

COUNCIL AGENDA

For

July 24, 2006, 6:30 p.m., Council Chamber

ROLL CALL:

CORRECTION AND APPROVAL OF MINUTES OF PRECEDING SESSIONS:

February 20, 2006 regular Council meeting and February 27, 2006 special Council meeting, March 6, 2006, March 20, 2006 regular Council meetings and March 27, 2006 Special Single Subject meeting.

ANNOUNCEMENTS:

PUBLIC HEARINGS:

PERSONAL APPEARANCES:

(A list will be provided on Monday after 1:30 p.m.)

REMARKS OF COUNCIL:

PETITIONS:

REPORTS FROM BOARDS AND COMMISSIONS AND COMMITTEES:

APPOINTMENT OF BOARDS AND COMMISSIONS MEMBERS:

REPORTS FROM MANAGER:

A. Management Update

1. Odail Thorns, Development of Director, will give an update on the 2005-2006 CDBG spending update and HUD findings

B. Recommended Actions

1. Recommending approval of the Grant Agreement with the State of Michigan, Department of State for Reimbursement for HAVA-Compliant Optical Scan Voting Systems purchased after November 7, 2000, and authorizing the City Manager and/or his designee to execute this and any related agreements.
2. Recommending approval of the four permanent easement agreements, three (3) with Saginaw County, 111 S. Michigan Avenue, and one (1) with Saginaw Centre Development Company, 804 S. Hamilton St., for the sum of \$1.00 per each easement for a total of \$4.00. The permanent easements are necessary for the reconstruction of Johnson Street from Washington Avenue (M-13) to Second Avenue utilizing a streetscape theme, similar to, and an extension of the downtown M-13 streetscape.
3. Recommending that the personal services agreement amendment with James E. Bonnell III be approved in order to continue the enforcement program of corporate compliance with the income tax ordinance through prosecution and other methods. The term of the amendment is for a period of six months and is renewable for up to one year at the discretion of the City Manager.
4. Recommending that the personal services agreement amendment with Darlene D. Moore be approved in order to continue the enforcement program of corporate compliance with the income tax ordinance through prosecution and other methods. The term of the amendment is for a period of six months and is renewable for up to one year at the discretion of the City Manager.
5. Recommending that a purchase order be approved and issued to Douglass Safety Systems in the amount of \$4,731.44 for the purchase of eight (8) ISI Self-Contained Breathing Apparatus air cylinders for the Fire Department Suppression Division. This vendor meets all requirements of the contract compliance provisions. Funds are available in the Fire Department's Suppression Division Parts and Supplies Account No. 101 3751 751 7330.
6. Recommending that a blanket purchase order be approved and issued to Scott's Tire Company, the State bid supplier, in the amount of \$5,500.00 for patrol and administration tire maintenance of the Police Department's motor vehicle fleet.

- This vendor meets all requirements of the contract compliance provisions. Funds are available in the Police Department's Operating Services Account No. 101 3014 721 7312.
7. Recommending that a blanket purchase order be approved and issued to Larry's Auto Parts in the amount of \$8,000.00 for parts and supplies for routine maintenance of the Police Department's motor vehicle fleet. This vendor meets all requirements of the contract compliance provisions. Funds are budgeted in the Police Department's Operating Services Account No. 101 3014 721 7312.
 8. Recommending that payment be made to Bader Brothers, Inc. in the amount of \$6,475.00 for the emergency purchase of two Toro riding mower decks to be used to cut the City's boulevards. This vendor meets all requirements of the contract compliance provisions. Funds are available in the Parks & Facility Maintenance Account No. 202 4651 841 9741.
 9. Recommending acceptance of the bid and issuance of a purchase order to Beyer Roofing Company in the amount of \$9,048.00 for a roof replacement at the Wastewater Plant's Emerson Street and 14th Street Remote Treatment Basins. This vendor meets all requirements of the contract compliance provisions. Funds are available in the Sewer Surplus Account No. 576 4840 881 9720.
 10. Recommending that the Request for Qualifications and three year bid for analytical testing of PCBs be accepted and that a purchase order be approved and issued to KAR Laboratories for \$22,050.00 for fiscal year 2006-07, \$22,050.00 for fiscal year 2007-08 and \$22,050.00 for fiscal year 2008-09. This vendor meets all requirements of the contract compliance provisions. Funds are budgeted in the Sewer Operation and Maintenance Account No. 590 4830 861 8005.
 11. Recommending acceptance of the quote and issuance of a purchase order to Colwell Equipment in the total amount of \$97,500.00 including freight for the purchase of a used force feeder to be used by the Streets Division for the annual curbside leaf pick up service October through December. This equipment will replace a piece of equipment purchased in 1979 that is no longer operable and repair parts are unavailable. This vendor meets all requirements of the contract compliance provisions. Funds are available in the Routine Major Streets Account No. 202 4651 841 9741.
 12. Recommending that payment be made to Greeley and Hansen LLC in the amount of \$386,328.00 for fiscal year 2006-07 and \$125,133.00 for fiscal year 2007-08 for the completion of various task orders to eventually develop a water system master plan and design a chemical feed upgrade for the Water Treatment Plant. This vendor meets all requirements of the contract compliance provisions. Funds are available in the Water Surplus Account No. 577 4740 881 9720 for

