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REGULAR MEETING OF THE COUNCIL OF THE CITY OF SAGINAW, MICHIGAN, HELD MONDAY, JULY 27, 2009, AT 6:30 P.M. IN THE COUNCIL CHAMBER OF CITY HALL.

PRAYER AND PLEDGE OF ALLEGIANCE

Mayor Joyce Seals offered a prayer and led the pledge of allegiance.

ROLL CALL

Mayor Joyce Seals called the meeting to order. The following Councilpersons were present: Gregory Branch, Larry Coulouris, Amanda Kitterman-Miller, Amos O'Neal, Bill Scharffe, Paul Virciglio and Mayor Joyce Seals-7.

Absent: Councilpersons Daniel Fitzpatrick and Andrew Wendt -2.

PERSONAL APPEARANCES

Earl Jesse, 310 S. Harrison, spoke on the purpose of the City and said the population is declining. Said County officials should take a cut in pay.

REMARKS OF COUNCIL

Councilman Virciglio spoke on the weed abatement program. Said the City would have to purchase 8-12 additional mowers to meet the present needs for weed abatement because the number of lots have increased from 700 in 2006 to 2,700. Due to budget constraints it is unlikely new equipment would be purchased. Urged neighbors to volunteer to preserve neighborhoods. Said those that can, "do" and those that can "do more," volunteer.

Councilman Branch thanked the Covenant Neighborhood Association for the recent Bliss Park event. Said the weather was good and there was a good crowd.

Councilman O'Neal commended the Development Department for the recent demolition of houses. Said he had been receiving positive feed back from the community. Thanked all who were responsible for the renaming of a portion of Veterans Park on behalf of Lawrence McKinney. The dedication ceremony was well attended. Also thanked all who assisted Parishioners on Patrol and the Northeast Neighborhood Association with the recent food give away. Commended Pastor Bradley for his church's Mission in the City outreach. Thanked Reverend Hicks for the grass cutting he had been doing to help the community. Urged other residents to get involved.

Councilwoman Kitterman-Miller also urged neighbors to get involved to improve their neighborhoods. Congratulated those who planned the recent gospel festival and said it was well attended. Thanked Jeremy from Global Landscaping for watering the plants on the bridges.

Councilman Coulouris thanked all who supported and attended the Covenant Neighborhood Association's picnic at Bliss Park. Reminded citizens to look at their property tax statements and see where the money goes and how little is allocated to the City, 2/5. Noted that special millage increases, like STARS, were voted in by the people. Noted a recent article in the paper where volunteers cleaned up along the Cass River. Said the City does not have the money to address all the weeds. Urged neighbors to get involved.

Councilman Scharffe noted that in some instances the weeds are too long for volunteers to cut, special mowers are needed. Thanked The Saginaw News for recognizing

Joseph Winchester for buying and maintaining property near his home on Emily Street. Also thanked former Councilman Thomas Webb for maintaining Veterans Memorial Plaza at Hoyt Park.

Mayor Seals thanked all the volunteers who are doing their part for the City. Mentioned attending a recent conference in Denver, with other local officials on *How to Have a Healthy Community*. Noted that Saginaw was ahead of the curve on some suggestions, like a walkway through the City. Party stores in neighborhoods were also discussed. She questioned whether Saginaw could have a moratorium on party stores selling liquor in neighborhoods. Suggested something be put in the City's Master Plan or an ordinance adopted preventing additional stores. Noted she had asked the City Manager if Tim Hilk (YMCA) could do a presentation on some monies they had received. Also said the Department of Corrections had received a \$200,000 grant to invest in the City's safety and the gentleman wanted to meet with the City Manager to see which neighborhood should be designated.

#### PETITIONS

09-15 from Prints Plus, Inc., 2301 N. Michigan Avenue, submitting application for Industrial Facilities tax Exemption Certificate.

Councilman Coulouris moved to receive and file the request, seconded by Councilman Branch.

Adopted unanimously. The Mayor referred the matter to City staff.

09-16 from Charles L. McNair, 4038 Harold, requesting permission to erect a banner in the 500 block of Court Street and 1000 block of East Genesee Avenue from July 29, 2009 to August 18, 2009 for the purpose of promoting the Saginaw African Cultural Festival.

Councilman Scharffe moved to approve the request, seconded by Councilwoman Kitterman-Miller.

Adopted unanimously.

09-17 from Graham Construction, 3399 Fashion Square Blvd., requesting to pursue an OPRA & Review of Current Tax Assessment for 505 Millard Street.

Councilman Branch moved to receive and file the request, seconded by Councilwoman Kitterman-Miller.

Adopted unanimously. The Mayor referred the matter to City staff.

#### REPORTS FROM BOARDS AND COMMISSIONS AND COMMITTEES AND APPOINTMENT OF BOARDS AND COMMISSIONS MEMBERS

Subject: Alley vacation of a 284.91' Portion of the 16' alley located West of Superior Street between Joslin Street and West Michigan Avenue

Planning Commission Recommendation: It is recommended that a 284.91' portion of the 16' alley located west of Superior Street between Joslin Street and West Michigan Avenue be vacated, subject to a standard easement for reservation for public utilities, cable TV and telecommunications.

Justification: Ms. Mary Cottrell requested that a 284.91' portion of the 16' alley

located west of Superior Street between Joslin Street and West Michigan Avenue be vacated to deter unnecessary traffic through the alley. The petition was referred to the City Planning Commission ("Commission") for investigation and a report with a recommendation.

The Commission held a public hearing on the request on March 24, 2009, and all interested persons were heard. In addition, all adjacent property owners and all utilities were notified. From investigation and review of evidence presented at the hearing, the Commission found in favor of the petition to vacate a 284.91' portion of the 16' alley, subject to a standard easement for reservation for public utilities, cable TV and telecommunications.

Council Action: Councilman Virciglio moved that the report from the Planning Commission be received and filed, seconded by Councilman Branch.

Adopted unanimously.

Subject: Alley Vacation of A 70' Portion of the Alley Bounded by West Remington Street, North Harrison Street, West Holland Avenue, North Fayette Street, Abutting the Properties Known as 609 West Remington Street, 1016 North Harrison Street and a Portion of 1012 North Harrison Street

Planning Commission Recommendation: It is recommended that a 70' portion of the alley bounded by West Remington Street, North Harrison Street, West Holland Avenue, North Fayette Street, abutting the properties known as 609 West Remington Street, 1016 North Harrison Street and a portion of 1012 North Harrison Street, be vacated subject to a standard easement for reservation for public utilities, cable tv and telecommunications.

Justification: Mr. Paul Sopack requested that a 70' portion of the alley bounded by West Remington Street, North Harrison Street, West Holland Avenue, North Fayette Street, abutting the properties known as 609 West Remington Street, 1016 North Harrison Street, and a portion of 1012 North Harrison Street be vacated to deter unnecessary traffic through the alley. The petition was referred to the Planning Commission ("Commission") for investigation and a report with recommendation. All adjacent property owners and all utilities were notified. Afterwards, the Commission held a public hearing on the request on September 23, 2008, and all interested persons were heard. The Commission found in favor of the petition to vacate a 70' portion of the alley bounded by West Remington Street, North Harrison Street, West Holland Avenue, North Fayette Street, abutting the properties known as 609 West Remington Street, 1016 North Harrison Street, and a portion of 1012 North Harrison Street, subject to a standard easement for reservation for public utilities, cable tv and telecommunications.

Council Action: Councilman Scharffe moved that the report from the Commission be received and filed, seconded by Councilwoman Kitterman-Miller.

Adopted unanimously.

Subject: Alley Vacation of the Alley Located West of Grout Street between Joslin Street and West Michigan Avenue

Planning Commission Recommendation: It is recommended that the alley located west of Grout Street between Joslin Street and West Michigan Avenue be vacated subject to a standard easement reservation for public utilities, cable TV, and telecommunications.

Justification: The West Michigan Avenue United Methodist Church requested the vacation of the alley located west of Grout Street between Joslin Street and West Michigan Avenue in the City of Saginaw. The petition was referred to the City Planning Commission ("Commission") for investigation and a report with a recommendation. The Commission held a public hearing on the request on May 27, 2008, and all interested persons were heard. In addition, all adjacent property owners and utilities were notified.

The Commission found that the property owners at 1803 Joslin Street are not using the alley and that the owners propose to convey their interest in the alley to the West Michigan Avenue United Methodist Church. Previously, a portion of the original alley was vacated on June 29, 1986. From investigation and review of the evidence presented at the hearing, the Commission found that the alley located west of Grout Street between Joslin Street and West Michigan Avenue, in the City of Saginaw should be vacated subject to a standard reservation for public utilities, cable TV, and telecommunications.

Council Action: Councilman Virciglio moved that the report from the Planning Commission be received and filed, seconded by Councilman Branch.

From the Boards and Commissions Committee:

Councilman Branch moved for consideration of reappointing Dennis L. Morrison to the STARS Board with a term to expire September 26, 2012, seconded by Councilwoman Kitterman-Miller.

Adopted unanimously.

Mayoral Appointments:

Mayor Seals announced the reappointment of Andrew Joseph Dominowski to the Saginaw Economic Development Corporation with a term to expire June 30, 2012, and the appointment of Jeffrey R. Schell to the Saginaw Economic Development Corporation to fill a vacancy with a term to expire June 30, 2012.

Other Boards, Commissions and Committee Reports:

Councilman O'Neal reported on the July 23, 2009, meeting of the City/County/School Liaison Committee. Said the Job Fair and Safe Routes to School items were rolled over to the next meeting due to a lack of representation. Said the group requested an update on the Andersen Water Park project. Advised the Mayor that the group wanted to speak with her regarding the Saginaw Promise program.

Councilman Virciglio noted Neighborhood Renewal Services would have an all-day Strategic Planning Session Wednesday, July 29, 2009. The group would review its mission and direction.

REPORTS FROM CITY MANAGER

Management Update

City Manager Darnell Earley provided Council with a map on the Weed Abatement program and said the City is doing all it can, given the fact it does not have the resources available to keep up with the problem. Noted that besides the weeds, the City also has to maintain City right-of-ways, City property, and 300 acres of parkland. Provided an itemization on equipment and employees needed to successfully combat the matter. Said

bottom line if the weed problem were going to be eradicated, there would have to be more financial resources. He then stressed the need to update the City's Master Plan.

*(At 7:20 p.m., Councilman Wendt arrived and took his seat.)*

Thomas Darnell, Director of Public Services, added some additional information on the weed-cutting program and responded to some of Council members' questions.

