

Council Agenda

June 29, 2009, 6:30 p.m., Council Chamber

PRAYER AND PLEDGE OF ALLEGIANCE

ROLL CALL

CORRECTION AND APPROVAL OF MINUTES OF PRECEDING SESSIONS:

ANNOUNCEMENTS:

PUBLIC HEARINGS:

PERSONAL APPEARANCES:

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

REMARKS OF COUNCIL:

PETITIONS:

- 09-14 from Robert J. Krohn, President, Saginaw Social Service Club, requesting to be recognized as a nonprofit organization.

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

- Herb Spence, Chairman of the Riverfront Development Commission, will present an update of the Riverfront Development.

From the Boards and Commissions and Committees:

REPORTS FROM MANAGER:

Management Update:

- Peter Ewend, Saginaw Bay Underwriters, to review the insurance renewals.
- Public Services Department presentation on recent media reports regarding the City of Saginaw's Wastewater Treatment Plant CSO discharges into the Saginaw River.

Recommended Actions:

1. Recommending that a public hearing for Community Development Block Grant-R program be set for Monday, July 13th at 6:30 p.m. in the Council Chamber. The public hearing is part of the submission approval for the upcoming 2009-10 Program Year.
2. Recommending that a public hearing for Homeless Prevention – Rapid Housing program be set for Monday, July 13th at 6:30 p.m. in the Council Chamber. The public hearing is part of the submission approval for the upcoming 2009-10 Program Year.
3. Recommending that a budget adjustment be completed to increase the Drug Forfeiture Fund's – Reimbursement revenue line item no. 264 0000 602 6808 from \$0 to \$4,855.00. The adjustment reflects the receipt of a check from the Bay City Police Department.
4. Recommending approval of the year-end budget adjustment.
5. Recommending approval of the State Trunkline Maintenance Contract between the Michigan Department of Transportation and the City of Saginaw (City) for the period commencing October 1, 2009 through September 30, 2014. The City provides routine maintenance such as street patching and sweeping, snow and ice control, right-of-way fencing and guardrail maintenance on the state trunklines within the city limits. The City will be reimbursed by MDOT for the aforementioned work under the five-year contract. Pursuant to the terms of the contract, the City will maintain the following state trunklines for M-13, M-46, M-58 and M-84.
6. Recommending that the Fourth Amendment to the Purchase and Development Agreement with Wolgast Corporation be approved and that the City Manager or his designee be authorized to execute all documents necessary.
7. Recommending approval of the insurance proposals under Lloyd's of London for the City's General Liability, Law Enforcement Liability, Public Officials Liability and Automobile Liability; with Amerisure Insurance Company for Automobile Physical Damage; with Safety National Casualty Corporation for Excess Workers' Compensation & Employers Liability; and with Lexington Insurance Company for an Excess Liability Policy effective July 1, 2009 through July 1, 2010, and that the City Manager and/or his designee, be authorized to execute any and all necessary insurance documents. Coverage documents, policy changes and contracts to implement the new insurance are approved subject to the City Manager's approval as to substance and the City Attorney's approval as to form. Funds for the insurance premiums are budgeted and spread over all departmental budgets. General and excess liability policies are charged against the division and/or department's budget pursuant to its size. Auto physical damage is charged to each division and/or department based on the number of vehicles assigned.
8. Recommending acceptance of the low bid and issuance of purchase orders to Cintas Corporation for each respective department in the amount of \$22,118.20 for fiscal years 2009-10, 2010-11 and 2011-12, totaling \$66,354.60 for uniform rental services. Funds are available in the following Other Services/Operating Services Accounts: Police Department Account No. 101-3014-721-8005 (\$179.40), Water Operation and Maintenance Account No. 591-4730-861-8005 (\$2805.40), Sewer Operation and Maintenance Account Nos. 590-4830-861- 8005 (\$6,899.25) & 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), Cemeteries Account No. 101-1747-821-8005 (\$196.56)

9. Recommending acceptance of the offer from TBF Graphics to extend their current agreement for printing citywide letterhead, envelopes and business cards for one year using this year's pricing through June 30, 2010. The estimated cost for this service is \$7,840.00. Funds are available in the various departmental printing budgets.
10. Recommending that a blanket purchase order be approved and issued to Scott's Tire Company, the state bid supplier, in the amount of \$8,500.00 for patrol and administration tire maintenance of the police department's motor vehicle fleet. Funds are budgeted in the Police Department's Motor Vehicle Repairs Account No. 101 3014 721 7312.
11. Recommending that a blanket purchase order be approved and issued to Larry's Auto Parts in the amount of \$9,500.00 for parts and supplies for routine maintenance of the police department's motor vehicle fleet for fiscal year 2010. Funds are budgeted in the Police Department's Motor Vehicle Supplies Account No. 101 3014 721 7312.
12. Recommending that a purchase order be approved and issued to Hastings Air Energy Control in the amount of \$2,500.00 for the annual maintenance and repair to the fire department's plymovent system for fiscal year 2010. This system is required to keep exhaust fumes from fire apparatus diesel engines from building up in the fire station. Hastings is the only vendor with the capabilities of maintaining or repairing this type of ventilation system. Funds are budgeted in the Fire Department Operating Services Account No. 101 3754 751 8005.
13. Recommending that a purchase order be approved and issued to Douglass Safety Systems in the amount of \$3,300.00 for the purchase of required replacement parts for fiscal year 2010 for the fire department's self-contained breathing apparatus, which is used as personal protective equipment that is worn in hazardous environments. Funds are available in the Fire Department's Parts and Supplies Account No. 101 3751 751 7330.
14. Recommending that purchase orders be approved and issued to both Delta Door and Overhead Door for \$3,000.00 each, totaling \$6,000.00, for emergency repairs for the overhead doors at all four fire stations for fiscal year 2009-10. Funds are budgeted in the Fire Department's Operating Services Account No. 101 3751 751 8005.
15. Recommending that a purchase order be approved and issued to Warwick Cleaners in the amount of \$7,000.00 for annual dry cleaning services for the fire department for fiscal year 2009-10. This service is required by the contract between Local Union 102 and the City of Saginaw. Funds are budgeted in the Fire Department's Operating Services Account No. 101 3751 751 8005.
16. Recommending that a purchase be approved and issued to Scott Tire Company, the state bid supplier, in the amount of \$10,000.00 to purchase tires for the fire department's fleet of apparatus for fiscal year 2009-10. Funds are budgeted in the Fire Department's Motor Vehicle Supplies Account No. 101 3754 751 7312.
17. Recommending that a purchase order be approved and issued to Douglass Safety Systems LLC in the amount of \$14,968.75 for the purchase of 125 buckets of micro blaze out foam for fiscal year 2009-10. Micro blaze out foam enhances the penetration of water during extinguishment and can be used for hazardous waste clean up from vehicle accidents. Douglass Safety Systems LLC is the lone supplier of this product. Funds are budgeted and available in the Fire Suppression Parts and Supplies Account No. 101 3751 751 7330.

