

SPECIAL MEETING
BAY COUNTY BOARD OF COMMISSIONERS
A G E N D A
TUESDAY, SEPTEMBER 16, 2014

4:15 P.M.

(Or immediately following Personnel/Human Services Committee meeting)

COMMISSION CHAMBERS, FOURTH FLOOR, BAY COUNTY BUILDING

PAGE NO.

I CALL TO ORDER (CHAIRMAN KRYGIER)

II ROLL CALL

III INVOCATION

IV PLEDGE OF ALLEGIANCE

V CITIZEN INPUT

VII ITEMS FOR CONSIDERATION

- 1 A. Res. No. 2014-182 - Riverside Kitchen Project - Bid Award (Division on Aging/Buildings and Grounds) **(Note: This is a revision to the resolution included on the 9/9/14 Board agenda)**
- 2 B. Resolutions from 9/16/14 Personnel/Human Services Committee meeting:
1. No. 2014-184 - Vital Chek Network (County Clerk)
- 3-4 2. No. 2014-185 - 2014 Tax Rate Request (L-4029) (Equalization)
- C. Property Acquisition Utilizing NOAA Grant Funds: Delta Road; E. Beaver Road **(Resolution available at meeting)**

VIII UNFINISHED BUSINESS

IX NEW BUSINESS

X MISCELLANEOUS

XI ANNOUNCEMENTS

XII CLOSED SESSION

XIII RECESS/ADJOURNMENT

BAY COUNTY BOARD OF COMMISSIONERS

9/16/2014

RESOLUTION

BY: BAY COUNTY BOARD OF COMMISSIONERS

WHEREAS, Over the past several months, the County has been participating in the bid process managed by Spicer Engineering for the Division on Aging Riverside Center Kitchen project; and

WHEREAS, Spicer Engineering, with County review and oversight, prepared the specifications, conducted the site walk-through, responded to vendor inquiries and performed the bid opening; and

WHEREAS, The Spicer Engineering bid award recommendation was reviewed by County Administration (Rick Pabalis, Tammy Roehrs and Frances Moore) and they concur with the recommendation; and

WHEREAS, Spicer Engineering has been notified to proceed with the bid notification pursuant to the County's Purchasing Policy; and

WHEREAS, Pumford Construction was the low bidder at \$912,972.00; and

WHEREAS, In addition, Michigan Fair Contracting Center (MFCC), the company Bay County hires to monitor prevailing wage compliance, will perform onsite prevailing wage compliance auditing services for a cost of \$1,700.00; and

WHEREAS, The Division on Aging Riverside Center Kitchen project is funded by a special millage specifically approved for this project; Therefore, Be It

RESOLVED That the Bay County Board of Commissioners, upon recommendation of County Administration and Spicer Engineering and pursuant to the Bay County Purchasing Policy, approves an Agreement with Pumford Construction and an Agreement with the Michigan Fair Contracting Center (MFCC) and authorizes the Chairman of the Board to execute said Agreements 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

Division on Aging - Riverside Center Kitchen Project - Bid Award

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 7 NAYS 0 EXCUSED 0

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

- / -

BAY COUNTY BOARD OF COMMISSIONERS

9/16/2014

RESOLUTION

BY: PERSONNEL/HUMAN SERVICES COMMITTEE (9/16/14)
 WHEREAS, The Bay County Clerk wishes to utilize the services of Vital Chek Network to allow constituents to securely order vital records (birth, death, and marriage) online utilizing their debit and credit cards; and
 WHEREAS, The consumer is able to make payment and authenticate their identity through the order process, thereby accommodating entitlement requirements through 3rd party vendor; and
 WHEREAS, Vital Chek currently provides services to more than 450 vital records offices throughout the United States, including 27 Michigan counties and the State of Michigan (Vital Records Office); and
 WHEREAS, There is no cost to Bay County for the Vital Chek system, this is an optional service for the consumer and those who wish to utilize this program pay a service fee to Vital Chek Network; and
 WHEREAS, Payment for the county assessed vital record fee is made to the County Clerk's office on a regular basis for all authorized orders; Therefore, Be It
 RESOLVED That the Bay County Board of Commissioners approves implementation of the Vital Chek system in the Bay County Clerk's Office; Be It Further
 RESOLVED That the LexisNexis® VitalChek Network Inc. Service Agreement is approved and the Board Chair is authorized to sign said document on behalf of Bay County following legal review/approval; Be It Finally
 RESOLVED That budget adjustments, if required, are approved.