City Attorney Thomas Fancher spoke on the proposed amendments to the City Charter. He responded to Council's concerns on the one-year residency rule and default to City issue. He reviewed the Resolution to be approved by City Council that evening which would then be submitted to the Attorney General (AG).

City Clerk Diane Herman explained the cost difference between using a large ballot versus small ballot and/or a two-sided ballot. She also explained the AG's recommendation on how each proposal should be worded on the ballot.

Councilman Wendt requested Council take a recess to allow for time to review the proposed Resolution laid before them.

Councilman Branch moved to take a 15-minute recess, seconded by Councilman Virciglio.

Adopted unanimously.

*(Council took a break from 7:45-7:57 p.m.)*

City Manager Darnell Earley advised Council of a tentative agreement the City had reached with COAM for its collective bargaining agreement.

#### Recommended Actions

Subject: Municipal Employees Retirement 63<sup>rd</sup> Annual Meeting

Manager's Recommendation: I recommend Grace DeLeon be appointed as officer delegate, and Dennis Jordan be appointed as alternate officer delegate, and Wittye Wilson, as employee delegate, and Rick Massey as alternate employee delegate, to attend the Municipal Employees Retirement System's 63<sup>rd</sup> Annual Meeting to be held September 15-17, 2009, in Grand Rapids, Michigan.

Justification: The Municipal Employees Retirement Act provides that an annual meeting shall be held for representatives of participating municipalities for the purpose of selecting nominees for membership on the retirement board and to transact such business as may be required for the proper operation of the retirement system. The annual meeting for 2009 has been scheduled for September 15-17, 2009, in Grand Rapids, Michigan.

The officer delegate and alternate officer delegate are recommended based on appointing criteria. The employee delegate and employee alternate delegate are elected in accordance with the Act that requires the City Clerk to hold a secret ballot election for all eligible MERS members. Such an election was held. Upon conclusion, votes were counted and tallied resulting in Wittye Wilson receiving the highest number of votes and Rick Massey the second highest.

Council Action: Councilman Coulouris moved that the recommendation from the City Manager be approved, seconded by Councilwoman Kitterman-Miller.

Adopted unanimously.

Subject: Moving the Polling Location for Precinct 7 from Webber Middle School, 2600 Prescott to St. George Church, 3121 Sheridan Avenue.

Manager's Recommendation: I recommend Precinct 7, located at Webber Middle School, 2600 Prescott, be moved to St. George Church, 3121 Sheridan Avenue.

Justification: Near the end of the 2009 school year, the Saginaw Board of Education announced it would be closing Webber Middle School located at 2600 Prescott, which currently serves as a polling location for Precinct 7. As such, it became necessary for the City Clerk to find an alternate location. St. George Church, 3121 Sheridan, lies within Precinct 7 boundaries and served as a precinct prior to the City's precinct consolidation in 2003.

The polling location was reviewed under the Help America Vote Act, which requires polling locations to meet certain standards to accommodate voters with disabilities, and can be brought up to specifications without much expense.

Given the foregoing, I recommend the polling location for Precinct 7 be moved from Webber Middle School, 2600 Prescott, to St. George Church, 3121 Sheridan Avenue.

This change is being made in accordance with Election Law and as required, proper notices will be posted and all voters will receive new voter registration cards.

Council Action: Councilman Coulouris moved that the recommendation from the City Manager be approved, seconded by Councilwoman Kitterman-Miller.

Adopted unanimously.

Subject: SunGard Public Sector Inc., Software Annual Maintenance and License Fee and Learning Subscription

Manager's Recommendation: I recommend payment be made to SunGard Public Sector Inc., in an amount not to exceed \$184,600.00, for the purchase of software maintenance and license fees.

This vendor meets all requirements of §14.23, "Vendors", of "Purchasing, Contracting and Selling Procedure," of Chapter 14, "Financing and Purchasing", of Title 1, "General Provisions" of the Saginaw Code of Ordinances O-1.

Funds are budgeted and available in the Information Services Operating Services Account No. 658-1720-711.80-05 (\$166,400.00) and Information Services Training & Development Account No. 658-1720-711.80-90 (\$18,200.00).

Justification: Maintenance and license agreements require the periodic payment of fees. Maintenance agreements allow the City to obtain periodic software enhancements and use SunGard resources for problem support. License fee payments are required to use copyrighted programs. This communication covers quarterly payments for fiscal year 2010. Our agreement with SunGard Public Sector Inc., allows an annual increase in fees equal to the Consumer Price Index. This communication also covers payment for a Blended Web Learning +80 subscription and travel reimbursement to SunGard in the event travel to Saginaw is required for personalized training. The Learning subscription allows an unlimited number of City employees to participate in more than 400 live group web-based classes and 1,100 on demand web-based classes. Sessions are usually not more than 2 hours in duration and can be accessed from any workstation. No travel costs are incurred for Web-based training. Classes provide information about SunGard application features and processes, new product offerings, technical infrastructure and non-SunGard specific

topics and services such as Word, Excel, time management and communication. This subscription also allows 80 hours of instructor-led training. The training method can be blended which means it can be done on site, over the phone or over the web.

Council Action: Councilman Coulouris moved that the recommendation from the City Manager be approved, seconded by Councilwoman Kitterman-Miller.

Adopted unanimously.

Subject: Rescue/Ventilation Saws

Manager's Recommendation: I recommend that the low bid received from West Shore Fire be accepted and a purchase order be issued to them in the amount of \$2,011.03 for one (1) tempest ventilation saw and two (2) chains.

This vendor meets all requirements of §14.23, "Vendors", of "Purchasing, Contracting, and Selling Procedure," of Chapter 14, "Finance and Purchasing, of "Title 1,"General Provisions" of the Saginaw Code of Ordinances O-1.

Funds for this purchase are budgeted and available in the Fire Departments Fire Suppression – Capital Outlay Less than \$5,000 Account No. 101-3751-751-9705 (\$1673.53) and the Parts & Supplies Account No. 101-3751-751-73-30 (\$337.50).

Justification: Rescue/ventilation saws are specialized pieces of equipment essential to Fire Department operations. These saws are used on a daily basis and are subjected to very harsh conditions. The saws currently in use have reached the end of their service life and need replacement due to rising repair costs and a lack of reliability.

On March 17, 2009 the Saginaw Fire Department received bids for two Tempest ventilation saws and four Raptor chainsaw chains. Following is a tabulation of bids received and reviewed by the Purchasing Committee:

Airgas Great Lakes Saginaw, MI	\$2,486.00
Care Controls Mill Creek, WA	\$2,387.02
West Shore Fire Allendale, MI	\$2,011.03

Council Action: Councilman Coulouris moved that the recommendation from the City Manager be approved, seconded by Councilwoman Kitterman-Miller.

Adopted unanimously.

Subject: Police Officer Ballistics Vests

Manager's Recommendation: I recommend increasing purchase order no. 38086 issued to Gator Hawk Armor from \$9,576.00 to \$10,700.00 for concealable body armor for police officers, due to the purchase of two additional vests.

This vendor meets all requirements of §14.23, " Vendors", of "Purchasing, Contracting, and Selling Procedure," of Chapter 14, "Finance and Purchasing, of "Title 1, "General Provisions" of the Saginaw Code of Ordinances O-1.

Funds for this purchase are budgeted in the Saginaw Police Department Supplies / Clothing Supplies Account No. 101-3014-721.73-03.

Justification: On March 9, 2009 City Council approved the purchase of eighteen (18) concealable vests for the Saginaw Police Department, in the amount of \$9,576.00. It was determined that two (2) additional vests also required replacing, which would cost an extra \$1,124.00, bringing the total purchase order to \$10,700.00.

Council Action: Councilman Coulouris moved that the recommendation from the City Manager be approved, seconded by Councilwoman Kitterman-Miller.

Adopted unanimously.

Subject: Police Department Training and Duty Ammunition

Manager's Recommendation: I recommend approval of the low bid and issuance of a purchase order to Michigan Police Equipment, Charlotte, MI, in the amount of \$18,157.50 for the purchase of training and duty ammunition for the Saginaw Police Department.

This vendor meets all requirements of §14.23, " Vendors", of "Purchasing, Contracting, and Selling Procedure," of Chapter 14, "Finance and Purchasing, of "Title 1, "General Provisions" of the Saginaw Code of Ordinances O-1.

Funds for this purchase are budgeted in the Drug Forfeiture Supplies / Parts & Supplies Account No. 264-3040-731.73-30.

Justification: On May 19, 2009 the City received bids for the purchase of training and duty ammunition for the Saginaw Police Department, for fiscal year 2010. Following is a tabulation of the bids received and viewed by the Purchasing Committee:

Michigan Police Equipment Company Charlotte, MI	\$18,157.50
CMP Distributors, Inc. Lansing, MI	\$18,355.50
Vance Outdoors Columbus, OH	\$9,635.00 (Partial bid)

Council Action: Councilman Coulouris moved that the recommendation from the City Manager be approved, seconded by Councilwoman Kitterman-Miller.

Adopted unanimously.

Subject: Police Uniform Bid Extension

Manager's Recommendation: I recommend that the offer from Metropolitan Uniform & Equipment to extend the bid that expired June 30, 2009 for uniforms and equipment, be accepted. The anticipated cost will not exceed \$48,198.00, which was the amount of last years approved bid.

This vendor meets all requirements of §14.23, " Vendors", of "Purchasing, Contracting, and Selling Procedure," of Chapter 14, "Finance and Purchasing, of "Title 1, "General Provisions" of the Saginaw Code of Ordinances O-1.

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Funds are budgeted in the Saginaw Police Department Supplies/Clothing Supplies  
Account No. 101-3014-721.73-03.

Justification: On August 7, 2006 City Council approved a three-year bid between Metropolitan Uniform & Equipment and the Saginaw Police Department to supply uniforms and equipment for police officers. Metropolitan Uniform & Equipment was the sole bidder.

The Saginaw Police Department received a letter from Metropolitan Uniform & Equipment dated July 6, 2009 offering to extend the bid for a period of one additional year beginning July 1, 2009 and ending June 30, 2010. All pricing and conditions shall remain in effect for this period.

Council Action: Councilman Coulouris moved that the recommendation from the City Manager be approved, seconded by Councilwoman Kitterman-Miller.

Adopted unanimously.

Subject: Cintas Corporation Agreement

Manager's Recommendation: I recommend approval of the Agreement with Cintas Corporation ("Cintas") and that purchase orders be issued to them in the amount of \$22,118.20 for fiscal years 2009-10, 2010-11 and 2011-12, totaling \$66,354.60. This Agreement is approved by the City Manager as to substance and the City Attorney as to form.