18. Recommending that a purchase order be approved and issued to Douglass Safety Systems, Inc. in the amount of \$20,000.00 for various pieces of personal protective equipment for fiscal year 2009-10. Funds are budgeted in the Fire Department's Clothing Supplies Account No. 101 3752 751 7303.
19. Recommending that purchase orders be approved and issued to Metropolitan Uniform Company in the amount of \$31,894.50 for fiscal year 2010, \$31,894.50 for fiscal year 2011 and \$33,036.00 for fiscal year 2012 to purchase uniforms for the fire department on an as-needed basis. Metropolitan was the only bidder. Funds are budgeted in the Fire Suppression Clothing Supplies Account No. 101 3751 751 7303.
20. Recommending that blanket purchase orders be issued to Frontline Services of Freeland, MI in the amount of \$100,000 and Diesel Truck Sales of Saginaw, MI in the amount of \$40,000 to provide repair and preventative maintenance of the fire department's apparatus. These vendors possess the expertise necessary for the operations of the fire department. Funds are budgeted and available in the Fire Department Motor Vehicle Repairs Account No. 101 3754 751 8042.
21. Recommending that a purchase order be approved and issued to HACH Company in the amount of \$3,923.00 for fiscal year 2010 for the Water Treatment Plant's quarterly servicing, calibration and all replacement and repair parts. Funds are budgeted in the Water Operation and Maintenance Operating Services Account No. 591 4730 861 8005.
22. Recommending issuance of a purchase order to Gwyer Reprographics in the amount of \$5,000.00 for fiscal year 2009-10 for blueprint and plotter supplies to be used by the engineering division. Funds are budgeted in the Engineering Office Supplies Account No. 101 4611 781 7320.
23. Recommending issuance of a purchase order to HACH Company in the amount of \$2,376.56 for fiscal year 2010. The Water Treatment Plant performs Total Organic Carbon, Free Chlorine Residual and Turbidity analyses using HACH Company on-line and benchtop instruments. Since these analyzers require the use of HACH Company chemical reagents, the competitive bidding process was waived. Funds are budgeted in the Water Treatment Operations Account No. 591 4730 861 8005.
24. Recommending acceptance of the low bid and issuance of purchase orders to Alexander Chemical Corporation for the purchase of chlorine in the amounts of \$10,680.00 for the Water Treatment Plant and \$23,496.00 for the Wastewater Treatment Plant for a total of \$34,176.00. Funds are budgeted in the Water Operation and Maintenance Fund Chemicals/Supplies Account No. 591 4730 861 7302 (\$10,680.00) and the Sewer Operation and Maintenance Fund Account Chemicals/Supplies Account No. 590 4830 861 7302 (\$23,496.00).
25. Recommending acceptance of the low bid and issuance of a purchase order to George Electric in the amount of \$12,954.47 for an annual supply of various vehicle filters to be used by the Right of Way Division. Funds are budgeted in the Motor Pool Operation Motor Vehicle Supplies Account No. 661 4480 841 7312.
26. Recommending that a purchase order be approved and issued to P. K. contracting, Inc. in the amount of \$17,761.48 for fiscal year 2010 for pavement marking services on citywide major streets and bridges. Funds are budgeted in the Major Streets Fund Account No. 202 4621 791 7330.
27. Recommending acceptance of a quote and issuance of a purchase order to Waste Management for fiscal year 2010 in an amount not to exceed \$20,000.00 for the purchase

of mixed waste and recycling containers. The Streets Section of the Right of Way Division is reestablishing a convenience station at the Public Works Service Center. These containers will be available for residents on a monthly basis. Funds are budgeted in the Rubbish Collection Operating Services Account No. 226 4582 841 8005.

28. Recommending issuance of a purchase order to D. S. Power in the amount of \$20,310.00 fiscal year 2009-10 for pole setting services for the Traffic Engineering Division. These services are provided on an as-needed basis for the Traffic Engineering Division. Funds are budgeted in the Street Lighting Operations Account No. 101 4620 791 8005, Traffic Engineering Operations Account No. 101 4621 791 8005 and Major Streets Operations Account No. 202 4621 791 8005.
29. Recommending that the Engineering Department be authorized to issue individual purchase orders of varying amounts up to the authorized amount of \$28,665.00 for fiscal year 2009-10 to Professional Services Industries for materials testing services for the Engineering Division. Funds are budgeted in various operations and project accounts and will be charged as they develop.
30. Recommending that a purchase order be approved and issued to ComSource, Inc., in the amount of \$30,000 to provide repair service to the City's radio communication equipment. Funds are budgeted in the Traffic Engineering's Radio Operations Fund Account No. 660 4422 791 8040.
31. Recommending acceptance of the low bid and issuance of a purchase order to Alexander Chemical in the amount of \$135,830.00 for the supply and delivery of 170 tons of hydrofluosilicic acid from July 1, 2009 through June 30, 2009. Funds are budgeted in the Water Treatment Operation Account No. 591 4730 861 7302.
32. Recommending approval of the engineering firms professional services agreements with Rowe Incorporated of Flint, MI; William A. Kibbe & Associates, Inc, of Saginaw, MI; Spicer Group of Saginaw, MI; and Wade Trim of Bay City, MI for general engineering services. Further recommend that the city engineer be authorized to approve and issue individual purchase orders of varying amounts up to the authorized amount of \$500,000.00 from July 1, 2009 through June 30, 2010. The terms of the agreements are for five years. The services of the firms are necessary to support city engineering staff to carry out the duties and responsibilities of the Engineering Division whenever workloads demands the addition of the consultant's staff and expertise. The city engineer will distribute work between the four firms on a rotational basis for small projects and distribute work on a competitive basis for larger projects.

INTRODUCTION OF ORDINANCES:

CONSIDERATION AND PASSING OF ORDINANCES:

RESOLUTIONS:

1. Authorizing Mt. Olive Baptist Church to use amplifying equipment on North Sixth Avenue between Norman and Farwell Streets to host a picnic on August 9, 2009.
2. Authorizing the sale of alcoholic beverages by the Drunken Monkey Tattoo Shop on public property in the 300 block of South Hamilton between Van Buren and Cass Streets during its annual fundraiser on August 1, 2009.

3. Authorizing the Drunken Monkey Tattoo Shop to use amplifying equipment in the 300 block of South Hamilton between Van Buren and Cass Streets during its annual fundraiser on August 1, 2009.
4. Approving the Michigan Department of Transportation State Trunkline Maintenance Contract.
5. Approving the request from the Saginaw Social Service Club of the City of Saginaw and County of Saginaw to be recognized as a nonprofit organization operating in the community for the purpose of obtaining charitable gaming licenses.
6. Resolution approving ballot language for Charter Amendments.

UNFINISHED BUSINESS:

MOTIONS AND MISCELLANEOUS BUSINESS:

Darnell Earley
City Manager

COUNCIL COMMUNICATION

From: The City Manager

Subject: Mixed Waste and Recycling Containers

Manager's Recommendation:

I recommend acceptance of a quote and issuance of a purchase order to Waste Management for fiscal year 2010 in an amount not to exceed \$20,000.00 for the purchase of mixed waste and recycling containers.

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 budgeted in the Rubbish Collection Operating Services Account No. 226-4582-841-80-05.

Justification:

Waste Management is our current provider for curbside rubbish and yard waste pickup through 2014, with a contract through the Mid Michigan Waste Authority, of which the City of Saginaw is a member. The Streets Section of the Right-of-Way Division is re-establishing a convenience station at the Public Works Service Center. A 30-yard mixed waste container and a 25 cubic yard compartmentalized recycling box with monthly pickup will be available for residents on a monthly basis. The schedule is based on 12 monthly pickups with 2 additional pickups for cleanup week. Additional funds are to add more containers and boxes if the demand presents itself. The initial costs are as follows:

30 Yard Container	Rent \$50.00/Month	\$ 600.00
	Haul and Disposal/Load (\$275.00 x 14)	\$3,850.00
25 Yard Recycling	Rent \$100.00/Month	\$1,200.00
	Haul to FCR (\$225.00 x 14)	<u>\$3,150.00</u>
	Total	<u>\$8,800.00</u>

Council Action:

Council _____ moved to accept the recommendation of the City Manager.

COUNCIL COMMUNICATION

From: The City Manager

Subject: Pole Setting

Manager's Recommendation:

I recommend a purchase order be issued to D.S. Power in the amount of \$20,310.00 for fiscal year 2009-2010 for pole setting for the Traffic Engineering Division.

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 budgeted in the following accounts: Street Lighting Operations, Account No. 101-4620-791-80.05, Traffic Engineering Operations, Account No. 101-4621-791-80.05 and Major Streets Operations, Account No. 202-4621-791-80.05.

Justification:

On June 15, 2004, the City received bids for pole setting for the Traffic Engineering Division from July 1, 2004 through June 30, 2006. There was a provision for a third year (July 1, 2006 through June 30, 2007) to hold the second year price and the company complied. The company also held the price for the 2008-09 fiscal years. D. S. Power was asked if they would honor the current bid prices for an additional year, and they have complied with the request. These services are provided on an as-needed basis for the Traffic Engineering Division. Some of these costs will be reimbursed through successful claims against property damage offenders.

Council Action:

Council _____ moved that the recommendation of the City Manager be approved.

COUNCIL COMMUNICATION

From: The City Manager

Subject: Tires for Police Pursuit Vehicles

Manager's Recommendation:

I recommend that a blanket purchase order be approved and issued to Scott's Tire Company, the state bid supplier, in the amount of \$8,500.00 for patrol and administration tire maintenance of the police department's motor vehicle fleet.

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 budgeted in the Saginaw Police Department's Motor Vehicle Supplies, Account No. 101-3014-721.73-12.

Justification:

The Saginaw Police Department's garage serviceperson performs tire replacement and repair on the department's fleet utilizing these tire supplies. Maintaining proper care of tires on the department's motor vehicle fleet is necessary and critical for the safety of the department's personnel.

Council Action:

Council _____ moved that the recommendation of the City Manager be approved.

