unsolved due to lack of security and the ability to identify the perpetrators; and

WHEREAS, Based on Bay County Information Systems evaluation and receipt of bids for the same type of security system currently in place at other Bay County facilities, it is recommended that a digital system without limitations and devices can be network connected, viewed and managed from any PC and can also be archived to the County Building for safekeeping; and

WHEREAS, Adding to the system already in place at Bay County facilities will allow for an easy transition in regards to support and training; the total cost of the project is \$10,974.15 (Animal Control: \$8,292.03; incident Command Center at Fairgrounds \$2,682.12); and

WHEREAS, Risk Avoidance Program (RAP) funding is available through Michigan Municipal Risk Management Authority (MMRMA) and the required match is \$5,487.09, however, funds are not available in the respective departmental budgets; Therefore, Be It

RESOLVED That the Bay County Board of Commissioners authorizes application to Michigan Municipal Risk Management Authority (MMRMA) for RAP Grant funding for upgraded security system at locations within the Bay County Fairgrounds complex; Be It Further

RESOLVED That the Chairman of the Board is authorized to execute and submit electronically (if required) the grant documents (application, grant award, all related required documents) on behalf of Bay County following legal review; Be It Further

RESOLVED That authorization is granted to enter into an Agreement with RTH Communications for installation and maintenance of the camera security system and the Board Chair is authorized to execute said Agreement on behalf of Bay County following legal review; Be It Further

RESOLVED That the required grant match (\$5,487.09) shall be taken from Fund Balance; 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 related budget adjustments, if required, are approved.

KIM COONAN, CHAIR
AND COMMITTEE

Adm Serv - RAP Grant - Security System at Fairgrounds

MOVED BY COMM. Coonan

SUPPORTED BY COMM. Herek

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
MICHAEL J. DURANCZYK	✓			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 6 NAYS 0 EXCUSED 1

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BAY COUNTY BOARD OF COMMISSIONERS

7/8/2014

RESOLUTION

BY: WAYS AND MEANS COMMITTEE (7/1/14)
 WHEREAS, Information Systems Department (ISD) budgeted \$200,000 for new servers as a storage solution for county database storage including the Imagesoft software and, after careful consideration, Bay County has chosen a new vendor, i.e. Avalon Technologies; and
 WHEREAS, The recommendation was made based on a number of factors to include a proposal that contains a solution for immediate need and allows for future growth; and
 WHEREAS, The awarded bid was for \$199,264 within the \$200,000 budgeted; Therefore, Be It
 RESOLVED That the Bay County Board of Commissioners approves the agreement for the Electronic Contact Management System with Avalon Technologies and authorizes the Board Chair to execute said Agreement on behalf of Bay County following legal review; Be It Further
 RESOLVED That related required budget adjustments are approved.

KIM COONAN, CHAIR
 AND COMMITTEE

ISD - Server&Electronic Contact Management System - Avalon Technologies

MOVED BY COMM. Coonan

SUPPORTED BY COMM. Begick

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

VOTE TOTALS:

ROLL CALL: YEAS 6 NAYS 0 EXCUSED 1
 VOICE: ✓ YEAS 6 NAYS 0 EXCUSED 1

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

BAY COUNTY BOARD OF COMMISSIONERS

7/8/2014

RESOLUTION

BY: WAYS AND MEANS COMMITTEE (7/1/14)
 WHEREAS, In November 2013, Bay County signed an agreement with Waste Management to collect non-hazardous waste from the Health Department, Law Enforcement Center and the Juvenile Home for a price of \$35 pick-up fee per 28 gallon container with a one-time fee of \$199 for the container; and
 WHEREAS, Since that time and during contract negotiation it was discovered that the waste would not be picked-up but rather the Bay County departments had to mail it to the company; and
 WHEREAS, Upon usage, the invoicing was also considerably higher than the quote and contracted price, i.e. \$219 per container not the \$35 agreed upon price; and
 WHEREAS, When pursuing the discrepancy, Bay County was informed by Waste Management that they do not have a \$35 mail-in program and the only pricing they would offer is the \$219, not honoring the contractual price; and
 WHEREAS, It has been determined by Corporation Counsel and the Finance Officer that Bay County is within its rights to seek pricing from other vendors that offer this service; and
 WHEREAS, Two (2) vendors, Stericycle and Hospital Network Healthcare Services (HNHS), provided pricing quotes and Hospital Network Healthcare Services quoted the lower price, i.e. \$55/container plus \$4 per pick-up; Therefore, Be It
 RESOLVED That the Bay County Board of Commissioners, pursuant to the Customer Termination clause of the Non-Hazardous Waste Contract with Waste Management, voids said Contract; Be It Further
 RESOLVED That the Bay County Board of Commissioners approves a one year Non-Hazardous Waste Contract with Hospital Network Healthcare Services (HNHS) for collection of non-hazardous waste from the Health Department, Law Enforcement Center and the Juvenile Home at a cost of \$55 per container plus \$4.00 fuel fee per pick-up and authorizes the Board Chair to sign said Contract on behalf of Bay County following legal review/approval; Be It Further
 RESOLVED That related required budget adjustments are approved.