MICHAEL E. LUTZ, CHAIR
 AND COMMITTEE

Clerk - Vital Chek - Vital Records

MOVED BY COMM. Lutz

SUPPORTED BY COMM. Duranzyk

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

9/16/2014

RESOLUTION

BY: PERSONNEL/JUDICIAL COMMITTEE (9/16/14)

WHEREAS, The 2014 Tax Rate Request (L-4029) is a state required form completed to certify that the tax rates (millages) have been reduced, if necessary, to comply with the state constitution and also authorizes the levy of the listed tax rates on the 2014 tax roll; and

WHEREAS, Pending the November election results, this form may require revision if the county millages are approved by the voters; Therefore, Be It

RESOLVED By the Bay County Board of Commissioners that authorization is granted for the Board Chairman and County Clerk to sign the attached 2014 Tax Rate Request form (L-4029) on behalf of Bay County.

MICHAEL E. LUTZ, CHAIR AND COMMITTEE

Equalization - 4029 Form

MOVED BY COMM. Lutz

SUPPORTED BY COMM. Herek

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

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

DISPOSITION: ADOPTED DEFEATED WITHDRAWN AMENDED CORRECTED REFERRED

2014 Tax Rate Request (This form must be completed and submitted on or before September 30, 2014)
MILLAGE REQUEST REPORT TO COUNTY BOARD OF COMMISSIONERS

This form is issued under authority of MCL Sections 211.246, 211.34 and 211.34d. Filing is mandatory. Penalty applies.

2014 Taxable Value of All Properties in the Unit as of 5-27-14

Local Government Unit Requesting Millage Levy: **Bay** For Local School District: 2014 Taxable Value excluding Principal Residence, Qualified Agricultural, Qualified Forest, Industrial Personal and Commercial Personal Property: **2,853,948,154**

Bay County

This form must be completed for each unit of government for which a property tax is levied. Penalty for non-filing is provided under MCL Sec 211.119. The following tax rates have been authorized for levy on the 2014 tax roll.

(1) Source	(2) Purpose of Millage	(3) Date of Election	(4) Original Millage Authorized by Election Charter, etc.	(5)** 2013 Millage Rate Permanently Reduced by MCL 211.34d "Headlee"	(6) 2014 Current Year "Headlee" Millage Reduction Fraction	(7) 2014 Millage Rate Permanently Reduced by MCL 211.34d "Headlee"	(8) Sec. 211.34 Truth in Assessing or Equalization Millage Rollback Fraction	(9) Maximum Allowable Millage Levy*	(10) Millage Requested to be Levied July 1	(11) Millage Requested to be Levied Dec. 1	(12) Expiration Date of Millage Authorized
Fixed	Operation	08-1986	6.0000	5.7257	1.0000	5.7257	1.0000	5.7257	5.7257		Frozen
Extra Voted	Library	08-2000	1.0000	0.9953	1.0000	0.9953	1.0000	0.9953			12-2019
Extra Voted	S Citizen	08-2010	0.5000	0.5000	1.0000	0.5000	1.0000	0.5000			12-2015
Extra Voted	S Citizen	11-2012	0.3000	0.3000	1.0000	0.3000	1.0000	0.3000			12-2016
Extra Voted	911	08-2010	0.7000	0.7000	1.0000	0.7000	1.0000	0.7000			12-2015
Extra Voted	Medical Care	11-2012	0.7500	0.7500	1.0000	0.7500	1.0000	0.7500			12-2016
Act 214	Veterans		0.1000	0.1000	1.0000	0.1000	1.0000	0.1000			12-2014
Extra Voted	Gypsy Moth	08-2012	0.1000	0.1000	1.0000	0.1000	1.0000	0.1000			12-2015
Extra Voted	Mosquito Control	08-2008	0.4500	0.4500	1.0000	0.4500	1.0000	0.4500			12-2015

Prepared by: **Richard Gruber** Telephone Number: **989-895-4075** Title of Preparer: **Equalization Director** Date: **09/05/2014**

CERTIFICATION: As the representative for the local government unit named above, we certify that these requested tax levy rates have been reduced, if necessary to comply with the state constitution (Article 9, Section 31), and that the requested levy rates have also been reduced, if necessary, to comply with MCL Sections 211.246, 211.34 and, for LOCAL school districts which levy a Supplemental (Hold Harmless) Millage, 380.121(3).