COUNCIL COMMUNICATION

From: The City Manager

Subject: Police Pursuit Vehicle Repair Parts

Manager's Recommendation:

I recommend that a blanket purchase order be approved and issued to Larry's Auto Parts in the amount of \$9,500.00 for parts and supplies for routine maintenance of the police department's motor vehicle fleet for fiscal year 2010.

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 budgeted in the Saginaw Police Department's Motor Vehicles Supplies, Account No. 101-3014-721.73-12.

Justification:

The Saginaw Police Department's garage serviceperson performs maintenance and repair on the department's fleet utilizing these parts and supplies. These repairs reduce the amount of time the vehicle is out of service and eliminates additional mechanical service charges.

Council Action:

Council _____ moved that the recommendation of the City Manager be approved.

COUNCIL COMMUNICATION

From: The City Manager

Subject: HACH TOC Field Service Plan

Manager's Recommendation:

I recommend that a purchase order be approved and issued to HACH Company in the amount of \$3,923.00 for fiscal year 2010 for the Water Treatment Plant's quarterly servicing, calibration and all replacement and repair parts.

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 budgeted in the Water Operation & Maintenance Operating Services Account No. 591-4730-861.80-05.

Justification:

The Water Treatment Plant performs Total Organic Carbon (TOC) analyses using a HACH Company on-line instrument. TOC analysis of finished water is an indication of water quality. This analyzer receives periodic servicing by a HACH technician under a Field Service Plan (FSP), which will provide quarterly servicing, calibration and all replacement and repair parts. The quoted price is an increase of 15.7% over the price paid for a plan with biannual service visits during fiscal year 2008-2009.

Council Action:

Council _____ moved that the recommendation of the City Manager be approved.

COUNCIL COMMUNICATION

From: The City Manager

Subject: Pavement Markings

Manager's Recommendation:

I recommend that a purchase order be approved and issued to P. K. Contracting, Inc. in the amount of \$17,761.48 for fiscal year 2009-2010 for pavement marking services on citywide major streets and bridges.

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 Major Streets Fund Account No. 202-4621-791-73.30.

Justification:

On June 15, 2004, the City received bids for the citywide pavement marking 2004-2006 projects. There was a provision for a third year (July 1, 2006 to June 30, 2007) to hold the second year prices and the company complied. They also held the price for the 2008-2009 fiscal years. The company was asked if they would honor the current bid prices for an additional year and they have complied with the request. This is for sprayable pavement marking services for the Traffic Engineering Section. The pavement marking are necessary to annually improve worn pavement markings on citywide major streets and bridges.

Council Action:

Council _____ moved that the recommendation of the City Manager be approved.

COUNCIL COMMUNICATION

From: The City Manager

Subject: Authorization to Allow the Drunken Monkey Tattoo Shop to Use Amplifying Equipment in the 300 Block of South Hamilton Between Van Buren and Cass Streets

Manager's Recommendation:

I recommend approval of the attached resolution authorizing the use of amplifying equipment for a special event sponsored by the Drunken Monkey Tattoo Shop ("Drunken Monkey") in the 300 block of South Hamilton Street between Cass and Van Buren streets, which is publicly owned property, on August 1, 2009.

Justification:

On August 1, 2009, the Drunken Monkey will sponsor its annual fundraiser, Altered Skin Revolution, in the 300 block of South Hamilton Street between Cass and Van Buren streets, which is publicly owned property. The Drunken Monkey has requested pursuant to a Block Party Permit that the City allow it to use amplifying equipment during the fundraiser. Furthermore, per the Block Party Permit, the event sponsor obtained neighbors' signatures granting permission to close the streets on August 1, 2009.

Council Action:

Council _____ moved the recommendation of the City Manager be approved and that a resolution be adopted.

COUNCIL COMMUNICATION

RESOLUTION TO AUTHORIZE THE DRUNKEN MONKEY TATTOO SHOP TO USE AMPLIFYING EQUIPMENT IN THE 300 BLOCK OF SOUTH HAMILTON BETWEEN VAN BUREN AND CASS STREETS

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

Council _____ offered and moved adoption of the following resolution:

WHEREAS, the Drunken Monkey Tattoo Shop ("Drunken Monkey") plans to host a fundraiser, Altered Skin Revolution, in the 300 block of South Hamilton Street between Van Buren and Cass streets on August 1, 2009; and

WHEREAS, the Drunken Monkey has requested that it be allowed to use amplifying equipment during the fundraiser; and

WHEREAS, the Drunken Monkey obtained the signatures of neighboring residents; and

WHEREAS, City Council can provide authorization for the use of amplifying equipment on public property.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Saginaw hereby authorizes the use of amplifying equipment on public property during the fundraiser to be held on August 1, 2009, in the 300 block of South Hamilton between Van Buren and Cass streets.

COUNCIL COMMUNICATION

From: The City Manager

Subject: Authorization to Allow the Sale of Alcoholic Beverages in the 300 Block of South Hamilton Between Van Buren and Cass Streets

Manager's Recommendation:

I recommend approval of the attached resolution authorizing the sale of alcoholic beverages in the 300 block of South Hamilton between Van Buren and Cass streets, which is public property, during the annual Altered Skin Revolution fundraiser sponsored by the Drunken Monkey Tattoo Shop ("Drunken Monkey"), to be held on August 1, 2009.

Justification:

On August 1, 2009, the annual Altered Skin Revolution fundraiser sponsored by the Drunken Monkey will be held in the 300 block of South Hamilton, between Van Buren and Cass streets. The Drunken Monkey has requested that the City allow it to provide alcoholic beverages to its guests for sale during this special event. Title XIII, Section 132.01(C) of the Saginaw Code of Ordinances states that City Council can authorize the consumption of alcoholic beverages on public property if the vendor provides the following to the City:

- (1) The precise location where said beverages are to be sold and consumed;
- (2) The dates and times for said activities;
- (3) A proper state license for the sale and consumption of alcoholic beverages at the place and times listed in subsection (1) and (2) above;
- (4) Adequate public liability and property damage insurance for the benefit of the City with a company licensed to sell insurance by the state;
- (5) Such other insurance as the City Council deems adequate for the benefit of the City;

COUNCIL COMMUNICATION

- (6) Adequate personnel to control the premises where the alcoholic beverages are to be sold and consumed; and
- (7) Such other reasonable requirements as said City Council deems appropriate.

The Drunken Monkey will provide the proper documents to the City by July 17, 2009. If it fails to provide the documentation by the date specified, the event sponsor will not be allowed to sell alcoholic beverages in the 300 block of South Hamilton between Van Buren and Cass streets on August 1, 2009. The City has set insurance requirements and all insurance certificates must be reviewed and approved by the City Attorney prior to the event.

Council Action:

Council _____ moved that this communication be received and filed.

COUNCIL COMMUNICATION

RESOLUTION TO PERMIT THE SALE OF ALCOHOLIC BEVERAGES BY THE DRUNKEN MONKEY TATTOO SHOP ON PUBLIC PROPERTY IN THE 300 BLOCK OF SOUTH HAMILTON BETWEEN VAN BUREN AND CASS STREETS

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

Council _____ offered and moved adoption of the following resolution:

WHEREAS, the Drunken Monkey Tattoo Shop ("Drunken Monkey") plans to host its annual Altered Skin Revolution fundraiser in the 300 block of South Hamilton Street between Van Buren and Cass Streets on August 1, 2009; and

WHEREAS, the Drunken Monkey has requested that it be allowed to sell alcoholic beverages on public property; and

WHEREAS, City Council can provide authorization for the sale of alcoholic beverages on public property; and

WHEREAS, the Drunken Monkey must provide certain documents prior to the event.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Saginaw hereby authorizes the sale of alcoholic beverages on public property during the Altered Skin Revolution fundraiser to be held on August 1, 2009, in the 300 block of South Hamilton Street between Van Buren and Cass streets, provided that the Drunken Monkey provides the mandatory information listed in Title XIII, Section 132.01(C) of the Saginaw Code of Ordinances no later than July 17, 2009, to the proper City officials.

BE IT FURTHER RESOLVED, if the Drunken Monkey does not provide the documents by July 17, 2009, it will not be allowed to sell alcoholic beverages in the 300 block of South Hamilton between Van Buren and Cass streets during the Altered Skin Revolution fundraiser.

BE IT FURTHER RESOLVED, that all insurance requirements have been set by the City and all insurance certificates must be reviewed and approved by the City Attorney prior to the event.