fiscal year 2006-07 and will be budgeted in the same account for fiscal year 2007-08.

INTRODUCTION OF ORDINANCES:

1. An Ordinance to amend Sections 16.02, (16.04(A), 16.07(A), 16.08(A), 16.12(A)(1)(b), 16.16, 16.18(B), 16.21(C), 16.24(B) and 16.30(B)(1), of Chapter 16, "Police Officers and Firefighters Retirement System," of Title 1, Administrative Code of the City of Saginaw Code of Ordinances, O-1.

CONSIDERATION AND PASSING OF ORDINANCES:

RESOLUTIONS:

UNFINISHED BUSINESS:

MOTIONS AND MISCELLANEOUS BUSINESS:

Darnell Earley
City Manager

COUNCIL COMMUNICATION

From: The City Manager

Subject: Grant from State of Michigan for Reimbursement for HAVA-Compliant Optical Scan Voting Systems purchased after November 7, 2000.

Manager's Recommendation:

I recommend approval of the Grant Agreement with the State of Michigan, Department of State for Reimbursement for HAVA-Compliant Optical Scan Voting Systems purchased after November 7, 2000, and that I and/or my designee be authorized to execute this and any related agreements.

Justification:

The City Clerk received notice from the Michigan Department of State on July 12, 2006 that under the Help America Vote Act (HAVA) the City is entitled to receive reimbursement for the optical scan voting equipment purchased in 2003. The State will determine the final amount of reimbursement funding that will be provided under the grant, after reviewing documentation and contract information provided by the grantee. The State has no role or obligation in the grantee's overall agreement as it pertains to the grantee's original purchase. Any voting system equipment, software and related components or services purchased by the City are the sole property and responsibility of the City. The City must maintain any and all records pertaining to the Grant for a period of six (6) years from the date of execution. The Grant states that any disputes will be resolved and governed under the laws of the State of Michigan, is valid upon approval of the State Administrative Board and is subject to and contingent upon the availability and appropriation of federal funds and any necessary State appropriation.

The Grant further requires certification that the funds have been expended on the optical scan voting system and that the person executing the agreement is authorized to do so.

Council Action:

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

COUNCIL COMMUNICATION

From: The City Manager

Subject: Permanent Easement Agreements

Manager's Recommendation:

Transmitted herewith for Council approval are four permanent easement agreements, three (3) with Saginaw County, 111 South Michigan Avenue, Saginaw, Michigan and one (1) with Saginaw Centre Development Company, 804 South Hamilton Street, Saginaw, Michigan. I recommend approval of the agreements conveying permanent easements to the City of Saginaw from Saginaw County and Saginaw Centre Development Company for the sum of one dollar (\$1.00) per each easement for a total of four dollars (\$4.00). The agreements have been approved by the City Manager as to substance and the City Attorney as to form.

Justification:

During the construction season of 2007, the City of Saginaw is proposing to reconstruct Johnson Street from Washington Avenue (M-13) to Second Avenue utilizing a streetscape theme, similar to, and an extension of the downtown M-13 streetscape. Right of way constraints in certain areas make it necessary for the City of Saginaw to acquire permanent easements in four different locations for the construction of this project. The permanent easements are necessary for the installation of decorative streetlights, decorative stamped-colored concrete sidewalks, trees, post and chain barrier, stone seat wall and landscaping in their respective easement areas.

