

# Council Agenda

June 15, 2009, 6:30 p.m., Council Chamber

PRAYER AND PLEDGE OF ALLEGIANCE

ROLL CALL

CORRECTION AND APPROVAL OF MINUTES OF PRECEDING SESSIONS:

January 5, January 12 and January 26, 2009 regular council meetings and January 24, 2009 special council meeting, February 9 and February 23, 2009 regular council meetings.

ANNOUNCEMENTS:

PUBLIC HEARINGS:

1. Amendment to an established Neighborhood Enterprise Zone #10 in the City of Saginaw.

PERSONAL APPEARANCES:

- *(A list will be provided on Monday after 1:00 p.m.)*

REMARKS OF COUNCIL:

PETITIONS:

- 09-13 from Tamar Chipp, Saginaw Community Foundation, requesting permission to erect a banner in the 500 block of Court Street from May 1, 2009 to May 21, 2009 and the 1000 block of East Genesee from June 5, 2009 to July 5, 2009 for the purpose of promoting the 25th Anniversary of the Saginaw Community Foundation.

REPORTS FROM BOARDS AND COMMISSIONS AND COMMITTEES AND APPOINTMENT OF BOARD AND COMMISSION MEMBERS:

From the Boards and Commissions and Committees:

1. Consideration of reappointing Neville Bernard Britto to the Public Libraries of Saginaw Board with a term to expire June 30, 2013.
2. Consideration of appointing John D. L. Humphreys to the Saginaw Riverfront Development Commission to fill a vacancy with a term to expire 04/01/12.
3. Consideration of reappointing William James Ostash to the Historic District Commission with a term to expire February 19, 2009.

## REPORTS FROM MANAGER:

### Management Update:

### Recommended Actions:

1. Recommending that the FOIA Appeal submitted by Mr. Collison be denied.
2. Recommending approval of the proposed severance agreement between the City of Saginaw and Ralph D. Carter, Labor Relations Administrator, and the associated purchase of service credit. This agreement has been approved by the City Manager as to substance and the City Attorney as to form. Further recommend that the City Manager and other appropriate officials be authorized to execute an agreement whereby the city will be reimbursed 50% of the cost of the purchase of this credited service time and to obtain a full release and waiver of claims.
3. Recommending that the agreement with Benefit Administration Services International Corporation ("BASICS") be approved. The agreement has been approved by the City Manager as to substance and the City Attorney as to form. The agreement will allow BASIC to directly assist the City with verification of all dependents enrolled in the City's group health care program. The average cost for each dependent on a health care plan is \$2,400.00 per year. The total, one time cost for BASIC to complete this project is estimated at \$14,000.00 to \$16,000.00. This vendor meets all requirements of the contract compliance provisions. The cost and savings will be spread across all departmental funds.
4. Recommending payment be made to CPS Human Resource Services, Sacramento, CA, in the amount of \$4,682.50 for 400 entry-level firefighter examinations administered on January 8, 2009. CPS Human Resource Services specializes in the needs of government and not-for-profit agencies. This vendor meets the requirements of the contract compliance provisions. Funds are budgeted in the Employee Services Professional Services Account No. 101 1725 701 80 01.
5. Recommending approval of the Mutual Aid Interlocal Agreement with Saginaw County and that the City Manager or his designee be authorized to execute it and any other related agreements. This agreement has been approved by the City Manager as to substance and the City Attorney as to form. By entering into this agreement, the City of Saginaw will ensure assistance from other jurisdictions if it is in need and help to obtain reimbursement from FEMA in situations where it renders assistance to others.
6. Recommending approval of the transfer of ownership of NextG Networks of Illinois, Inc. to new investors. NextG Networks has entered into a standard Right-of-Way Telecommunications Permit with the City pursuant to the Metropolitan Extension Telecommunications Right-of-Way Oversight Act ("METRO Act"). The transfer in ownership will create no change in the operation of NextG.
7. Recommending approval of an Urban Cooperation Agreement between the City of Saginaw and Saginaw Charter Township for sharing the services of the City's electrical inspector. The City's inspector will retain his full time position with the City, including all salary, medical benefits, pension and all other fringe benefits. The City will make him available for assignments in the Township for approximately one-half his work hours and the Township will compensate the City at the rate of \$40,000.00 per year. This agreement

has been approved by the City Manager as to substance and the City Attorney as to form. Funds will be reflected in the General Fund Revenue's – Reimbursement/Inspections Account No. 101-0000-602.68-24 in the amount of \$40,000.00.