COUNCIL COMMUNICATION

COUNCIL COMMUNICATION

From: The City Manager

Subject: Insurance proposals for the City's General Liability, Law Enforcement Liability, Public Official Liability and Automobile Liability, Automobile Physical Damage, Excess Workers Compensation and an Umbrella Liability Policy

Manager's Recommendation:

I recommend approval of the insurance proposals under Lloyd's of London for the City's General Liability, Law Enforcement Liability, Public Officials Liability and Automobile Liability; with Amerisure Insurance Company for Automobile Physical Damage; with Safety National Casualty Corporation for Excess Workers' Compensation & Employers Liability; and with Lexington Insurance Company for an Excess Liability Policy effective July 1, 2009 through July 1, 2010, and that I, and/or my designee, be authorized to execute any and all necessary insurance documents under the plans as necessary throughout the policy term, including, but not limited to, removing and/or adding automobiles as the City acquires and/or disposes of same.

Coverage documents, policy changes and contracts to implement the new insurance are approved subject to the City Manager's approval as to substance and the City Attorney's approval as to form.

Funds for the insurance premiums are budgeted and spread over all departmental budgets. General and excess liability policies are charged against the division and/or department's budget pursuant to its size. Auto physical damage is charged to each division and/or department based on the number of vehicles assigned.

Justification:

Recently, Saginaw Bay Underwriters obtained quotes from the City's current insurance providers for General Liability, Law Enforcement Liability, Public Officials Liability, Automobile Liability, Automobile Physical Damage, Excess Workers' Compensation Liability and an Umbrella Liability Policy for Excess General Liability, Public Officials Liability and Auto Liability. Saginaw Bay Underwriters generally seeks quotes from multiple agencies every two to three years. Since such quotes were obtained last year, they only sought quotes from the insurance carriers established last year. The City has a good working relationship with these carriers in handling claims

COUNCIL COMMUNICATION

and lawsuits and the quotes received were comparable to those of the industry standards. The overall quotes will be a decrease in insurance premiums from the prior fiscal year. A further explanation of the quotes received is as follows:

<i>Description of Coverage</i>	<i>Expiring Premium 07/08</i>	<i>Expiring Premium 07/09</i>	<i>Expiring Premium 07/10</i>
General Liability, Law Enforcement Liability, Public Officials Liability and Automobile Liability	<u>Genesis</u> \$283,364 \$250,000 SIR	<u>Lloyd's</u> \$230,000 \$250,000 SIR	<u>Lloyd's</u> \$218,500 \$250,000 SIR
Surplus Lines Tax		\$5,750	\$5,463
Automobile Physical Damage	<u>Amerisure</u> \$135,121 \$1,000 deductible City at fault	<u>Amerisure</u> \$130,217 (219 vehicles) \$1,000 deductible City at fault	<u>Amerisure</u> \$131,536 (223 vehicles) \$1,000 deductible City at fault
Excess Worker's Compensation	<u>Safety National</u> \$34,031	<u>Safety National</u> \$33,987	<u>Safety National</u> \$33,987
Umbrella Surplus Lines Tax	\$259,764	\$200,000 \$5,000	\$190,000 \$4,750
Total Estimated Premium	\$712,280	\$604,954	\$584,236
Savings over prior term		(\$107,326)	(\$20,718)

Lloyd's of London: The premium for the City's General Liability, Law Enforcement Liability, Public Officials Liability and Automobile Liability coverage is \$218,500. This is a decrease in premium of \$5,463 over last year. The self-insured retention for these policies (\$250,000) remains unchanged.

Amerisure Insurance Company. The premium for the City's auto physical damage coverage is \$131,536. This is an increase in the premium of \$1,319, however, premiums are set by the number of vehicles insured and the policy covers four (4) additional vehicles. This quote is based on maintaining the \$1,000 deductible when the City driver is at fault.

COUNCIL COMMUNICATION

Safety National Casualty Corporation. This is the carrier for the Excess Workers' Compensation and Employer Liability coverage. The quote received was \$33,987, which is the same as last year for the same coverage.

Lexington Insurance Company. This is the Umbrella Liability Policy, providing an additional \$20,000,000 in liability coverage for General Liability, Public Officials Liability and Auto Liability. Coverage is the same as last year and the premium quoted is \$190,000, plus \$4,750 for surplus lines tax. This is an overall savings of \$10,250 from last years cost.

All insurance carriers have excellent ratings according to the Best Guide, which determines the financial stability of insurance companies.

As in the past, the City has opted to exclude coverage for terrorism losses under the Terrorism Risk Insurance Act of 2002. This election was made due to the fact that the "act of terrorism" only covers an act that is certified by the Secretary of the Treasury in concurrence with the Secretary of State, and the Attorney General of the United States.

Council Action:

Council _____ moved that the recommendation from the City Manager be approved.

COUNCIL COMMUNICATION

From: The City Manager

Subject: Material Testing Services

Manager's Recommendation:

I recommend that the Engineering Department be authorized to issue individual purchase orders of varying amounts up to the authorized amount of \$28,665.00 for fiscal year 2009-2010 to Professional Services Industries.

This vendor meets all requirements of §14.23, "Vendors", 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 various operations and project accounts and will be charged as they develop.

Justification:

On June 15, 2004, the City received bids for materials testing services for the Engineering Division from July 1, 2004 through June 30, 2006. There was a provision for a third year (July 1, 2006 to June 30, 2007) to hold the second year prices and they complied. They were asked if they would honor the current bid prices for an additional two years and they have complied with the request and also to hold the same prices for fiscal year 2009-2010. The testing services are necessary for quality control of major and local streets resurfacing projects and other city projects. Some projects will use federal funds and the Federal Highway Administration requires that all construction materials be tested during production and placement.

Council Action:

Council _____ moved that the recommendation of the City Manager be approved.

COUNCIL COMMUNICATION

From: The City Manager

Subject: Repair service for the City's radio communication equipment.

Manager's Recommendation:

I recommend that a purchase order be approved and issued to ComSource, Inc., in the amount of \$30,000.00 (\$27,000 to cover costs for radio repair service, plus an additional \$3,000 for replacement parts) for fiscal year 2009-10.

This vendor meets all requirements of §14.23, "Vendors", 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 budgeted in Traffic Engineering's Radio Operations Fund Account No. 660-4422-791-8040.

Justification:

On June 21, 2005, the City of Saginaw received bids to provide repair service for their radio communications equipment from July 1, 2005 through June 30, 2007. The company was asked if they would honor the current bid prices for an additional two years and they have complied with the request and also to hold the same prices for fiscal year 2009-2010. The bids quoted were per each and hourly rates on an "as needed basis" to service the 560 +/- pieces of equipment used citywide, including radio base stations and antennas. These services include all radio communication equipment for public services, police and fire. Bidders were requested to quote a discount rate for replacement parts, the cost of which is not included in the service rates. Radio service was first contracted for during fiscal year 1989-90 and it has proven to be cost effective since its inception. This bid will continue the current manner of radio service.

Council Action:

Council _____ moved that the recommendation of the City Manager be approved.

COUNCIL COMMUNICATION

From: The City Manager

Subject: Blueprint and Plotter Supplies

Manager's Recommendation:

I recommend that a purchase order be issued to Gwyer Reprographics in the amount of \$5,000 for fiscal year 2009-2010.

This vendor meets all requirements of §14.23, "Vendors", 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 material are budgeted in the Engineering Office Supplies Account 101-4611-781-73.20

Justification:

On June 15, 2004, The City received a single bid for Blueprint and Plotter Supplies to be used by the Engineering Division from July 1, 2004 through June 30, 2006. There was a provision for a third year (July 1, 2006 through June 30, 2007) to hold the second year price and the company complied. The company also held the price for the 2008 through 2009 Fiscal years.

The company was asked if they would honor the current bid prices for an additional year and they have complied with the request. These supplies are necessary for the operation of the Engineering Division's plotter and blueprint equipment.

Council Action:

Council _____ moved that the recommendation of the City Manager be approved.

COUNCIL COMMUNICATION

From: The City Manager

Subject: Annual Supply of Vehicle Filters

Manager's Recommendation:

I recommend acceptance of the low bid and issuance of a purchase order to George Electric in the amount of \$12,954.47 for an annual supply of vehicle filters for fiscal year 2010.

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 budgeted in the Motor Pool Operation Motor Vehicle Supplies Account No. 661-4480-841.73-12.

Justification:

On July 15, 2008, the City of Saginaw received bids for the purchase of various vehicle filters. The oil filters, fuel filters and transmission filters will be used in the Municipal Garage for the period of July 1, 2009 through June 30, 2010. These are replacement filters for the Right of Way Division, Motor Equipment Section of the Public Services Department. The bids received are as follows:

George Electric Saginaw, MI	\$12,954.47
Larry's Auto Supply Saginaw, (In-City)	\$15,003.32

Council Action:

Council _____ moved that the recommendation of the City Manager be approved.

