

BAY COUNTY BOARD OF COMMISSIONERS

TUESDAY, MARCH 21, 2023

4:00 P.M.

COMMISSION CHAMBERS, FOURTH FLOOR, BAY COUNTY BUILDING

PAGE NO.

- I. CALL TO ORDER (CHAIRMAN BEGICK)**
- II. ROLL CALL**
- III. INVOCATION**
- IV. PLEDGE OF ALLEGIANCE**
- 1-9 **V. MINUTES (2/21/23)**
- VI. AGENDA APPROVAL**
- VII. CITIZEN INPUT**
- VIII. PETITIONS AND COMMUNICATIONS**
 - A. 4:00 P.M. – Presentation on Camp Grayling Opposition to Expansion (Receive)
 - 10-11 B. City of Bay City – Application for an Obsolete Property Rehabilitation Exemption Certificate – DS Denham Properties, LLC. - \$131,000 (Receive)
 - 12-45 C. Requests for Appointment to Bay Arenac Behavioral Health Authority (four, 3-year terms; one, unexpired term commencing upon appointment and expiring March 31, 2024 - *receive and make 5 appointments*) [Note: See item C below confirming eligibility of all candidates.]
 - 1. James Anderson (Incumbent)
 - 2. Commissioner Tim Banaszak (Public Official)
 - 3. Jerome Crete
 - 4. Dolores Kowalski-Meier
 - 5. Commissioner Colleen Maillette (Incumbent; Public Official)
 - 6. Rick Mastroianni

7. Richard Meeth (Incumbent)
8. Commissioner Kathy Niemiec (Public Official)
9. Justin Peters
10. Marie (Toni) Reese
11. Tom Ryder (Incumbent)
12. Tammy Schwerin
13. Sandy Shutt
14. Brian Taylor (Public Official)

46-49 D. Bay-Arenac Behavioral Health - BABHA Nominations Committee Review Eligibility Results (Receive)

50-51 E. Melvin McNally (Incumbent) - Request for Reappointment to Region VII Area on Aging as Bay County Representative (Receive and Appoint)

IX. REPORTS/RESOLUTIONS OF COMMITTEES

A. WAYS AND MEANS (Tim Banaszak, Chair; Kaysey L. Radtke, Vice Chair)

- 52 1. No. 2023-34 - Discontinuance of the Bay County Household Assistance Program (HAP) (ARPA) (Committee Chair Banaszak)
- 53 2. No. 2023-35 - Bay County Community Partnership Grants FY- 2023 (Sheriff)
- 54 3. No. 2023-36 - Travel Request for 2023 National WIC Conference for WIC Manager (Health Dept.)
- 55 4. No. 2023-37 - Community Center Pool Closure (Recreation & Facilities)
- 56-57 5. No. 2023-38 - MMRMA RECTify Cybersecurity Vulnerabilities Grant – Cisco Umbrella, SecureX and Port53 (ISD/Finance)
- 58 6. No. 2023-39 - Payables (Finance)

B. PERSONNEL/HUMAN SERVICES (Kathy Niemiec, Chair; Colleen Maillette, Vice Chair)

59 1. No. 2023-40 – 2023 Discovery Reserve Partnership Agreement with Saginaw Basin Land Conservancy (Recreation & Facilities)

60 2. No. 2023-41 - Vacancies: 9-1-1 Central Dispatch; Department on Aging; Community Center; Buildings & Grounds; Sheriff; Finance; (Personnel)

C. BOARD OF COMMISSIONERS (Vaughn J. Begick, Chair; Thomas M. Herek, Vice Chair)

61-64 1. No. 2023-42- Settlement Agreement with Allergan, Teva, CVS, and Walmart – Global Opioid Litigation (Corporation Counsel)

65 2. No. 2023-43 - Honoring the Michigan Association of Counties (MAC) on its 125th Anniversary (Commissioner Banaszak)

66-69 3. No. 2023-44 - Program Name Change – Gypsy Moth Suppression Program to Bay County Forest Sustainability Program (County Executive)

70-71 4. No. 2023-45 – Bay County Municipal Separate Storm Sewer System Certifier Agreement & BASWA Appointment (Environmental Affairs and Community Development)

72 5. No. 2023-46 – Board of Commissioners’ Office Typist Clerk II Hired at 2-Year Rate (Board Chair)

73-74 6. No. 2023-47 - Reports of County Executive – FEBRUARY

75-76 7. No. 2023-48 - Virtual Backlog Response Docket Grant Award – Bay County Courts (Court Administrator)

X. REPORTS OF COUNTY OFFICIALS/DEPARTMENTS

77-82 A. County Executive – Consent of Appointments to Bay County Brownfield Redevelopment (BR) Authority (Receive and Concur)

XI. COMMISSIONER COMMENTS

XII. UNFINISHED BUSINESS

XIII. NEW BUSINESS

XIV. PUBLIC INPUT

XV. MISCELLANEOUS

XVI. ANNOUNCEMENTS

A. 2023 APPOINTMENTS

1. March

- a. Bay Arenac Behavioral Health Authority (four, 3-year terms; T.Ryder, J.Anderson, R.Meeth, C.Maillette)
- b. Bay Arenac Behavioral Health Authority (one, unexpired term commencing upon appointment and expiring March 31, 2024; C. Barber)
- c. Region VII Area Agency on Aging Advisory Council (one, 3-year term; M.McNally)

2. June

- a. Library Board (one, 5-year term; A.Harris)

3. October

- a. Lank Bank Authority (two, 3-year terms; D.Kiesel, City of Bay City, & K.McDonald Rivet, City Commissioner)
- b. Bay County Department of Human Services (one, 3-year term; F.Dewyse)
- c. Jury Commission (one, 6-year term; D.Butler)

4. December

- a. Bay County Veteran's Affair Committee (one, 4-year term; M.Pergande)
- b. Department on Aging Advisory Committee (four, 2- year terms; Districts 1,3,5 and 7; R.Wiess, D.Behmlander, P.Rabidoux, D.Russell)

XVII. CLOSED SESSION (IF REQUIRED)

XVIII. RECESS/ADJOURNMENT

PLEASE NOTE: THE COMMITTEE CHAIR HAS REQUESTED THAT ANY ELECTED OFFICIAL DEPARTMENT/DIVISION HEAD PLACING AN ITEM ON THIS AGENDA BE PRESENT OR HAVE A REPRESENTATIVE PRESENT TO SPEAK TO THEIR REQUEST AND/OR ANSWER ANY QUESTIONS POSED BY COMMITTEE MEMBERS.

Join Zoom Meeting

<https://us02web.zoom.us/j/81694266170>

Meeting ID: 816 9426 6170

Passcode: 547697

One tap mobile

+13126266799,,81694266170#,,,,*547697# US (Chicago)

+19292056099,,81694266170#,,,,*547697# US (New York)

The County of Bay will provide necessary and reasonable auxiliary aids and services such as signers for the hearing impaired and audio tapes of printed materials to individuals with disabilities upon 10 days' notice to the County of Bay. Individuals with disabilities requiring auxiliary aids or services should contact the County of Bay by writing or calling:

Amber Davis-Johnson, ADA Coordinator
Corporation Counsel
515 Center Avenue
Fourth Floor, Bay County Building
Bay City, MI 48708
989-895-4131

ACTION TAKEN BY BAY COUNTY BOARD OF COMMISSIONERS

DATE OF BOARD MEETING: MARCH 21, 2023

PAGE 1 OF 3

MOTION/ RES. NO.	INTRODUCED/ SUBMITTED BY	SUBJECT OF RESOLUTION/MOTION	ADOPTED	AMENDED	CORRECTED	DEFEATED	REFERRED	TABLED	WITHDRAWN
2023-34	BANASZAK	APPROVED THE DISCONTINUANCE OF THE BAY COUNTY HOUSEHOLD ASSISTANCE PROGRAM (HAP)	XX						
2023-35	BANASZAK	APPROVED THE BAY COUNTY COMMUNITY PARTNERSHIP GRANT FOR DRONE PLUS KIT - FY 2023 (SHERIFF)	XX						
2023-36	BANASZAK	APPROVED THE TRAVEL REQUEST FOR THE 2023 WIC CONFERENCE (HEALTH DEPT)	XX						
2023-37	BANASZAK	APPROVED THE BAY COUNTY COMMUNITY CENTER POOL CLOSURE (REC & FAC)	XX						
2023-38	BANASZAK	APPROVED THE MMRMA RECTIFY CYBERSECURITY VULNERABILITIES GRANT- CISCO UMBRELLA, SECUREX, AND PORT53 (ISD/FINANCE)	XX						
2023-39	BANASZAK	APPROVED THE CLAIMS AGAINST THE COUNTY	XX						
2023-40	NIEMIEC	APPROVED THE 2023 DISCOVERY PRESERVE PARTNERSHIP AGREEMENT (10 YEARS) (REC & FAC)	XX						
2023-41	NIEMIEC	APPROVED THE POSTING/ADVERTISING/FILLING OF BUDGETED VACANCIES FOR MARCH	XX						
2023-42	NIEMIEC	APPROVED THE SETTLEMENT AGREEMENT WITH ALLERGAN, TEVA, CVS, AND WALMART - GLOBAL OPIOID LITIGATION (CORPORATE COUNSEL)	XX						
2023-43	HEREK	APPROVED THE MICHIGAN ASSOCIATION OF COUNTIES 125 TH ANNIVERSARY	XX						
2023-44	HEREK	APPROVED THE GYPSY MOTH SUPPRESSION PROGRAM NAME CHANGE TO BAY COUNTY FOREST SUSTAINABILITY PROGRAM (EXECUTIVE)	XX						
2023-45	HEREK	APPROVED THE APPOINTMENT OF LAURA OGAR, TO THE BASWA BAY-COUNTY MUNICIPAL SEPARATE STORM SERER SYSTEM- CERTIFIER AGREEMENT	XX						

ACTION TAKEN BY BAY COUNTY BOARD OF COMMISSIONERS

DATE OF BOARD MEETING: MARCH 21, 2023

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2023-46	HEREK	APPROVED THE HIRING OF SHELBY TAYLOR AT TYPIST II 2-YEAR RATE	XX						
2023-47	HEREK	APPROVED THE EMPLOYMENT STATUS REPORT FOR FEBRUARY 2023	XX						
2023-48	HEREK	APPROVED THE VIRTUAL BACKLOG RESPONSE DOCKET GRANT AWARD (COURTS)	XX						
MOTION									
2023-18	HEREK	APPROVED THE BOARD MINUTES FOR THE BAY COUNTY BOARD OF COMMISSIONERS REGULAR SESSION FOR FEBRUARY 21, 2023	XX						
2023-19	HEREK	APPROVED THE AGENDA WITH THE ADDED MOTION UNDER THE BOARD OF COMMISSIONERS FOR THE MARCH 21, 2023	XX						
2023-20	HEREK	RECEIVED A PRESENTATION ON CAMP GRAYLING OPPOSITION TO EXPANSION	XX						
2023-21	HEREK	RECEIVED CITY OF BAY CITY NOTIFICATION OF APPLICATION FOR AN APPLICATION FOR AN OBSOLETE PROPERTY REHABILITATION EXEMPTION CERTIFICATE – DS DENHAM PROPERTIES, LLC. \$131,000	XX						
2023-22	HEREK	RECEIVED THE REQUESTS FOR APPOINTMENT TO THE BAY ARENAC BEHAVIORAL HEALTH AUTHORITY FROM 14 CANDIDATES AS WELL AS THE BABHA NOMINATING COMMITTEE'S REVIEW OF CANDIDATES' ELIGIBILITY.	XX						
2023-23	BANASZAK	APPROVED ELECTION AND APPOINTMENT TO THE BABHA: K. NIEMIEC, T. BANASZAK, J. CRETE, AND M. REESE.	XX						
2023-24	BANASZAK	APPROVED THE ELECTION AND APPOINTED C. MAILLETTE TO BABHA FOR 1 YEAR TERM ENDING MARCH 31, 2024.	XX						