8. Recommending approval of the Visiting Artists Residency Agreement between the City of Saginaw and Kevin Collins. Mr. Collins will be paid \$2,000.00, which includes all workshops and transportation. The agreement has been approved by the City Manager as to substance and the City Attorney as to form. Funds for this agreement will be paid by the Saginaw Arts and Enrichment Commission ("SAEC"). The SAEC received a grant from the Harvey Randall Wickes Foundation to fund the residency.
9. Recommending payment be made to Bader Brothers in the amount of \$2,137.90 for emergency repairs to Tractor 819, which is used to cut lots in the weed abatement program. This vendor meets all requirements of the contract compliance provisions. Funds are available in the Motor Vehicle Repair Parts Account No. 661 4480 841 73 12.
10. Recommending that the agreements from Waste Management for citywide departmental trash pick up service be accepted and approved for a period of two years through June 30, 2011 for a total cost of \$2,551.88. This vendor meets all requirements of the contract compliance provisions. Funds for this purchase are available in the following accounts: Sewer and Water Operation and Maintenance Fund Operating Services Account Nos. 590-4821-861-80-05 (\$71.00) and 591-4721-861-80-05 (\$71.00), Facilities Operating Services Account No. 101-7575-821-8005 (\$1,974.00), Police Department Operating Services Building Management Account No. 101-3014-721-8005 (\$311.24), Water Operation and Maintenance Fund Operating Services Account No. 591-4730-861-8005 (\$44.64) and Traffic Engineering Operating Services Account No. 101-4621-791-8005 (\$80.00).
11. Recommending acceptance of the only quote received from System Specialists, Inc. and issuance a purchase order to them in the amount of \$3,493.00 for the purchase of a replacement motor for the Madison gate. The motor, which opens a 30-inch cast iron gate, has failed and needs to be replaced. This vendor meets all requirements of the contract compliance provisions. Funds for this purchase are available in the Sewer Operations & Maintenance Capital Outlay Account No. 590 4835 861 97 05.
12. Recommending acceptance of the only quote received from Martin Control Services and issuance a purchase order to them in an amount not to exceed \$4,880.00 for the labor and parts needed to repair the flow meters at the Salt/Fraser and Hancock retention basis. We are required by the MDEQ, in our NPDES permit, to monitor and report these flows. This vendor meets all requirements of the contract compliance provisions. Funds for this service are available in the Sewer Operations & Maintenance General Repairs Account No. 590 4835 861 80 40.
13. Recommending that the agreement with Hubbell, Roth & Clark, Inc. ("HRC") be approved and a purchase order be issued to them in an amount not to exceed \$175,000.00 to replace the mechanical aerators in the aeration tanks, the sludge collector mechanisms and drives, and effluent weirs and baffles in the secondary treatment stage of the plant with new technology and mechanical equipment. This agreement has been approved by the City Manager as to substance and the City Attorney as to form. This vendor meets all requirements of the contract compliance provisions. Funds are available in the Sewer Operation and Maintenance Engineering Services Account No. 590 4830 861 80 02.

INTRODUCTION OF ORDINANCES:

CONSIDERATION AND PASSING OF ORDINANCES:

RESOLUTIONS:

1. Adopting a final project plan for sewerage facilities improvements project and designating an authorized project representative.
2. Approving the purchase of additional service credit for Ralph Carter, Labor Relations Administrator.

UNFINISHED BUSINESS:

MOTIONS AND MISCELLANEOUS BUSINESS:

Motion to go into a closed session to discuss the negotiation of a collective bargaining agreement.

Darnell Earley  
City Manager

# COUNCIL COMMUNICATION

**From:** The City Manager

**Subject:** BASIC Dependent Verification Audit Agreement

**Manager's Recommendation:**

I recommend that the Agreement with Benefit Administration Services International Corporation ("BASIC") be approved. The Agreement has been approved by me as to substance and the City Attorney as to form.