COUNCIL COMMUNICATION

From: The City Manager

Subject: Michigan Department of Transportation State Trunkline Maintenance Contract (M-13, M-46, M-58 and M-84)

Manager's Recommendation:

I recommend approval of the State Trunkline Maintenance Contract ("Contract") between the Michigan Department of Transportation ("MDOT") and the City of Saginaw ("City") for the period commencing October 1, 2009 through September 30, 2014. The Contract has been approved by the City Manager as to substance and the City Attorney as to form. A resolution approving the Contract is listed under the regular order of business.

It is further recommended that the resolution approving the Contract be adopted. Moreover, MDOT requires that the resolution contain language designating a City employee as Maintenance Supervisor for the state trunklines and that the person be designated to sign the annual Letter of Understanding. The resolution designates, the Assistant Superintendent of Right of Way as the Maintenance Supervisor and the person authorized to sign the annual Letter of Understanding.

Justification:

The City provides routine maintenance such as street patching and sweeping, snow and ice control, right-of-way fencing and guardrail maintenance on the State trunklines within the City limits. In addition, the City maintains the traffic signals, signs and drainage fixtures. Furthermore, the City performs tree trimming and grass cutting duties. The City will be reimbursed by MDOT for the aforementioned work under the five year Contract. Pursuant to the terms of the Contract, the City will maintain the following state trunklines, for M-13, M-46, M-58 and M-84.

Council Action:

Council _____ moved that the recommendation of the City Manager be approved.

COUNCIL COMMUNICATION

A RESOLUTION TO APPROVE THE MICHIGAN DEPARTMENT OF TRANSPORTATION STATE TRUNKLINE MAINTENANCE CONTRACT (M-13, M-46, M-58 AND M-84)

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

Council _____ offered and moved adoption of the following resolution:

WHEREAS, a Maintenance Contract has been submitted by the Michigan Department of Transportation, which requires the City of Saginaw to adopt a resolution indicating its willingness to maintain the State Trunklines: M-13 (Washington), M-46 (Rust/Gratiot), M-58 (State & Davenport) and M-84 (Bay); and

WHEREAS, future maintenance of the State Trunklines will be performed by the City of Saginaw for the duration of the Contract; and

WHEREAS, participation by the City of Saginaw will help keep vehicular traffic safe on the State Trunklines; and

WHEREAS, the City of Saginaw's Assistant Superintendent of Right of Way is designated as Maintenance Superintendent on the sections of State Trunkline Highways as shown on the Municipal Route Section Map and Budget Streets; and

WHEREAS, the City of Saginaw's Assistant Superintendent of Right of Way is designated as the representative to sign the annual Letter of Understanding; and

WHEREAS, the Contract has been approved by the City Manager as to substance and by the City Attorney as to form.

NOW, THEREFORE, BE IT RESOLVED, that the following City officials, the Mayor, City Clerk, City Manager and City Attorney be authorized to execute said Maintenance Contract on behalf on the City of Saginaw.

COUNCIL COMMUNICATION

From: The City Manager

Subject: Water Treatment Plant Hydrofluosilicic Acid Purchase, Joint-Bid

Manager's Recommendation:

I recommend that the low bid from Alexander Chemical be accepted and a purchase order be approved and issued to them in the amount of \$135,830.00 for fiscal year 2010.

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 Treatment Operations Account No. 591-4730-861.73-02.

Justification:

On May 12, 2009, a joint bid was received for the supply and delivery of 170 tons of Hydrofluosilicic Acid from July 1, 2009 through June 30, 2010. The joint-bid includes the City of Midland and Bay Metro Water Treatment Plants. Hydrofluosilicic Acid is a liquid form of fluoride used in the treatment process to aid in the prevention of dental cavities. The low bid price of \$799.00 per ton is a slight decrease over the price paid for the same chemical during fiscal year 2009. Following is a tabulation of the bids that were received.

	<u>Per Ton</u>	<u>Total Bid</u>
Alexander Chemical Downers Grove, IL	\$799.00	\$135,830.00
PVS Nolwood Chemicals, Inc. Detroit, MI	\$930.00	\$158,100.00
Solvay Fluorides Houston, TX	\$953.00	\$162,010.00

Council Action:

Council _____ moved that the recommendation of the City Manager be approved.

COUNCIL COMMUNICATION

From: The City Manager

Subject: Water and Waste Water Treatment Chlorine Purchase

Manager's Recommendation:

I recommend that the low bid from Alexander Chemical Corporation be accepted and purchase orders issued to them in the amounts of \$10,680.00 for the Water Treatment Plant and \$23,496.00 for the Wastewater Treatment Plant for a total of \$34,176.00 for fiscal year 2009-2010.

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 material are budgeted in the Water Operation and Maintenance Fund Chemicals/Supplies Account No. 591-4730-861.73-02 (\$10,680.00) and the Sewer Operation and Maintenance Fund Chemicals/Supplies Account No. 590-4830-861.73-02 (\$23,496.00).

Justification:

In March of 2009, the Saginaw Midland Municipal Water Supply Corporation received bids for a supply of liquid chlorine for Fiscal Year 2010, including the City of Saginaw Water Treatment and Wastewater Treatment Plants, to be used for disinfections. The cost is a 13.0% decrease from the price for fiscal year 2009. Following is a tabulation of the bids that were received:

Alexander Chemical Corporation Lisle, IL	\$34,176.00
JCI Jones Chemicals Inc. Riverview, MI	\$37,536.00

Council Action:

Council _____ moved that the recommendation of the City Manager be approved.

COUNCIL COMMUNICATION

From: The City Manager

Subject: HACH Reagent Distribution Plan

Manager's Recommendation:

I recommend that a purchase order be approved and issued to HACH Company in the amount of \$2,376.56 for fiscal year 2010.

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 have been budgeted in the Water Treatment Operating Services, Account No. 591-4730-861.80-05.

Justification:

The Water Treatment Plant performs Total Organic Carbon (TOC), Free Chlorine Residual (Cl-) and Turbidity analyses using HACH Company on-line and benchtop instruments. TOC analysis of finished water is an indication of water quality. The Environmental Protection Agency (EPA) and Michigan Department of Environmental Quality (MDEQ) require continuous and periodic Free Chlorine and Turbidity analyses. The requested reagents are on a one-year Reagent Distribution Plan (RDP) for automatic quarterly delivery, and include shipping costs. Since these analyzers require the use of HACH Company chemical reagents, the competitive bidding process was foregone.

Council Action:

Council _____ moved that the recommendation of the City Manager be approved.

COUNCIL COMMUNICATION

From: The City Manager

Subject: Budget Adjustment –Drug Forfeiture Fund

Manager’s Recommendation:

It is recommended that a budget adjustment be completed to increase the Drug Forfeiture Fund’s – Reimbursement revenue line item 264-0000-602.68-08 from \$0 to \$4,855.00.

Justification:

The adjustment reflects the receipt of a check from the Bay City Police Department. The Saginaw Police Department Safe Streets Team assisted in a co-op drug investigation with the Bay City Police Department where Bay City was the lead agency. The Bay City Police Department issued a check in the amount of \$4,855.00 to the Saginaw Police Department as its share for the work performed.

Council Action:

Council _____ moved that the recommendation of the City Manager be approved.

COUNCIL COMMUNICATION

From: The City Manager

Subject: CDBG-R Public Hearing

Manager's Recommendation:

I recommend that a public hearing for Community Development Block Grant-R (CDBG-R) program be set for Monday, July 13th at 6:30 pm in the Council Chamber.

Justification:

It is necessary to hold a public hearing to meet citizen participation requirements for the Community Development Block Grant-R (CDBG-R) program. The public hearing is part of the submission approval process for the upcoming 2009-2010 Program Year.

Citizens wishing to comment on the upcoming fiscal year CDBG-R program will be given an opportunity to comment.

A public hearing notice for a July 13th public hearing will be published in the Saginaw News.

Council Action:

Council _____ moved that the recommendation of the City Manager be approved.

COUNCIL COMMUNICATION

From: The City Manager

Subject: HPRP Public Hearing

Manager's Recommendation:

I recommend that a public hearing for Homeless Prevention – Rapid ReHousing (HPRP) program be set for Monday, July 13th at 6:30 pm in the Council Chamber.