This vendor meets all requirements of §14.23, "Vendors", of "Purchasing, Contracting, and Selling Procedure," of Chapter 14, "Finance and Purchasing, of "Title 1, "General Provisions" of the Saginaw Code of Ordinances O-1.

Funds for this service are available in the following Operating Services Accounts: Police Department Account No. 101-3014-721-8005 (\$179.40), Water Operation & Maintenance Account No. 591-4730-861-8005 (\$2,805.40), Sewer Operation and Maintenance Account Nos. 590-4830-861-8005 (\$6,899.25) and 590-4835-861-8005 (\$766.59), Major Streets Account No. 202-4651-841-8005 (\$2,152.80), Motor Pool Operations Account No. 661-4480-841-8005 (\$1,255.80), Water & Sewer Maintenance & Service Account Nos. 590-4821-861-8005 (\$2,702.70), and 591-4721-861-8005 (\$2,702.70), Buildings & Grounds Account No. 101-7575-821-8005 (\$2,457.00), and Cemeteries Account No. 101-1747-821-8005 (\$196.56).

Justification: Bids for uniform rental services were opened on May 19, 2009. These costs represent a 4% increase. Following is a tabulation of the bids received:

	<u>FY/2009-10</u>	<u>FY/2010-11</u>	<u>FY/2011-12</u>
Cintas Corporation	\$22,118.20	\$22,118.20	\$22,118.20
Swartz Creek, MI			
Domestic Uniform Rental	\$24,960.52	\$24,960.52	\$24,960.52
Detroit, MI			

Council originally approved the uniform bid on June 29, 2009. Afterwards, Cintas advised the City that it was required to sign an Agreement to complete the transaction. The three-year Agreement was reviewed and approved by staff.

Council Action: Councilman Coulouris moved that the recommendation from the City Manager be approved, seconded by Councilwoman Kitterman-Miller.

Adopted unanimously.

Subject: Andersen Water Park Development Project Account Number Amendment

Manager's Recommendation: I recommend authorization to receive state grant funds be amended to reflect a different account into which to deposit the funds. The Agreement with the Department of Natural Resources was approved at a prior Council meeting.

Funds from the Trust Fund will be deposited in the State Grants - Celebration Grants Account No. 508-0000-511.55-11.

Justification: On July 13, 2009, Council approved the second Andersen Water Park Development Project Agreement. The incorrect account name and number were listed in the Council Communication. As a result, City Council should approve a Council Communication to correct the account name and number. The correct information is listed above in the Manager's recommendation.

Council Action: Councilman Coulouris moved that the recommendation from the City Manager be approved, seconded by Councilwoman Kitterman-Miller.

Adopted unanimously.

Subject: Water Treatment Plant Liquid Polymer Purchase

Manager's Recommendation: I recommend acceptance of the low bid and issuance of a purchase order to NALCO Company in the amount of \$12,528.00 for the purchase of liquid polymer for the Water Treatment Plant.

This vendor meets all requirements of §14.23, "Vendors", of "Purchasing, Contracting, and Selling Procedure," of Chapter 14, "Finance and Purchasing, of "Title 1, "General Provisions" of the Saginaw Code of Ordinances O-1.

Funds for this purchase are budgeted in the Water Operation & Maintenance Chemicals Account No. 591-4730-861.73-02.

Justification: On June 16, 2009, the City received two bids for the supply and delivery of 21,600 pounds (48 fifty-five gallon drums) of liquid polymer from July 1, 2009 through June 30, 2010. Liquid polymer is used as a coagulant aid to improve settling and filter efficiency for removal of particulate matter in the water treatment process. The low bid price of \$0.580 per pound is an increase of 18.3% over the price paid for the same chemical during fiscal year 2009. Following is a tabulation of the bids received:

		<u>Per Pound</u>	<u>Total Bid</u>
NALCO Company Naperville, IL	\$0.580	\$12,528.00	
Pristine Water Solutions Waukegan, IL	\$0.720	\$15,552.00	

Council Action: Councilman Coulouris moved that the recommendation from the City Manager be approved, seconded by Councilwoman Kitterman-Miller.

Adopted unanimously.

Subject: Boardwalk Along Lake Linton - Andersen Water Park Re-purposing Project

Manager's Recommendation: I recommend that the low bid from Done-Rite Construction be accepted and a purchase order be issued to them in the amount of \$18,000.00 for the re-purposing of the Andersen Water Park and the boardwalk along Lake Linton.

This vendor meets all requirements of §14.23, "Vendors", of "Purchasing, Contracting, and Selling Procedure," of Chapter 14, "Finance and Purchasing, of "Title 1, "General Provisions" of the Saginaw Code of Ordinances O-1.

Funds are available in the Celebration Park Other Services / Construction Project Account No. 508-7580-831.80-47.

Justification: The City of Saginaw is in the process of re-purposing the Andersen Water Park and one of the proposed features is a 150 feet long, 12 feet wide boardwalk along Lake Linton. DOW Chemical has graciously donated monetary funding as well as Symmatrix composite decking for the construction. The following is a tabulation of the bids received:

Done-Rite Construction Saginaw, MI	\$18,000.00
Schauman Construction Saginaw, MI	\$19,300.00
Bailey Construction Saginaw, MI	\$19,950.00

Council Action: Councilman Coulouris moved that the recommendation from the City Manager be approved, seconded by Councilwoman Kitterman-Miller.

Adopted unanimously.

Subject: Services of Local Vendors

Manager's Recommendation: I recommend that a purchase order be issued to each local vendor listed below in the amount of \$102,100.00 to for various repairs of fleet vehicles.

These vendors meet all requirements, of §14.23, "Vendors", of "Purchasing, Contracting, and Selling Procedure," of Chapter 14, "Finance and Purchasing, of "Title 1, "General Provisions" of the Saginaw Code of Ordinances O-1.

Funds for these services are budgeted in the Motor Pool Operation Motor Vehicle Repairs Account No. 661-4480-841.80-42.

Justification: The City's Municipal Garage requires the services of local vendors for the various repairs of fleet vehicles from July 1, 2009 to June 30, 2010. A yearly contract proposal is not feasible because there is no easy way to determine the quantities and types of repairs that will be required in any given time period. Issuing individual purchase orders is costly and administratively time consuming; therefore, as in past years, we are requesting authorization to issue blanket purchase orders as follows:

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Discount Transmissions Saginaw, MI	\$ 4,000.00
Mike's Wrecker Saginaw, MI	\$ 2,600.00
Draper Chevrolet Saginaw, MI	\$ 4,500.00
Martin Chevrolet Saginaw, MI	\$ 9,000.00
McDonald Pontiac/GMC Saginaw, MI	\$ 4,000.00
Diesel Truck Sales Saginaw, MI	\$ 5,000.00
Graff Truck Center Saginaw, MI	\$ 7,000.00
Bushey's Radiator & Glass Saginaw, MI	\$ 3,000.00
Tuffy Muffler Saginaw, MI	\$ 10,000.00
Michigan Truck Spring Saginaw, MI	\$ 7,000.00
Scott Tire Sales Saginaw, MI	\$ 35,000.00
Tri-City Suspension & Brake Saginaw, MI	\$ 8,000.00
Vic Canever Chevrolet Flint, MI	\$ 3,000.00

Garage personnel will price quote each repair and are aware of the lowest and best vendor for each item. The purchases will then be ordered and billed to each individual purchase order.

Council Action: Councilman Coulouris moved that the recommendation from the City Manager be approved, seconded by Councilwoman Kitterman-Miller.

Adopted unanimously.

All City Manager recommendations to this point were adopted by general consent. The following was considered after discussion.

Subject: Original Equipment Manufacturer Vehicle Parts & Supplies

Manager's Recommendation: I recommend that a purchase order be issued to each local vendor listed below in the amount of \$49,950.00 for the purchase of Original Equipment Manufacturer (OEM) vehicle parts and supplies.

These vendors meet all requirements of §14.23, "Vendors", of "Purchasing, Contracting, and Selling Procedure," of Chapter 14, "Finance and Purchasing, of "Title 1, "General Provisions" of the Saginaw Code of Ordinances O-1.

Funds for this purchase are budgeted in the Motor Pool Operation Motor Vehicle Supplies Account No. 661-4480-841.73-12.

Justification: The City's Municipal Garage requires the purchase of a vast array of OEM vehicle parts and supplies for the maintenance of the fleet vehicles from July 1, 2009 to June 30, 2010. A yearly contract proposal is not feasible because there is no easy way to determine the quantities and parts that will be required in any given time period. Issuing individual purchase orders is costly and administratively time consuming; therefore, as in past years, we are requesting authorization to issue blanket purchase orders as follows:

AirGas Saginaw, MI	\$ 6,100.00
Alro Steel Bay City, MI	\$ 4,400.00
Bader Bros Inc. Birch Run, MI	\$ 3,400.00
Bushey's Radiator & Glass Saginaw, MI	\$ 2,000.00
Draper Chevrolet Saginaw, MI	\$ 2,250.00
Graff Truck Center Saginaw, MI	\$ 7,000.00
Martin Chevrolet Saginaw, MI	\$ 8,000.00
McDonald Pontiac/GMC Saginaw, MI	\$ 3,000.00
Mid State Bolt & Screw Company	\$ 2,900.00

Saginaw, MI	
Scientific Brake & Equipment Company Saginaw, MI	\$ 3,150.00
Thelen Chrysler Dodge Saginaw, MI	\$ 2,250.00
Vic Canever Chevrolet Flint, MI	\$ 3,000.00
Weiland Truck Center Saginaw, MI	\$ 2,500.00

Garage personnel will price quote each item and are aware of the lowest and best vendor for each item. The purchases will then be ordered and billed to each individual purchase order.

Council Action: Councilman O'Neal moved that the recommendation from the City Manager be approved, seconded by Councilman Wendt.

Adopted by the following vote:

Ayes: Councilpersons Kitterman-Miller, O'Neal, Scharffe, Virciglio, Wendt, Coulouris and Mayor Seals-7.

Nays: 0

Abstain: Councilman Branch-1.

Absent: Councilperson Fitzpatrick-1.

Subject: Original Equipment Manufacturer Vehicle Parts & Supplies

Manager's Recommendation: I recommend that a purchase order be issued to each local vendor listed below in the amounts listed totaling \$191,390.00 for the purchase of Original Equipment manufacturer (OEM) vehicle parts and supplies.