This vendor meets all requirements of the Contract Compliance Provisions, Title 1, Chapter 14, §14.35-14.44, of the Saginaw Code of Ordinances.

**Justification:**

Through successful negotiations with the collective bargaining units, the City was able to secure the opportunity to conduct annual open enrollments with each employee and dependent(s) enrolled in the City health care program. The Agreement will allow BASIC to directly assist the City with Verification of all dependents enrolled in the City's group health care program. Nationally recognized consultants have determined that 5-15% of dependents covered under an employer's health care plan are actually ineligible for coverage. Further studies indicate the average cost for each dependent on a health care plan is \$2,400.00 per year.

In the past, the City has requested dependent verification on an "as known" basis. However, it has been determined that a (100%) comprehensive dependent verification process is needed to remove ineligible dependents (when applicable). This will provide potential cost savings to the City's health care program.

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BASIC has been the provider for the City, with facilitating the federally required COBRA responsibilities for the City since 1999. In addition, it administers the Prescription Drug reimbursement program and the recent Premium Only Plan designed to allow employees to pay for health care premiums pre-tax. BASIC will provide the administrative services needed to efficiently deliver a quality Dependent Eligibility Verification program.

The necessary program reporting requirements, processing procedures and HIPPA responsibilities, will be handled by BASIC pursuant to the terms of the Agreement. The total, one time cost for BASIC to complete this project is estimated at \$14,000.00 to \$16,000.00. The Return on Investment (ROI) is estimated to be between \$70,000.00 to \$240,000.00 per year. The cost and more importantly, the savings will be spread across all departmental funds.

**Council Action:**

Council \_\_\_\_\_ moved that the recommendation of the City Manager be approved.

# COUNCIL COMMUNICATION

**From:** The City Manager

**Subject:** Flow Meter Repair and Calibration

**Manager's Recommendation:**

I recommend that the quote from Martin Control Services be accepted and a purchase order be issued to them in an amount not to exceed \$4,880.00 for the labor and parts needed to repair the flow meters at the Salt / Fraser and Hancock retention basins.

This vendor meets all requirements of the Contract Compliance Provisions, Title 1, Chapter 14, §14.35-14.44, of the Saginaw Code of Ordinances.

Funds for this service are available in the Sewer Operations and Maintenance General Repairs Account No. 590-4835-861.80-40.

**Justification:**

Each of our seven (7) retention basins has a flow meter for measuring effluent flow. The flow meters at the Salt / Fraser and Hancock basins have been failing intermittently and providing unreliable flow data. We are required by the MDEQ, in our NPDES permit, to monitor and report these flows. Martin Control Services is the factory authorized service agent for Accusonic flow metering systems in our area. Therefore, they are the sole source for the troubleshooting and repair of these meters.

**Council Action:**

Council \_\_\_\_\_ moved that the recommendation of the City Manager be approved.

# COUNCIL COMMUNICATION

**From:** The City Manager

**Subject:** Replacement Motor for Gate Operator

**Manager's Recommendation:**

I recommend that the quote from System Specialties, Inc. be accepted and a purchase order be issued to them in the amount of \$3,493.00 for the purchase of a replacement motor for the Madison gate.

This vendor meets all requirements of the Contract Compliance Provisions, Title 1, Chapter 14, §14.35-14.44, of the Saginaw Code of Ordinances.

Funds for this purchase are available in the Sewer Operations and Maintenance Capital Outlay Account No. 590-4835-861.97-05.

**Justification:**

The motor for the Madison gate, which dewateres the collector sewer, has failed and needs to be replaced. This motor powers the Rotork operator that opens the thirty-inch cast iron gate. The replacement is a Rotork component and is only available from the manufacturer's representative. Therefore, this is a sole source purchase only available from System Specialties, Inc.

**Council Action:**

Council \_\_\_\_\_ moved that the recommendation of the City Manager be approved.



# COUNCIL COMMUNICATION

**From:** The City Manager

**Subject:** Hubbell, Roth and Clark, Inc. Agreement

**Manager's Recommendation:**

I recommend that the Agreement with Hubbell, Roth & Clark, Inc. ("HRC") be approved and a purchase order be issued to them in an amount not to exceed \$175,000.00. This Agreement has been approved by me as to substance by the City Manager and the City Attorney as to form.