KIM COONAN, CHAIR
 AND COMMITTEE

Finance - Non-Hazardous Waste Contract

MOVED BY COMM. Coonan

SUPPORTED BY COMM. Lutz

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

VOTE TOTALS:

ROLL CALL: YEAS 6 NAYS 0 EXCUSED 1
 VOICE: ✓ YEAS 6 NAYS 0 EXCUSED 1

DISPOSITION: ADOPTED ✓ DEFEATED WITHDRAWN
 AMENDED CORRECTED REFERRED

BAY COUNTY BOARD OF COMMISSIONERS

7/8/2014

RESOLUTION

- BY: WAYS AND MEANS COMMITTEE (7/1/14)
- WHEREAS, On September 25, 2001, the Bay County Board of Commissioners adopted resolution no. 2001-242 (attached) regarding the pre-funding of healthcare benefits through the establishment of a Voluntary Employees' Beneficiary Association with a subsequent amendment approved on December 11, 2001 - Res. No. 2001-310 (attached); and
- WHEREAS, According to the resolution, once the general/sheriff group(s) reaches a funding level of 125% in the Bay County Employees' Retirement System (BCERS), the employee contribution will revert to the VEBA; and
- WHEREAS, The net Other Post Employment Benefit (OPEB) liability for Bay County as of the most recent actuary was \$10,342,938; and
- WHEREAS, As a requirement of the State of Michigan's Economic Vitality Incentive Program/County Incentive Program, local governmental units were required to provide an additional action that could be implemented to reduce unfunded liabilities; and
- WHEREAS, It is recommended that the Bay County Board of Commissioners amend resolution no. 2001-242 to lower the 125% funding level requirement to 115% as determined by the most recent actuary; and
- WHEREAS, Once the BCERS funded ratio for said groups reaches 115%, employee contributions will be reverted to the VEBA; and
- WHEREAS, By amending res. 2001-242, Bay County will continue to forward its commitment to lowering its unfunded liabilities while still ensuring an adequate funding level within its pension system; Therefore, Be It
- RESOLVED By the Bay County Board of Commissioners that resolution no. 2001-242, adopted September 25, 2001, establishing the Voluntary Employees' Beneficiary Association (VEBA) is hereby amended reducing the 125% funding level requirement to 115%; Be It Further
- RESOLVED That the Chairman of the Board is authorized to execute documents required as a result of the amendment following legal review/approval; Be It Further
- RESOLVED That related required budget adjustments, if any, are approved.

KIM COONAN, CHAIR
AND COMMITTEE

Finance - VEBA Amendment - 115% Funding

MOVED BY COMM. Coonan

SUPPORTED BY COMM. Lutz

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

VOTE TOTALS:
ROLL CALL: ✓ YEAS 0 NAYS 6 EXCUSED 1
VOICE: YEAS _____ NAYS _____ EXCUSED _____

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

NO. 2001-242

RESOLUTION

9/25/01

BY: BAY COUNTY BOARD OF COMMISSIONERS

- WHEREAS, Bay County (the "County") and certain Component Units of Bay County provide qualified retired employees with "Retiree Medical Benefits" pursuant to contracts, rules, and procedures which have developed over time ("Component Units" being any authority, district, board, or commission whose employees participate in the Bay County Employees' Retirement System [such Component Units, together with the County, being "Employers"]); and
- WHEREAS, Retiree Medical is presently provided on an unfunded, pay-as-you-go basis by the Employers; and
- WHEREAS, The County believes it prudent to begin a process of prefunding the Retiree Medical Benefits through a trust, similar to the prefunded pension trust for the Bay County Employees' Retirement System ("BCERS"), principally (a) in order to reduce the unfunded liability which Retiree Medical Benefits represent, (b) in order to reduce the cost of providing such benefits in the future, and (c) in order to increase retirees' security in such benefits; and
- WHEREAS, The Retiree Medical Benefits may be prefunded through a Voluntary Employees' Beneficiary Association (VEBA) pursuant to the Public Employee Health Care Fund Investment Act (P.A. 149 of 1999), and Section 501(c)(9) of the Internal Revenue Code of 1986, as amended; and
- WHEREAS, The County wishes to adopt a VEBA for the purposes described above with respect to Retiree Medical Benefits of (a) at this time, non-union employees of the County who would be eligible, upon retirement, for Retiree Medical Benefits, and (b) such unionized employees of the County who shall agree through collective bargaining to similar coverage by the VEBA, and (c) employees of Component Units which shall choose to adopt the VEBA (with appropriate collective bargaining, where applicable), provided that adoption by any Component Unit is consented to at the time by resolution of the Bay County Board of Commissioners; and

- WHEREAS, The County does not presently intend to fund the VEBA on a strict actuarial basis, but rather intends to make discretionary contributions from time to time, which contributions shall be no less than the amount of BCERS contribution which the County saves by reason of funding the 4% BCERS employee contribution (historically made on employees' behalf by the County) out of actuarial surplus in the BCERS, provided that the BCERS's actuarial surplus shall no longer be used for such purpose if and when the funded ratio of the BCERS drops to 125% or less; and
- WHEREAS, In order to more accurately define the Retiree Medical Benefits which are to be prefunded under the VEBA, the County has prepared a document entitled the "Bay County Retiree Health Benefit Plan" ("Retiree Medical Plan"), which is intended to set forth present rules and policies pertaining to Retiree Medical Benefits; Therefore, Be It
- RESOLVED By the Bay County Board of Commissioners that the Bay County Voluntary Employees' Beneficiary Association Trust Agreement ("VEBA") as presented to this meeting is hereby adopted, effective September 30, 2001 (subject to subsequent approval of the Internal Revenue Service as provided below); Be It Further
- RESOLVED That the VEBA shall be funded, initially with respect to Bay County non-union employees eligible for retiree medical, in the manner described above in this resolution and as prescribed by the VEBA; Be it Further
- RESOLVED That all contributions to the VEBA shall be conditioned upon approval of the VEBA's tax-exempt status by the Internal Revenue Service, as provided in the VEBA; Be It Further
- RESOLVED That proper County personnel, acting with outside legal counsel (Stevenson Keppelman Associates) are hereby authorized and directed to apply to the Internal Revenue Service for a determination that the VEBA meets the tax-qualification requirements of Internal Revenue Code of 1986 Section 501(c)(9); Be It Further
- RESOLVED That the persons described as trustees in the VEBA (generally being the current trustees of the BCERS) are hereby designated as trustees of the VEBA; Be It Further

RESOLVED That the Bay County Retiree Health Benefit Plan is hereby adopted with respect to employees of Bay County (subject to collective bargaining consent, where applicable), effective September 30, 2001; Be It Further

RESOLVED That the Chairman of the Board is authorized to execute the VEBA on behalf of Bay County.