This vendor meets all requirements of §14.23, "Vendors", of "Purchasing, contracting, and Selling Procedure," of Chapter 14, "Finance and Purchasing," of Title 1, "General Provisions" of the Saginaw Code of Ordinances 0-1

Funds for these purchases are budgeted in the Motor Pool Operation Motor Vehicle Supplies Account No. 661-4480-841.73-12.

Justification: The City's Municipal Garage requires the purchase of a vast array of OEM vehicle parts and supplies for the maintenance of the fleet vehicles from July 1, 2009 to June 30, 2010. A yearly contract proposal is not feasible because there is no easy way to determine the quantities and parts that will be required in any given time period. Issuing individual purchase orders is costly and administratively time consuming; therefore, as in past years, we are requesting authorization to issue blanket purchase orders as follows:

Spartan Distributors Detroit, MI	\$ 4,000.00
Scientific Brake & Equipment	\$10,000.00

Saginaw, MI	
Diesel Truck Sales Saginaw, MI	\$ 5,000.00
AIS Bridgeport, MI	\$10,000.00
Ritter Tech Saginaw, MI	\$ 2,990.00
Mid-State Bolt Flint, MI	\$ 2,900.00
Bridgeport Equipment Bridgeport, MI	\$12,000.00
Flint New Holland Burton, MI	\$10,000.00
Fecon Cincinnati, OH	\$40,000.00
Weller's Truck Parts Grand Rapids, MI	\$ 6,000.00
Bell Equipment Lake Orion, MI	\$20,000.00
Larry's Auto Saginaw, MI	\$27,500.00
Scott Tire Sales Saginaw, MI	\$35,000.00
Consumer Auto Parts Saginaw, MI	\$ 6,000.00

Garage personnel will price quote each item and are aware of the lowest and best vendor for each item. The purchases will then be ordered and billed to each individual purchase order.

Council Action: Councilman O'Neal moved that the recommendation from the City Manager be approved, seconded by Councilman Wendt. Adopted by the following vote:

Ayes: Councilpersons O'Neal, Scharffe, Virciglio, Wendt, Coulouris, Kitterman-Miller, and Mayor Seals-7.

Nays: 0

Abstain: Councilman Branch-1.

Absent: Councilperson Fitzpatrick-1.

INTRODUCTION OF ORDINANCES

Councilman Virciglio moved to introduce an ordinance entitled and reading as follows, seconded by Councilman Wendt:

AN ORDINANCE TO VACATE A 284.91' PORTION OF THE 16' ALLEY LOCATED WEST OF SUPERIOR STREET BETWEEN JOSLIN STREET AND WEST MICHIGAN AVENUE, LOCATED IN THE CITY OF SAGINAW, AND TO RETAIN THEREIN AN EASEMENT FOR PUBLIC UTILITIES, CABLE TV AND TELECOMMUNICATIONS TO BE ADDED TO THE TABLE OF SPECIAL ORDINANCES II OF THE SAGINAW CODE OF ORDINANCES.

Adopted unanimously. Mayor Seals announced the ordinance would be laid over under the Charter provision.

Councilman Wendt moved to introduce an ordinance entitled and reading as follows, seconded by Councilman Branch:

AN ORDINANCE TO VACATE A 70' PORTION OF AN ALLEY BOUNDED BY WEST REMINGTON STREET, NORTH HARRISON STREET, WEST HOLLAND AVENUE AND NORTH FAYETTE STREET, ABUTTING THE PROPERTIES KNOWN AS 609 WEST REMINGTON STREET, 1016 NORTH HARRISON STREET AND A PORTION OF 1012 NORTH HARRISON STREET, LOCATED IN THE CITY OF SAGINAW AND TO RETAIN THEREIN AN EASEMENT FOR PUBLIC UTILITIES, CABLE TV AND TELECOMMUNICATIONS, TO BE ADDED TO THE TABLE OF SPECIAL ORDINANCES II OF THE SAGINAW CODE OF ORDINANCES.

Adopted unanimously. Mayor Seals announced the ordinance would be laid over under the Charter provision.

Councilman Scharffe moved to introduce an ordinance entitled and reading as follows, seconded by Councilman Wendt:

AN ORDINANCE TO VACATE THE ALLEY LOCATED WEST OF GROUT STREET BETWEEN JOSLIN STREET AND WEST MICHIGAN AVENUE, LOCATED IN THE CITY OF SAGINAW AND TO RETAIN THEREIN AN EASEMENT FOR PUBLIC UTILITIES, CABLE TV AND TELECOMMUNICATIONS TO BE ADDED TO TABLE OF SPECIAL ORDINANCES II OF THE SAGINAW CODE OF ORDINANCES.

Adopted unanimously. Mayor Seals announced the ordinance would be laid over under the Charter provision.

RESOLUTIONS

RESOLUTION OF INTENT TO VACATE A 284.91' PORTION OF THE 16'  
ALLEY LOCATED WEST OF SUPERIOR STREET BETWEEN  
JOSLIN AND WEST MICHIGAN AVENUE

Councilman Coulouris offered and moved adoption of the following resolution,

seconded by Councilman Virciglio:

WHEREAS, the City Planning Commission ("Commission") held a public hearing on March 24, 2009, on a petition to vacate a 284.91' portion of the 16' alley located west of Superior Street between Joslin Street and West Michigan Avenue, in the City of Saginaw; and

WHEREAS, after a duly advertised public hearing, the Commission found that the public and private interest would best be served by the requested alley vacation.

NOW THEREFORE BE IT RESOLVED, that the City Council of the City of Saginaw hereby declares its intent to vacate a 284.91' portion of the 16' alley located west of Superior Street between Joslin Street and West Michigan Avenue, in the City of Saginaw.

BE IT FURTHER RESOLVED, that the City Council will meet on August 24, 2009 at 6:30 p.m., in the Council Chamber at City Hall to hear any objections to the proposed alley vacation.

Adopted unanimously.

RESOLUTION OF INTENT TO VACATE A 70' PORTION OF THE ALLEY  
BOUNDED BY WEST REMINGTON STREET, NORTH HARRISON STREET,  
WEST HOLLAND AVENUE, AND NORTH FAYETTE STREET,  
ABUTTING THE PROPERTIES KNOWN AS 609 WEST REMINGTON STREET,  
1016 NORTH HARRISON STREET AND A PORTION OF  
1012 NORTH HARRISON STREET

Councilman O'Neal offered and moved adoption of the following resolution, seconded by Councilwoman Kitterman-Miller:

WHEREAS, the City Planning Commission ("Commission") held a public hearing on September 23, 2008, on a petition to vacate a 70' portion of the alley bounded by West Remington Street, North Harrison Street, West Holland Avenue, and North Fayette Street, abutting the properties known as 609 West Remington Street, 1016 North Harrison Street, and a portion of 1012 North Harrison Street, in the City of Saginaw; and

WHEREAS, after a duly advertised public hearing, the Commission found that the public and private interest would best be served by the requested alley vacation.

NOW THEREFORE BE IT RESOLVED, that the City Council of the City of Saginaw hereby declares its intent to vacate a 70' portion of the alley bounded by West Remington Street, North Harrison Street, West Holland Avenue, and North Fayette Street, abutting the properties known as 609 West Remington Street, 1016 North Harrison Street, and a portion of 1012 North Harrison Street, in the City of Saginaw.

BE IT FURTHER RESOLVED, that City Council will meet on August 24, 2009, at 6:30 p.m., in the Council Chamber at City Hall to hear any objections to the proposed alley vacation.

Adopted unanimously.

RESOLUTION OF INTENT TO VACATE THE ALLEY LOCATED WEST  
OF GROUT STREET BETWEEN JOSLIN STREET AND WEST MICHIGAN AVENUE

Councilman O'Neal offered and moved adoption of the following resolution, seconded by Councilman Wendt:

WHEREAS, the City Planning Commission ("Commission") held a public hearing

on May 27, 2008, on a proposal to vacate the alley located west of Grout Street between Joslin Street and West Michigan Avenue, in the City of Saginaw; and

WHEREAS, after a duly advertised public hearing, the Commission found that the public and private interest would best be served by the requested vacation of the of the alley located west of Grout Street and between Joslin Street and West Michigan Avenue; and

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Saginaw hereby declares its intent to vacate the alley located west of Grout Street and between Joslin Street and West Michigan Avenue, located in the City of Saginaw.

BE IT FURTHER RESOLVED, that City Council will meet on August 24, 2009, at 6:30 p.m., in the Council Chamber at City Hall to hear any objections to the proposed alley vacation.

Adopted unanimously.

RESOLUTION APPROVING BALLOT LANGUAGE FOR CHARTER AMENDMENTS

Councilman O'Neal offered and moved adoption of the following resolution, seconded by Councilman Wendt:

WHEREAS, the Council of the City of Saginaw, pursuant to the authority granted by Act No. 279 of the Public Acts of 1909, as amended, has determined that it would be in the best interest of the city and would promote good and efficient government to amend certain sections of the City Charter; and

FIRST CHARTER BALLOT QUESTION.

WHEREAS, Sections 3, 4, 5, 6, 7, 8, 10 and 11 of Chapter II, Elections, presently read as follows:

Elections

Section 3. A non-partisan regular city election shall be held on the first Monday in April in each odd numbered year. Special elections shall be held when called by resolution of the council at least thirty (30) days in advance of such election, or when required by this charter or the general laws of the state. Such resolution shall set forth the purpose of the election.

Regular City elections to be held on the Tuesday after the first Monday in November in the odd years (1970 P.A. 239, MCLA 168.644a et seq., Ordinance Number D-975, Article 4, Chapter II, General Code). Date of special election must be approved by County Election Scheduling Committee (1969 P.A. 322, MCLA 168.639).

Nominating Petitions

Section 4. Candidates for the office of councilman shall be nominated by petition. Nominating petitions on official blanks, signed by not less than fifty (50) nor more than one hundred (100) registered electors of the city shall be filed with the city clerk not later than twelve (12) noon on the fourth Saturday prior to the date of the city election. Official blank petitions shall be prepared by the city clerk and shall be furnished by him upon receipt of consent of the candidate in whose behalf petitions are requested.

Nominating petitions must be filed before 4 p.m. on the seventh Tuesday prior to the election (1970 P.A. 239, MCLA 168.644e, Ordinance Number D-975, Article 4, Chapter II, General Code).

Approval of Petitions

Section 5. The city clerk shall accept for filing only such nominating petitions for qualified candidates as are on official blanks and contain the required number of signatures.