ACTION TAKEN BY BAY COUNTY BOARD OF COMMISSIONERS

DATE OF BOARD MEETING: MARCH 21, 2023

PAGE 3 OF 3

MOTION/ RES. NO.	INTRODUCED/ SUBMITTED BY	SUBJECT OF RESOLUTION/MOTION	ADOPTED	AMENDED	CORRECTED	DEFEATED	REFERRED	TABLED	WITHDRAWN
2023-25	HEREK	RECEIVED THE APPLICATION FOR APPOINTMENT TO THE REGION VII AREA AGENCY ON AGING ADVISORY COMMITTEE SUBMITTED BY MELVIN MCNALLY AND TO APPOINT MELVIN MCNALLY TO A 3-YEAR TERM AS BAY COUNTY'S REPRESENTATIVE.	XX						
2023-26	MAILLETTE	MOTION TO TABLE THE CLOSURE OF THE BAY COUNTY COMMUNITY CENTER POOL.				XX			
2023-27	HEREK	MOVED THE APRIL 4 TH WAYS AND MEANS COMMITTEE MEETING TO APRIL 11 TH .	XX						
2023-28	POIRIER	RECEIVED AND CONCUR THE CONSENT OF APPOINTMENTS TO BAY COUNTY BROWNFIELD REDEVELOPMENT (BR) AUTHORITY	XX						
2023-29	POIRIER	ADJOURN THE REGULAR BOARD SESSION OF MARCH 21, 2023	XX						

BAY COUNTY BOARD OF COMMISSIONERS

MARCH 21, 2023

RESOLUTION

BY: WAYS AND MEANS COMMITTEE (3/7/2023)
 WHEREAS, On May 17, 2022, Bay County adopted Resolution No. 2022-105 appropriating \$1,000,000 of ARPA Funds for the Bay County Household Assistance Program (HAP); and
 WHEREAS, The eligible HAP applications have been funded to date; and
 WHEREAS, A balance in ARPA funds remains; Therefore, Be It
 RESOLVED That the Bay County Board of Commissioners hereby closes the HAP to any further applications for assistance effective April 15, 2023, at 5:00 P.M.; Be It Further
 RESOLVED That the Chairman of the Board is authorized to execute any documentation required for the discontinuance of the Bay County HAP following Finance and Corporation Counsel review and approval; Be It Further
 RESOLVED That all timely applications will be processed; Be It Finally
 RESOLVED That related budget adjustments, if required, are approved.

TIM BANASZAK, CHAIR
 AND COMMITTEE

ARPA Funding - Discontinuance of the Bay County Household Assistance Program (HAP)

MOVED BY COMM. BANASZAK
 SUPPORTED BY COMM. RADTKE

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
KATHY NIEMIEC	X			COLLEEN M. MAILLETTE	X			DENNIS R. POIRIER	X		
TIM BANASZAK	X			THOMAS M. HEREK	X						
VAUGHN J. BEGICK	X			KAYSEY L. RADTKE	X						

VOTE TOTALS:

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

DISPOSITION:

ADOPTED X DEFEATED _____ WITHDRAWN _____
 AMENDED _____ CORRECTED _____ REFERRED _____ NO ACTION TAKEN _____

BAY COUNTY BOARD OF COMMISSIONERS

MARCH 21, 2023

RESOLUTION

- BY: WAYS AND MEANS COMMITTEE (3/7/2023)
- WHEREAS, The Bay County Sheriff's Office is requesting to apply and accept the Bay County Community Partnership Grant for the Spring 2023 Program with the intent to utilize the grant funding to purchase a drone with DJI Mavic 3T with combo kit and necessary accessories needed for prolonged flight; and
- WHEREAS, The Bay County Sheriff's Office has several different roles with one of the most important being search and rescue and where with this specific drone with FLIR (forward looking infrared) camera would be the best suited for the job; and
- WHEREAS, Although drones are currently being utilized, none of them have a FLIR camera that allows the Sheriff's Office to see heat signatures much easier than that of a standard camera; and
- WHEREAS, The total cost of drone plus kit is \$6,657.00 and the Bay County Community Partnership Grant would pay for half the cost, \$3,328.50, with the balance of the funding coming from the Sheriff's 2023 budget; Therefore, Be It
- RESOLVED That the Bay County Board of Commissioners authorizes submittal of the 2023 Bay County Community Partnership Grant and the Chairman of the Board authorized to execute grant application documents on behalf of Bay County (Sheriff) following Finance and Corporation Counsel review and approval; Be It Further
- RESOLVED That, upon approval of grant funding, the Chairman of the Board is authorized to sign all grant acceptance documents on behalf of Bay County (Sheriff) following Finance and Corporation Counsel review and approval; Be It Further
- RESOLVED That the grant applicant/recipient departments are required to work simultaneously 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.

TIM BANASZAK, CHAIR
AND COMMITTEE

Sheriff – Bay County Community Partnership Grant for Drone Plus Kit – FY 2023

MOVED BY COMM. BANASZAK
SUPPORTED BY COMM. POIRIER

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
KATHY NIEMIEC	X			COLLEEN M. MAILLETTE	X			DENNIS R. POIRIER	X		
TIM BANASZAK	X			THOMAS M. HEREK	X						
VAUGHN J. BEGICK	X			KAYSEY L. RADTKE	X						

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

DISPOSITION: ADOPTED X DEFEATED WITHDRAWN-
AMENDED CORRECTED REFERRED NO ACTION TAKEN

BAY COUNTY BOARD OF COMMISSIONERS

MARCH 21, 2023

RESOLUTION

BY: WAYS AND MEANS COMMITTEE (3/7/2023)
 WHEREAS, The WIC Manager has been approved by Michigan Department of Health and Human Services WIC Division to attend the 2023 National WIC Conference being held May 1-4 in San Diego, California; and
 WHEREAS, The National WIC Conference is the leading conference in the country for the Women, Infant and Children Program; and
 WHEREAS, The National WIC Conference provides pertinent USDA program updates, latest trends and best practices in research and evaluations, technological and program integrity innovations for the direction of WIC's future, and in addition, there is special focus on health equity, diversity, and inclusion with the WIC program; and
 WHEREAS, The expenses have been approved and will be covered by WIC program grant funding with no use of general funds necessary; Therefore, Be It
 RESOLVED That the Bay County Board of Commissioners approves the travel request as outlined for the 2023 National WIC Conference; Be It Further
 RESOLVED That related budget adjustments, if required, are approved.

TIM BANASZAK, CHAIR
 AND COMMITTEE

Health Dept. - Travel Request for 2023 WIC Conference

MOVED BY COMM. BANASZAK
 SUPPORTED BY COMM. RADTKE

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
KATHY NIEMIEC	X			COLLEEN M. MAILLETTE	X			DENNIS R. POIRIER	X		
TIM BANASZAK	X			THOMAS M. HEREK	X						
VAUGHN J. BEGICK	X			KAYSEY L. RADTKE	X						

VOTE TOTALS:

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

DISPOSITION: ADOPTED X DEFEATED WITHDRAWN
 AMENDED CORRECTED REFERRED NO ACTION TAKEN

BAY COUNTY BOARD OF COMMISSIONERS

MARCH 21, 2023

RESOLUTION

BY: WAYS AND MEANS COMMITTEE (3/7/2023)

WHEREAS, The Bay County Community Center Pool opened in the early 1970's and, for 50 years, it served as a place where children and families could make memories, learn to swim, beat the heat and so much more; and

WHEREAS, Recreational opportunities are a valuable part of our community and providing recreational service to Bay County's citizens is an honor; and

WHEREAS, The Bay County Community Center Pool has served our community well for the last 50 years, however, as an aging outdoor pool in the State of Michigan with an original structure and original mechanical components, the Community Center pool has unfortunately come to the end of its lifecycle; and

WHEREAS, The Community Center pool is now experiencing mechanical issues, structural issues, maintenance difficulties, supply shortages, lifeguard staffing shortages, as well as very low usage; and

WHEREAS, Due to the climate we live in, the Community Center pool can only serve the community 8-9 weeks a year and, in 2022, the pool was not open to the public due to lifeguard staffing shortages. The pool closed in 2020 due to the Covid pandemic; and

WHEREAS, For many years usage of the Community Center pool has been at an all-time low and, in the last 12 years, there have been many days where only 10-20 public swimmers utilized the pool; and

WHEREAS, The Bay County Board of Commissioners considered closure of the pool in 2009 but ultimately decided to keep the pool going as long as feasible without any financial investment to elongate usage of this asset due to the community concern of closure; and

WHEREAS, A pool company has been consulted and budget estimates to repair the pool structure would be upwards of 2 million dollars not including the mechanical side. Complete replacement of the pool is estimated between 5-6 million dollars; and

WHEREAS, At this time, Administration recommends closing the pool due to the extremely low usage, financial constraints, staffing issues, but ultimately significant and costly mechanical and structural issues; and

WHEREAS, With funds that are already budgeted for the pool's operation in 2023, Bay County Buildings & Grounds staff could remove and fill-in the pool utilizing the current budget of the pool and, in the future, Administration will explore other outdoor recreational opportunities for that space that would benefit our community and coincide with Bay County's programming; Therefore, Be It

RESOLVED That the Bay County Board of Commissioners approves the closure of the Bay County Community Center Pool and approves all required budget adjustments to move budgeted funds in the Community Center pool budget to appropriate expense line items for removal of the Community Center Pool; Be It Finally

RESOLVED That the Chairman of the Board is authorized to sign required documents to allow for bids to be released, if necessary, for removal of the Community Center pool, per policy, following Finance and Corporation Counsel review and approval.