EDWARD L. RIVET, CHAIRMAN

BAY COUNTY BOARD OF COMMISSIONERS

VEBAIRS.

BAY COUNTY BOARD OF COMMISSIONERS 9/24/01 MEETING

RESOLUTION NO. 2001-242

MOTION NO. _____

MOVED BY COMM. Gwizdata

SUPPORTED BY COMM. Reder

VOTE:

ROLL CALL: YEAS 8 NAYS 0 EXCUSED 1 - Rupp

VOICE: YEAS _____ NAYS _____ EXCUSED _____

DISPOSITION: ADOPTED DEFEATED _____ WITHDRAWN _____

AMENDED _____ CORRECTED _____ REFERRED _____

RESOLUTION

12/11/01

BY: PERSONNEL/JUDICIAL COMMITTEE (11/27/01)

WHEREAS, On September 25, 2001, the Bay County Board of Commissioners adopted resolution no. 2001-242 adopting the Bay County Voluntary Employees' Beneficiary Association Trust Agreement (VEBA), effective September 30, 2001; and

WHEREAS, The fifth Whereas in resolution no. 2001-242 includes a reference to collective bargaining; and

WHEREAS, Subsequent to adoption of the resolution, labor counsel advised that collective bargaining as related to VEBA, at this time, with ten (10) bargaining units is not necessary and not desirable; and

WHEREAS, Bay County may unilaterally implement the VEBA, as presently structured, without collective bargaining; Therefore, Be It

RESOLVED By the Bay County Board of Commissioners that the fifth "Whereas" of resolution no. **2001-242** as adopted 9/25/01 approving the **VEBA is amended** as follows:

"WHEREAS, The County wishes to adopt a VEBA for the purposes described above with respect to Retiree Medical Benefits of (a) at this time, non-union employees of the County who would be eligible, upon retirement, for Retiree Medical Benefits, and (b) **eligible** unionized employees of the County ~~who shall agree through collective bargaining to similar coverage by the VEBA,~~ and (c) employees of Component Units which shall choose to adopt the VEBA (with appropriate collective bargaining, where applicable), provided that adoption by any Component Unit is consented to at the time by resolution of the Bay County Board of Commissioners; and"

Note: Bold print means add a word. Words crossed out means delete those words.
Copy of Resolution No. 2001-242, as amended, is attached.

MICHAEL F. HALSTEAD, CHAIRMAN
 PERSONNEL/JUDICIAL COMMITTEE

VEBAAMEND.

BAY COUNTY BOARD OF COMMISSIONERS 12/11/01 MEETING
 RESOLUTION NO. 2001-310
 MOTION NO. _____
 MOVED BY COMM. Halstead
 SUPPORTED BY COMM. Poirier

VOTE:
 ROLL CALL: YEAS _____ NAYS _____ EXCUSED _____
 VOICE: XX YEAS 9 NAYS 0 EXCUSED 0

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

BAY COUNTY BOARD OF COMMISSIONERS

7/8/2014

RESOLUTION

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

WHEREAS, The Bay County Prosecutor's Office received Amendment No. 1 to the Agreement between the Michigan Department of Community Health and Bay County - VOCA for Domestic/Child Sexual Abuse Intervention; and

WHEREAS, The Amendment does not change the total or Department's agreement amount of the original agreement but revises the special provisions in Attachment E with all other conditions of the original agreement remaining the same; Therefore, Be It

RESOLVED That the Bay County Board of Commissioners approves Amendment No. 1 to the Agreement with the Michigan Department of Community Health for Domestic/Child Sexual Abuse Intervention - VOCA and authorizes the Board Chair to execute the required documents following legal review/approval; Be It Further

RESOLVED That related required budget adjustments are approved.

KIM COONAN, CHAIR
AND COMMITTEE

Prosecutor - Amendment No 1 - VOCA Agreement

MOVED BY COMM. Coonan

SUPPORTED BY COMM. Herek

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
MICHAEL J. DURANCZYK	✓			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 6 NAYS 0 EXCUSED 1

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

BAY COUNTY BOARD OF COMMISSIONERS

7/8/2014

RESOLUTION

BY: WAYS AND MEANS COMMITTEE (7/1/14)
 WHEREAS, Following an extensive search and the interview of six candidates for the position of Retirement Coordinator, one candidate was clearly qualified, with a master's degree in accounting from a prestigious university and senior level experience in accounting for approximately seven years and the second candidate was also similarly qualified; and
 WHEREAS, The first choice candidate indicated she would accept the position if offered the position at the PB-07 1 year level and the second candidate was not interested unless the position started at PB08; and
 WHEREAS, The last two previous incumbents in this position were classified at PB-08, however, the most recent incumbent did not perform the accounting duties that justified the PB-08 rate so the position was posted at PB-07; and
 WHEREAS, The lead candidate, given her education and experience, should receive a level of pay higher than the hire rate of a PB-07; and
 WHEREAS, There is no impact on the budget as funds for the position were budgeted at a PB-08; Therefore, Be It
 RESOLVED That the Bay County Board of Commissioners authorizes the Personnel Director to offer the previously-approved Retirement Coordinator's base rate from hire rate *\$21.47/hr.) to one year rate (\$23.14/hr)(PB-07); Be It Further
 RESOLVED That related required budget adjustments are approved.