Council Action:

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

COUNCIL COMMUNICATION

From: The City Manager

Subject: Two Toro Riding Mower Decks for Parks Grounds Operations

Manager's Recommendation:

I recommend that payment be made to Bader Brothers, Inc. in the amount of \$6,475.00 for the emergency purchase of two Toro #935 Trim Mower 60" rear discharge decks. These decks will be used to cut the City's boulevards.

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

Funds are available in the Parks & Facility Maintenance Account No. 202-4651-841-97-41.

Justification:

This emergency purchase will replace the current 76-inch decks that are eight (8) years old and have major repair needs. The boulevard mower decks were purchased in 1998 with the trim mowers, and multiple problems have accumulated with both decks from old age and wear. The unseasonably high rainfall this year has caused grass to grow faster, and made the Parks grounds mower decks work much harder causing more down time and major repairs to this equipment. No other quotes were received because Bader Bros. is the only authorized dealer in this area.

Council Action:

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

COUNCIL COMMUNICATION

From: The City Manager

Subject: Purchase of Used Lee Boy Brand 3000 Series Force Feeder

Manager's Recommendation:

I recommend that the quote from Colwell Equipment be accepted and that a purchase order be approved and issued to them in the amount \$97,500.00, which includes the freight cost of \$2,500.

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

Funds are available in the Routine Major Streets Account No. 202-4651-841-97-41. A budget transfer of \$1,620.00 will be made within the Routine Major Streets fund to cover the cost of this equipment.

Justification:

The used Lee 3000 8' Auger Force Feed Loader with approximately 450 swivel conveyer hours and a new main conveyor belt will be used to provide an annual curbside leaf pick up service from October – December of each year. The equipment will replace a piece of equipment purchased in 1979 that is no longer operable and repair parts are unavailable. The purchase of this 2004 Lee Boy is imperative for the annual operation of leaf pick up to continue this year. The purchase comes with a three-month warranty starting in October when the machine is put into service.

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 \$5,500.00 for patrol and administration tire maintenance of the Police Department's motor vehicle fleet.

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

Funds for this purchase are available in the General Fund Saginaw Police Department Operating Services 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: Installation on Duro-Last Roof

Manager's Recommendation:

I recommend that the bid received from Beyer Roofing Co. be accepted and that a purchase order be approved and issued to them in the amount of \$9,048.00 for a roof replacement at the Wastewater Plant's Emerson Street and 14th Street Remote Treatment Basins.

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

Funds for this purchase are available in the Sewer Surplus Account No. 576-4840-881.97-20.

Justification:

The City received bids for roof replacement at the Wastewater Plant's Emerson Street and 14th Street Remote Treatment Basins. These roofs have exceeded the expected life span for this type of installation by several years and are beyond repair.

| | |
|---|-------------|
| Beyer Roofing Co. Saginaw, MI | \$9,048.00 |
| Mid Michigan Roofing Saginaw, MI | \$15,486.00 |
| Brandle Roofing & Sheetmetal Midland, MI | \$19,566.00 |
| Herbert Roofing Saginaw, MI | \$19,755.00 |

Council Action:

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

COUNCIL COMMUNICATION

From: The City Manager

Subject: PCB Testing

Manager's Recommendation:

I recommend that the Request for Qualifications and bid for three years testing service be accepted and a that a purchase order be approved and issued to KAR Laboratories for \$22,050.00 for FY 2006-07, \$22,050.00 for FY 2007-08, and \$22,050.00 for FY 2008-09.

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

Funds for this purchase are budgeted in the Sewer Operations and Maintenance Account No. 590-4830-861-8005.

Justification:

On April 17, 2006, the City received responses for a request for qualifications and bids for the analytical testing of PCBs. The critical testing of wastewater entering the treatment plant from all sources, both domestic and industrial, is mandated by the plant's National Pollutant Discharge Elimination System (NPDES) Permit. A request for qualifications was issued to allow evaluation of the respondent laboratories with respect to their ability to provide valid data. Categories evaluated included such things as the documentation of a quality assurance program, standard operating procedures, staff training and qualifications, sample handling and data validation, plus several other areas. Each laboratory was given a numerical score in each of seven categories. The total of the seven scores became the final score for the laboratory. Bids were opened after all the laboratories had been scored.