TIM BANASZAK, CHAIR
AND COMMITTEE

Recreation & Facilities – Community Center Pool Closure

MOVED BY COMM. BANASZAK
SUPPORTED BY COMM. POIRIER

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
KATHY NIEMIEC	X			COLLEEN M. MAILLETTE		X		DENNIS R. POIRIER	X		
TIM BANASZAK	X			THOMAS M. HEREK		X					
VAUGHN J. BEGICK	X			KAYSEY L. RADTKE		X					

VOTE TOTALS:
ROLL CALL: XX YEAS 4 NAYS 3 EXCUSED 0
VOICE: YEAS NAYS EXCUSED

DISPOSITION: ADOPTED X DEFEATED WITHDRAWN
AMENDED CORRECTED REFERRED NO ACTION TAKEN

BAY COUNTY BOARD OF COMMISSIONERS

MARCH 21, 2023

RESOLUTION

BY: WAYS AND MEANS COMMITTEE (3/7/2023)

WHEREAS, Bay County's risk management insurance provider, Michigan Municipal Risk Management Authority (MMRMA) has created the RECTify Cybersecurity Vulnerabilities Grant that serves to underscore the priority MMRMA places upon providing resources to members beyond cybersecurity coverage, and to address cybersecurity emerging and ongoing threats; and

WHEREAS, Bay County has an opportunity to apply for the RECTify Grant; and

WHEREAS, This grant is important for all MMRMA members as MMRMA earmarks funds to members to remediate and solve cybersecurity issues and, as threats continue and grow, Bay County will benefit from participating in any grant opportunities available; and

WHEREAS, One of the ways to enhance the security posture of Bay County's infrastructure is to use advanced filtering that will allow for additional filtering and protection from emerging threats and visibility for Internet access across all network devices and users; and

WHEREAS, Port53 is a Cisco partner providing support and services working directly with Cisco products; and

WHEREAS, Cisco Umbrella provides visibility and protection everywhere, blocks malware, enforces content web filtering, and protects users on and off the network on Bay County issued equipment and the advanced application layer filtering allows for additional protection to enhance existing security protocols; and

WHEREAS, Key features of Umbrella include block domains associated with phishing, malware, botnets and other high-risk categories, prevent web and non-web callbacks from compromised systems and use of the investigate web console for interactive threat intel access, it will also work in partner with Bay County's firewalls; and

WHEREAS, SecureX is a platform by Cisco which works with Umbrella to allow for content and incident tracking and any incidents that may arise can be easily tracked and managed using SecureX; and

WHEREAS, Information Systems Division is seeking approval to enter into an agreement with Cisco and Port53 for cloud security managed services and any cost related to Cisco Umbrella, SecureX and Port53 are available in the Information Systems Division budget; grant funds awarded from the RECTify Grant will be used to counter any costs incurred with the new security systems; Therefore, Be It

RESOLVED That the Bay County Board of Commissioners authorizes submittal of the RECTify Cybersecurity Vulnerabilities Grant through MMRMA and further authorizes the Chairman of the Board to execute grant application documents on behalf of Bay County (Information Systems Division) following Finance and Corporation Counsel review and approval; Be It Further

RESOLVED That, upon approval of grant funding, the Chairman of the Board is authorized to sign all grant acceptance documents and all documents with Port53 and Cisco relating to the SexureX security platform with Cisco Umbrella on behalf of Bay County (Information

Systems Division) following Finance and Corporation Counsel review and approval; Be It Further

RESOLVED That the grant applicant/recipient departments are required to work simultaneously 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.

TIM BANASZAK, CHAIR
AND COMMITTEE

ISD/Finance – MMRMA RECTify Cybersecurity Vulnerabilities Grant – Cisco Umbrella, SecureX and Port53

MOVED BY COMM. BANASZAK
SUPPORTED BY COMM. POIRIER

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
KATHY NIEMIEC	X			COLLEEN M. MAILLETTE	X			DENNIS R. POIRIER	X		
TIM BANASZAK	X			THOMAS M. HEREK	X						
VAUGHN J. BEGICK	X			KAYSEY L. RADTKE	X						

VOTE TOTALS:

ROLL CALL: YEAS ___ NAYS ___ EXCUSED ___

VOICE: YEAS 7 NAYS 0 EXCUSED 0

DISPOSITION: ADOPTED X DEFEATED ___ WITHDRAWN-___

AMENDED ___ CORRECTED ___ REFERRED ___ NO ACTION TAKEN ___

BAY COUNTY BOARD OF COMMISSIONERS

MARCH 21, 2023

RESOLUTION

BY: WAYS AND MEANS COMMITTEE (3/7/2023)

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

ACCOUNTS PAYABLE:

2/8/2023	\$ 195,496.42
2/8/2023	\$ 334,695.96
2/15/2023	\$ 291,186.18
2/22/2023	\$ 215,522.21
3/1/2023	\$ 182,643.75

TIM BANASZAK, CHAIR
AND COMMITTEE

Payables

MOVED BY COMM. BANASZAK
SUPPORTED BY COMM. MAILLETTE

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
KATHY NIEMIEC	X			COLLEEN M. MAILLETTE	X			DENNIS R. POIRIER	X		
TIM BANASZAK	X			THOMAS M. HEREK	X						
VAUGHN J. BEGICK	X			KAYSEY L. RADTKE	X						

VOTE TOTALS:

ROLL CALL: YEAS ___ NAYS ___ EXCUSED ___

VOICE: YEAS 7 NAYS 0 EXCUSED 0

DISPOSITION: ADOPTED X DEFEATED ___ WITHDRAWN-___
AMENDED ___ CORRECTED ___ REFERRED ___ NO ACTION TAKEN ___

BAY COUNTY BOARD OF COMMISSIONERS

MARCH 21, 2023

RESOLUTION

BY: PERSONNEL/HUMAN SERVICES COMMITTEE (3/14/2023)
 WHEREAS, In 2013, Bay County leased Euclid Linear Park to the Saginaw Basin Land Conservancy (SBLC). It was then rebranded as Discovery Preserve; and
 WHEREAS, Maintenance and upkeep responsibilities of the park were taken over by SBLC who made vast improvements such as the addition of a nature playground, spotting scope, native plantings, and a Chippewa Nature Center Pavilion among other things; and
 WHEREAS, The current real estate Lease of this property expires in June of 2023. This project has proven to be mutually beneficial as Bay County has realized savings from SBLC handling maintenance costs as outlined in the contract for the last 10 years; and
 WHEREAS, It is recommended that a 10-year Partnership Agreement be approved that would include in-kind labor for certain improvement projects where it is feasible and appropriate for Bay County staff to assist, i.e. a pond improvement where Buildings and Grounds staff could man the large equipment, as appropriate, but no county funds would be used in the project; Therefore, Be It
 RESOLVED That the Bay County Board of Commissioners approves a 10-year Partnership Agreement with the Saginaw Basin Land Conservancy for operation and upkeep of what is now known as Discovery Preserve; Be It Further
 RESOLVED That the Chairman of the Board is authorized to execute said Partnership Agreement and related documents on behalf of Bay County following Corporation Counsel review and approval; Be It Finally
 RESOLVED That related budget adjustments, if required, are approved.

KATHY NIEMIEC, CHAIR
 AND COMMITTEE

Recreation and Facilities – 2023 Discovery Preserve Partnership Agreement (10 Years)

MOVED BY COMM. NIEMIEC
 SUPPORTED BY COMM. BANASZAK

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
KATHY NIEMIEC	X			COLBEN M. MAILLETTE	X			DENNIS R. POIRIER	X		
TIM BANASZAK	X			THOMAS M. HEREK	X						
VAUGHN J. BEGICK	X			KAYSEY L. RADTKE	X						

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

DISPOSITION: ADOPTED X DEFEATED ___ WITHDRAWN-___
 AMENDED ___ CORRECTED ___ REFERRED ___ NO ACTION TAKEN ___

BAY COUNTY BOARD OF COMMISSIONERS

MARCH 21, 2023

RESOLUTION

BY: PERSONNEL/HUMAN SERVICES COMMITTEE (3/14/2023)

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:

- I. VACANCIES (BUDGETED)
 - a. 9-1-1 Central Dispatch: Dispatcher (full time; \$17.80/hr. entry)
 - b. Department on Aging:
 - 1. In-Home Service Worker (part-time; \$12.02/hr. entry (TS03) to \$12.89/hr (TS04)
 - 2. Respite Care Worker (part-time; \$11.11/hr. entry)
 - c. Community Center: Attendant/Custodian (part-time; \$12.89/hr. entry)
 - d. Buildings & Grounds: Carpenter/General Maintenance III (full-time; \$18.47/hr. entry without Builder's license or \$20.39/hr. entry with Builder's license)
 - e. Sheriff: Billing Clerk II (full-time; \$15.28/hr. entry)
 - f. Finance: Combine two part-time Staff Accounts into one full-time Staff Accountant (full-time; \$27.68/hr. entry)

RESOLVED That authorization is granted to post/fill vacancies resulting from moves within a department whereby a Board approved vacancy was filled from staff within the department creating another vacancy in the same department, monies for said positions to come from the respective departmental budgets; Be It Further

RESOLVED That in the event individuals hired to fill approved vacancies prove to be unqualified or no longer want the position, the Personnel Director is authorized to post/fill the previously approved vacancy within a 60 day time period; Be It Further

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.

KATHY NIEMIEC, CHAIR
AND COMMITTEE

Vacancies – March

MOVED BY COMM. NIEMIEC
SUPPORTED BY COMM. POIRIER

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
KATHY NIEMIEC	X			COLLEEN M. MAILLETTE	X			DENNIS R. POIRIER	X		
TIM BANASZAK	X			THOMAS M. HEREK	X						
VAUGHN J. BEGICK	X			KAYSEY L. RADTKE	X						

VOTE TOTALS:

ROLL CALL: YEAS ___ NAYS ___ EXCUSED ___

VOICE: YEAS 7 NAYS 0 EXCUSED 0

DISPOSITION: ADOPTED DEFEATED ___ WITHDRAWN-___
AMENDED ___ CORRECTED ___ REFERRED ___ NO ACTION TAKEN ___

CORPORATION COUNSEL

Amber Davis-Johnson, Corporation Counsel
johnsona@baycounty.net

Heather Brady Pitcher, Assistant Corporation Counsel
pitcherh@baycounty.net



BAY COUNTY

JAMES A. BARCIA
County Executive

Tel: (989) 895-4131
Fax: (989) 895-2094

To: Vaughn Beqick, Board Chair, Bay County Board of Commissioners
From: Heather Brady Pitcher, Assistant Corporation Counsel
Date: March 9, 2023
Re: Resolution Authorizing the Bay County Board of Commissioners to Execute Settlement Documents for the Global Opioid Litigation

Background Information

In 2017, Bay County filed a lawsuit in the United States District Court to address the public nuisance that is the Opioid Epidemic against defendants Janssen Pharmaceuticals, Inc., Amerisource Bergen Corp., Cardinal Health, Inc., and McKesson Corporation.

The lawsuit was subsequently transferred to the United States District Court in the Northern District of Ohio and centralized as part of *In re National Prescription Opiate Litigation*, MDL 2804. Our retained outside legal counsel, Motley Rice has assisted Bay County and the other plaintiffs in navigating this global litigation.