He shall forthwith determine the sufficiency of the signatures on each petition filed and, if he finds any petition does not contain the required number of legal signatures of registered electors, he shall forthwith notify the candidate, who may file an amended petition not later than five (5) days after the date and hour for filing the original petition. Petitions which are found by the city clerk to contain the required number of signatures of registered electors for qualified candidates shall be marked "Approved," with the date thereof.

Election Procedure

Section 6. The general election laws of the state shall apply to and control, as near as may be, all procedure relating to elections, except as such laws relate to political parties or partisan procedure or require more than one publication of notice and except as otherwise provided by this charter. In any circumstance where the application of said laws may be uncertain, the election commission shall construe the same and prescribe the procedure.

Canvass of Vote

Section 7. The council shall be the board of canvassers to canvass the votes at all elections under this charter. The council shall meet at seven-thirty (7:30) p.m., on the first Thursday after each election and publicly canvass the election returns, and shall determine the vote upon all questions and propositions and declare whether the same have been adopted or rejected and what persons have been elected at such election. The candidate or candidates (where more than one [1] are to be elected to the same office) who shall receive the greatest number of votes shall be elected.

Superseded by 1963, second extra session P.A. 65, as amended, which created City Board of Canvassers (MCLA 168.30a et seq.).
--

Tie Vote

Section 8. If at any municipal election there shall be no choice between candidates by reason of two (2) or more having received an equal number of votes, then the council shall proceed to determine the election of such candidates by lot in the same manner, as near as may be, as shall be provided by the general election laws of the state.

Voting Hours

Section 10. The polls for all elections shall be opened at seven (7) a.m., or as soon thereafter as may be, on election day and remain open until eight (8) p.m. of the same day.

Justice of the Peace

Section 11. Justice of the Peace as established in Act No. 4 of the Public Acts of Michigan of 1917 shall be nominated and elected in accordance with the provisions of this charter regulating the nomination and election of councilmen.

Act No. 4, P.A. 1917, Repealed 1939 P.A. 322  
 Changed to "Municipal Judge," 1947 P.A. 103 and Council Resolution adopted July 11, 1949. (CP p.355).  
 These judicial duties are performed by the 70<sup>th</sup> District Court (MCLA 600.8135).

And,

WHEREAS, Sections 3, 4, 5, 6, 7, 8, 10 and 11 of Chapter II, Elections, regarding the scheduling and conduct of elections, is now covered by Michigan election laws and may be summarized by a modified version of Section 3, to read as follows:

Elections

Section 3. The general election laws of the State of Michigan shall apply to and control, as near as may be, all procedures relating to elections except as otherwise provided by this charter.

And,

WHEREAS, the City Council of the City of Saginaw believes it would promote fair, equitable and good government to place an amendment of the above-cited City Charter provisions before the qualified electors of the City of Saginaw to repeal Sections 4, 5, 6, 7, 8, 10 and 11 of Chapter II, Elections, and to amend Section 3 of Chapter II, Elections.

NOW, THEREFORE, BE IT RESOLVED, by a 3/5 vote of the City Council of the City of Saginaw, that the proposition to repeal Sections 4, 5, 6, 7, 8, 10 and 11 and to amend Section 3, be submitted to the electors of the City of Saginaw at the general election to be held on Tuesday, November 3, 2009; and

BE IT FURTHER RESOLVED, that the ballot question of such amendment be designated on the ballot to read as follows:

PROPOSAL 1

PROPOSED CITY CHARTER AMENDMENT TO REPEAL SECTIONS

4, 5, 6, 7, 8, 10 AND 11 AND AMEND SECTION 3

This amendment repeals the provisions of the City Charter pertaining to elections and amends the Charter to reflect that elections will be regulated by state law.

Shall this proposal be adopted?

YES \_\_\_\_\_

NO \_\_\_\_\_

SECOND CHARTER BALLOT QUESTION.

WHEREAS, Section 14 of Chapter III, Governing Body, presently reads as follows:

Qualifications

Section 14. No person shall be eligible for the office of councilman unless he is a duly registered elector in the city and has been a resident of the city or any area annexed thereto for at least three (3) years immediately prior to the election at which he is a candidate.

Section 14 amended (Amendment No. 11)

Effective April 17, 1959

Three-year residency ruled unconstitutional. Hargrove v. City of Saginaw. U.S. Federal District Court, 1979.

And,  
WHEREAS, Section 14 of Chapter III, Governing Body, regarding the eligibility to become a candidate for council, has had its 3-year residency requirement ruled unconstitutional, and the council wishes to replace that with a 1-year residency requirement and to modernize the language to read as follows:

Qualifications

Section 14. No person shall be eligible for the office of councilperson unless he or she is a duly registered elector in the city and has been a resident of the city or any area annexed thereto for at least 1 year immediately prior to the election at which he or she is a candidate.

And,  
WHEREAS, the City Council of the City of Saginaw believes it would promote fair, equitable and good government to place an amendment of the above-cited City Charter provision before the qualified electors of the City of Saginaw to amend Section 14 of Chapter III, Governing Body.

NOW, THEREFORE, BE IT RESOLVED, by a 3/5 vote of the City Council of the City of Saginaw, that the proposition to amend Section 14 be submitted to the electors of the City of Saginaw at the general election to be held on Tuesday, November 3, 2009; and

BE IT FURTHER RESOLVED, that the statement of purpose and ballot question of such amendment be designated on the ballot to read as follows:

PROPOSAL 2

PROPOSED CITY CHARTER AMENDMENT TO SECTION 14

This amendment would reduce the residency requirement from three years to one year to become a candidate for City Council. The office shall be designated as councilperson, rather than councilman, to modernize the language.

Shall this proposal be adopted?

YES \_\_\_\_\_  
NO \_\_\_\_\_

THIRD CHARTER BALLOT QUESTION.

WHEREAS, Section 18 of Chapter IV, Legislation, presently reads as follows:

Regular Meetings

Section 18. The council shall meet at the official council chamber at seven-thirty (7:30) p.m., on the Monday next following each regular city election at which session newly elected councilmen shall assume the duties of this office. Regular meetings shall be held at least once every two (2) weeks.

Regular meetings shall be posted within ten days after the first meeting in each calendar or fiscal year. (1976 P.A. 267, MCLA 15.265)

And,

WHEREAS, Section 18 of Chapter IV, Legislation, regarding the time when the council shall meet, may be made more flexible to improve efficiency and to modernize the language to read as follows:

Regular Meetings

Section 18. The council shall meet at least twice monthly. At the first regular meeting following each regular city election, newly elected councilpersons shall assume their duties of office.

And,

WHEREAS, the City Council of the City of Saginaw believes it would promote fair, equitable and good government to place an amendment of the above-cited City Charter provision before the qualified electors of the City of Saginaw to amend Section 18 of Chapter IV, Legislation.

NOW, THEREFORE, BE IT RESOLVED, by a 3/5 vote of the City Council of the City of Saginaw, that the proposition to amend Section 18 be submitted to the electors of the City of Saginaw at the general election to be held on Tuesday, November 3, 2009; and

BE IT FURTHER RESOLVED, that the statement of purpose and ballot question of such amendment be designated on the ballot to read as follows:

PROPOSAL 3

PROPOSED CITY CHARTER AMENDMENT TO SECTION 18

This amendment would allow the council to meet twice monthly rather than every two weeks. The elected officials shall be designated as councilpersons, rather than councilmen, to modernize the language.

Shall this proposal be adopted?

YES \_\_\_\_\_  
NO \_\_\_\_\_

FOURTH CHARTER BALLOT QUESTION.

WHEREAS, Section 21 of Chapter IV, Legislation, presently reads as follows:

Rules

Section 21. The council shall determine its own rules, and shall keep a journal of its proceedings in the English language which shall be signed by the city clerk. All regular and special meetings of the council shall be open to the public. A summary of the council proceedings at each meeting shall be prepared by the city clerk and published in the official newspaper.

And,

WHEREAS, Section 21 of Chapter IV, Legislation, regarding the summary of

council proceedings, may be made more flexible to improve efficiency and to recognize the different means of providing minutes of meetings to citizens and to modernize the language to read as follows:

Rules

Section 21. The council shall determine its own rules and shall keep a journal of its proceedings in the English language, which shall be signed by the city clerk. All regular and special meetings of the council shall be open to the public. The minutes of each council meeting shall be prepared by the city clerk and made available to the public. Copies of the minutes will be made available at cost.

And,

WHEREAS, the City Council of the City of Saginaw believes it would promote fair, equitable and good government to place an amendment of the above-cited City Charter provisions before the qualified electors of the City of Saginaw to amend Section 21 of Chapter IV, Legislation.

NOW, THEREFORE, BE IT RESOLVED, by a 3/5 vote of the City Council of the City of Saginaw, that the proposition to amend Section 21 be submitted to the electors of the City of Saginaw at the general election to be held on Tuesday, November 3, 2009; and

BE IT FURTHER RESOLVED, that the statement of purpose and ballot question of such amendment be designated on the ballot to read as follows:

PROPOSAL 4

PROPOSED CITY CHARTER AMENDMENT TO SECTION 21

Instead of publishing summaries of the meetings in the official newspaper, which no longer publishes daily, this amendment would eliminate publication of minutes but require them to be otherwise available to the public and require copies to be made available to the public at cost.

Shall this proposal be adopted?

YES \_\_\_\_\_  
NO \_\_\_\_\_

FIFTH CHARTER BALLOT QUESTION.

WHEREAS, Section 22 of Chapter IV, Legislation, presently reads as follows:

Ordinances

Section 22. Legislation shall be by ordinance. Each ordinance shall be identified by a number and a short title. The style of all ordinances shall be "The City of Saginaw Ordains." The effective date of an ordinance shall be prescribed therein. At least two (2) weeks shall elapse between the introduction and enactment of an ordinance; enactment shall require the affirmative vote of not less than five (5) councilmen and the effective date shall not be earlier than ten (10) days after enactment; except that ordinances immediately necessary for the preservation of the public peace, health or safety may be enacted on the date of introduction and given immediate effect by the affirmative vote of not less than six (6) councilmen. No ordinance shall be amended by reference to its title only, but the section or sections amended shall be enacted in full. An ordinance may be repealed by

reference to its number and title only.