<input checked="" type="checkbox"/> Clerk	Signature	Type Name	Date
<input type="checkbox"/> Secretary			
<input checked="" type="checkbox"/> Chairperson	Signature	Type Name	Date
<input type="checkbox"/> President			

* Under Truth in Taxation, MCL Section 211.24e, the governing body may decide to levy a rate which will not exceed the maximum authorized rate allowed in column 9. The requirements of MCL 211.24e must be met prior to levying an operating levy which is larger than the base tax rate but not larger than the rate in column 9.

** IMPORTANT: See instructions on page 2 regarding where to find the millage rate used in column (5).

Local School District Use Only. Complete if requesting millage to be levied. See STC Bulletin 3 of 2014 for instructions on completing this section.	Rate
Total School District Operating Rates to be Levied (HH/Supp and NH Oper ONLY)	
For Principal Residence, Qualified Ag, Qualified Forest and Industrial Personal	
For Commercial Personal	
For all Other	

BAY COUNTY BOARD OF COMMISSIONERS

9/16/2014

RESOLUTION

- BY: BAY COUNTY BOARD OF COMMISSIONERS
- WHEREAS, In December of 2010 the Bay County Board of Commissioners authorized Administration, pursuant to Resolution No. 2010-273, to apply for land acquisition grant funds from the National Oceanic and Atmospheric Administration for properties approved or nominated by the Michigan Department of Environmental Quality for funding under the Great Lakes Area of Concern Land Acquisition Program; and
- WHEREAS, The purpose of purchasing these properties is to preserve the natural character of the properties, to manage the property for conservation of the wetlands that are extant on the property, and for passive public recreational use for the benefit of the Bay County community as a whole; and
- WHEREAS, Bay County was awarded grant funds on October 1, 2011, and the grant was extended for a one year period in September of 2013 to allow the County additional time to review and select appropriate properties that qualified for purchase and conservation, with a grant expiration date of September 30, 2014; and
- WHEREAS, The Board of Commissioners again, on 2/14/12 (res. No. 2012-11), authorized the Director of Environmental Affairs to apply for grant opportunities pertaining to Saginaw Bay improvement conditional on no county funds being committed, in-kind match in the form of the Director's time, public participation or volunteer effort may be provided; and
- WHEREAS, The Bay County Department of Environmental Affairs has identified two properties which appear to meet the criteria for purchase with NOAA funds to enable the preservation of these properties' natural assets and provide passive public recreational use:
1. A 15.2 acre parcel of property located at 3499 East Beaver Road in Bangor Township, purchase of which will protect wetlands and buffer the Bay City Recreation Area and the Tobico Marsh from commercial development that the current zoning of the property allows; and
 2. An approximately 8 acre island located in the Saginaw River in Frankenlust Township commonly known as "Stony Island" which is an important piece to complete the necessary wetlands habitat acres for the delisting of Fish and Wildlife Habitat Beneficial Use Impairment. The Stony Island site is a rare undisturbed wetlands habitat which provides rare and unique habitats for a variety of plant and animal life, and runs adjacent to the proposed new location for the rail trail development between Saginaw and Bay Counties; and
- WHEREAS, Purchase of these properties by the County using NOAA funds is fully supported by the State of Michigan's Department of Natural Resources, Parks and Recreation Division, as well as the Partnership for the Saginaw Bay Watershed, who have provided their support in written form; and

WHEREAS, As there is no "in-kind" match on the purchase of these properties, there will be no economic impact to the County to purchase these lands, as the total purchase price, including all costs associated with the County's due diligence on these properties, including but not limited to outside attorney fees, appraisals, surveys, environmental assessments, title searches and recording fees are reimbursed in total by NOAA through the grant funding provided; and

WHEREAS, The proposed purchase price of the properties does not exceed the appraised value, with the proposed purchase price on the Beaver Road property equaling \$190,000 and \$28,500 for the Stony Island Property. Subject to approval from NOAA, these properties could be either leased or transferred in the future to the Michigan Department of Natural Resources upon determination of such a need by the Board; Therefore, Be It

RESOLVED That the Bay County Board of Commissioners authorizes the purchase by Bay County of the Beaver Road and Stony Island properties noted above after receiving final approval from NOAA for the proposed negotiated price of \$190,000 and \$28,500, respectively; Be It Further

RESOLVED That the Chairman of the Board is authorized to sign any and all necessary documents to effectuate these purchases after review and approval by corporation counsel and further authorizes Corporation Counsel to proceed with closing on the properties prior to September 30, 2014, the grant expiration date; Be It Further

RESOLVED That related required budget adjustments are approved.