In 2021, a \$26 billion nationwide settlement was reached to resolve all opioids litigation brought by states and local political subdivisions against the three largest pharmaceutical distributors: McKesson, Cardinal Health and AmerisourceBergen ("Distributors"), and manufacturer Janssen Pharmaceuticals, Inc. and its parent company Johnson & Johnson (collectively, "J&J").

The State of Michigan is slated to receive nearly \$800 million over 18 years from that lawsuit. The national agreement also requires significant industry changes that will help prevent this type of crisis from ever happening again. In 2021, Bay County, along with all 83 Michigan counties, executed the state-subdivision agreement with the State of Michigan setting forth the distribution allocation of the opioid settlement funds in the lawsuit against the Distributors, and manufacturer Janssen Pharmaceuticals, Inc., and its parent company J&J.

Bay County's early participation in that lawsuit resulted in an increased allocation of the settlement proceeds and Bay County is scheduled to receive 3.6 million in settlement payments over the years. Recently, Bay County received \$700,000 in settlement proceeds. The use of these settlement funds is restricted for such purposes as opioid abatement, education, and treatment. Accordingly, Bay County can use these proceeds to broaden access to naloxone and

medications to treat the opioid disorder, improve treatment in the jail, enrich prevention strategies, and expand harm reduction programs.

There are several other pending opioid lawsuits against additional pharmaceutical companies and manufacturers. Due to Bay County's participation in the earlier distributor opioid litigation, Bay County was included as a Plaintiff in these additional lawsuits. In 2022, a settlement was reached in the lawsuit against the pharmaceutical companies and manufacturers, CVS, Walmart, Allergan and Teva. While Walgreens is a party to this lawsuit, they have not reached a settlement and the parties are currently working towards that goal. In mid-March 2023, Bay County and other local municipalities were forwarded the final settlements agreements and asked to sign on to the settlements with CVS, Walmart, Allergan and Teva by **April 18, 2023**. These four settlements are expected to bring in around \$450 million to Michigan. As a litigating Plaintiff, Bay County's allocation under the Allergan, Teva, CVS and Walmart Settlement is 1.23%. The estimated dollar amount that Bay County will receive has not been determined at this time.

Michigan can also expect additional funds received from Purdue Pharma, Mallinckrodt PLC and Endo, which are pursuing bankruptcy plans that include funding opioid abatement trusts. Nationally, settlements with Purdue Pharma, Mallinckrodt PLC and Endo are expected to total \$6 billion, \$1.7 billion and \$19.56 million respectively. When finalized, Bay County may have the opportunity to participate in these settlements and receive additional funds.

Financial Impact

The proposed and future settlements will have a positive financial impact on Bay County and will most likely result in the receipt of substantial proceeds that can be used to fund opioid abatement and prevention strategies in Bay County.

Recommendation:

It is important that Bay County execute the settlement agreement with Allergan, Teva, CVS, and Walmart by April 18, 2023 in order to receive the proposed settlement funds. Accordingly, it is my recommendation and the recommendation of outside counsel that Bay County execute the Michigan State Subdivision Agreement for Allocation of Allergan, Teva, CVS, and Walmart Settlement and any other future agreements or documents required to participate in advantageous settlement agreements related to ongoing opioid litigation.

BAY COUNTY BOARD OF COMMISSIONERS

MARCH 21, 2023

RESOLUTION

BY: BAY COUNTY BOARD OF COMMISSIONERS (3/21/23)

WHEREAS, In 2017, Bay County filed a lawsuit in the United States District Court to address the public nuisance that is the Opioid Epidemic against defendants Janssen Pharmaceuticals, Inc., Amerisource Bergen Corp., Cardinal Health, Inc., and McKesson Corporation; and

WHEREAS, The lawsuit was subsequently transferred to the United States District Court in the Northern District of Ohio and centralized as part of In re National Prescription Opiate Litigation, MDL 2804. Our retained outside legal counsel, Motley Rice has assisted Bay County and the other plaintiffs in navigating this global litigation; and

WHEREAS, In 2021, a \$26 billion nationwide settlement was reached to resolve all opioids litigation brought by states and local political subdivisions against the three largest pharmaceutical distributors: McKesson, Cardinal Health and AmerisourceBergen ("Distributors"), and manufacturer Janssen Pharmaceuticals, Inc. and its parent company Johnson & Johnson (collectively, "J&J"); and

WHEREAS, The State of Michigan is slated to receive nearly \$800 million over 18 years from that lawsuit. The national agreement also requires significant industry changes that will help prevent this type of crisis from ever happening again. In 2021, Bay County, along with all 83 Michigan counties, executed the state-subdivision agreement with the State of Michigan setting forth the distribution allocation of the opioid settlement funds in the lawsuit against the Distributors, and manufacturer Janssen Pharmaceuticals, Inc., and its parent company J&J; and

WHEREAS, Bay County's early participation in that lawsuit resulted in an increased allocation of the settlement proceeds and Bay County is scheduled to receive 3.6 million in settlement payments over the years. Recently, Bay County received \$700,000 in settlement proceeds. The use of these settlement funds is restricted for such purposes as opioid abatement, education, and treatment. Accordingly, Bay County can use these proceeds to broaden access to naloxone and medications to treat the opioid disorder, improve treatment in the jail, enrich prevention strategies, and expand harm reduction programs; and

WHEREAS, There are several other pending opioid lawsuits against additional pharmaceutical companies and manufacturers. Due to Bay County's participation in the earlier distributor opioid litigation, Bay County was included as a Plaintiff in these additional lawsuits. In 2022, a settlement was reached in the lawsuit against the pharmaceutical companies and manufacturers, CVS, Walmart, Allergan and Teva. While Walgreens is a party to this lawsuit, they have not reached a settlement and the parties are currently working towards that goal. In mid-March 2023, Bay County and other local municipalities were forwarded the final settlements agreements and asked to sign on

to the settlements with CVS, Walmart, Allergan and Teva by April 18, 2023. These four settlements are expected to bring in around \$450 million to Michigan. As a litigating Plaintiff, Bay County's allocation under the Allergan, Teva, CVS and Walmart Settlement is 1.23%. The estimated dollar amount that Bay County will receive has not been determined at this time; and

WHEREAS, Michigan can also expect additional funds received from Purdue Pharma, Mallinckrodt PLC and Endo, which are pursuing bankruptcy plans that include funding opioid abatement trusts. Nationally, settlements with Purdue Pharma, Mallinckrodt PLC and Endo are expected to total \$6 billion, \$1.7 billion and \$19.56 million respectively. When finalized, Bay County may have the opportunity to participate in these settlements and receive additional funds; and

WHEREAS, The proposed and future settlements will have a positive financial impact on Bay County and will most likely result in the receipt of substantial proceeds that can be used to fund opioid abatement and prevention strategies in Bay County; Therefore, Be It

RESOLVED That the Bay County Board of Commissioners, on behalf of Bay County, authorizes the Board Chair to sign the following documents: Michigan State Subdivision Agreement for Allocation of Allergan, Teva, CVS, and Walmart Settlement and any other future agreements or documents required to participate in advantageous settlement agreements related to ongoing opioid litigation; Be It Finally

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

VAUGHN J. BEGICK, CHAIR
AND BOARD

Corporation Counsel - Settlement Agreement with Allergan, Teva, CVS, and Walmart – Global Opioid Litigation

MOVED BY COMM. HEREK
SUPPORTED BY COMM. BANASZAK

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
KATHY NIEMIEC	X			COLLEEN M. MAILLETTE	X			DENNIS R. POIRIER	X		
TIM BANASZAK	X			THOMAS M. HEREK	X						
VAUGHN J. BEGICK	X			KAYSEY L. RADTKE	X						

VOTE TOTALS:

ROLL CALL: YEAS 7 NAYS 0 EXCUSED 0

VOICE: YEAS 7 NAYS 0 EXCUSED 0

DISPOSITION: ADOPTED X DEFEATED WITHDRAWN
AMENDED CORRECTED REFERRED NO ACTION TAKEN

BAY COUNTY BOARD OF COMMISSIONERS

MARCH 21, 2023

RESOLUTION

BY: BAY COUNTY BOARD OF COMMISSIONERS (3/21/23)
 WHEREAS, Michigan's 83 county governments play a central role in the proper delivery of, and oversight for, critical public services for the state's approximately 10 million residents; and
 WHEREAS, Michigan county governments are led by Boards of Commissioners, who are elected from their communities; and
 WHEREAS, The State Association of Supervisors of Michigan was formed by representatives of 16 counties on Feb. 1, 1898, in the Senate chamber of the Michigan State Capitol in Lansing; and
 WHEREAS, The association's name was changed to the Michigan Association of Counties on July 17, 1969; and
 WHEREAS, The Michigan Association of Counties is the oldest association representing local governments in Michigan; and
 WHEREAS, 48 of Michigan's 83 counties have had at least one of their commissioners (or supervisors prior to 1968) serve as president of the association's Board of Directors; and
 WHEREAS, The association created the Michigan Counties Workers' Compensation Fund in 1979 to help county members provide workplace safety and injury insurance services to its employees; and
 WHEREAS, The association created the Michigan Association of Counties Service Corporation in 1986 to partner with service providers to help counties save money on everything from health insurance to telecommunications services; and
 WHEREAS, The association hosts two major conferences every year to bring together county leaders for briefings on trending public policy issues and to hear from state newsmakers and others; and
 WHEREAS, The association's advocacy work in Lansing and beyond has advanced the interests of county governments and the residents they serve; and
 WHEREAS, No fewer than five association presidents have served or are serving in the Michigan Legislature in the 21st century, a testament to the culture of public service inculcated by the association;
 Therefore, Be It
 RESOLVED That the Bay County Board of Commissioners wishes to commend and honor the Michigan Association of Counties on its 125th Anniversary year.

VAUGHN J. BEGICK, CHAIR

AND BOARD

Commissioner Banaszak – MAC 125th Anniversary

MOVED BY COMM. HEREK

SUPPORTED BY COMM. RADTKE

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
KATHY NIEMIEC	X			COLLEEN M. MAILLETTE	X			DENNIS R. POIRIER	X		
TIM BANASZAK	X			THOMAS M. HEREK	X						
VAUGHN J. BEGICK	X			KAYSEY L. RADTKE	X						

VOTE TOTALS:

ROLL CALL: YEAS ___ NAYS ___ EXCUSED ___

VOICE: YEAS 7 NAYS 0 EXCUSED 0

DISPOSITION: ADOPTED x DEFEATED ___ WITHDRAWN-___

AMENDED ___ CORRECTED ___ REFERRED ___ NO ACTION TAKEN ___



**OFFICE OF
BAY COUNTY EXECUTIVE**

James A. Barcia
County Executive

515 Center Avenue, Suite 401
Bay City, Michigan 48708
Tel: (989) 895-4130 | Fax: (989) 895-2094

March 8, 2023

Mr. Vaughn Begick, Board Chair
Bay County Board of Commissioners

RE: Notification of Program Name Change – Gypsy Moth to Forest Sustainability Program

Dear Vaughn,

The Entomological Society of North America (ESA) recently made an official change in the name of the Gypsy Moth to Spangly Moth. They had determined that the use of 'Gypsy Moth' is culturally offensive and would no longer be used. They have provided a timeframe during 2023 for users and organizations who work with or manage Gypsy Moth to transition their communications, documents, etc.