This vendor meets all requirements of the Contract Compliance Provisions, Title 1, Chapter 14, §14.35 – 14.44, of the Saginaw Code of Ordinances.

The funds are available in the Sewer Operation and Maintenance Engineering Services Account No. 590-4830-861-8002.

**Justification:**

The City's Wastewater Treatment Plant is nearly 60 years of age. The secondary treatment portion of the plant is nearly 40 years old. The recent construction project at the plant upgraded and refurbished the oldest parts of the plant and replaced some of the original equipment from the 1950's. The proposed projects address replacing the mechanical aerators in the aeration tanks, the sludge collector mechanisms and drives, and effluent weirs and baffles in the secondary treatment stage of the plant with new technology and mechanical equipment.

These projects are eligible for funding consideration under President Obama's American Recovery and Reinvestment Act (ARRA) stimulus package. The funding is administered through the Clean Water State Revolving Fund (CWSRF). The Michigan

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Department of Environmental Quality (MDEQ) accepts project plans and proposals for the CWSRF on a very rigid quarterly schedule. To qualify for the ARRA stimulus money, the project design must be completed and submitted to the MDEQ for the first quarter approval by the end of July. Stimulus funds are only available in the first quarter financing schedule. To promote use of stimulus funds, ARRA has authorized up to forty percent (40%) principle forgiveness of the CWSRF loan. On these projects, the principle forgiveness could save the City of Saginaw more than two million dollars (\$2,000,000.00).

HRC has submitted a proposal for the scope of services required to design the project. The amount of the Agreement would not exceed \$175,000.00.

**Council Action:**

Council \_\_\_\_\_ moved that the recommendation of the City Manager be approved.

# COUNCIL COMMUNICATION

**From:** The City Manager

**Subject:** Emergency Repairs to Tractor 819

**Manager's Recommendation:**

I recommend payment be made to Bader Brothers in the amount of \$2,137.90 for emergency repairs to Tractor 819.

This vendor meets all the requirements of the Contract Compliance Provisions, Title 1, Chapter 14, §14.35 – 14.44, of the Saginaw Code of Ordinances.

Funds for this purchase are available in the Motor Vehicle Repair Parts Account No. 661-4480-841-73-12.

**Justification:**

On May 29, 2009, Purchase Order #38567 was issued for emergency repairs to John Deere Tractor 819. This tractor is used for cutting lots in the weed abatement program and it is imperative to have it serviced as soon as possible. The existing bell housing has cracked. This is an integral part of the tractor's frame. Welding repairs cannot be made, therefore, a new bell housing is required. Bader Brothers is the provider for John Deere parts in our area.

**Council Action:**

Council \_\_\_\_\_ moved that the recommendation of the City Manager be approved.

# COUNCIL COMMUNICATION

**From:** The City Manager

**Subject:** Kevin Collins Visiting Artists Residency Agreement

**Manager's Recommendation:**

I recommend approval of the Visiting Artists Residency Agreement between the City of Saginaw and Kevin Collins. Mr. Collins will be paid \$2,000.00, which includes all workshops and transportation. The Agreement has been approved by me as to substance and the City Attorney as to form.

Funds for the Agreement will be paid by the Saginaw Arts and Enrichment Commission ("SAEC"). The SAEC received a grant from the Harvey Randall Wickes Foundation to fund the residency.

**Justification:**

The SAEC sponsors an annual Visiting Artists Residency Program. This Program sends renown artists into schools and other venues throughout Saginaw County to teach the arts. This year's residency features Kevin Collins, who has participated in the program in the past. A series of five (5) student workshops will be held at the First Ward Community Center over a five (5) week period. The residency will run July 10, 2009 through August 13, 2009 and will conclude with a recital at the annual Children's Picnic on that date.

**Council Action:**

Council \_\_\_\_\_ moved that the recommendation of the City Manager be approved.

# COUNCIL COMMUNICATION

**From:** The City Manager

**Subject:** Approval of Mutual Aid Agreement with Saginaw County

**Manager's Recommendation:**

I recommend Council to approve the Mutual Aid Interlocal Agreement with Saginaw County and that the City Manager or his designee be authorized to execute it and any other related agreements. This Agreement has been approved by the City Manager as to substance and the City Attorney as to form.