ERNIE KRYGIER, CHAIR
AND BOARD

EnvAffairs - NOAA Grant - Purchase of Properties

MOVED BY COMM. Lutz

SUPPORTED BY COMM. Tilley

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 7 NAYS 0 EXCUSED 0

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

BAY COUNTY BOARD OF COMMISSIONERS

9/16/2014

RESOLUTION

BY: PERSONNEL/HUMAN SERVICES COMMITTEE (9/16/14)
 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 - Environmental Analyst/Educator (pt, \$17.92/hr. entry, grant funded)
2. Sheriff Department
 - a. Correctional Facility Officer (ft, \$15.95/hr. entry)
 - b. Typist Clerk I (pt, \$10.95/hr. entry)
3. Division on Aging - Cook (pt, \$10.95/hr. entry)
4. Recreation and Facilities - Pinconning Park - Park Ranger (seasonal, \$8.50/hr.)
5. Prosecutor
 - a. Assistant Prosecutor (ft, starting wage dependent on prosecution experience; \$62,587.20 if 10 or more years prosecution experience, if not, entry level is \$59,425.60)
 - b. Assistant Prosecutor (ft, \$59,425.60) (Note: This position will be filled only if the attorney chosen for position a. above comes from within Bay County Prosecutor's Office.)

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 - September

MOVED BY COMM. Lutz

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 7 NAYS 0 EXCUSED 0

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

BAY COUNTY BOARD OF COMMISSIONERS

9/16/2014

RESOLUTION

BY: PERSONNEL/HUMAN SERVICES COMMITTEE (9/16/14)

WHEREAS, Currently the fee (\$7.00) for work release inmates is set per work day for those inmates that have jobs and can be released for that job; and

WHEREAS, Due to State mandate that requires a tether, the additional cost to cover the tether requires an increase in the fee charged to \$9.50 per work day; Therefore, Be It

RESOLVED That the Bay County Board of Commissioners approves the tethered work release fee to \$9.50 per day (increased from \$7.00 per day) to cover the additional cost of the tether; Be It Further

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

MICHAEL E. LUTZ, CHAIR
AND COMMITTEE

Sheriff Dept - Tether Work Release Fee

MOVED BY COMM. Lutz

SUPPORTED BY COMM. Tilley

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 7 NAYS 0 EXCUSED 0

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

BAY COUNTY BOARD OF COMMISSIONERS

MEETING DATE: SEPTEMBER 16, 2014

MOTION SPONSORED BY: COMM. TILLEY

MOTION SUPPORTED BY: COMM. HEREK

MOTION NO.: 91

PURSUANT TO P.A. 99 OF 1909, THE BAY COUNTY FINANCE DEPARTMENT SHALL BE DIRECTED TO PREPARE A REQUEST FOR PROPOSAL (RFP) ON OR ABOUT OCTOBER 1, 2014, PRIOR TO EACH YEAR THAT A GENERAL ELECTION OCCURS. THIS RFP WILL BE DISTRIBUTED TO LOCAL FINANCIAL INSTITUTIONS WISHING TO SUBMIT SEALED BIDS FOR THE DEPOSIT OF PUBLIC FUNDS BY THE BAY COUNTY TREASURER. THE DESIGNATION OF A FINANCIAL INSTITUTION SHALL BE FOR A PERIOD OF TWO (2) YEARS AND MADE AFTER JANUARY 1, 2015.

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. Beglick	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: SEPTEMBER 16, 2014

MOTION SPONSORED BY: COMM. TILLEY

MOTION SUPPORTED BY: COMM. COONAN

MOTION NO.: 92

TO ADJOURN THE SPECIAL BOARD SESSION OF
SEPTEMBER 16, 2014 AT 4:35 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 7 NAYS 0 EXCUSED 0

DISPOSITION: ADOPTED XX DEFEATED _____ WITHDRAWN _____

AMENDED _____ CORRECTED _____ REFERRED _____