This transition created an opportunity for the Gypsy Moth Program staff to identify a new name for the program to more accurately describe its mission as the Program deals with much more than the single Spangly Moth species. Guided by the millage language which consistently receives about 80% voter support each time it is on the ballot, the program staff undertook a thoughtful process in considering a new program name. They have recommended the name **Bay County Forest Sustainability Program** and I concur with this recommendation. I have attached their recommendation that describes a thorough review for the basis of the name change. Staff has developed a Public Communications Plan to rolling out the new name for the public and affected stakeholders after the Board is fully notified by way of this memo.

Sincerely,

A handwritten signature in black ink, appearing to be "J. Barcia", written over a horizontal line.

James A. Barcia
Bay County Executive

Attachment

BAY COUNTY BOARD OF COMMISSIONERS

MARCH 21, 2023

RESOLUTION

BY: BAY COUNTY BOARD OF COMMISSIONERS (3/21/23)
 WHEREAS, The Entomological Society of North America (ESA) recently made an official change in the name of the Gypsy Moth to Spongy Moth and it had been determined that the use of 'Gypsy Moth' is culturally offensive and would no longer be used; and
 WHEREAS, ESA provided a timeframe during 2023 for users and organizations who work with or manage Gypsy Moth to transition their communications, documents, etc.; and
 WHEREAS, This has created an opportunity for the Gypsy Moth Program staff to identify a new name for the program to more accurately describe its mission as the Program deals with much more than the single Spongy Moth species; and
 WHEREAS, Guided by the millage language which consistently receives about 80% voter support each time it is on the ballot, the program staff undertook a thoughtful process in considering a new program name and attached is the recommendation that describes a thorough review for the basis of the name change; and
 WHEREAS, It is recommended that the Gypsy Moth Suppression Program transition to the Bay County Forest Sustainability Program; and
 WHEREAS, Staff has developed a Public Communications Plan to roll out the new name for the public and affected stakeholders following Board is fully notified by way of this; Therefore, Be It
 RESOLVED That the Bay County Board of Commissioners concurs with the name change for the Bay County Gypsy Moth Suppression Program, now known as the Bay County Forest Sustainability Program; Be It Finally
 RESOLVED That related budget adjustments, if required, are approved.

VAUGHN J. BEGICK, CHAIR
 AND BOARD

County Executive - Gypsy Moth Suppression Program Name Change to Bay County Forest Sustainability Program

MOVED BY COMM. HEREK
 SUPPORTED BY COMM. MAILLETTE

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
KATHY NIEMIEC	X			COLLEEN M. MAILLETTE	X			DENNIS R. POIRIER	X		
TIM BANASZAK	X			THOMAS M. HEREK	X						
VAUGHN J. BEGICK	X			KAYSEY L. RADTKE	X						

VOTE TOTALS:

ROLL CALL: YEAS ___ NAYS ___ EXCLUDED ___
 VOICE: XX YEAS 7 NAYS 0 EXCLUDED 0

DISPOSITION: ADOPTED X DEFEATED ___ WITHDRAWN-___
 AMENDED ___ CORRECTED ___ REFERRED ___ NO ACTION TAKEN ___



Recommendation: Gypsy Moth Suppression Program Name Change – March 2023

A name change is required for the Bay County Gypsy Moth Suppression Program due to the name “Gypsy Moth” being dropped and its use no longer sanctioned by the official Entomological Society of America. The forest defoliating moth has been renamed Spongy Moth. However, the existing Program deals with much more than Spongy Moth as the voter approved millage supports the suppression, monitoring and public education of invasive, non-native pests that damage local horticulture and defoliate trees. (See Millage language, Page 2) Active defoliating pests and damaged trees pose a public health and safety threat including fatal injuries and property damage. After thoughtful consideration we recommend the new name: **Bay County Forest Sustainability Program**, based on an internal review with the following objectives:

1. Consistency with the voter approved/renewed ballot millage language.
2. More accurately describe the variety of work that is actually performed in the Program (i.e. Emerald Ash Borer, etc.) with better representation of the diversity of invasive species and
3. Promotion of the program’s mission to reduce defoliating threats, property damage and sustaining our local forests and horticulture.

Background and Impacts of Name Change:

- In July of 2021, The Entomological Society of America (ESA) officially dropped the use of the name “Gypsy Moth” as it was deemed offensive and culturally inappropriate. The ESA adopted the new name “Spongy Moth” as the common name for the defoliating moth species *Lymantria dispar*. The new name refers to insect’s distinctive sponge-like egg masses.
- As a general timeframe ESA is allowing organizations to fully transition to the new common name by March of 2023, encouraging organizations that work with or manage *Lymantria dispar* to transition to “Spongy Moth” in communications, documents, and publications as time and resources allow.
- The official species name change requires a change to the Bay County Gypsy Moth program and creates an opportunity to remedy the previous misnomer “Gypsy Moth Program” which has severely underrepresented the variety of work carried out in the program, as described in the millage language.

New Program Name Considerations:

In considering a new name for the program, staff weighed the pros and cons of several choices before settling on a final recommendation. The two (2) parameters for name selection were that the new name comport with the activities described in the millage language; and clearly and succinctly describe to the public the nature of work to be performed, but not imply work that would not be done such as tree health (nursery) or tree removal. Below are some of the names that were considered, along with the reasons why these names were ultimately not chosen.

- **Bay County Invasive Species Management Program:** We felt this name too broadly included ALL invasive species; In consideration of the millage language that deals specifically with only those invasives that impact trees and horticulture. Also, the name is very similar to a close community partner of our program, “The Saginaw Bay Cooperative Invasive Species Management Area” (SB - CISMA), and we felt this would cause confusion with the public.

- **Bay County Tree Sustainability Program:** Program staff liked the word “sustainability” as it represents our ultimate goal of protecting our local trees and horticulture resources but sets guard rails for sustaining what resources we have. In this case we felt the use of the term “tree” could be misleading as we would not want to be considered a “tree cutting/tree removal” program, or a “nursery/tree planting” program.
- A program naming contest was considered for the public and/or at local schools however due to our program activities having clearly defined parameters limited to the millage language we did not want to ‘open it up’ for creative exploration. We felt a naming contest might create more disappointment than good-will and the idea was dropped.

Program Name Change Recommendation:

After outreach to local partners and engaging similar experts on optional names which better represent the diversity of invasive species work the program undertakes throughout Bay County, we recommend the program name be changed to the “Bay County Forest Sustainability Program”.

- **Why?** We believe the term “Forest Sustainability” captures all the important aspects of our program, from managing outbreak Spongy Moth populations in our rural woodlots of northern Bay County, to treating and sustaining over 3,000 publicly owned ash trees throughout the urban forest areas of Bay County to protect them from the devastating effects of the Emerald Ash Borer. It also captures our work to prepare/educate the public on new invasive species that may affect local horticulture (trees and plants) in future years to come. We believe “The Bay County Forest Sustainability Program” is a name that is broad enough to showcase the diversity of invasive species work we perform, but also targeted enough to represent the unique niche in which our work can be categorized.
- **Similar names in the industry:** When looking towards other programs/organizations for inspiration when coming up with the name change recommendation, program staff found many examples of the words “forest”, “forestry”, and “sustainability” being used to represent other programs. A few examples include: The DNR’s Forest Resources Division, The DNR’s Forest Health and Cooperative Programs, The Sustainable Forestry Initiative (a non-profit focused on blurring the lines between urban forests and traditional forests), USDA Forest Service, and Michigan State University’s Forest Entomology Program. Our recommended name Forest Sustainability Program would be unique but still present the mission in a positive and updated manner.

Recent Voter Approved Millage Language: (Passed in November 2022)

Gypsy Moth Suppression Program Millage Language: 2022-2027

“Shall the limitation of amount of general ad valorem taxes which may be imposed each year under Article IX, Sec. 6 of the Michigan Constitution in Bay County be renewed for .1 of a mill (10cents per \$1,000 of taxable value) for a period of 6 years, 2022 to 2027 inclusive, to be used for the suppression and monitoring of and public education surrounding Gypsy Moths and other invasive, non-native pests that damage local horticulture (trees and plants).

(The next ballot (2028) millage language will require only a change in the name “Gypsy Moth” to “Spongy Moth” to comport with the species name change by Entomological Society of America.)

**BAY COUNTY DEPARTMENT OF
ENVIRONMENTAL AFFAIRS
& COMMUNITY DEVELOPMENT**

515 Center Avenue, Suite 501
Bay City, Michigan 48708

Phone 989-895-4135
Fax 989-895-4068
TDD 989-895-4049
<http://www.baycounty-mi.gov>



JAMES A. BARCIA
County Executive

LAURA OGAR, DIRECTOR
ogarl@baycounty.net

Community Initiatives
Geographic Information Systems
Gypsy Moth Suppression Program
Mosquito Control
Saginaw Bay Restoration
Transportation Planning

MEMORANDUM

DATE: March 10, 2023

TO: Commissioner Vaughn Begick, Chair
Bay County Board of Commissioners

FROM: Laura Ogar, Director
Environmental Affairs & Community Development

RE: Bay County Municipal Separate Storm Sewer System - Certifier Agreement Administrator

Request:

Bay County's Municipal Separate Storm Sewer System (MS4) permit is expiring and must be renewed by April 4, 2023. The MS4 regulations are required by the federal National Pollutant Discharge Elimination System (NPDES) permit that is administered through the Michigan Department of Environment, Great Lakes and Energy (EGLE). A number of Bay County facilities are required to have coverage and a permit renewal application must be submitted to EGLE by April 4, 2023 before the permit expires on October 31, 2023 or a totally new permit application will be required. EGLE uses an online software tool – MiEnviro – for all permitting, renewal applications and documentation tracking with submittals to be done only by an authorized Certifier. Request the Board Chair sign the EGLE Certifier Agreement Administrator form authorizing me to submit the permit renewal documentation. Request appointment to the BASWA to coordinate activities as the new MS4 permit implementation begins.

Background:

The Bay Area Storm Water Authority (BASWA) was formed over 15 years ago to coordinate work efforts required by the federal NPDES permit for the discharge of storm water from regulated facilities in urbanized areas. Numerous studies have shown that storm water picks up pollutants as it flows through urban settings prior to discharge to surface water. The NPDES permit system is intended to reduce pollutants such as oil, grease, metals, and sediment from entering the storm water system before it discharges to streams, rivers and Saginaw Bay. The urbanized communities in BASWA work together to share activities towards implementation of the MS4 permit. Bay County has just been notified by EGLE that there are new storm water sampling requirements.