KIM COONAN, CHAIR
 AND COMMITTEE

Personnel - Retirement Coordinator - PB-07 1 Yr Level

MOVED BY COMM. Coonan

SUPPORTED BY COMM. Herek

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

VOTE TOTALS:

ROLL CALL: YEAS ✓ NAYS 0 EXCUSED 1
 VOICE: YEAS 6 NAYS 0 EXCUSED 1

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

BAY COUNTY BOARD OF COMMISSIONERS

7/8/2014

RESOLUTION

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

WHEREAS, The shoreline of Saginaw Bay shows dense growth of phragmites, an invasive plant that destroys near shore habitat and blocks physical and visual access to the water; and

WHEREAS, The Department of Environmental Affairs and Community Development has secured funding with a GLRI grant from the U.S. Fish and Wildlife Service for the treat of phragmites along the shoreline of the Saginaw Bay; and

WHEREAS, The U.S. Fish & Wildlife Service has agreed to the modification of the original Cooperative Agreement with Bay County to add \$10,000 of FWS (GLRI) funding and \$10,000 of match; and

WHEREAS, The U.S. Fish & Wildlife Service has agreed to extend the Scope of Work of the original Cooperative Agreement with Bay County to include treatment of an additional 20-30 acres of invasive species on private lands and initiate a monitoring phase of the original project.

WHEREAS, The U.S. Fish & Wildlife Service includes "accountability, monitoring, evaluation, communication and partnerships" as one of the five GLRI priorities and will be added to the Scope of Work.

WHEREAS, Bay County will initiate a monitoring program for past treatment sites, the results will be evaluated and Adaptive Management will be applied, where necessary, to ensure the longevity of this project. Once established, this program will be incorporated into similar cooperative agreements in the local area. All other terms and conditions remain unchanged; Therefore, Be It

RESOLVED By the Bay County Board of Commissioners that authorization is granted to enter into a contract with the U.S. Fish & Wildlife Serve for the modification of the original Cooperative Agreement F13AC00389 for phragmites control along the Saginaw Bay, subject to Finance Department review regarding local match; and

RESOLVED That the Chairman of the Board is authorized to execute said contract and related documents on behalf of Bay County; Be It Finally

RESOLVED That the applicant/recipient departments are required to work with the Finance Department whose staff will provide financial oversight of said grant.

**KIM J. COONAN, CHAIR
AND COMMITTEE**

Env Affairs - USFWS Phragmites Grant
MOVED BY COMM. Coonan

SUPPORTED BY COMM. Lutz

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

VOTE TOTALS:
ROLL CALL: YEAS 6 NAYS 0 EXCUSED 1
VOICE: ✓ YEAS 6 NAYS 0 EXCUSED 1

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

BAY COUNTY BOARD OF COMMISSIONERS

7/8/2014

BY: WAYS AND MEANS COMMITTEE 07/01/2014

RESOLVED: By this Board of Commissioners of Bay County, Michigan, that the following Budget Adjustments are hereby approved on 07/08/2014 and, if required, the Chairman of the Board is hereby authorized to execute any documentation necessary for said Budget Adjustments on behalf of Bay County:

Journal Request Number	Fund Involved Department Involved	Favorable Impact	Unfavorable Impact	No Impact
2014-07-005	GENERAL FUND BOARD OF COMMISSIONERS INFORMATION SYSTEMS DIVISION GEOGRAPHIC INFORMATION SYSTEMS Total GENERAL FUND		\$23,000	

BUDGET FOR BAY COUNTY GIS ACTIVITY TO PURCHASE AN ArcGIS SERVER ENTERPRISE STANDARD LICENSE AT A COST OF \$18,000. THE ANNUAL MAINTENANCE IS \$5,000 PER YEAR WHICH WILL BE BUDGETED UNDER INFORMATION SYSTEMS DEPARTMENT.

Kim Coonan, Chairman W. & M. and Committee

MOVED BY COMM. Coonan

SUPPORTED BY COMM. Begick

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

VOTE TOTALS:

ROLL CALL: YEAS 6 NAYS 0 EXCUSED 1
 VOICE: ✓ YEAS 6 NAYS 0 EXCUSED 1

DISPOSITION: ADOPTED ✓ DEFEATED WITHDRAWN
 AMENDED CORRECTED REFERRED

BAY COUNTY BOARD OF COMMISSIONERS

7/8/2014

RESOLUTION

BY: PERSONNEL/HUMAN SERVICES COMMITTEE (6/17/14)

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:

1. 9-1-1 Central Dispatch - 911 Dispatcher (ft, \$12.95/hr. entry)
2. Sheriff Department
 - A. Correctional Facility Officers (2) (ft, \$15.95/hr. entry)
 - B. Sergeant (ft, \$25.53/hr. entry)
3. Division on Aging - Cook (On-call, \$10.95/hr. entry)

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.