**Justification:**

The Federal Emergency Management Agency ("FEMA") has recognized the importance of coordination between state and local governments in the event of a natural or manmade emergency. In addition, the existence of a prior formal agreement will facilitate all participating agencies in receiving full and proper reimbursement for their contributions. The County of Saginaw has proposed a uniform Mutual Aid Interlocal Agreement to accomplish this purpose. By entering into this agreement, the City of Saginaw will ensure assistance from other jurisdictions if it is in need and help it obtain reimbursement from FEMA in situations where it renders assistance to others.

**Council Action:**

Council\_\_\_\_\_ moved the recommendation of the City Manager be approved.

# COUNCIL COMMUNICATION

**From:** The City Manager

**Subject:** Approval of Transfer of Ownership of NEXTG

**Manager's Recommendation:**

I recommend that Council approve the transfer of ownership of NextG Networks of Illinois, Inc. to new investors.

**Justification:**

NextG Networks of Illinois, Inc. has entered into a standard Right-of-Way Telecommunications Permit with the City pursuant to the Metropolitan Extension Telecommunications Right-of-Way Oversight Act ("METRO Act"); Act No. 48 of the Public Acts of 2002, as amended. Pursuant to this permit, NextG must obtain our approval if it transfers its ownership. The parent company of NextG will be transferred to new investors, thereby causing an indirect transfer of ownership of NextG. As a formality, Next G is seeking approval from all entities that issued telecommunications permits. The transfer in ownership will create no change in the operation of NextG.

**Council Action:**

Council \_\_\_\_\_ moved that the recommendation from the City Manager be approved.

# COUNCIL COMMUNICATION

## A RESOLUTION ADOPTING A FINAL PROJECT PLAN FOR SEWERAGE FACILITIES IMPROVEMENTS PROJECT AND DESIGNATING AN AUTHORIZED PROJECT REPRESENTATIVE

**Manager's Recommendation:** Approval of the resolution as follows:

Council \_\_\_\_\_ offered and moved adoption of the following resolution:

WHEREAS, some of the existing sewerage facilities equipment and components have served their useful life and are in need of replacement and improvement; and

WHEREAS, the City of Saginaw authorized Hubbell, Roth & Clark, Inc. to prepare a Project Plan which recommends improvements at the Wastewater Treatment Plant (WWTP), improvements at the Retention Treatment Basins (RTB's), and a new sanitary interceptor sewer river crossing at a total estimated project cost of Forty Nine Million, Three Hundred and Thirty Five Thousand Dollars and 00/100 (\$49,335,000.00); and

WHEREAS, said Project Plan was presented at a Public Hearing held on June 11, 2009 and all public comments have been considered and addressed,

NOW, THEREFORE, BE IT RESOLVED, that the city of Saginaw formally adopts and agrees to implement the selected Alternatives No. 1A, 2A, 3A, 4A, and 5A of the Project Plan. These alternatives include renovation of the WWTP, improvements at the RTB's and a new sanitary interceptor sewer river crossing.

BE IT FURTHER RESOLVED, that the City Manager, a position currently held by Darnell Earley, is designated as the authorized representative for all activities associated with the project referenced above, including the submittal of said Project Plan as the first step in applying to the state of Michigan for a State Revolving Loan to assist the implementation of the selected alternative.

# COUNCIL COMMUNICATION

**From:** The City Manager

**Subject:** Inter Departmental Trash Pick-up for City Offices Only

**Manager's Recommendation:**

I recommend that the Agreements from Waste Management for city wide departmental trash pick up service be accepted and approved for a period of two years through June 30, 2011 for a total cost of \$2,551.88.

The Agreements are approved by me as to substance and the City Attorney as to form. It is further recommended that the City Manager and/or his designee be authorized by City Council to sign all lease agreement documents on behalf of the City.

This vendor meets all requirements of the Contract Compliance Provisions, Title 1, Chapter 14, §14.35-14.44, of the Saginaw Code of Ordinances.