Finance/Economics:

There is no fee to apply for the renewal of permit coverage. There is an annual fee (\$3,000) for the coverage however that has already been paid for 2023. No further fees are anticipated at this time.

Recommendation:

Request appointment to the BASWA and upon favorable review of Corporation Council, request the Board Chair be authorized to sign the MiEnviro Certifier Agreement authorizing the Director of Environmental Affairs and Community Development, Laura Ogar as the Authorized Certifier in order to submit required documents for the MS4 permit renewal and all other MS4 permit related documentation.

cc: James Barcia, Amber Davis-Johnson, Lindsey Arsenault

BAY COUNTY BOARD OF COMMISSIONERS

MARCH 21, 2023

RESOLUTION

BY: BAY COUNTY BOARD OF COMMISSIONERS (3/21/23)
 WHEREAS, The Bay Area Storm Water Authority (BASWA) was formed over 15 years ago to coordinate work efforts required by the federal NPDES permit for the discharge of storm water from regulated facilities in urbanized areas; and
 WHEREAS, Numerous studies have shown that storm water picks up pollutants as it flows through urban settings prior to discharge to surface water. The NPDES permit system is intended to reduce pollutants such as oil, grease, metals, and sediment from entering the storm water system before it discharges to streams, rivers and Saginaw Bay; and
 WHEREAS, The urbanized communities in BASWA work together to share activities towards implementation of the MS4 permit; and
 WHEREAS, Bay County has just been notified by EGLE that there are new storm water sampling requirements; and
 WHEREAS, Bay County's Municipal Separate Storm Sewer System (MS4) permit is expiring and must be renewed by April 4, 2023. The MS4 regulations are required by the federal National Pollutant Discharge Elimination System (NPDES) permit that is administered through the Michigan Department of Environment, Great Lakes and Energy (EGLE);and
 WHEREAS, A number of Bay County facilities are required to have coverage and a permit renewal application must be submitted to EGLE by April 4, 2023 before the permit expires on October 31, 2023 or a totally new permit application will be required; and
 WHEREAS, To ensure expeditious implementation of the permit process and coordination of activities, the appointment of Laura Ogar, Bay County's Director of Environmental Affairs and Community Development, to BASWA is recommended as well as authorization for the Board Chair to sign the EGLE (MIEnviro) Certifier Agreement Administrator form designating the Director of Environmental Affairs and Community Development as the Authorized Certifier to submit all required permit renewal documentation; Therefore, Be It
 RESOLVED That the Bay County Board of Commissioners approves the appointment of Laura Ogar, Bay County's Director of Environmental Affairs and Community Development, to the Bay Area Storm Water Authority (BASWA) and further authorizes the Chairman of the Board to execute the MIEnviro Certifier Agreement designating Laura Ogar, Director of Environmental Affairs and Community Development, as the Authorized Certifier to submit required documents for the MS4 permit renewal and all other MS4 permit related documentation upon Corporation Counsel review and approval; Be It Finally
 RESOLVED That related budget adjustments, if required, are approved.

VAUGHN J. BEGICK, CHAIR
 AND BOARD

Envir. Affairs & Community Dev. – BASWA - Bay County Municipal Separate Storm Sewer System- Certifier Agreement

MOVED BY COMM. HEREK
 SUPPORTED BY COMM. MAILLETTE

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
KATHY NIEMIEC	X			COLLEEN M. MAILLETTE	X			DENNIS R. POIRIER	X		
TIM BANASZAK	X			THOMAS M. HEREK	X						
VAUGHN J. BEGICK	X			KAYSEY L. RADTKE	X						

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

DISPOSITION: ADOPTED X DEFEATED WITHDRAWN
 AMENDED CORRECTED REFERRED NO ACTION TAKEN

BAY COUNTY BOARD OF COMMISSIONERS

MARCH 21, 2023

RESOLUTION

BY: BAY COUNTY BOARD OF COMMISSIONERS (3/21/23)

WHEREAS, In January the Board of Commissioners approved the new Typist Clerk II position for the Board of Commissioners' Office; and

WHEREAS, Based on the competitive hiring climate and the experience of the candidate chosen, it is requested to hire Shelby Taylor at the two year rate of the current salary grade at \$16.72 per hour; Therefore, Be It

RESOLVED That the Bay County Board of Commissioners approves the hire of Shelby Taylor for the Typist Clerk II position for the Board of Commissioners' Office at the two-year rate (\$16.72 per hour); Be It Finally

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

VAUGHN J. BEGICK, CHAIR
AND BOARD

Board of Commissioners – Shelby Taylor - Typist Clerk II hired at 2-year rate (TA05)

MOVED BY COMM. HEREK

SUPPORTED BY COMM. BANASZAK

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
KATHY NIEMIEC	X			COLLEEN M. MAILLETTE	X			DENNIS R. POIRIER	X		
TIM BANASZAK	X			THOMAS M. HEREK	X						
VAUGHN J. BEGICK	X			KAYSEY L. RADTKE	X						

VOTE TOTALS:

ROLL CALL: YEAS NAYS EXCUSED

VOICE: YEAS 7 NAYS 0 EXCUSED 0

DISPOSITION: ADOPTED X DEFEATED WITHDRAWN-

AMENDED CORRECTED REFERRED NO ACTION TAKEN

BAY COUNTY BOARD OF COMMISSIONERS

MARCH 21, 2023

RESOLUTION

BY: BAY COUNTY BOARD OF COMMISSIONERS (3/21/23)

RESOLVED By the Bay County Board of Commissioners that the following report is received:

1. Employment Status Report – FEBRUARY 2023

VAUGHN J. BEGICK, CHAIR
AND BOARD

County Executive – Status Reports

MOVED BY COMM. HEREK

SUPPORTED BY COMM. MAILLETTE

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
KATHY NIEMIEC	X			COLLEEN M. MAILLETTE	X			DENNIS R. POIRIER	X		
TIM BANASZAK	X			THOMAS M. HEREK	X						
VAUGHN J. BEGICK	X			KAYSEY L. RADTKE	X						

VOTE TOTALS:

ROLL CALL: YEAS NAYS EXCUSED

VOICE: YEAS 7 NAYS 0 EXCUSED 0

DISPOSITION: ADOPTED X DEFEATED WITHDRAWN-

AMENDED CORRECTED REFERRED NO ACTION TAKEN

**CHANGES IN EMPLOYMENT STATUS
February 2023**

<u>EMPLOYEE NAME</u>	<u>DEPARTMENT</u>	<u>DATE</u>
<u>NEW HIRES (Regular Status):</u>		
Kevin Kula Assistant Prosecuting Attorney II	Prosecuting Attorney's Office	2/13/2023
Harper Lindauer PT Respite Care Worker	Department on Aging	2/1/2023
<u>NEW HIRE (On-call/temporary):</u>		
Ashley Richter On-Call Youth Dev Worker	Juvenile Home	2/27/2023
<u>TRANSFER:</u>		
Matthew Mikolajczak From: Dispatcher To: Supervisor Mosq Control	From: Central Dispatch To: Mosquito Control	2/21/2023
Debra Foster From: Admin Aide/Jury Clerk To: Circuit Court Clerk	From: Circuit Court To: Circuit Court	2/13/2023
Johnnie Johnson From: Circuit Court Clerk To: Circuit Court Clerk II	From: Circuit Court To: Circuit Court	2/13/2023
<u>RETURN:</u>		
Pam Lynch Temp Court Recorder	Probate Court	1/26/2023
Sheri Henderson Typist Clerk III	Animal Services	2/21/2023
Diane Davenport Temp Help	Prosecuting Attorney's Office	2/15/2023
Ryan Seifferly Zamboni Driver	Civic Arena	2/13/2023
<u>SEPARATIONS:</u>		
Laura Kukla Youth & Family Counselor	Probate Court	2/20/2023
Lynne Fielbrandt Circuit Court Clerk II	Circuit Court	2/10/2023
Victoria VanParis Dispatcher	Central Dispatch	2/10/2023
<u>RETIREMENT:</u>		
Bruce Mannikko Chief Defense Attorney	Public Defender	2/11/2023



BAY COUNTY COURTS
18th Circuit 74th District 9th Probate
1230 Washington Avenue • Bay City, Michigan 48708

KIM B. MEAD
Court Administrator
Phone: (989) 895-4266
Fax: (989) 895-4099
meadk@baycounty.net

March 14, 2023

Vaughn J. Begick, Chair
Board of Commissioners
515 Center Avenue
Bay City, Michigan 48708

Commissioner Begick;

The Michigan Supreme Court has selected several courts in the state to receive funds to assist with the backlog of criminal cases due to the COVID-19 pandemic. Bay County Courts has been notified that they are one of those courts.

MSC has offered an award of \$296,452 of which \$48,516 is earmarked for the Circuit Court Probation office (Part of the Michigan Department of Corrections) leaving Bay responsible for \$247,936. There is no local match required.

The grant would become available upon approval and signing of the grant agreement by the Bay County Commission. The grant period would then run through March 31, 2024.

I ask the Board of Commissioners to accept and authorize the Board Chair to sign the grant agreement between the Michigan Supreme Court and the County of Bay.

Sincerely,

Kim Brian Mead
Administrator

BAY COUNTY BOARD OF COMMISSIONERS

MARCH 21, 2023

RESOLUTION

BY: BAY COUNTY BOARD OF COMMISSIONERS (3/21/23)
 WHEREAS, The Michigan Supreme Court (MSC) has selected several courts in the state to receive funds to assist with the backlog of criminal cases due to the COVID-19 pandemic; and
 WHEREAS, Bay County Courts has been notified that they are one of the selected courts to receive the Virtual Backlog Response Docket Grant; and
 WHEREAS, MSC has awarded Bay County Courts funding in the amount of \$296,452 of which \$48,516 is earmarked for the Circuit Court Probation Office (Part of the Michigan Department of Corrections) leaving Bay County Courts responsible for administration of the remaining \$247,936. There is no local match required; Therefore, Be It
 RESOLVED That the Bay County Board of Commissioners accepts the Virtual Backlog Response Docket Grant Award and authorizes the Chairman of the Board to execute the grant award and related documents on behalf of Bay County (Courts) following Finance Department and Corporation Counsel review and approval; Be It Further
 RESOLVED That the grant applicant/recipient departments are required to work simultaneously 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.