MICHAEL E. LUTZ, CHAIR
AND COMMITTEE

Vacancies - July

MOVED BY COMM. Lutz

SUPPORTED BY COMM. Begick

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

VOTE TOTALS:

ROLL CALL: YEAS 6 NAYS 0 EXCUSED 1
 VOICE: ✓ YEAS 6 NAYS 0 EXCUSED 1

DISPOSITION: ADOPTED ✓ DEFEATED WITHDRAWN
 AMENDED CORRECTED REFERRED

BAY COUNTY BOARD OF COMMISSIONERS

7/8/14

RESOLUTION

BY: BAY COUNTY BOARD OF COMMISSIONERS (7/8/14)

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

Accounts Payable:

06/11/14	\$1,094,672.32
06/18/14	\$5,323,806.80
06/25/14	\$ 538,863.92

BAYANET:

5/1/14 - 5/31/14	
Payroll	\$ 7,942.03
Payables	\$ 31,402.19

HOUSING - CENTER RIDGE ARMS:

5/1/14 to 6/9/14	\$ 92,456.94
6/27/14 to 7/1/14	\$ 22,838.97

ERNIE KRYGIER, CHAIR
AND BOARD

Payables-July 2014

MOVED BY COMM. Coonan

SUPPORTED BY COMM. Herek

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 6 NAYS 0 EXCUSED 1
VOICE: ✓

DISPOSITION: ADOPTED ✓ DEFEATED WITHDRAWN
 AMENDED CORRECTED REFERRED

BAY COUNTY BOARD OF COMMISSIONERS

7/8/14

RESOLUTION

BY: BAY COUNTY BOARD OF COMMISSIONERS (7/1/14)

RESOLVED By the Bay County Board of Commissioners that the Employment Status Report for June 2014 is received.

ERNIE KRYGIER, CHAIR
AND BOARD

County Executive - Status Reports

MOVED BY COMM. Coonan

SUPPORTED BY COMM. Herek

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 6 NAYS 0 EXCUSED 1

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

BAY COUNTY BOARD OF COMMISSIONERS

7/8/2014

RESOLUTION

BY: BAY COUNTY BOARD OF COMMISSIONERS

WHEREAS, Mid-State Health Network (MSHN) is a Pre-Paid Inpatient Health Plan (PIHP)/Regional Entity and new Medicaid Managed Care Organization for Michigan's behavioral health and substance use disorder services for twenty-one (21) counties, including Arenac, Bay Clare, Clinton, Eaton, Gladwin, Gratiot, Hillsdale, Huron, Ingham, Ionia, Isabella, Jackson, Mecosta, Midland, Montcalm, Newaygo, Osceola, Saginaw, Shiawassee and Tuscola; and

WHEREAS, MSHN, along with its Community Mental Health Service Provider (CMHSP) partner, Bay Arenac Behavioral Health, is requesting the appointment of a representative to a Substance Use Disorder (SUD) Oversight Policy Board (OPB) as required by Public Act 500 of 2013; and

WHEREAS, This Board is charged with providing guidance and leadership to MSHN and its CMHSP partners in their collective efforts to serve the region; and

WHEREAS, The Oversight Policy Board may have up to two (2) representatives from each county and each county will have equal voting rights; and

WHEREAS, The members/designees of the OPB must be formally approved by their Board of County Commissioners; and

WHEREAS, Richard Gromaski, a current member of the Bay Arenac Behavioral Health Board of Directors, has expressed an interest in serving on the Substance Abuse Disorder Oversight Policy Board and the Board Chair is recommending in favor of Mr. Gromaski's appointment as Bay County's representative on the OPB; and

WHEREAS, Following appointment of the OPB members, MSHN and the OPB designees will propose a contractual agreement between the PIHP and Bay County in accordance with 1966, PA8.MCL 124.531, which will formalize the ongoing relationship and which will require approval by the MSHN Board and the Bay County Board of Commissioners; Therefore, Be It

RESOLVED That the Bay County Board of Commissioners hereby appoints Richard Gromaski as Bay County's representative on the Substance Use Disorder (SUD) Oversight Policy Board (OPB).

ERNIE KRYGIER, CHAIR
AND BOARD

BABHA - MSHN - Substance Use Disorder Oversight Policy Board - Gromaski

MOVED BY COMM. COONAN

SUPPORTED BY COMM. LUTZ

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
MICHAEL J. DURANCZYK	✓			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 6 NAYS _____ EXCUSED 1

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

BAY COUNTY BOARD OF COMMISSIONERS

7/8/14

RESOLUTION

BY: BAY COUNTY BOARD OF COMMISSIONERS (7/8/14)

WHEREAS, Article XIII of the Rules of the Bay County Board of Commissioners outlines a process for consideration of ordinance and ordinance amendments, which requires at least three (3) successive full Board meetings. The process is as follows:

1. The sponsoring committee considers an ordinance or amendment and refers it to the full Board;
2. The Board rejects or considers the amendment. If the Board elects to consider the ordinance or amendment, a public hearing must be held but not until the NEXT Board meeting (must be convened after 13 days) after publication of proper notice;
3. If the Board conducts a public hearing, no Board action on the ordinance or amendment may be taken only public input heard and, if any input, those comments are referred back to the sponsoring committee and legal counsel for consideration;
4. At the next Board meeting, following publication of proper notice, the Board may vote for final passage of the proposed ordinance or amendment by majority vote

WHEREAS, An alternative process is also provided for in the Board Rules whereby the Board can elect to suspend Article XIII by a 2/3rds majority vote, bypass the requirements (1 through 4 above) and vote on the Ordinance or Ordinance Amendment before them; Therefore, Be It

RESOLVED By the Bay County Board of Commissioners that, for the sake of expediency, **Article XIII of the Rules of the Bay County Board of Commissioners is hereby suspended** for the adoption of Amendments to the Bay County Employees' Retirement Ordinance.