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Three laboratories had perfect scores and two laboratories scored well below perfect. The low bidder did not have one of the perfect scores, but the next lowest bidder did have a perfect score. Therefore, the recommendation is to issue the purchase order to the second lowest bidder.

Following is a tabulation of the bids received:

| | |
|-----------------------------------|-------------|
| E-Lab Holland, MI | \$62,100.00 |
| KAR Laboratories Kalamazoo, MI | \$66,150.00 |
| Trace Analytical Muskegon, MI | \$70,200.00 |
| Fibertec Inc Holt, MI | \$78,300.00 |
| RTI Laboratories Livonia, MI | \$90,000.00 |

The proposed cost represents an 11% decrease over current costs and remains the same over the three-year bid.

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 \$8,000.00 for parts and supplies for routine maintenance of the Police Department's motor vehicle fleet.

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

Funds for this purchase are available in the General Fund Saginaw Police Department Operating Services 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: Darlene D. Moore Personal Services Agreement Amendment

Manager's Recommendation:

It is recommended that the personal services agreement amendment with Darlene D. Moore be approved. The amendment is approved by me as to substance and the City Attorney as to form.

Justification:

On January 9, 2006, City Council approved the original personal services agreement. For the past six (6) months, the City has utilized the services of Darlene D. Moore in conjunction with the efforts of the revenue enhancement team. A review of operations has determined that the services of Ms. Moore are still needed. Specifically, the purpose of the amendment is to continue the enforcement program of corporate compliance with the income tax ordinance through prosecution and other methods. The term of the amendment is for a period of six (6) months and is renewable for up to one year at the discretion of the City Manager. All other terms and conditions of the original agreement dated January 9, 2006, shall remain the same and in full force and effect.

Council Action:

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

COUNCIL COMMUNICATION

From: The City Manager

Subject: James E. Bonnell III Personal Services Agreement Amendment

Manager's Recommendation:

It is recommended that the personal services agreement amendment with James E. Bonnell III be approved. The amendment is approved by me as to substance and the City Attorney as to form.

Justification:

On January 9, 2006, City Council approved the original personal services agreement. For the past six (6) months, the City has utilized the services of James E. Bonnell III in conjunction with the efforts of the revenue enhancement team. A review of operations has determined that the services of Mr. Bonnell are still needed. Specifically, the purpose of the amendment is to continue the enforcement program of corporate compliance with the income tax ordinance through prosecution and other methods. The term of the amendment is for a period of six (6) months and is renewable for up to one year at the discretion of the City Manager. All other terms and conditions of the original agreement dated January 9, 2006, shall remain the same and in full force and effect.

Council Action:

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

COUNCIL COMMUNICATION

From: The City Manager

Subject: Approval of Greeley and Hansen Task Orders

Manager's Recommendation:

I recommend that task order nos. 1, 2, 3 and 4 between the City of Saginaw and Greeley and Hansen LLC be accepted and that a purchase order be approved and issued to them in the amount of \$386,328.00 for fiscal year 2006-07 and \$125,133.00 for fiscal year 2007-08.

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

Funds for these services are available in the Water Surplus Account No. 577-4740-881.97-20 for fiscal year 2006/2007 and will be budgeted in the same account for fiscal year 2007/2008.

Justification:

On June 5, 2006 City Council approved an agreement with Greeley and Hansen LLC. The agreement involved the completion of various task orders in order to eventually develop a water system master plan and design a chemical feed upgrade. The agreement was for a term of 3 years and not to exceed the amount of \$2,000,000.00. Task orders 1-4 are the first set to be submitted for acceptance under the terms of the agreement. The amount paid for completion of these task orders will not exceed \$386,328.00 for Fiscal Year 2006/2007 and \$125,133.00 for Fiscal Year 2007/2008. The four task orders being submitted for approval are as follows;

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Task Order No 1. – Assembly, review and assessment of basic data/information for water system master plan – this task order is to provide the basic data and information needed to perform the water system master plan;

Task Order No 2. - Initial water treatment plant studies - this task order is to determine whether, based on planning level considerations and costs, the upgrading of the existing water treatment plant, the construction of a new water treatment plant, or both are viable alternatives for meeting future treatment needs;

Task Order No 3. - Finished water transmission/distribution studies - this task order is to develop a finished water, transmission/distribution system computer model that can be used to identify needed improvements within the system and that can be used by City personnel for future planning related to the system;

Task Order No 4. - Comparative analyses of interim improvements to disinfection system - this task order is to evaluate interim alternative improvements to the water treatment plant's disinfection system to enhance the safety aspects of the system.