And,

WHEREAS, Section 22 of Chapter IV, Legislation, regarding the introduction, enactment and repeal of ordinances, to improve efficiency should reflect a simple majority of the councilpersons elected, appointed and seated to enact an ordinance and this same majority plus one to immediately enact and ordinance, and to modernize the language to read as follows:

Ordinances

Section 22. Legislation shall be by ordinance. Each ordinance shall be identified by a number and a short title. The style of all ordinances shall be "The City of Saginaw Ordains." The effective date of an ordinance shall be prescribed therein. At least 2 weeks shall elapse between the introduction and enactment of an ordinance. Enactment shall require the affirmative vote of not less than a simple majority of the councilpersons elected, appointed and seated, and the effective date shall not be earlier than 10 days after enactment. Ordinances immediately necessary for the preservation of the public peace, health or safety may be enacted on the date of introduction and given immediate effect by the affirmative vote of not less than a simple majority plus one of the councilpersons elected, appointed and seated. No ordinance shall be amended by reference to its title only, but the section or sections amended shall be enacted in full. An ordinance may be repealed by reference to its number and title only.

And,

WHEREAS, the City Council of the City of Saginaw believes it would promote fair, equitable and good government to place an amendment of the above-cited City Charter provision before the qualified electors of the City of Saginaw to amend Section 22 of Chapter IV, Legislation.

NOW, THEREFORE, BE IT RESOLVED, by a 3/5 vote of the City Council of the City of Saginaw, that the proposition to amend Section 22 be submitted to the electors of the City of Saginaw at the general election to be held on Tuesday, November 3, 2009; and

BE IT FURTHER RESOLVED, that the statement of purpose and ballot question of such amendment be designated on the ballot to read as follows:

PROPOSAL 5

PROPOSED CITY CHARTER AMENDMENT TO SECTION 22

This amendment would reflect a simple majority of the councilpersons elected, appointed and seated to enact an ordinance, and this same majority plus one to enact an ordinance needing immediate effect, and changes reference from councilmen to councilpersons to modernize the language.

Shall this proposal be adopted?

YES \_\_\_\_\_  
NO \_\_\_\_\_

SIXTH CHARTER BALLOT QUESTION.

WHEREAS, Section 23 of Chapter IV, Legislation, presently reads as follows:

Ordinance Record

Section 23. All ordinances and the dates of introduction and enactment and the vote thereon shall be recorded by the city clerk in a book to be called "The Ordinance Book," and it shall be the duty of the mayor and the city clerk to authenticate such record by their official signatures. Except as otherwise provided by this charter, all ordinances when enacted shall be forthwith published by the city clerk, and he shall enter his certificate as to the manner and date of publication under each ordinance in the ordinance book; provided that, if codes (e.g. building regulations) be enacted by ordinance, publication may be had by printing not less than one hundred (100) copies in booklet form to be available for public distribution without cost on application.

And,

WHEREAS, Section 23 of Chapter IV, Legislation regarding ordinances may improve efficiency by allowing the city clerk to publicize a summary of a proposed ordinance, as opposed to publicizing the entire ordinance, thereby saving publication costs; and further eliminates the need to publish 100 copies in booklet form, as all ordinances will otherwise be made available at cost; and to further modernize the language to read as follows:

Ordinance Record

Section 23. All ordinances and the dates of introduction and enactment and the vote thereon, shall be recorded by the city clerk in a book to be called "The Ordinance Book," and it shall be the duty of the mayor and city clerk to authenticate such record by their official signatures. Except as otherwise provided by this charter, a summary of all ordinances when enacted shall be forthwith published by the city clerk, and he or she shall enter his or her certificate as to the manner and date of publication under each ordinance in The Ordinance Book.

And,

WHEREAS, the City Council of the City of Saginaw believes it would promote fair, equitable and good government to place an amendment of the above-cited City Charter provision before the qualified electors of the City of Saginaw to amend Section 23 of Chapter IV, Legislation.

NOW, THEREFORE, BE IT RESOLVED, by a 3/5 vote of the City Council of the City of Saginaw, that the proposition to amend Section 23 be submitted to the electors of the City of Saginaw at the general election to be held on Tuesday, November 3, 2009; and

BE IT FURTHER RESOLVED, that the statement of purpose and ballot question of such amendment be designated on the ballot to read as follows:

PROPOSAL 6

PROPOSED CITY CHARTER AMENDMENT TO SECTION 23

This amendment would allow the publication of a summary of an ordinance as opposed to the full ordinance, eliminates the need to print 100 copies thereof, and changes references to the city clerk from "him" to "him or her" to modernize the language.

Shall this proposal be adopted?

YES \_\_\_\_\_

NO \_\_\_\_\_

SEVENTH CHARTER BALLOT QUESTION.

WHEREAS, Section 24 of Chapter IV, Legislation, presently reads as follows:

Compilation and Revision

Section 24. The council shall, by resolution, order a general revision and compilation of ordinances within two (2) years from the date this charter is adopted by the electors and every ten (10) years thereafter. Such revision and compilation, when completed, shall be adopted by appropriate ordinance which shall also designate when such revised and compiled ordinances shall become effective. Such revised and compiled ordinances need not be recorded in the "The Ordinance Book" or the council proceedings. The printing and binding of not less than one hundred (100) copies in book form, available for public distribution at cost, shall be deemed sufficient publication.

And,

WHEREAS, Section 24 of Chapter IV, Legislation, regarding compilation of ordinances would improve efficiency if council were given the option to make a general revision and compilation of ordinances, eliminating a mandatory requirement, and further eliminates the need to publish 100 copies in book form as all ordinances will otherwise be made available at cost, to read as follows:

Compilation and Revision

Section 24. The council may, by resolution, order a general revision and compilation of ordinances. Such revision and compilation shall be adopted by appropriate ordinance, which shall also designate when such revised and compiled ordinances shall become effective. Such revised and compiled ordinances need not be recorded in "The Ordinance Book" or the council proceedings. Ordinances shall be available to the public at cost.

And,

WHEREAS, the City Council of the City of Saginaw believes it would promote fair, equitable and good government to place an amendment of the above-cited City Charter provision before the qualified electors of the City of Saginaw to amend Section 24 of Chapter IV, Legislation.

NOW, THEREFORE, BE IT RESOLVED, by a 3/5 vote of the City Council of the City of Saginaw, that the proposition to amend Section 24 be submitted to the electors of the City of Saginaw at the general election to be held on Tuesday, November 3, 2009; and

BE IT FURTHER RESOLVED, that the statement of purpose and ballot question of such amendment be designated on the ballot to read as follows:

PROPOSAL 7

PROPOSED CITY CHARTER AMENDMENT TO SECTION 24

This amendment would give Council the option to compile and revise ordinances instead of making it mandatory, and eliminates the need to produce 100 copies in booklet form thereby saving publication costs.

Shall this proposal be adopted?

YES \_\_\_\_\_  
NO \_\_\_\_\_

EIGHTH CHARTER BALLOT QUESTION.

WHEREAS, Section 25 of Chapter V, Administrative Service, presently reads as follows:

City Manager

Section 25. The council shall appoint a city manager for an indefinite term who shall be the chief administrative officer and the head of the administrative branch of the city government. The manager need not be a resident of the city or the state at the time of his appointment. The council may designate a qualified administrative officer of the city to perform the duties of manager during his absence or disability.

And,

WHEREAS, Section 25 of Chapter V, Administrative Service, regarding the appointment by council of the city manager, should reflect a similar 2/3 majority of the entire council to appoint as is proposed to remove a manager, and the council wishes to reflect that change and to modernize the language to read as follows:

City Manager

Section 25. The council shall appoint a city manager for an indefinite term by a 2/3 majority vote of the elected, appointed and seated members of the council. The manager shall be the chief administrative officer and head of the administrative branch of the city government. The manager need not be a resident of the city or the state at the time of his or her appointment. The council may designate a qualified administrative officer of the city to perform the duties of manager during his or her absence or disability.

And,

WHEREAS, the City Council of the City of Saginaw believes it would promote fair, equitable and good government to place an amendment of the above-cited City Charter provision before the qualified electors of the City of Saginaw to amend Section 25 of Chapter V, Administrative Service.

NOW, THEREFORE, BE IT RESOLVED, by a 3/5 vote of the City Council of the City of Saginaw, that the proposition to amend Section 25 be submitted to the electors of the City of Saginaw at the general election to be held on Tuesday, November 3, 2009; and

BE IT FURTHER RESOLVED, that the statement of purpose and ballot question of such amendment be designated on the ballot to read as follows:

PROPOSAL 8

PROPOSED CITY CHARTER AMENDMENT TO SECTION 25

This amendment would increase the number of councilpersons needed to select a city manager from a simple majority to 2/3 of those elected or appointed and serving as councilpersons. The reference to the city manager has been changed from "him" to "him or her" to modernize the language.

Shall this proposal be adopted?

YES \_\_\_\_\_

NO\_\_\_\_\_

NINTH CHARTER BALLOT QUESTION.

WHEREAS, Section 27 of Chapter V, Administrative Service, presently reads as follows:

Removal

Section 27. The manager may be removed by a majority vote of the members of the council as herein provided, except that no manager who has been in the service of the city for one (1) year or more prior to a regular city election shall be removed within the ninety (90) days subsequent to such election unless by a two-thirds vote of the members of the council. At least thirty (30) days before removal of the manager, the council shall adopt a resolution stating its intention to remove him and the reasons therefore, a copy of which shall be served forthwith on the manager, who may within ten (10) days demand a public hearing, in which event the final resolution removing the manager shall not be adopted until such public hearing has been held. Upon passage of a resolution stating the council's intention to remove the manager, the council may suspend him from duty, but his pay shall continue until his removal. The action of the council in removing the manager shall be final.

And,

WHEREAS, Section 27 of Chapter V, Administrative Service, regarding the removal by council of the city manager, should require a 2/3 majority of the entire council and the council wishes to clarify the time frame and to modernize the language to read as follows:

Removal

Section 27. The manager may be removed by a 2/3 majority vote of the elected, appointed and seated members of the council. At least 30 calendar days before removal of the manager, the council shall adopt a resolution stating its intention to remove him or her and the reasons therefore, a copy of which shall be served forthwith on the city manager who may, within 10 business days, demand a public hearing in which event the final resolution removing the manager shall not be adopted until such public hearing has been held. Upon passage of a resolution stating the council's intention to remove the manager, the council may suspend him or her from duty but his or her pay shall continue until his or her removal. The action of the council in removing the manager shall be final.

And,

WHEREAS, the City Council of the City of Saginaw believes it would promote fair, equitable and good government to place an amendment of the above-cited City Charter provision before the qualified electors of the City of Saginaw to amend Section 27 of Chapter V, Administrative Service.