Justification:

It is necessary to hold a public hearing to meet citizen participation requirements for the Homeless Prevention – Rapid ReHousing (HPRP) program. The public hearing is part of the submission approval process for the upcoming 2009-2010 Program Year.

Citizens wishing to comment on the upcoming fiscal year HPRP program will be given an opportunity to comment.

A public hearing notice for a July 13th public hearing will be published in the Saginaw News.

Council Action:

Council _____ moved that the recommendation of the City Manager be approved.

COUNCIL COMMUNICATION

From: The City Manager

Subject: Authorization to Allow Mt. Olive Baptist Church to Use Amplifying Equipment

Manager's Recommendation:

I recommend approval of a Resolution authorizing the use of the amplifying equipment for a special event sponsored by Mt. Olive Baptist Church on North Sixth Avenue between Norman and Farwell Streets, which is publicly owned property, on August 9, 2009.

Justification:

On August 9, 2009, Mt. Olive Baptist Church will sponsor a picnic on North Sixth Avenue between Norman and Farwell Streets, which is publicly owned property. Mt. Olive Baptist Church has requested pursuant to a Block Party Permit that the City allow it to use amplifying equipment during the event. Furthermore, per the Block Party Permit, the event sponsor obtained neighbors' signatures granting permission to close the streets on August 9, 2009.

Council Action:

Council _____ moved the recommendation of the City Manager be approved and that a Resolution be adopted.

COUNCIL COMMUNICATION

RESOLUTION TO AUTHORIZE MT. OLIVE BAPTIST CHURCH TO USE AMPLIFYING EQUIPMENT ON NORTH SIXTH AVENUE BETWEEN NORMAN AND FARWELL STREETS

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

Council _____ offered and moved adoption of the following resolution:

WHEREAS, Mt. Olive Baptist Church plans to host a picnic on North Sixth Avenue between Norman and Farwell Streets on August 9, 2009; and

WHEREAS, Mt. Olive Baptist Church has requested that it be allowed to use amplifying equipment during the picnic; and

WHEREAS, Mt. Olive Baptist Church obtained the signatures of residents; and

WHEREAS, City Council can provide authorization for the use of amplifying equipment on public property.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Saginaw hereby authorizes the use of amplifying equipment on public property during the picnic to be held on August 9, 2009, on North Sixth Avenue between Norman and Farwell Streets.

COUNCIL COMMUNICATION

From: The City Manager

Subject: Engineering Firms Professional Services Agreements

Manager's Recommendation:

I recommend approval of the four engineering firms professional services agreements. Specifically, it is recommended that Council approve the four Agreements with Rowe Incorporated ("Rowe") of Flint, Michigan; William A. Kibbe & Associates, Inc. ("Kibbe") of Saginaw, Michigan, Spicer Group ("Spicer") of Saginaw, Michigan; and Wade Trim of Bay City, Michigan, for general engineering services. In addition, it is requested that the city engineer be authorized to approve and issue individual purchase orders of varying amounts up to the authorized amount of \$500,000.00, from July 1, 2009 through June 30, 2010.

The terms of the agreements are for five years, commencing July 1, 2009 through June 30, 2014. I have approved the agreements as to substance and the City Attorney as to form.

Each 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 these services are budgeted in various city departmental accounts.

Justification:

On June 19, 2006, Council approved agreements between the City and Spicer, Wade Trim, Rowe and Kibbe for general engineering services. The terms of the agreements were for three years, commencing July 1, 2006 through June 30, 2009. The services of the firms are necessary to support city engineering staff to carry out the duties and responsibilities of the Engineering Division whenever workload demands the addition of the consultant's staff and expertise. The city engineer will distribute work between the four firms on a rotational basis for small projects and distribute work on a competitive basis for larger projects.

Council Action:

Council _____ moved that the recommendation of the City Manager be approved.

COUNCIL COMMUNICATION

From: The City Manager

Subject: City Wide Uniform Rental Service

Manager's Recommendation:

I recommend acceptance of the low bid from Cintas Corporation and issuance of purchase orders for each respective departments in the amount of \$22,118.20 for fiscal years 2009-10, 2010-11 and 2011-12, totaling \$66,354.60

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 Other Services/Operating Services accounts: Police Department, Account No. 101-3014-721-8005 (\$179.40), Water Operation and Maintenance, Account No. 591-4730-861-8005 (\$2805.40), Sewer Operation and Maintenance Account Nos. 590-4830-861-8005 (\$6899.25) 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), General Fund Buildings & Grounds, Account No. 101-7575-821-8005 (\$2,457.00), and General Fund 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 over the last time this service was bid out in 2006 and the bid results are as following results:

COUNCIL COMMUNICATION

	<u>FY/2006-07</u>	<u>FY/2007-08</u>	<u>FY/2008-09</u>
Cintas Corporation Swartz Creek, MI	\$22,118.20	\$22,118.20	\$22,118.20

	<u>FY/2006-07</u>	<u>FY/2007-08</u>	<u>FY/2008-09</u>
Domestic Uniform Rental Detroit, MI	\$24,960.52	\$24,960.52	\$24,960.52

Council Action:

Council _____ moved that the recommendation of the City Manager be approved.

COUNCIL COMMUNICATION

From: The City Manager

Subject: City Wide Letterhead, Envelopes & Business Cards

Manager's Recommendation:

I recommend acceptance of the offer from TBF Graphics to extend their current agreement for printing citywide letterhead, envelopes and business cards for one year using this years pricing through June 30, 2010. The estimated cost of this service for fiscal year 2010 is \$7,840.00.

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 available in the various departmental printing budgets.

Justification:

On April 17, 2007, bids were opened for the printing of letterhead, envelopes and business cards and on April 30, 2007, Council approved a two-year agreement with TBF Graphics to provide this service. The results noted below represent the second year bid from each respective bidder:

<u>COMPANY</u>	<u>TOTAL YEAR #2</u>
TBF Graphics Saginaw, (in-City)	\$7,840.00
Dornbos Printing Saginaw, (in-City)	\$9,788.00
Total Business Systems Saginaw, MI	\$10,991.45

COUNCIL COMMUNICATION

Office Max Saginaw, MI	\$15,726.00
---------------------------	-------------

Lightning Printing Saginaw, MI	\$18,476.47
-----------------------------------	-------------

It should be noted the proposals listed above were based on citywide usage counts and may vary depending on actual usage. TBF Graphics will be given one large citywide order for letterhead, envelopes and business cards and will print them all at once as this is the most cost effective way. The City will be billed (by department) for the total order.

Council Action:

Council _____ moved that the recommendation of the City Manager be approved.

COUNCIL COMMUNICATION

From: The City Manager

Subject: Uniforms for Fire Department Personnel

Manager's Recommendation:

I recommend that purchase orders be approved and issued to Metropolitan Uniform Co. in the amount of \$31,894.50 for fiscal year 2010, \$31,894.50 for fiscal year 2011, and \$33,036.00 for fiscal year 2012 for the purchase of uniforms for the fire department. Metropolitan Uniform was the only bidder on these items.

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 Fire Suppression Clothing Supplies Account, No. 101-3751-751.73-03.

Justification:

On March 17, 2009, the City received bids for a three-year period for uniform shirts, trousers, jackets, belts, hats and ties for the fire department. The uniforms are to be purchased on an as-needed basis and are required by union contract.

Council Action:

Council _____ moved that the recommendation of the City Manager be approved.

COUNCIL COMMUNICATION

From: The City Manager

Subject: ISI Parts for Self Contained Breathing Apparatus

Manager's Recommendation:

I recommend that a purchase order for be approved and issued to Douglass Safety Systems in the amount of \$3,300.00 to purchase the required replacement parts for fiscal year 2010 for the Saginaw Fire Department's Self Contained Breathing Apparatus. Douglass Safety Systems is the sole supplier of these parts.

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 Saginaw Fire Department Parts and Supplies Account No. 101-3751-751.73-30.

Justification:

Self-contained breathing apparatus is used as personal protective equipment that is worn in hazardous environments. They need to be kept in proper working order to prevent injury or death. Therefore, replacement parts are often needed throughout the year.

Council Action:

Council _____ moved that the recommendation of the City Manager be approved.

COUNCIL COMMUNICATION

From: The City Manager

Subject: Plymovent Maintenance

Manager's Recommendation:

I recommend that a purchase order be approved and issued to Hastings Air Energy Control in the amount of \$2,500.00 for the annual maintenance and repair of the Saginaw Fire Department's Plymovent system for fiscal year 2010.

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 is available in the Saginaw Fire Department's Operating Services, Account No. 101-3754-751.80-05.