ERNIE KRYGIER, CHAIR
AND BOARD

Waiver of Ordinance Adoption Process - Bay County Employees' Retirement Ordinance
MOVED BY COMM. _____

SUPPORTED BY COMM.

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
MICHAEL J. DURANCZYK				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 _____ NAYS _____ EXCUSED _____

DISPOSITION: ADOPTED _____ DEFEATED _____ WITHDRAWN _____
AMENDED _____ CORRECTED _____ REFERRED To Future Board Meeting.

-26-

BAY COUNTY BOARD OF COMMISSIONERS

7/8/2014

RESOLUTION

BY: BAY COUNTY BOARD OF COMMISSIONERS (7/8/14)
 ORDAINED By the Bay County Board of Commissioners that Article II, 4.012, Sec 12 (b) of the Bay County Employees' Retirement System Ordinance is hereby amended to read: "The Bay County Retirement Board may use the County Corporation Counsel or outside counsel of the Board's choosing as legal advisor to the Board, as it deems necessary."

ERNIE KRYGIER, CHAIR
 AND BOARD

Retirement Ord. - Amendment re Retention of Legal Counsel

MOVED BY COMM. _____

SUPPORTED BY COMM. _____

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
MICHAEL J. DURANCZYK				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 _____ NAYS _____ EXCUSED _____

DISPOSITION: ADOPTED _____ DEFEATED _____ WITHDRAWN _____
 AMENDED _____ CORRECTED _____ REFERRED To Future Board Meeting.

BAY COUNTY BOARD OF COMMISSIONERS

7/8/2014

RESOLUTION

BY: BAY COUNTY BOARD OF COMMISSIONERS (7/8/14)

WHEREAS, A question has recently arisen regarding the authority of the Retirement Board to retain outside counsel, rather than utilize the County's Department of Corporation Counsel, on matters relating to the Retirement Board; and

WHEREAS, The County's Retirement Ordinance previously passed by the Board of Commissioners (which is the Retirement Board's governing document) provides that Corporation Counsel shall serve as legal advisor to the Retirement Board and the newly adopted Civil Counsel Guidelines also direct the Department of Corporation Counsel to provide all legal services for the County, with the specific exemption of the County's "component units."; and

WHEREAS, The Retirement Board is not a "component unit" of Bay County. Public Act 139 also provides that the Department of Corporation Counsel, if adopted, shall provide legal services for the County as provided by law. The Retirement Board has obtained a written legal opinion from its own attorney that indicates the Retirement Board may retain any independent attorney of its own choosing for any matters related to the Retirement Board and is not required to utilize Corporation Counsel; and

WHEREAS, This is an apparent conflict with the County's Retirement Ordinance as well as its newly adopted Civil Counsel Guidelines and because this issue was unresolved at the time that the Board approved the Civil Counsel Guidelines, the Retirement Board was temporarily exempted from those Guidelines until the Board of Commissioners and Retirement Board could reach an agreement on this apparent conflict; and

WHEREAS, It has been suggested to the Board of Commissioners by Corporation Counsel that an appropriate (and most likely the least expensive) way to resolve this apparent conflict would be for the parties to submit the issue to binding arbitration which would involve the Board of Commissioners and the Retirement Board each submitting a legal brief to an independent third party arbitrator agreed to by the parties; and

WHEREAS, The Arbitrator would issue a written opinion that the parties agree to treat as binding unless and until the arbitrator's holding is materially affected by either legislative action or a court decision brought by an unrelated third party; and

WHEREAS, Both parties would equally share the cost of the arbitrator and would bear their own legal costs; and

WHEREAS, The Department of Corporation Counsel wishes to maintain a good working relationship with the Retirement Board so that Corporation Counsel may effectively provide assistance to that Board whenever called upon to do so, and this proposal to arbitrate the matter allows an independent third party to resolve the apparent conflict in a non-confrontational forum; and

WHEREAS, Other than the cost of the Arbitrator, which is expected to be no more than a few thousand dollars for each party, there is no financial or economic impact in sending this matter to binding arbitration, and will likely save money in indirect costs that could be expended on the issue in the long run if the matter is not definitively resolved; Therefore, Be It

RESOLVED That the Bay County Board of Commissioners:

1. Approves sending this apparent conflict to a third party arbitrator for a binding opinion on the circumstances under which the Retirement Board may retain its own legal counsel in light of the language of the Retirement Ordinance, Civil Counsel Guidelines and relevant state law;
2. Approves payment of half the cost of the Arbitrator and authorizes any budget adjustments necessary; and
3. Makes a formal request to the Retirement Board for it to address and vote on this proposal to proceed to binding arbitration at its next Board Meeting.

ERNIE KRYGIER, CHAIR
AND BOARD

Retirement - Binding Arbitration re Legal Representation

MOVED BY COMM. _____

SUPPORTED BY COMM. _____

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
MICHAEL J. DURANCZYK				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 _____ NAYS _____ EXCUSED _____

DISPOSITION: ADOPTED _____ DEFEATED _____ WITHDRAWN _____
AMENDED _____ CORRECTED _____ REFERRED To Future Board Meeting.