Council Action:

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

COUNCIL COMMUNICATION

From: The City Manager

Subject: SCBA Air Cylinders

Manager's Recommendation:

I recommend that a purchase order be approved and issued to Douglass Safety Systems in the amount of \$4,731.44 for the purchase of eight (8) ISI Self-Contained Breathing Apparatus air cylinders for the Fire Department Suppression Division.

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

Funds for this purchase are available in the Fire Department's Suppression Division Parts and Supplies Account No. 101-3751-751 73-30.

Justification:

Self-Contained Breathing Apparatus are used as personal protective equipment that is worn in hazardous environments. These new ISI air cylinders will replace those that have reached the manufacturer's recommended service life. Douglass Safety Systems is the sole supplier of these ISI air cylinders.

Council Action:

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

COUNCIL COMMUNICATION

From: The Police and Fire Pension Board of Trustees

Subject: Amendment to Police and Fire Pension Ordinance.

Manager's Recommendation:

I recommended that various sections of Chapter 16 "Police Officers and Firefighters Retirement System" of Title I, Administrative Code of the City of Saginaw Code of Ordinances, O-1, be amended. The sections to be amended and the reasons for that amendment are set out below. An Ordinance has been prepared and appears under the regular order of business.

Justification:

The 1965 amendment to the City Charter requires in Chapter XVI that a complete retirement system shall be provided for policemen and firemen of the city by general ordinance. That general ordinance is contained in Chapter 16 of the Code of Ordinance, O-1. The benefits provided within that system are modified from time to time by collective bargaining agreements with unions and individual agreements with non-union members. For that reason, and others, the pension ordinance requires periodic amendment.

Section 16.02 adds the definition of "actuarial age" to reflect the written agreement between the City and the firefighter's union on calculating retirement age. It also reflects the specific retirement agreements made with the deputy police chiefs on October 11, 2002 and on January 20, 2005.

Section 16.04 made these general modifications:

1. The Pension Board may now execute contracts itself.
2. The Finance Director may serve as trustee in the absence of the City Manager.
3. Only members of the defined benefit plan are eligible to serve as police officer or firefighter trustee.

Section 16.07 specified that only defined benefit employees are members of the pension system.

Section 16.08 codified the terms of the following retirement agreements:

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1. Police Chief on January 2, 1996 (already present in former version);
2. Assistant Fire Chief on December 28, 2002;
3. Police Chief on August 14, 2004 and
4. Deputy Police Chief on January 21, 2005.

It also changed “total cost” to “total actuarial cost” for union police officer retirement year purchases.

Section 16.12 codified the previous agreement to provide Cost of Living Adjustment (“COLA”) benefits to union police retirement pensions.

Section 16.16 modified the computation of police non-duty disability pensions, so that they add up to a 20 year pension (not to exceed an additional 10 years).

Section 16.18 changed the police duty disability pension so that it would be a straight 25 years. It also removed the earning limitation.

Section 16.21 was rewritten to clarify the earnings limitation on certain groups of disability retirees and impose a reporting obligation upon them.

Section 16.24 set out the increased employee contributions that were related to some increased benefits.

Section 16.30 modified the domestic relations orders that the system would honor for assignments of benefits.

Council Action:

This Council Communication is being submitted to explain the ordinance to be introduced in a subsequent portion of the agenda.

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Council _____ introduced an ordinance entitled and reading as follows:

AN ORDINANCE TO AMEND SECTIONS 16.02, 16.04(A), 16.07(A) 16.08(A), 16.12(A)(1)(b), 16.16, 16.18(B), 16.21(C), 16.24(B) and 16.30(B)(1), OF CHAPTER 16, "POLICE OFFICERS AND FIREFIGHTERS RETIREMENT SYSTEM", OF TITLE I, ADMINISTRATIVE CODE OF THE CITY OF SAGINAW CODE OF ORDINANCES, O-1.

Laid over under the Charter provision.