Funds for this purchase are available in the following accounts: Sewer and Water Operation and Maintenance Fund Operating Services Account Nos. 590-4821-861-80-05 (\$71.00) and 591-4721-861-80-05 (\$71.00), Facilities Operating Services Account No. 101-7575-821-8005 (\$1,974.00), Police Department Operating Services Building Management Account No. 101-3014-721-8005 (\$311.24), Water Operation and Maintenance Fund Operating Services Account No. 591-4730-861-8005 (\$44.64) and Traffic Engineering Operating Services Account No. 101-4621-791-8005 (\$80.00).

**Justification:**

On March 23, 2009, Council approved Waste Management as the best low qualified bidder for City Wide Inter Departmental Trash Pick-up for all City Offices. After going through the entire sealed bid process the company never advised the City that we



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had to sign a formal contract until after council had approved the bid. The original bid results were as follows:

	<u>Through 6/30/09</u>	<u>2009-10</u>	<u>2010-11</u>	<u>TOTAL</u>
Waste Management of Michigan Saginaw, MI	\$2,551.88	\$16,062.00	\$16,869.60	\$35,483.48
Republic Services Montrose, MI	\$2,830.00	\$17,366.04	\$18,255.00	\$38,451.04

**Council Action:**

Council \_\_\_\_\_ moved that the recommendation  
of the City Manager be approved.

# COUNCIL COMMUNICATION

**From:** The City Manager

**Subject:** Entry-Level Firefighter Tests

**Manager's Recommendation:**

I recommend that payment be made to CPS Human Resource Services, Sacramento, CA, in the amount of \$4,682.50 for 400 entry-level firefighter examinations administered on January 8, 2009.

This vendor meets all requirements of the Contract Compliance Provisions, Title 1, Chapter 14, §14.35-14.44, of the Saginaw Code of Ordinances.

Funds for these tests are budgeted in the Employee Services Professional Services Account No. 101-1725.701-80.01.

**Justification:**

The City has used this vendor for both police and fire testing for the past 10 years. CPS Human Resource Services specializes in the needs of government and not-for-profit agencies. They provide industry-leading employment testing and assessment services designed to ensure content relevance and provide continuity in our applicant assessment program.

**Council Action:**

Council \_\_\_\_\_ moved that the recommendation of the City Manager be approved.

# COUNCIL COMMUNICATION

**From:** The City Manager

**Subject:** Approval of Urban Cooperation Agreement with Saginaw Charter Township for Sharing Electrical Inspection Services

**Manager's Recommendation:**

I recommend council to approve an Urban Cooperation Agreement between the City of Saginaw and Saginaw Charter Township for sharing the services of an electrical inspector. This Agreement has been approved by the City Manager as to substance and the City Attorney as to form.

Funds will be reflected in the General Fund Revenue's – Reimbursement/Inspections Account No. 101-0000-602.68-24 in the amount of \$40,000.00.

**Justification:**

The City of Saginaw ("City") and Saginaw Charter Township ("Township") have previously cooperated in sharing the services of their electrical inspectors. The inspector for the Township has recently retired and the workload of the positions is now such that the communities believe that both can be adequately served by one full time inspector. The City's inspector will retain his full time position with the City, including all salary, medical benefits, pension and all other fringe benefits. The City will make him available for assignments in the Township for approximately one half his work hours and the Township will compensate the City at the rate of \$40,000 per year.

The two municipalities believe that this will be a cost savings for both communities and it will allow the employee to maintain full time employment. The City and Township have negotiated an Agreement, pursuant to the Urban Cooperation Act, being MCL 124.501, et seq., to provide these electrical inspection services.

**Council Action:**

Council \_\_\_\_\_ moved the recommendation of the City Manager be approved.

# COUNCIL COMMUNICATION

**From:** The City Manager

**Subject:** Authorizing Severance Agreement with Labor Relations Administrator and Purchase of Service Credit

**Manager's Recommendation:**

I recommended approval of the proposed severance agreement between the City of Saginaw and Ralph D. Carter, Labor Relations Administrator, and the associated purchase of service credit. This agreement has been approved by the City Manager as to substance and the City Attorney as to form.

**Justification:**

Appearing on this agenda is a Resolution for the purchase of four (4) months of credited service in the Municipal Employees' Retirement System (MERS) for an employee whose position is being eliminated June 30, 2009.