Justification:

The fire department's plymovent system is required to keep exhaust fumes from fire apparatus diesel engines from building up in the fire station. Hastings is the only source vendor with the capabilities of maintaining or repairing this type of ventilation system.

Council Action:

Council _____ moved that the recommendation of the City Manager be approved.

COUNCIL COMMUNICATION

From: The City Manager

Subject: Uniform Dry Cleaning

Manager's Recommendation:

I recommend that a purchase order be approved and issued to Warwick Cleaners in the amount of \$7,000.00 for annual dry cleaning services for the fire department for fiscal year 2010.

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 is budgeted in the Fire Department's Operating Services Account No. 101-3751-751.80-05.

Justification:

This service is required by the contract between Local Union 102 and the City of Saginaw. We have used this vendor exclusively for the past six years and have been very satisfied with their performance. The amount of the purchase order is the same as last fiscal years and reflects a decrease in what had been paid in previous years.

Council Action:

Council _____ moved that the recommendation of the City Manager be approved.

COUNCIL COMMUNICATION

From: The City Manager

Subject: Overhead Door Repairs

Manager's Recommendation:

I recommend that purchase orders in the amount of \$3,000.00 each be approved and issued to Delta Door and Overhead Door for emergency repairs to the overhead doors at all four fire stations for fiscal year 2010.

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 is budgeted in the Fire Department's Operating Services Account No. 101-3751-751.80-05.

Justification:

Throughout the year, emergency repairs need to be made to the overhead doors at the fire stations. It is imperative that these repairs be made in a timely manner since the apparatus cannot be left out in the cold weather. Therefore, the fire department uses the services of both Delta Door and Overhead Door, whichever can provide the fastest service at any given time.

Council Action:

Council _____ moved that the recommendation of the City Manager be approved.

COUNCIL COMMUNICATION

From: The City Manager

Subject: Fire Department Apparatus Repairs

Manager's Recommendation:

I recommend that blanket purchase orders be issued to Frontline Services of Freeland, MI in the amount of \$100,000, and Diesel Truck Sales of Saginaw, MI in the amount of \$40,000.00 for emergency repairs and preventative maintenance to the fire department's six pumpers and three aerial apparatus for fiscal year 2010.

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 these repairs are budgeted in the Fire Department Motor Vehicle Repairs Account, No. 101-3754-751.80-42.

Justification:

Due to budgetary cuts in the fire department and elimination of the Maintenance Division years ago, we are no longer able to provide the necessary emergency repair and preventative maintenance of fire department apparatus that is vital to the operation of the department. These two vendors possess the expertise necessary for our operations.

Council Action:

Council _____ moved that the recommendation of the City Manager be approved.

COUNCIL COMMUNICATION

From: The City Manager

Subject: Personal Protective Equipment/Saginaw Fire Department

Manager's Recommendation:

I recommend that a purchase order be approved and issued to Douglass Safety Systems, Inc. in the amount of \$20,000 for the purchase of various pieces of personal protective equipment for fiscal year 2010. Douglass Safety Systems, Inc. is the sole source for this purchase.

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 budgeted in the Fire Department's Clothing Supplies Account, No. 101-3752-751.73-03.

Justification:

The fire department annually purchases personal protective equipment for its firefighters to replace old and/or damaged gear.

Council Action:

Council _____ moved that the recommendation of the City Manager be approved.

COUNCIL COMMUNICATION

From: The City Manager

Subject: Micro Blaze Out Foam

Manager's Recommendation:

I recommend that a purchase order be approved and issued to Douglass Safety Systems, LLC in the amount of \$14,968.75 for the purchase of 125 buckets of Micro Blaze Out Foam for fiscal year 2010. Douglass Safety Systems LLC is the lone supplier of this product.

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 budgeted in the Fire Suppression Parts and Supplies Account No. 101-3751-751.73-30.

Justification:

The Fire Department Suppression Division uses micro blaze out foam, which enhances penetration of water during extinguishment and can also be used for hazardous waste clean up from vehicle accidents. The product comes in five-gallon buckets at a cost of \$119.75 each. This is the same cost per bucket as last fiscal year.

Council Action:

Council _____ moved that the recommendation of the City Manager be approved.

COUNCIL COMMUNICATION

From: The City Manager

Subject: Tires for Saginaw Fire Department Apparatus

Manager's Recommendation:

I recommend that a purchase order be approved and issued to Scott Tire Company, the state bid supplier, in the amount of \$ 10,000.00 for the purchase of tires to be used by the fire department's fleet of apparatus for fiscal year 2010.

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 Saginaw Fire Department Motor Vehicle Supplies Account No. 101-3754-751.73-12.

Justification:

Maintaining proper care of tires on the Fire Department's fleet of apparatus is necessary and critical for the safety of the department's personnel and the residents of the City of Saginaw.

Council Action:

Council _____ moved that the recommendation of the City Manager be approved.

COUNCIL COMMUNICATION

From: The City Manager

Subject: Fourth Amendment to Development Agreement with Wolgast Corporation

Manager's Recommendation:

I recommend that the Fourth Amendment to the Purchase and Development Agreement with Wolgast Corporation be approved and that the City Manager or his designee be authorized to execute all documents necessary. This Fourth Amendment to the Purchase and Development Agreement has been approved by the City Manager as to substance and the City Attorney as to form.

Justification:

On December 5, 2005 the City of Saginaw entered into a Purchase and Development Agreement with Wolgast Corporation for property located in the 3200, 3300, 3400, 3500, and 3600 block of Douglass St. on the south east side of the City. Due to the initial lack of success in obtaining tax credits, the project was delayed, and the agreement amended. The Michigan State Housing Development Authority ("MSHDA") approved Wolgast's application, but the process took longer than expected, and the Agreement was amended two more times, with the closing date to have occurred by July 1, 2009.

MSHDA is now in the process of converting the original tax credits to federal equity funds to finance this project. This requires a time extension for the closing until September 30, 2009. Construction can commence within 30 days after that.

Council Action:

Council _____ moved that the recommendation of the City Manager be approved.

COUNCIL COMMUNICATION

COUNCIL COMMUNICATION

From: The City Manager

Subject: Year-End Budget Adjustment

Manager's Recommendation:

It is recommended that the 2008/2009 Approved Budget for the following funds be amended:

The Baker Perkins, LDFA Fund (250) should be increased by \$20,112.00 from \$17,040.00 to \$37,152.00. The increase in the fund will be offset by an increase in the use of fund balance.

The Sils Island, DDA Fund (251) should be increased by \$16,161.00 from \$2,939.00 to \$19,100.00. The increase in the fund will be offset by an increase in the available fund balance.

The Community Policing Fund (260) should be increased by \$102,043.00 from \$580,793.00 to \$682,836.00. The increase in the fund will be offset by an increase in the available fund balance.

The Drug Forfeiture Fund (264) should be increased by \$322,000.00 from \$61,695.00 to \$383,695.00. This increase in the fund will be offset by increase in revenues received and available fund balance.

Justification:

This year-end budget adjustment reflects all adjustments to FY 2009 for revenues and expenditures that were previously budgeted but will not be received or recognized, as well as those that were received and not budgeted.

Council Action:

Council _____ moved that the recommendation of the City Manager be approved.

COUNCIL COMMUNICATION

LOCAL GOVERNING BODY RESOLUTION FOR CHARITABLE GAMING LICENSES FOR SAGINAW SOCIAL SERVICE CLUB

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

Council _____ offered and moved adoption of the following resolution:

WHEREAS, the Saginaw Social Service Club has submitted a request (Petition No. 09-14) to be recognized as a nonprofit organization for purposes of obtaining a charitable gaming license; and

WHEREAS, the Michigan Bureau of State Lottery, pursuant to MCL 432.103(9), requires a Resolution be adopted by the local governing body approving this recognition.

NOW THEREFORE, BE IT RESOLVED that the request from Saginaw Social Service Club of the City of Saginaw and County of Saginaw, asking that they be recognized as a nonprofit organization operating in the community for the purpose of obtaining charitable gaming licenses, be considered for approval.

COUNCIL COMMUNICATION

RESOLUTION APPROVING BALLOT LANGUAGE FOR CHARTER AMENDMENTS

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

Council _____ offered and moved the adoption of the following resolution:

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

I. FIRST CHARTER BALLOT QUESTION.

WHEREAS, Sections 3, 4, 5, 6, 7, 8, 9, 10 and 11 of Chapter II, Elections, presently read as follows:

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

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).

COUNCIL COMMUNICATION

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.