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Council _____ moved that an ordinance introduced July 24, 2006, entitled and reading as follows, be taken up and enacted:

AN ORDINANCE TO AMEND SECTIONS 16.02, 16.04(A), 16.07(A) 16.08(A), 16.12(A)(1)(b), 16.16, 16.18(B), 16.21(C), 16.24(B) and 16.30(B)(1), OF CHAPTER 16, "POLICE OFFICERS AND FIREFIGHTERS RETIREMENT SYSTEM", OF TITLE I, ADMINISTRATIVE CODE OF THE CITY OF SAGINAW CODE OF ORDINANCES, O-1.

The City of Saginaw ordains:

Section 1. "Actuarial Age", and Subsection 1(e) of "Voluntary Retirement Age" of Subsection B, of Section 16.02 "Definitions" of Chapter 16 "Police Officers and Firefighters Retirement System" of Title I, Administrative Code of the City of Saginaw Code of Ordinances, O-1, are added and Subsection 1(b) of "Voluntary Retirement Age" of Subsection B, of Section 16.02 "Definitions" of Chapter 16 "Police Officers and Firefighters Retirement System" of Title I, Administrative Code of the City of Saginaw Code of Ordinances, O-1, is amended to read as follows:

§ 16.02 DEFINITIONS.

ACTUARIAL AGE. The chronological whole number age nearest the actual chronological age of the individual, e.g., a person who is in the age range of forty-nine years, six months and one day to fifty years and six months has an actuarial age of fifty years.

(b) This stated **VOLUNTARY RETIREMENT AGE** notwithstanding, from July 1, 1988, a firefighter may elect voluntary retirement at actuarial age fifty (50) and the acquirement of twenty (20) years of credited service.

(e) The above-stated **VOLUNTARY RETIREMENT AGE** notwithstanding, a member who is a Deputy Police Chief on October 10, 2002 and who retires on October 11, 2002 shall be allowed to retire with sixteen (16) years and eleven (11) months of service, and a member who is a Deputy Police Chief on January 20, 2005 and who retires on January 21, 2005 shall be allowed to retire with nineteen (19) years and one (1) month of service.

Section 2. Subsection A "Generally" of Section 16.04 "Board of Trustees" of Chapter 16 "Police Officers and Firefighters Retirement System" of Title I,

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Administrative Code of the City of Saginaw Code of Ordinances, O-1, is hereby amended to read as follows:

§ 16.04 BOARD OF TRUSTEES.

(A) Generally.

(1) The Board of Trustees of the retirement system shall have the responsibility for the general administration and management of the system, and for making effective and construing the provisions of this chapter. It shall have the power to negotiate and execute legal documents provided that any such legal document be approved by the Board of Trustees. The police officer member and firefighter member shall sign any such legal document.

(2) The Board shall consist of five trustees, as follows:

(a) The Mayor, by virtue of his or her office, or in the absence of the Mayor, the Mayor Pro Tem, by virtue of his or her office;

(b) The City Manager, by virtue of his or her office, or in the absence of the City Manager, the Finance Director, respectively, by virtue of his or her office;

(c) A police officer member to be elected by the police officer members;

(d) A firefighter member to be elected by the firefighter members;

(e) A duly registered, tax-paying elector of the City who holds no other City position, to be selected by a majority vote of the other trustees.

(3) The elections of the police officer and firefighter trustees shall be held under such rules and regulations as the Board of Trustees shall from time to time adopt. Only members of the defined benefit plan are eligible to serve as Trustees or vote in the selection of Trustees.

Section 3. Subsection A "Membership of retirement system" of Section 16.07 "Membership of Retirement System" of Chapter 16 "Police Officers and Firefighters Retirement System" of Title I, Administrative Code of the City of Saginaw Code of Ordinances, O-1, is hereby amended to read as follows:

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§ 16.07 MEMBERSHIP OF RETIREMENT SYSTEM.

(A) *Membership of retirement system.*

(1) The membership of the retirement system shall consist of all the defined benefit police officers and firefighters who are in the employ of the City.

(2) In any case of doubt, the Board of Trustees shall decide who is a member of the retirement system within the meaning of the provisions of this chapter.

Section 4. Subsection A "Generally" of Section 16.08 "Credited Service" of Chapter 16 "Police Officers and Firefighters Retirement System" of Title I, Administrative Code of the City of Saginaw Code of Ordinances, O-1, is hereby amended to read as follows:

§ 16.08 CREDITED SERVICE.