NOW, THEREFORE, BE IT RESOLVED, by a 3/5 vote of the City Council of the City of Saginaw, that the proposition to amend Section 27 be submitted to the electors of the City of Saginaw at the general election to be held on Tuesday, November 3, 2009; and

BE IT FURTHER RESOLVED, that the statement of purpose and ballot question of such amendment be designated on the ballot to read as follows:

PROPOSAL 9

PROPOSED CITY CHARTER AMENDMENT TO SECTION 27

This amendment would increase the number of councilpersons needed to remove a city manager from a simple majority to 2/3 of those elected or appointed and serving as councilpersons in all circumstances. It specifies whether the time limits involved are calendar days or business days, and the reference to the city manager has been changed from "him" to "him or her" to modernize the language.

Shall this proposal be adopted?

YES \_\_\_\_\_

NO \_\_\_\_\_

TENTH CHARTER BALLOT QUESTION.

WHEREAS, Sections 31 and 32 of Chapter V, Administrative Service, presently read as follows:

Appointive Officers

Section 31. The manager shall appoint a city clerk, treasurer, assessor, police chief, fire chief, health officer, purchasing officer, city attorney, director of public works and director of finance who shall be ex-officio controller and shall appoint such other officers and heads of departments as may be deemed necessary. The powers and duties of these officers and heads of departments shall be those prescribed by state law, by charter and by ordinance. The compensation of officers and employees shall be fixed by the council.

Administrative Departments

Section 32. The administrative service shall be divided into such departments, divisions, and bureaus as may be provided by ordinance upon recommendation of the manager. Such ordinance shall be known as "Administrative Code." Pending the passage of such code the manager may establish temporary regulations. Each officer or director shall, subject to approval by the manager, have supervision and control of his department and shall have power to prescribe rules and regulations, not inconsistent with this charter and the administrative code.

And,

WHEREAS, Sections 31 and 32 of Chapter V, Administrative Service, regarding the manager appointing other officers and employees, includes references to positions no longer in existence and other outdated terms and the council wishes to provide more flexibility to the manager in the organization of the city departments, and therefore suggests that Sections 31 and 32 be amended to read as follows:

Appointive Officers

Section 31. The manager shall appoint a city clerk, treasurer, assessor, police chief, fire chief, city attorney, director of public services and director of finance. The manager shall also appoint such other officers and heads of departments as may be deemed necessary. The powers and duties of these officers and heads of departments shall be those prescribed by law, by charter and by ordinance. The compensation of officers and employees shall be fixed by council. The manager may create such additional administrative offices or combine any administrative offices in any manner not inconsistent with state law, and prescribe the duties thereof as he or she may deem necessary for the

proper operation of the city government.

Administrative Departments

Section 32. The administrative service shall be divided into such departments, divisions, and bureaus as may be provided by ordinance upon recommendation of the manager. Each officer or director shall, subject to approval by the manager, have supervision and control of his or her department, and shall have the power to prescribe rules and regulations not inconsistent with this charter and local ordinance.

And,

WHEREAS, the City Council of the City of Saginaw believes it would promote fair, equitable and good government to place an amendment of the above-cited City Charter provision before the qualified electors of the City of Saginaw to amend Sections 31 and 32 of Chapter V, Administrative Service.

NOW, THEREFORE, BE IT RESOLVED, by a 3/5 vote of the City Council of the City of Saginaw, that the proposition to amend Sections 31 and 32 be submitted to the electors of the City of Saginaw at the general election to be held on Tuesday, November 3, 2009; and

BE IT FURTHER RESOLVED, that the statement of purpose and ballot question of such amendment be designated on the ballot to read as follows:

PROPOSAL 10

PROPOSED CITY CHARTER AMENDMENT TO SECTIONS 31 AND 32

This amendment would remove reference to outdated and eliminated positions and allow the city manager to reorganize the administration of the city without requiring an amendment to the charter. It would remove reference to the "Administrative Code" as that has now been consolidated with the General Code. The reference to "his" is changed to "his or her" to modernize the language

Shall this proposal be adopted?

YES \_\_\_\_\_

NO \_\_\_\_\_

ELEVENTH CHARTER BALLOT QUESTION.

WHEREAS, Section 33 of Chapter V, Administrative Service, presently reads as follows:

Purchasing Procedure

Section 33. Competitive bids for all purchases and public improvements shall be obtained where practicable and contracts awarded to the lowest and best bidders. Sealed bids shall be asked for in all transactions involving the expenditure of two thousand dollars (\$2,000) or more and the transaction evidenced by written contract submitted to and approved by the council; provided that, in cases where it is clearly to the city's advantage to contract without competitive bidding, the council upon recommendation of the manager may so authorize. Detailed purchasing and contracting procedure shall be established by ordinance. The council may authorize the making of public improvements by day labor.

And,

WHEREAS, Section 33 of Chapter V, Administrative Service, regarding the

necessity of sealed competitive bids for purchases of \$2,000 or more, does not reflect the effect of inflation on the price of goods and materials since 1935 and is unduly burdensome and inefficient, and the council wishes to increase this amount to \$10,000 and therefore suggests that Section 33 be amended to read as follows:

Purchasing Procedure

Section 33. Competitive bids for all purchases and public improvements shall be obtained where practicable and contracts awarded to the lowest and best bidders. Sealed bids shall be asked for in all transactions involving the expenditure of \$10,000 or more and the transaction evidenced by written contract submitted to and approved by the council; provided that, in cases where it is clearly to the city's advantage to contract without competitive bidding, the council upon recommendation of the manager, may so authorize. Detailed purchasing and contracting procedure shall be established by ordinance. The council may authorize the making of public improvements by day labor.

And,

WHEREAS, the City Council of the City of Saginaw believes it would promote fair, equitable and good government to place an amendment of the above-cited City Charter provision before the qualified electors of the City of Saginaw to amend Section 33 of Chapter V, Administrative Service.

NOW, THEREFORE, BE IT RESOLVED, by a 3/5 vote of the City Council of the City of Saginaw, that the proposition to amend Section 33 be submitted to the electors of the City of Saginaw at the general election to be held on Tuesday, November 3, 2009; and

BE IT FURTHER RESOLVED, that the statement of purpose and ballot question of such amendment be designated on the ballot to read as follows:

PROPOSAL 11

PROPOSED CITY CHARTER AMENDMENT TO SECTION 33

This amendment would increase the threshold for requiring sealed bids for purchases from \$2,000 to \$10,000.

Shall this proposal be adopted?

YES \_\_\_\_\_  
NO \_\_\_\_\_

TWELFTH CHARTER BALLOT QUESTION.

WHEREAS, Section 43 of Chapter VII, General Finance, presently reads as follows:

Budget Procedure

Section 43. At such time as may be requested by the manager or specified by ordinance, each officer or director of a department shall submit to the director of finance an itemized estimate of the expenditures for the next fiscal year for the departments or activities under his control. The director of finance shall prepare and submit to the manager a complete budget for the next fiscal year in such detail and with such supporting schedules as the manager shall require. After review by the manager he shall submit the proposed budget to the council on or before the last Monday in April.

And,

WHEREAS, Section 43 of Chapter VII, General Finance, regarding the creation and presentation of the budget, created some ambiguity in the past over who had responsibility for what functions, and the council wishes to make it clear that this is the responsibility of the manager and to further modernize the language council suggests that Section 43 be amended to read as follows:

Budget Procedure

Section 43. At such time as may be requested by the manager or specified by ordinance, each officer or director of a department shall submit an itemized estimate of the expenditures for the next fiscal year for the departments or activities under his or her control. The manager shall review and submit the proposed budget to the council on or before the last Monday in April.

And,

WHEREAS, the City Council of the City of Saginaw believes it would promote fair, equitable and good government to place an amendment of the above-cited City Charter provision before the qualified electors of the City of Saginaw to amend Section 43 of Chapter VII, General Finance.

NOW, THEREFORE, BE IT RESOLVED, by a 3/5 vote of the City Council of the City of Saginaw, that the proposition to amend Section 43 be submitted to the electors of the City of Saginaw at the general election to be held on Tuesday, November 3, 2009; and

BE IT FURTHER RESOLVED, that the statement of purpose and ballot question of such amendment be designated on the ballot to read as follows:

PROPOSAL 12

PROPOSED CITY CHARTER AMENDMENT TO SECTION 43

This amendment would clarify and emphasize that it is the responsibility of the city manager to prepare the budget and submit it to City Council. The reference to "his" is changed to "his or her" to modernize the language.

Shall this proposal be adopted?

YES \_\_\_\_\_

NO \_\_\_\_\_

THIRTEENTH CHARTER BALLOT QUESTION.

WHEREAS, Section 45 of Chapter VII, General Finance, presently reads as follows:

Adoption of Budget, Tax Limit

Section 45. The council shall, by resolution, determine and adopt the budget and make the appropriations for the next fiscal year and shall provide, by resolution, for a tax levy of the amount necessary to be raised by taxation at least thirty (30) days prior to the first day of the upcoming fiscal year. The amount of property taxes which may be levied by the city in any year shall not exceed three-quarters of one percent (.75 of 1%) of the assessed valuation as equalized of all taxable real and personal property in the city. If the assessed value of all property in the city as determined on the first Monday in May, 1979, is increased in subsequent years for any reason, the maximum millage rate provided herein

shall be permanently reduced to yield the same gross dollar revenue as the fiscal 1978-79 property tax revenue yield.

This limit may be exceeded up to three-tenths of one percent (.3 of 1%) of the assessed value over the maximum limit provided herein as reduced only if the mayor declares a specific emergency, the dollar amount of the emergency and the portion of such dollar amount that is needed from property taxes, and the council thereafter, by a three-quarters recorded vote of the full council, declares an emergency in accordance with the specifics of the mayor's request. The millage limit may be exceeded only during the fiscal year for which the emergency is declared. Millage levied pursuant to Article 9, Section 6, 1963 Michigan Constitution, is exempt from these limitations.

Section 45 amended (Amendment No. 10)  
Effective November 22, 1957

Section 45 amended (Amendment No. 16)  
Effective December 5, 1979

And,

WHEREAS, Section 45 of Chapter VII, General Finance, regarding the 7.5 mill general property tax limit and the dollar general tax limit, has restricted tax revenues and the council therefore suggests that Section 45 be amended to read as follows:

Adoption of Budget, Tax Limit

Section 45. The Council shall, by resolution, determine and adopt the budget and make the appropriations for the next fiscal year and shall provide by resolution for a tax levy of the amount necessary to be raised by taxation at least 30 days prior to the first day of the upcoming fiscal year. The amount of property taxes which may be levied by the city in any year shall not exceed 2% of the taxable value of the real and personal property in the city.