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.

COUNCIL COMMUNICATION

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.

Election Commission

Section 9. The election commission shall consist of the city clerk, the chief of police and the city attorney. The city clerk shall be chairman. The commission shall appoint the inspectors of election and fix their compensation and shall perform all of the duties required of city election commissions by state law or this charter.

Voting Hours

COUNCIL COMMUNICATION

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 th 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, Section 9 of Chapter II, Elections, regarding the local election commission, may be retained, but improved with gender neutral language, to read as follows:

COUNCIL COMMUNICATION

Election Commission

Section 9. The Election Commission shall consist of the city clerk, the chief of police and the city attorney. The city clerk shall be chairperson. The commission shall appoint the inspectors of election and fix their compensation and shall perform all of the duties required of city election commissions by state law or 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 Sections 3 and 9 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 Section 4, 5, 6, 7, 8, 10 and 11 and to amend Sections 3 and 9, 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:

STATEMENT OF PURPOSE

This amendment deals with those provisions of the City Charter pertaining to elections and offices that are now regulated by state law. This amendment would repeal these provisions. The local Election Commission shall be retained, but the city clerk shall be designated as chairperson, rather than chairman, to modernize the language.

BALLOT QUESTION

Shall Sections 3 and 9 of the charter be amended and shall Sections 4, 5, 6, 7, 8, 10 and 11 be repealed?

COUNCIL COMMUNICATION

YES _____ NO _____

II. 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

COUNCIL COMMUNICATION

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:

STATEMENT OF PURPOSE

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.

BALLOT QUESTION

Shall Section 14 of the charter be amended?

YES _____ NO _____

III. THIRD CHARTER BALLOT QUESTION.

WHEREAS, Sections 18 and 21 of Chapter IV, Legislation, presently reads as follows:

Regular Meetings

COUNCIL COMMUNICATION

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)
--

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, Sections 18 and 21 of Chapter IV, Legislation, regarding the time when the council shall meet and its council rules 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:

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.

Rules

COUNCIL COMMUNICATION

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 available to the public. Copies of 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 Sections 18 and 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 Sections 18 and 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:

STATEMENT OF PURPOSE

This amendment would allow the council to meet twice a month, rather than every two weeks, and instead of publishing summaries of the meetings in the official newspaper, which no longer publishes daily, it would require copies to be made available to the public at cost. The elected officials shall be designated as councilpersons, rather than councilmen, to modernize the language.

BALLOT QUESTION

Shall Sections 18 and 21 of the charter be amended?

YES _____ NO _____

COUNCIL COMMUNICATION

IV. FOURTH CHARTER BALLOT QUESTION.

WHEREAS, Sections 22, 23 and 24 of Chapter IV, Legislation, presently 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 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.

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

COUNCIL COMMUNICATION

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.

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 22 regarding the introduction, enactment and repeal of ordinances should reflect a simple majority of the councilpersons elected, appointed and seated to enact an ordinance, and this same majority plus one to enact immediately, 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

COUNCIL COMMUNICATION

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; 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 a simple majority plus one of the councilpersons, 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, Section 23 will allow the city clerk to publicize an introduction of a proposed ordinance, as opposed to publicizing the entire ordinance thereby saving publication costs and further eliminate 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, subsequent to the introduction of an ordinance, the city clerk shall publish a notice of such introduction, which notice shall include the date the ordinance will be enacted and become effective, and shall enter his or her certificate as to the manner and date of publication under each ordinance in The Ordinance Book.

COUNCIL COMMUNICATION

And,

WHEREAS, Section 24 will give council the option to make a general revision and compilation of ordinances, eliminating a mandatory requirement, and further eliminate the need to publish 100 copies in book 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, 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 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 Sections 22, 23 and 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 Sections 22, 23 and 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:

COUNCIL COMMUNICATION

STATEMENT OF PURPOSE

This amendment would increase the number of councilpersons needed to enact an ordinance from a simple majority to 5 councilpersons elected or appointed and serving, and 5 plus 1 for ordinances of immediate effect. It would allow the publication of an introduction as opposed to the full ordinance, gives Council the option to compile and revise ordinances and eliminates the need to produce 100 copies thereof, and changes reference from councilmen to councilperson and city clerk from "him" to "him or her", to modernize the language.

BALLOT QUESTION

Shall Sections 22, 23 and 24 of the charter be amended?

YES _____ NO _____

V. FIFTH 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

COUNCIL COMMUNICATION

Section 25. The council shall appoint a city manager (hereinafter "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 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 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:

STATEMENT OF PURPOSE

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.

BALLOT QUESTION

Shall Section 25 of the charter be amended?

COUNCIL COMMUNICATION

YES _____ NO _____

VI. SIXTH 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

COUNCIL COMMUNICATION

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 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 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:

COUNCIL COMMUNICATION

STATEMENT OF PURPOSE

This amendment would increase the number of councilpersons needed to remove a city manager in some circumstances from a simple majority to 2/3 of those elected or appointed and serving as councilpersons. 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.

BALLOT QUESTION

Shall Section 27 of the charter be amended?

YES _____ NO _____

VII. SEVENTH CHARTER BALLOT QUESTION.

WHEREAS, Sections 31 and 32 of Chapter V, Administrative Service, presently reads 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

COUNCIL COMMUNICATION

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. Such ordinance shall be known as "Administrative Code." Pending the

COUNCIL COMMUNICATION

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 or her department and shall have 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:

STATEMENT OF PURPOSE

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.

BALLOT QUESTION

Shall Sections 31 and 32 of the charter be amended?

YES _____ NO _____

VIII. EIGHTH CHARTER BALLOT QUESTION.

COUNCIL COMMUNICATION

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

COUNCIL COMMUNICATION

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:

STATEMENT OF PURPOSE

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

BALLOT QUESTION

Shall Section 33 of the charter be amended?

YES _____ NO _____

IX. NINTH CHARTER BALLOT QUESTION.

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

COUNCIL COMMUNICATION

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 modernize the language and therefore 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

COUNCIL COMMUNICATION

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:

STATEMENT OF PURPOSE

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.

BALLOT QUESTION

Shall Section 43 of the charter be amended?

YES _____ NO _____

X. TENTH 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%)

COUNCIL COMMUNICATION

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

COUNCIL COMMUNICATION

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 millage rate that may be levied for operating purposes shall not exceed 20 mills or the limit provided by the Michigan Constitution.

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:

STATEMENT OF PURPOSE

The present section limits the property tax rate to 7.5 mills or that needed to yield the same revenue as that received in the 1978-1979 fiscal year, or \$3,828,778. That maximum tax rate would be 5.5849 mills for the 2009-2010 fiscal year. The proposed amendment would remove the dollar based tax limit and raise the maximum millage rate to 20 mills. The present section has a provision for a temporary 3 mill additional tax for a declared emergency. That proposed amendment would eliminate the ability to impose that additional tax.

BALLOT QUESTION

Shall Section 45 of the charter be amended?

COUNCIL COMMUNICATION

YES _____ NO _____

X1. ELEVENTH 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

COUNCIL COMMUNICATION

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:

STATEMENT OF PURPOSE

Present Section 45(a) theoretically limits the operation of Section 1, Chapter XIX during the years 1963 through 1973. The question of adding Chapter XIX was defeated in 1963 and Chapter XIX was never actually added to the charter. Therefore Section 45(a) has no effect. And any effect it might have had expired in 1973. Repealing this section would remove an ineffective provision from the charter.

BALLOT QUESTION

Shall Section 45(a) of the charter be repealed?

YES _____ NO _____

XII. TWELFTH 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 supervisor. member of 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.

y public or office or a participate

COUNCIL COMMUNICATION

And,

WHEREAS, Section 91 of Chapter XIV, Miscellaneous Provisions, 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

COUNCIL COMMUNICATION

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:

STATEMENT OF PURPOSE

Present Section 91 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.

BALLOT QUESTION

Shall Section 91 of the charter be amended?

YES _____ NO _____

XIII. THIRTEENTH 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

COUNCIL COMMUNICATION

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 city 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:

STATEMENT OF PURPOSE

Present Section 92 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 Council. But it would remove that

COUNCIL COMMUNICATION

requirement from appointed office and leave any restriction to ordinance or state law.

BALLOT QUESTION

Shall Section 92 of the charter be amended?

YES _____ NO _____

XIV. FOURTEENTH 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

COUNCIL COMMUNICATION

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:

STATEMENT OF PURPOSE

Present Section 96 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.

BALLOT QUESTION

Shall Section 96 of the charter be repealed?

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.