VAUGHN J. BEGICK, CHAIR
 AND BOARD

Courts – Virtual Backlog Response Docket Grant Award - \$296,452

MOVED BY COMM. HEREK
 SUPPORTED BY COMM. BANASZAK

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
KATHY NIEMIEC	X			COLLEEN M. MAILLETTE	X			DENNIS R. POIRIER	X		
TIM BANASZAK	X			THOMAS M. HEREK	X						
VAUGHN J. BEGICK	X			KAYSEY L. RADTKE	X						

VOTE TOTALS:

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

DISPOSITION: ADOPTED X DEFEATED WITHDRAWN-
 AMENDED CORRECTED REFERRED NO ACTION TAKEN



**OFFICE OF
BAY COUNTY EXECUTIVE**

James A. Barcia
County Executive

515 Center Avenue, Suite 401
Bay City, Michigan 48708
Tel: (989) 895-4130 | Fax: (989) 895-2094

March 15, 2023

Mr. Vaughn Begick, Board Chair
Bay County Board of Commissioners

RE: Consent of Appointments to Bay County Brownfield Redevelopment (BR) Authority

Dear Vaughn,

As described in state law for Brownfield Redevelopment Authorities Act 381 of 1996 Part 125.2655 Sec. 5.(e) I am making the appointments of "not less than 5 nor more than 9 members" and request the Board's consent. Since this is the initial seating of the BR Authority the appointments are for staggered terms for 1 year, 2 years, and 3 years of which each term thereafter will be a three (3) year term. Members serve without compensation.

The law recommends appointing members who are experienced with TIFA's, DDA practices, and local government financing, etc. and after due consideration of expertise and knowledge I request consent of the following appointments to the countywide Bay County Brownfield Redevelopment Authority:

- 1) Bay County Executive - **Jim Barcia**, 3 year
- 2) Bay County Finance Director - **Shawna Walraven**, 3 year
- 3) Bay County Board of Commissioner representative – **Vaughn Begick**, Board Chair 3 year
- 4) Bay County Treasurer – **Wes Prince**, 2 year
- 5) Participating Township Supervisor or representative - **Terri Close**, Hampton Twp; 2 year
- 6) Participating Township Supervisor or representative – **Terry Spencer**, Monitor Twp; 1 year
- 7) Participating City Manager/Mayor or representative - **Dave Haag**, Auburn, 1 year
- 8) Participating DDA representative Director or representative - **Sue Pike**, Valley Tech Park, 2 year
- 9) Open Public Seat - **Steve VanTol**, 1 year

Note: 'Participating' means a local unit which has Opted in by Resolution of its governing board to participate in the countywide BRA. Opting in or out can happen at any time. Any local unit that has an active brownfield project can Opt in and participate as an ad hoc Board member.

Sincerely,

A handwritten signature in black ink, appearing to be "J. Barcia", written over a horizontal line.

James A. Barcia
Bay County Executive

BROWNFIELD REDEVELOPMENT FINANCING ACT (EXCERPT)
Act 381 of 1996

125.2655 Designation of board by governing body; membership; trustees; applicability of subsection (2); election of chairperson, vice-chairperson, and other officers; oath; procedural rules; meetings; special meetings; removal of member; records open to public; quorum.

Sec. 5. (1) Each authority shall be under the supervision and control of a board chosen by the governing body. Subject to subsection (2), the governing body may by majority vote designate 1 of the following to constitute the board:

(a) The board of directors of the economic development corporation of the municipality established under the economic development corporations act, 1974 PA 338, MCL 125.1601 to 125.1636.

(b) The trustees of the board of a downtown development authority established under 1975 PA 197, MCL 125.1651 to 125.1681.

(c) The trustees of the board of a tax increment financing authority established under the tax increment finance authority act, 1980 PA 450, MCL 125.1801 to 125.1830.

(d) The trustees of the board of a local development financing authority established under the local development financing act, 1986 PA 281, MCL 125.2151 to 125.2174.

(e) Not less than 5 nor more than 9 persons appointed by the chief executive officer of the municipality subject to the approval of the governing body. Of the initial members appointed, an equal number, as near as practicable, shall be appointed for 1 year, 2 years, and 3 years. A member shall hold office until the member's successor is appointed and qualified. Thereafter, each member shall serve for a term of 3 years. An appointment to fill a vacancy shall be made by the chief executive officer of the municipality for the unexpired term only. Members of the board shall serve without compensation, but shall be reimbursed for reasonable actual and necessary expenses.

(2) The governing body of a municipality in which a board described in subsection (1)(b), (c), or (d) has been established shall designate the trustees of 1 of those boards to constitute the board. This subsection shall only apply in the event a board described in subsection (1)(b), (c), or (d) is authorized under subsection (1) to serve as the board of the authority.

(3) The members shall elect 1 of their membership as chairperson and another as vice-chairperson. The members may designate and elect other officers of the board as they consider necessary.

(4) Before assuming the duties of office, a member shall qualify by taking and subscribing to the oath of office provided in section 1 of article XI of the state constitution of 1963.

(5) The board shall adopt rules governing its procedure and the holding of regular meetings, subject to the approval of the governing body. Special meetings may be held when called in the manner provided in the rules of the board. Meetings of the board shall be open to the public, in accordance with the open meetings act, 1976 PA 267, MCL 15.261 to 15.275. The rules of procedure of the authority may permit a person to be appointed to the board in his or her capacity as a public official, whether appointed or elected. The rules of procedure of the authority may also provide that the member's term on the board shall expire upon expiration of the member's service as a public official. The expiration of service as a public official shall be defined to also include the public official's resignation or removal from the position as a public official.

(6) After notice and an opportunity to be heard, a member of the board appointed under subsection (1)(e) may be removed before the expiration of his or her term for cause by the governing body. Removal of a member is subject to review by the circuit court.

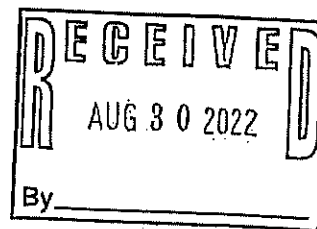
(7) All financial records of an authority shall be open to the public under the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

(8) A majority of the members of the board appointed and serving shall constitute a quorum. Action may be taken by the board at a meeting upon a vote of the majority of the members present.

History: 1996, Act 381, Eff. Sept. 16, 1996;—Am. 2000, Act 145, Imd. Eff. June 6, 2000;—Am. 2014, Act 244, Imd. Eff. June 27, 2014.



STATE OF MICHIGAN
JOCELYN BENSON, SECRETARY OF STATE
DEPARTMENT OF STATE
LANSING



August 19, 2022

Bay County Department of Environmental
Affairs & Community Development
Attn: Laura Ogar
515 Center Avenue, Ste 501
Bay City, MI 48708

RE: Brownfield Redevelopment Authority for Bay County

Dear Ms. Ogar Staff:

This letter acknowledges receipt and filing on April 18, 2022, of a certified copy of the Resolution establishing a Brownfield Redevelopment Authority for Bay County, in accordance with Act 381 of PA 1996.

Sincerely,

Michigan Department of State
Office of the Great Seal
1.888.767.6424

Resolution Establishing a BRA and Appointing Board Members

County of Bay

RESOLUTION ESTABLISHING A BROWNFIELD REDEVELOPMENT AUTHORITY FOR THE COUNTY OF BAY AND APPOINTING BOARD MEMBERS PURSUANT TO AND IN ACCORDANCE WITH THE PROVISIONS OF ACT 381 OF THE PUBLIC ACTS OF THE STATE OF MICHIGAN OF 1996, AS AMENDED

At a regular meeting of the Bay County Board of Commissioners (Commission) of Bay County, Michigan (the "Local Unit"), held in the Local Unit on the 10th day of March, 2020, at 4 p.m.

PRESENT: COMM. DURANCZYK, KRYGIER, BEGICK, COONAN, HEREK, RYDER, LUTZ

ABSENT: NONE

MOTION BY: COMM. RYDER

SUPPORTED BY: COMM. LUTZ

WHEREAS, the Bay County Commission, by Resolution adopted on the 11th day of February, 2020 (the "Resolution of Intent"), determined that it is in the best interest of the public to facilitate identification and treatment of environmentally distressed, functionally obsolete and/or blighted areas to promote revitalization within the municipal limits of Bay County, and declared its intention to provide for the operation of a Brownfield Redevelopment Authority (the "Authority") for Bay County pursuant to and in accordance with the provisions of the Brownfield Redevelopment Financing Act, being Act 381 of the Public Acts of the State of Michigan of 1996, as amended (the "Act"); and

WHEREAS, on this date, pursuant to and in accordance with the Act and the Resolution of Intent, the Bay County Commission held a public hearing, notice of which was given as required by Section 4(2) of the Act on the adoption of a resolution creating the Authority; and

WHEREAS, all citizens, taxpayers and property owners of the County of Bay and officials of the affected taxing jurisdictions had the right and opportunity to be heard at the public hearing on the establishment of the Authority; and

WHEREAS, the Bay County Commissioner desires to proceed with the establishment of the Authority for the County of Bay within the boundaries of which the Authority shall exercise its powers, all pursuant to and in accordance with the Act.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Authority Created. Pursuant to the authority vested in the Bay County Commission by the Act, the Authority is hereby established and shall be known as the Bay County Brownfield Redevelopment Authority.

2. Supervision of the Authority. The Authority shall be under the supervision and control of a board (the "Board") appointed by the Chair of the Bay County Commission, in accordance with the membership provisions set forth in Section 5(1) of the Act, subject to the approval of the Bay County Commission. The members of the Board shall hold office, and the Board shall conduct its procedures in accordance with the Act, and, in particular, Section 5 thereof.

3. Jurisdiction of the Authority. The Authority shall exercise its powers within the County of Bay.

4. Powers and Duties of the Authority. The Authority shall have the full extent of powers and duties provided by and in accordance with the Act. Among other matters, the exercise of its powers, the Board shall prepare Brownfield Plans for eligible property(ies) pursuant to Section 13 of the Act and submit the plan to the Bay County Commission for consideration pursuant to Section 14 of the Act.

5. Bylaws and Rules of the Authority. The Authority shall elect officers and adopt bylaws and rules governing its procedures and meetings in accordance with Sections 5(3) and 5(5) of the Act, and after adoption by the Board shall immediately forward a copy of the bylaws and rules to the Bay County Commission in care of the Clerk of Bay County (the "Clerk"). The Authority's bylaws and rules shall be subject to the approval of the Bay County Commission. However, if the Bay County Commission fails to either approve or disapprove the Authority's bylaws and rules at its next regular meeting after receipt of a copy thereof by the Clerk, the Authority's bylaws and rules shall be deemed to have been approved by the Bay County Commission.

6. Director's Bond. In the event the Board elects to employ a director as authorized by Section 6(1) of the Act, the director, before entering upon the duties of his/her office, shall, in addition to any other requirements of law, post a bond in the penal sum of \$__NA__ with a \$__NA__ deductible payable to the Authority for the use and benefit of the Authority, which shall be approved by the Board and filed with the Clerk. The premium on the bond furnished by the director shall be deemed to be an operating expense of the Authority, payable from funds available to the Authority for expenses of operation.

7. Form of Approvals. Except as may otherwise be provided by the Act or other applicable law, approvals by the Bay County Commission of all matters pertaining to the Authority or its Board shall be by resolution.

8. Severability. Should any section, clause or phase of this Resolution be declared invalid by the courts, the same shall not affect the validity of this Resolution as a whole nor any part thereof other than the part so declared to be invalid.