Due to current and projected budget constraints resulting in retrenchment management for fiscal year 2010 and the foreseeable future, the approved fiscal year 2010 budget includes the elimination of twenty-seven (27) positions, including the Labor Relations Administrator position, which is currently occupied. The incumbent in this position will have approximately twenty-four (24) years and eight (8) months of credited service when the position is eliminated. This circumstance results in the incumbent's ineligibility to retire when the position is eliminated because he will be approximately four (4) months short of reaching eligibility under the MERS pension plan.

In consideration of the employee's nearly 25 years of service and the long term savings resulting from the elimination of this position, I recommend that the City Council approve the Resolution authorizing this purchase. This will enable the incumbent to

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receive the additional four (4) months of credited service, which will allow him to retire from the City, effective July 1, 2009. I further recommend that the City Manager and other appropriate officials be authorized to execute an agreement whereby the City will be reimbursed 50% of the cost of the purchase of this credited service time and to obtain a full release and waiver of claims.

The cost of the credited service time is calculated by MERS to be Ten Thousand Nine Hundred Nineteen Dollars (\$10,919.00), of which the City will be reimbursed Five Thousand Four Hundred Fifty-nine Dollars and Fifty Cents (\$5,459.50), resulting in a net expenditure of Five Thousand Four Hundred Fifty-nine Dollars and Fifty Cents (\$5,459.50).

**Council Action:**

Council \_\_\_\_\_ moved the recommendation of the City Manager be approved.

# COUNCIL COMMUNICATION

**Manager's Recommendation:** Approval of the resolution as follows:

## **RESOLUTION TO PURCHASE ADDITIONAL SERVICE CREDIT**

Council \_\_\_\_\_ offered and moved adoption of the following resolution:

WHEREAS, Ralph D. Carter is to be granted additional credited service time of approximately four (4) months in order to vest him with twenty-five (25) years of service effective July 1, 2009;

NOW, THEREFORE, BE IT RESOLVED, that as provided in the MERS Plan Document, additional service credit is granted to Ralph D. Carter by this Resolution adopted by the City of Saginaw at its meeting of June 15, 2009; and

BE IT FURTHER RESOLVED, that the City of Saginaw shall pay the full amount to purchase the additional credit in a lump sum on or before the termination of his employment by layoff, that the City Manager shall ensure that all processing steps are completed prior to termination; and

BE IT FURTHER RESOLVED, that Ralph D. Carter shall repay to the City of Saginaw one half of this amount, pursuant to the terms of an Agreement entered into by the parties; and

BE IT FURTHER RESOLVED, that the calculation of the actuarial cost is based on the assumptions approved by the Retirement Board on the date the calculation was prepared. Actual future events and experience may result in changes different than those assumed, and liability different than estimated.

# COUNCIL COMMUNICATION

**From:** The City Manager

**Subject:** Daniel Collison Freedom of Information Act Appeal

**Manager's Recommendation:**

I recommend that the FOIA Appeal submitted by Mr. Collison be denied.

**Justification:**

On April 17, 2009, the Saginaw Police Department ("SPD") received a Freedom of Information Act ("FOIA") request from Daniel Collison requesting the following documents:

"A complete copy of all file materials including but not limited to photographs, diagrams, measurements, accident reconstruction report/s, handwritten notes, interviews, written and recorded statements, blood alcohol test reports, toxicology reports, breathalyzer test results, narrative reports, traffic citations issued and UD-10's and any all other information contained within your file."

Subsequently, on April 23, 2009, the SPD sent Mr. Collison a letter denying his request pursuant to MCL 15.243(1)(b)(i). This section states that information is exempt from disclosure because it would interfere with law enforcement proceedings. The SPD denied Mr. Collison's FOIA request because the case is still open. Specifically, the SPD is still investigating the fatal accident, including interviewing witnesses.

A review of this matter discloses that the case is still open and that the SPD has not completed its investigation. Subsequently, the information will be submitted to the Prosecuting Attorney's Office. Disclosure of the information would interfere with law enforcement proceedings pursuant to MCL 15.243(1)(b)(i). Furthermore, disclosure of the information could interfere with the Prosecuting Attorney's Office potential case. It would deprive the defendant of a fair trial pursuant to MCL 15.243(1)(b)(ii) because it could taint a potential jury.

**Council Action:**

Council \_\_\_\_\_ moved that the recommendation of the City Manager be approved.