BAY COUNTY BOARD OF COMMISSIONERS

7/8/2014

RESOLUTION

BY: BAY COUNTY BOARD OF COMMISSIONERS (7/8/14)

WHEREAS, Regina Woods contacted the Recreation and Facilities Department on July 7, 2014 to inquire if she would be able to sell food out of her newly purchased food trailer, named "Woody's Concessions", at a Bay County recreation facility; and

WHEREAS, Ms. Woods has the required licensing and insurance to operate Woody's Concessions which sells hot dogs, coney dogs, nachos, soft pretzels, chips, pop and water; and

WHEREAS, The Bay County Golf Course is in need of a food vendor as the Snack Shop is no longer in operation. In 2013, Bay County contracted with a local non-profit organization to run the Snack Shop, however, they were unable to do so again this year; and

WHEREAS, In 2014, Bay County sent out a bid for operation of the Snack Shop / Concession Management with no bids received; and

WHEREAS, Bay County Administration is requesting the approval of a contract with Ms. Woods to sell food at the Bay County Golf Course for the remaining part of the golf season; Woody's Concessions will operate on a profit/loss basis for the remaining part of this season and Bay County will be able to offer the golfers the option of food during the high times with no financial impact to the Golf Course; Therefore, Be It

RESOLVED That the Bay County Board of Commissioners approves the contractual arrangement with Regina Woods for the balance of the 2014 golf season and the Chairman of the Board is authorized to execute said Contract on behalf of Bay County following legal review/approval; Be It Further

RESOLVED That related required budget adjustments are approved.

ERNIE KRYGIER, CHAIR
AND BOARD

Recreation - Golf Course - 2014 Food Trailer

MOVED BY COMM. Herek

SUPPORTED BY COMM. Duranczyk

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

VOTE TOTALS:
ROLL CALL: YEAS 6 NAYS 0 EXCUSED 1
VOICE: ✓ YEAS 6 NAYS 0 EXCUSED 1

DISPOSITION: ADOPTED ✓ DEFEATED WITHDRAWN
 AMENDED CORRECTED REFERRED

BAY COUNTY BOARD OF COMMISSIONERS

MEETING DATE: JULY 8, 2014

MOTION SPONSORED BY: COMM. COONAN

MOTION SUPPORTED BY: COMM. LUTZ

MOTION NO.: 68

TO APPROVE THE REGULAR BOARD SESSION MINUTES OF
JUNE 10, 2014 AND THE SPECIAL BOARD SESSION MINUTES
OF JUNE 17, 2014 AS PRESENTED.

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 6 NAYS 0 EXCUSED 1

DISPOSITION: ADOPTED XX DEFEATED WITHDRAWN

 AMENDED CORRECTED REFERRED

BAY COUNTY BOARD OF COMMISSIONERS

MEETING DATE: JULY 8, 2014

MOTION SPONSORED BY: COMM. LUTZ

MOTION SUPPORTED BY: NO SUPPORT

MOTION NO.: 69

TO REFER RES. 2014-131, WAIVER OF BOARD RULES FOR ADOPTION OF AMENDMENT TO BAY COUNTY EMPLOYEES' RETIREMENT ORDINANCE; RES. 2014-132, AMENDMENT TO BAY COUNTY EMPLOYEES' RETIREMENT ORDINANCE-RETENTION OF LEGAL COUNSEL; AND RES. 2014-133, BINDING ARBITRATION REGARDING RETIREMENT BOARD'S RETENTION OF OUTSIDE COUNSEL.

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

VOTE TOTALS:

ROLL CALL: YEAS _____ NAYS _____ EXCUSED _____

VOICE: YEAS _____ NAYS _____ EXCUSED _____

DISPOSITION: ADOPTED _____ DEFEATED _____ WITHDRAWN _____

AMENDED _____ CORRECTED _____ REFERRED _____

BAY COUNTY BOARD OF COMMISSIONERS

MEETING DATE: JULY 8, 2014

MOTION SPONSORED BY: COMM. COONAN

MOTION SUPPORTED BY: NO SUPPORT

MOTION NO.: 70

TO REFER RES. 2014-131, WAIVER OF BOARD RULES FOR ADOPTION OF AMENDMENT TO BAY COUNTY EMPLOYEES' RETIREMENT ORDINANCE; RES. 2014-132, AMENDMENT TO BAY COUNTY EMPLOYEES' RETIREMENT ORDINANCE-RETENTION OF LEGAL COUNSEL; AND RES. 2014-133, BINDING ARBITRATION REGARDING RETIREMENT BOARD'S RETENTION OF OUTSIDE COUNSEL, BACK TO ADMINISTRATION TO A LATER DATE.

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

VOTE TOTALS:

ROLL CALL: YEAS _____ NAYS _____ EXCUSED _____

VOICE: YEAS _____ NAYS _____ EXCUSED _____

DISPOSITION: ADOPTED _____ DEFEATED _____ WITHDRAWN _____

AMENDED _____ CORRECTED _____ REFERRED _____

BAY COUNTY BOARD OF COMMISSIONERS

MEETING DATE: JULY 8, 2014

MOTION SPONSORED BY: COMM. COONAN

MOTION SUPPORTED BY: NO SUPPORT

MOTION NO.: 71

TO REFER RES. 2014-131, WAIVER OF BOARD RULES FOR ADOPTION OF AMENDMENT TO BAY COUNTY EMPLOYEES' RETIREMENT ORDINANCE; RES. 2014-132, AMENDMENT TO BAY COUNTY EMPLOYEES' RETIREMENT ORDINANCE-RETENTION OF LEGAL COUNSEL; AND RES. 2014-133, BINDING ARBITRATION REGARDING RETIREMENT BOARD'S RETENTION OF OUTSIDE COUNSEL, UNTIL AFTER CLOSED SESSION DISCUSSIONS.