9. Repeals. All resolutions or parts of resolutions in conflict with any of the provisions of this Resolution are hereby repealed.

10. Publication. The Clerk is hereby directed to file a true and complete copy with the Michigan Department of State, Office of the Great Seal, promptly after adoption and to take all other actions incident upon such adoption pursuant to applicable charter or other provisions UPON A VOTE FOR THE ADOPTION OF SAID RESOLUTION, THE VOTE WAS:

AYES: 7

NAYES: 0

ABSTAINED: 0

RESOLUTION DECLARED ADOPTED. YES

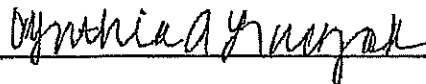
STATE OF MICHIGAN)

)ss.

COUNTY OF BAY)

I, the undersigned, the duly qualified and acting Clerk of the County of Bay, State of Michigan, do hereby certify that the foregoing is a true and complete copy of a resolution adopted by the Bay County Board of Commissioners of at a regular meeting held on the 10th day of March, 2020, the original of which resolution is on file in my office and available to the public. Public notice of said meeting was given pursuant to and in compliance with the Open Meetings Act, Act No. 267 of the Michigan Public Acts of 1976, including the case of a special or rescheduled meeting, notice by posting at least 18 hours prior to the time set for said meeting.

IN WITNESS WHEREOF, I have hereunto set my official signature, this 12TH day of MARCH [month], 2020 [year].



CLERK

County of Bay, Michigan

BAY COUNTY BOARD OF COMMISSIONERS

MEETING DATE: MARCH 21, 2023

MOTION SPONSORED BY: COMM. HEREK

MOTION SUPPORTED BY: COMM. POIRIER

MOTION NO.: 18

MOVED TO APPROVE THE BOARD MINUTES FOR THE BAY COUNTY BOARD OF COMMISSIONERS REGULAR SESSION BOARD MEETING ON FEBRUARY 21, 2023, AS PRESENTED.

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
Kathy Niemiec	X			Colleen Maillette	X			Dennis Poirier	X		
Tim Banaszak	X			Thomas Herek	X						
Vaughn J. Begick	X			Kaysey Radtke	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: MARCH 21, 2023

MOTION SPONSORED BY: COMM. HEREK

MOTION SUPPORTED BY: COMM. BANASZAK

MOTION NO.: 19

MOVED TO APPROVE THE AGENDA FOR THE MARCH 21,
2023 REGULAR BOARD SESSION.

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
Kathy Niemiec	X			Colleen Mallette	X			Dennis Poirier	X		
Tim Banaszak	X			Thomas Herek	X						
Vaughn J. Begick	X			Kaysey Radtke	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: MARCH 21, 2023

MOTION SPONSORED BY: COMM. HEREK

MOTION SUPPORTED BY: COMM. MAILLETTE

MOTION NO.: 20

MOVED TO RECEIVE A PRESENTATION ON CAMP GRAYLING
OPPOSITION TO EXPANSION.

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
Kathy Niemiec	X			Colleen Maillette	X			Dennis Poirier	X		
Tim Banaszak	X			Thomas Herek	X						
Vaughn J. Begick	X			Kaysey Radtke	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: MARCH 21, 2023

MOTION SPONSORED BY: COMM. HEREK

MOTION SUPPORTED BY: COMM. POIRIER

MOTION NO.: 21

MOVED TO RECEIVE CITY OF BAY CITY NOTIFICATION OF
APPLICATION FOR AN OBSOLETE PROPERTY
REHABILITATION EXEMPTION CERTIFICATE -DS DENHAM
PROPERTIES, LLC. -\$131,000.

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
Kathy Niemiec	X			Colleen Maillette	X			Dennis Poirier	X		
Tim Banaszak	X			Thomas Herek	X						
Vaughn J. Begick	X			Kaysey Radtke	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: MARCH 21, 2023

MOTION SPONSORED BY: COMM. HEREK

MOTION SUPPORTED BY: COMM. POIRIER

MOTION NO.: 22

MOVED TO RECEIVE THE REQUESTS FOR APPOINTMENT TO THE BAY ARENAC BEHAVIORAL HEALTH AUTHORITY FROM 14 CANDIDATES AS WELL AS THE BABHA NOMINATING COMMITTEE'S REVIEW OF CANDIDATES' ELIGIBILITY."

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
Kathy Niemiec	X			Colleen Maillette	X			Dennis Poirier	X		
Tim Banaszak	X			Thomas Herek	X						
Vaughn J. Begick	X			Kaysey Radtke	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: MARCH 21, 2023

MOTION SPONSORED BY: COMM. BANASZAK

MOTION SUPPORTED BY: COMM. HEREK

MOTION NO.: 23

MOVED TO APPROVE ELECTION AND APPOINT TO THE BAY ARENAC BEHAVIORAL HEALTH AUTHORITY (FOUR, 3- YEAR TERMS); KATHY NIEMIEC, TIM BANASZAK, JEROME CRETE, AND MARIE (TONI) REESE.

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
Kathy Niemiec	X			Colleen Maillette	X			Dennis Poirier	X		
Tim Banaszak	X			Thomas Herek	X						
Vaughn J. Begick	X			Kaysey Radtke	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: MARCH 21, 2023

MOTION SPONSORED BY: COMM. BANASZAK

MOTION SUPPORTED BY: COMM. NIEMIEC

MOTION NO.: 24

MOVED TO APPROVE THE ELECTION AND APPOINT COLLEEN MAILLETTE TO BAY ARENAC BEHAVIORAL HEALTH AUTHORITY FOR THE REMAINING 1 YEAR TERM OF CONNIE BARBER. (ONE, UNEXPIRED TERM COMMENCING UPON APPOINTMENT AND EXPIRING MARCH 31, 2024) .

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
Kathy Niemiec	X			Colleen Maillette	X			Dennis Poirier	X		
Tim Banaszak	X			Thomas Herek	X						
Vaughn J. Begick	X			Kaysey Radtke	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: MARCH 21, 2023

MOTION SPONSORED BY: COMM. HEREK

MOTION SUPPORTED BY: COMM. MAILLETTE

MOTION NO.: 25

MOVED TO RECEIVE THE APPLICATION FOR APPOINTMENT TO THE REGION VII AREA AGENCY ON AGING ADVISORY COMMITTEE SUBMITTED BY MELVIN MCNALLY AND TO APPOINT MELVIN MCNALLY TO A 3 YEAR TERM AS BAY COUNTY'S REPRESENTATIVE ON THE REGION VII AAA ADVISORY COMMITTEE.

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
Kathy Niemiec	X			Colleen Maillette	X			Dennis Poirier	X		
Tim Banaszak	X			Thomas Herek	X						
Vaughn J. Begick	X			Kaysey Radtke	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: MARCH 21, 2023

MOTION SPONSORED BY: COMM. MAILLETTE

MOTION SUPPORTED BY: COMM. HEREK

MOTION NO.: 26

MADE A MOTION TO TABLE THE CLOSURE OF THE BAY
COUNTY COMMUNITY CENTER POOL.

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
Kathy Niemiec		X		Colleen Maillette	X			Dennis Poirier		X	
Tim Banaszak		X		Thomas Herek	X						
Vaughn J. Begick		X		Kaysey Radtke	X						

VOTE TOTALS:

ROLL CALL: XX YEAS 3 NAYS 4 EXCUSED 0

VOICE: YEAS _____ NAYS _____ EXCUSED _____

DISPOSITION: ADOPTED _____ DEFEATED XX WITHDRAWN _____

AMENDED _____ CORRECTED _____ REFERRED _____

BAY COUNTY BOARD OF COMMISSIONERS

MEETING DATE: MARCH 21, 2023

MOTION SPONSORED BY: COMM. HEREK

MOTION SUPPORTED BY: COMM. MAILLETTE

MOTION NO.: 27

MOVED TO MOVE THE APRIL 4TH WAYS AND MEANS
COMMITTEE MEETING TO APRIL 11TH FOLLOWING THE
PERSONNEL/HUMAN SERVICES MEETING

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
Kathy Niemiec	X			Colleen Maillette	X			Dennis Poirier	X		
Tim Banaszak	X			Thomas Herek	X						
Vaughn J. Begick	X			Kaysey Radtke	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: MARCH 21, 2023

MOTION SPONSORED BY: COMM. POIRIER

MOTION SUPPORTED BY: COMM. HEREK

MOTION NO.: 28

MOVED TO RECEIVE AND CONCUR WITH THE COUNTY EXECUTIVE'S RECOMMENDED APPOINTMENTS TO THE BAY COUNTY BROWNFIELD REDEVELOPMENT (BR) AUTHORITY AS FOLLOWS:

1. BAY COUNTY EXECUTIVE - JIM BARCIA, 3 YEAR
2. BAY COUNTY FINANCE DIRECTOR - SHAWNA WALRAVEN, 3 YEAR
3. BAY COUNTY BOARD OF COMMISSIONER REPRESENTATIVE - VAUGHN BEGICK, BOARD CHAIR 3 YEAR
4. BAY COUNTY TREASURER - WES PRINCE, 2 YEAR
5. PARTICIPATING TOWNSHIP SUPERVISOR OR REPRESENTATIVE - TERRI CLOSE, HAMPTON TWP; 2 YEAR
6. PARTICIPATING TOWNSHIP SUPERVISOR OR REPRESENTATIVE - TERRY SPENCER, MONITOR TWP; 1 YEAR
7. PARTICIPATING CITY MANAGER/MAYOR OR REPRESENTATIVE - DAVE HAAG, AUBURN, 1 YEAR
8. PARTICIPATING DDA REPRESENTATIVE DIRECTOR OR REPRESENTATIVE - SUE PIKE, VALLEY TECH PARK, 2 YEAR
9. OPEN PUBLIC SEAT - STEVE VANTOL, 1 YEAR

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
Kathy Niemiec	X			Colleen Maillette	X			Dennis Poirier	X		
Tim Banaszak	X			Thomas Herek	X						
Vaughn J. Begick	X			Kaysey Radtke	X						

VOTE TOTALS:

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

DISPOSITION: ADOPTED XX DEFEATED WITHDRAWN
 AMENDED CORRECTED REFERRED

BAY COUNTY BOARD OF COMMISSIONERS

MEETING DATE: MARCH 21, 2023

MOTION SPONSORED BY: COMM. POIRIER

MOTION SUPPORTED BY: COMM. BANASZAK

MOTION NO.: 29

MOVED TO ADJOURN THE REGULAR BOARD SESSION OF
MARCH 21, 2023

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
Kathy Niemiec	X			Colleen Maillette	X			Dennis Poirier	X		
Tim Banaszak	X			Thomas Herek	X						
Vaughn J. Begick	X			Kaysey Radtke	X						

VOTE TOTALS:

ROLL CALL: YEAS NAYS EXCUSED

VOICE: XX YEAS 7 NAYS 0 EXCUSED 0

DISPOSITION: ADOPTED XX DEFEATED WITHDRAWN

AMENDED CORRECTED REFERRED