And,

WHEREAS, the City Council of the City of Saginaw believes it would promote fair, equitable and good government to place an amendment of the above-cited City Charter provision before the qualified electors of the City of Saginaw to amend Section 45 of Chapter VII, General Finance.

NOW, THEREFORE, BE IT RESOLVED, by a 3/5 vote of the City Council of the City of Saginaw, that the proposition to amend Section 45 be submitted to the electors of the City of Saginaw at the general election to be held on Tuesday, November 3, 2009; and

BE IT FURTHER RESOLVED, that the statement of purpose and ballot question of such amendment be designated on the ballot to read as follows:

PROPOSAL 13

PROPOSED CITY CHARTER AMENDMENT TO SECTION 45

The present section limits the property tax rate to the lesser of 7.5 mills or that needed to yield the same revenue as was received in the 1978-1979 fiscal year, (\$3,828,778). It also provides for a temporary 3 mill additional tax for a declared emergency. The proposed amendment would eliminate these provisions and allow a millage rate up to 20 mills.

Shall this proposal be adopted?

YES \_\_\_\_\_  
NO \_\_\_\_\_

FOURTEENTH CHARTER BALLOT QUESTION.

WHEREAS, Section 45(a) of Chapter VII, General Finance, presently reads as follows:

Reduction of Tax Limit

Section 45(a). The tax limit created by Section 45 of Chapter VII of the charter shall be reduced by 3/10 of 1% of the assessed valuation as equalized of the real and personal property subject to taxation in the city during each of the fiscal years in the ten-year period beginning July 1, 1963, in which the council imposes the tax authorized by Section 1 of Chapter XIX of the charter.

Section 45(a) added (Amendment No. 14)  
Effective January 16, 1963  
Question of adding Section 1, Chapter XIX  
Defeated January 7, 1963

And,

WHEREAS, Section 45(a) of Chapter VII, General Finance, references a provision of the charter that was never enacted and would have expired by its own terms on or before 1973 and therefore Section 45(a) should be repealed; and

WHEREAS, the City Council of the City of Saginaw believes it would promote fair, equitable and good government to repeal Section 45(a) of Chapter VII, General Finance.

NOW, THEREFORE, BE IT RESOLVED, by a 3/5 vote of the City Council of the City of Saginaw, that the proposition to repeal Section 45(a) be submitted to the electors of the City of Saginaw at the general election to be held on Tuesday, November 3, 2009; and

BE IT FURTHER RESOLVED, that the statement of purpose and ballot question of such amendment be designated on the ballot to read as follows:

PROPOSAL 14

PROPOSED CITY CHARTER AMENDMENT TO REPEAL SECTION 45(a)

The question of adding Chapter XIX to the Charter was defeated in 1963 and therefore never added to the charter. As such, present Section 45(a) has no effect as it refers to a chapter that does not exist. Repealing this section would remove an ineffective provision from the charter.

Shall this proposal be adopted?

YES \_\_\_\_\_  
NO \_\_\_\_\_

FIFTEENTH CHARTER BALLOT QUESTION.

WHEREAS, Section 91 of Chapter XIV, Miscellaneous Provisions, presently reads as follows:

Restrictions

Section 91. No person in default to the city shall be eligible for election or appointment to any city office. No officer or employee shall hold any remunerative elective or appointive office outside of the city government except notary public or supervisor. No

officer or employee shall be a candidate for any elective office or a member of any committee or similar organization of any political party or participate actively in partisan politics, except that a councilman may be a candidate to succeed himself.

1976 P.A. 169, superseded provision regarding employee political activity.  
"or participate actively in partisan politics" ruled unconstitutional – Hargrove v. City of Saginaw U.S. Federal District Court 1984.

And,

WHEREAS, Section 91 of Chapter XIV, Miscellaneous Provisions, regarding restrictions of officers or employees, was ruled unconstitutional in part as it was in conflict with state and federal law, and because the council wishes to remove that language and also to extend the default provision into the term of office of the elected or appointed official, the council suggests that the section be amended and divided into two subsections, to read as follows:

Restrictions

Section 91. No person in default to the city shall be eligible for election or appointment to any city office or appointment to any city board or commission. No officer shall hold any remunerative elective or appointive office outside of the city government except notary public or supervisor. No officer shall be a candidate for any partisan elective office.

Section 91(a). Any elected or appointed councilperson or person holding a position on any board or commission to which they have been appointed by the mayor or the council shall be deemed to have abandoned their position if they remain in default to the city for 45 days after they have been properly notified.

And,

WHEREAS, the City Council of the City of Saginaw believes it would promote fair, equitable and good government to amend Section 91 of Chapter XIV, Miscellaneous Provisions.

NOW, THEREFORE, BE IT RESOLVED, by a 3/5 vote of the City Council of the City of Saginaw, that the proposition to amend Section 91 be submitted to the electors of the City of Saginaw at the general election to be held on Tuesday, November 3, 2009; and

BE IT FURTHER RESOLVED, that the statement of purpose and ballot question of such amendment be designated on the ballot to read as follows:

PROPOSAL 15

PROPOSED CITY CHARTER AMENDMENT TO SECTION 91

The present section has been superceded in part by state law on employee participation in politics and has been ruled to be in conflict with federal law with regard to a restriction on the involvement of officials in partisan politics. This amendment would remove those ineffective provisions from the charter. It would also add a subsection extending the default restriction into the term of the elected or appointed official.

Shall this proposal be adopted?

YES \_\_\_\_\_  
NO \_\_\_\_\_

SIXTEENTH CHARTER BALLOT QUESTION.

WHEREAS, Section 92 of Chapter XIV, Miscellaneous Provisions, presently reads as follows:

Vacancy Defined

Section 92. In addition to other provisions of this charter, a vacancy shall be deemed to exist in any office when an officer dies, resigns, is removed from office, moves from the city, is convicted of a felony or judicially declared to be mentally incompetent.

And,

WHEREAS, Section 92 of Chapter XIV, Miscellaneous Provisions, presently requires that both elective and appointed officers be residents of the city, and that restriction may not properly apply to all appointed officers, the council suggests that the section be amended and divided into two subsections, to read as follows:

Vacancy Defined

Section 92. In addition to other provisions of this charter, a vacancy shall be deemed to exist in City Council when a councilperson dies, resigns, is removed from office, moves from the city, is convicted of a felony or judicially declared to be mentally incompetent.

Section 92(a). In addition to other provisions of this charter, a vacancy shall be deemed to exist in any office when an officer dies, resigns, is removed from office, is convicted of a felony or judicially declared to be mentally incompetent.

And,

WHEREAS, the City Council of the City of Saginaw believes it would promote fair, equitable and good government to amend Section 92 of Chapter XIV, Miscellaneous Provisions.

NOW, THEREFORE, BE IT RESOLVED, by a 3/5 vote of the City Council of the City of Saginaw, that the proposition to amend Section 92 be submitted to the electors of the City of Saginaw at the general election to be held on Tuesday, November 3, 2009; and

BE IT FURTHER RESOLVED, that the statement of purpose and ballot question of such amendment be designated on the ballot to read as follows:

PROPOSAL 16

PROPOSED CITY CHARTER AMENDMENT TO SECTION 92

The present section requires that both elective or appointed officers must reside in the city or the office will be considered vacated. This amendment would continue that requirement with regard to City Councilpersons, but it would remove that requirement from appointed offices and leave any restriction to ordinance or state law.

Shall this proposal be adopted?

YES \_\_\_\_\_  
NO \_\_\_\_\_

SEVENTEENTH CHARTER BALLOT QUESTION.

WHEREAS, Section 96 of Chapter XIV, Miscellaneous Provisions, presently reads as follows:

Notice by Publication

Section 96. Notices or proceedings requiring publication shall, unless otherwise provided by this charter, be published once in the official newspaper. The council shall annually in May designate the official newspaper for the next fiscal year. In lieu of publication in the official newspaper the council in any particular instance may order such notice or proceeding printed and posted in at least 5 public places in the city.

And,

WHEREAS, Section 96 of Chapter XIV, Miscellaneous Provisions, presently requires specific publications in official newspapers that may no longer be available, the council suggests that the section be repealed; and

WHEREAS, the City Council of the City of Saginaw believes it would promote fair, equitable and good government to repeal Section 96 of Chapter XIV, Miscellaneous Provisions.

NOW, THEREFORE, BE IT RESOLVED, by a 3/5 vote of the City Council of the City of Saginaw, that the proposition to repeal Section 96 be submitted to the electors of the City of Saginaw at the general election to be held on Tuesday, November 3, 2009; and

BE IT FURTHER RESOLVED, that the statement of purpose and ballot question of such amendment be designated on the ballot to read as follows:

PROPOSAL 17

PROPOSED CITY CHARTER AMENDMENT TO REPEAL SECTION 96

The present section requires that publication of notices or proceedings, when required, be made through official newspapers, previously designated. Repeal of this section would allow publication by other methods.

Shall this proposal be adopted?

YES \_\_\_\_\_  
NO \_\_\_\_\_

BE IT FURTHER RESOLVED, that the city clerk be and is hereby directed to submit a certified copy of this resolution and proposition to the Governor of the State of Michigan for her approval of said amendment of said charter provision pursuant to Section 22 of 1909 PA 279; MCL 117.22; and

BE IT FURTHER RESOLVED, that before the submission of said amendment to the qualified electors of the City of Saginaw, the amendment herein proposed shall be published in full, together with the existing charter provisions which will be repealed thereby, and a notice of said election shall be published in a newspaper of general circulation in the City of Saginaw; and

BE IT FURTHER RESOLVED, that the city clerk shall perform all acts required by City Charter, ordinance or state law for the conduct of this election.

Adopted unanimously.

MOTIONS AND MISCELLANEOUS BUSINESS

Mayor Seals noted under the new Saginaw Economic Development Corporation (SEDC) By-laws, she did need Council's approval for the two appointments she made earlier.



Councilman Branch moved to reappoint Andrew Joseph Dominowski to the SEDC with a term to expire June 30, 2012, and appoint Jeffrey R. Schell to the SEDC to fill a vacancy with a term to expire June 30, 2012, seconded by Councilman Wendt.

Adopted unanimously.

Councilman Wendt added some positive comments about the First Ward Community Center's recreation programs. Encouraged other youth to use the facilities and take part in the daily programs.

Adopted unanimously.

#### ADJOURNMENT

At 8:13 p.m., Councilman Virciglio moved to adjourn the meeting, seconded by Councilman Branch.

Adopted unanimously.

Diane M. Herman  
City Clerk