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

VOTE TOTALS:

ROLL CALL: YEAS _____ NAYS _____ EXCUSED _____

VOICE: YEAS _____ NAYS _____ EXCUSED _____

DISPOSITION: ADOPTED _____ DEFEATED _____ WITHDRAWN _____

AMENDED _____ CORRECTED _____ REFERRED _____

BAY COUNTY BOARD OF COMMISSIONERS

MEETING DATE: JULY 8, 2014

MOTION SPONSORED BY: COMM. COONAN

MOTION SUPPORTED BY: COMM. LUTZ

MOTION NO.: 72

TO REFER RES. 2014-131, WAIVER OF BOARD RULES FOR ADOPTION OF AMENDMENT TO BAY COUNTY EMPLOYEES' RETIREMENT ORDINANCE; RES. 2014-132, AMENDMENT TO BAY COUNTY EMPLOYEES' RETIREMENT ORDINANCE-RETENTION OF LEGAL COUNSEL; AND RES. 2014-133, BINDING ARBITRATION REGARDING RETIREMENT BOARD'S RETENTION OF OUTSIDE COUNSEL, BACK TO ADMINISTRATION FOR A SOLUTION. (NO VOTE)

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

VOTE TOTALS:

ROLL CALL: YEAS _____ NAYS _____ EXCUSED _____

VOICE: YEAS _____ NAYS _____ EXCUSED _____

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

BAY COUNTY BOARD OF COMMISSIONERS

MEETING DATE: JULY 8, 2014

MOTION SPONSORED BY: COMM. COONAN

MOTION SUPPORTED BY: COMM. DURANCZYK

MOTION NO.: 73

TO REFER RES. 2014-132, AMENDMENT TO BAY COUNTY EMPLOYEES' RETIREMENT ORDINANCE - RETENTION OF LEGAL COUNSEL, AND RES. 2014-133, BINDING ARBITRATION REGARDING RETIREMENT BOARDS'S RETENTION OF OUTSIDE COUNSEL, BACK TO ADMINISTRATION WITH A RECOMMENDATION TO BE PRESENTED AT A FUTURE BOARD MEETING.

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 5 NAYS 1 EXCUSED 1

VOICE: YEAS _____ NAYS _____ EXCUSED _____

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

BAY COUNTY BOARD OF COMMISSIONERS

MEETING DATE: JULY 8, 2014

MOTION SPONSORED BY: COMM. LUTZ

MOTION SUPPORTED BY: COMM. DURANCZYK

MOTION NO.: 74

TO RECEIVE THE CORPORATION COUNSEL UPDATE REFLECTING THE BACKLOG OF CASES, NEW CIVIL MATTERS, AND CONTRACTS AS TRACKED BY A CONCOURSE PROGRAM BY THOMSON REUTERS. BOARD AND DEPARTMENT HEADS CAN ACCESS STATUS WITH TRAINING SET FOR JULY 23, 2014, AS PRESENTED BY SHAWNA WALRAVEN, CORPORATION COUNSEL.

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 6 NAYS 0 EXCUSED 1

DISPOSITION: ADOPTED XX DEFEATED _____ WITHDRAWN _____

AMENDED _____ CORRECTED _____ REFERRED _____

BAY COUNTY BOARD OF COMMISSIONERS

MEETING DATE: JULY 8, 2014

MOTION SPONSORED BY: COMM. COONAN

MOTION SUPPORTED BY: COMM. HEREK

MOTION NO.: 75

TO AMEND RES. 2014-120, THE AGREEMENT FOR AN ELECTRONIC CONTACT MANAGEMENT SYSTEM, TO INCLUDE THE VENDOR'S NAME, "AVALON TECHNOLOGIES", TO THE RESOLUTION.

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 6 NAYS 0 EXCUSED 1

DISPOSITION: ADOPTED XX DEFEATED WITHDRAWN

 AMENDED CORRECTED REFERRED

BAY COUNTY BOARD OF COMMISSIONERS

MEETING DATE: JULY 8, 2014

MOTION SPONSORED BY: COMM. LUTZ

MOTION SUPPORTED BY: COMM. BEGICK

MOTION NO.: 76

TO GO INTO CLOSED SESSION PURSUANT TO MCLA 15.268, SEC. 8 (h): TO CONSIDER MATERIAL EXEMPT FROM DISCUSSION OR DISCLOSURE BY STATE OR FEDERAL STATUE. 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)]

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 6 NAYS 0 EXCUSED 1

VOICE: YEAS _____ NAYS _____ EXCUSED _____

DISPOSITION: ADOPTED XX DEFEATED _____ WITHDRAWN _____

AMENDED _____ CORRECTED _____ REFERRED _____

BAY COUNTY BOARD OF COMMISSIONERS

MEETING DATE: JULY 8, 2014

MOTION SPONSORED BY: COMM. COONAN

MOTION SUPPORTED BY: COMM. LUTZ

MOTION NO.: 77

TO GO BACK TO REGULAR SESSION FOLLOWING CLOSED
SESSION DISCUSSIONS REGARDING AMENDING THE BAY
COUNTY EMPLOYEES' RETIREMENT ORDINANCE.

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 6 NAYS 0 EXCUSED 1

DISPOSITION: ADOPTED XX DEFEATED _____ WITHDRAWN _____

AMENDED _____ CORRECTED _____ REFERRED _____

BAY COUNTY BOARD OF COMMISSIONERS

MEETING DATE: JULY 8, 2014

MOTION SPONSORED BY: COMM. COONAN

MOTION SUPPORTED BY: COMM. HEREK

MOTION NO.: 78

TO ADJOURN THE REGULAR BOARD SESSION OF JUNE 8,
2014 AT 5:55 P.M.

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 6 NAYS 0 EXCUSED 1

DISPOSITION: ADOPTED XX DEFEATED _____ WITHDRAWN _____

AMENDED _____ CORRECTED _____ REFERRED _____