(A) *Generally.*

(1) The Board of Trustees shall fix and determine by appropriate rules and regulations the amount of service to be credited each member; provided, that in no case shall less than ten (10) days of service rendered by him or her in any calendar month be credited as a month of service; nor shall less than ten (10) months of service rendered by him or her in any calendar year be credited as a year of service; nor shall more than one (1) year of service be credited any member for all service rendered by him or her in any calendar year.

(2) The following adjustment are made:

(a) A member who is a Police Chief on January 1, 1996 and retires on January 2, 1996, shall be credited with five (5) years of service upon payment to the pension system of an amount equal to five percent (5%) of the members full-time or equated full time annual compensation (last full four (4) quarters gross compensation) multiplied by the five (5) years of service time.

(b) A member who is an Assistant Fire Chief on December 27, 2002 and who retires on December 28, 2002 shall be credited with three (3) years and five (5) months of service upon payment to the pension system of an amount equal to five percent (5%) of the members full-time or equated full time annual compensation

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(last full four (4) quarters gross compensation) multiplied by the three (3) years and five (5) months of service time.

(c) A member who is a Police Chief on August 13, 2004 and who retires on August 14, 2004 shall be credited with seven (7) years and four (4) months of service upon payment to the pension system of \$38,459.99.

(d) A member who is a Deputy Police Chief on January 20, 2005 and who retires on January 21, 2005 shall be credited with eleven (11) months of service upon payment to the pension system of \$4,441.33.

(3) Effective July 1, 1996, any police officer who was a member on or after this date shall be allowed to purchase prior law enforcement service time up to five (5) years with such member paying the total actuarial cost.

Section 5. Subsection (b) "Police" of Subsection 1 "Straight-life pension" of Subsection A "Pensions" of Section 16.12 "Retirement Pension" of Chapter 16 "Police Officers and Firefighters Retirement System" of Title I, Administrative Code of the City of Saginaw Code of Ordinances, O-1, is hereby amended to read as follows:

§ 16.12 RETIREMENT PENSION.

(b) *Police.* Upon a police officer member's retirement, as provided in this chapter, he or she shall receive a straight life pension equal to two percent (2%) or two and one-fourth percent (2.25%) for a police officer member who is a police sergeant, police lieutenant, police captain, assistant police chief or police chief who retires on or after January 1, 1982; however, two and four-tenths percent (2.4%) for any such member who retires on or after January 1, 1985, for the first twenty-five (25) years of credited service and two and one-fourth percent (2.25%) thereafter or two and one-half percent (2.5%) for any such member who retires on or between January 1, 1985, and March 31, 1985, for the first twenty-five (25) years of credited service and two and one-fourth percent (2.25%) thereafter); however, after January 1, 1990, 2.5% for the first twenty-five (25) years of credited service and two and one-fourth percent (2.25%) thereafter; however, effective May 1, 1992, two and one-half percent (2.5%) for all years of service for an assistant police chief; however on or after January 1, 1994, two and six-tenths percent (2.6%) for the first twenty-five (25) years of service and two

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and three-fourths percent (2.75%) thereafter for a police officer member who is a police sergeant, lieutenant, assistant police chief, or police chief (two and one-fourth percent (2.25%) for a police officer member who is a police patrol officer and who retires on or after July 1, 1982; however, two and four-tenths percent (2.4%) for any such member who retires on or after July 1, 1985, for the first twenty-five (25) years of credited service and two and one-fourth percent (2.25%) thereafter; however, any such member who retires on or after July 1, 1989, two and one-half percent (2.5%) for the first twenty-five (25) years of service and two and one-fourth percent (2.25%) for each year of service thereafter or for such member who retires on or after July 1, 1993, two and six-tenths percent (2.6%) for the first twenty-five (25) years of service and two and three-fourths percent (2.75%) for years of service thereafter) of his or her final average salary multiplied by the number of years, and fraction of a year, of his or her credited service; provided that all POAM and COAM police officer members who retire on or after July 1, 2004 will receive a 2.5% non-compounded annual Cost of Living Adjustment ("COLA") on all pensions payable at the later of the attainment of age 55 or one year following the employee's actual retirement date, provided that upon death of the retiree the original COLA will be reduced by the appropriate percentage as elected by the pensioner at the original time of retirement; provided, that the straight life pension of both firefighters and police officers shall be subject to division (B) below.

Section 6. Section 16.16 "Non-Duty Disability Pension" of Chapter 16 "Police Officers and Firefighters Retirement System" of Title I, Administrative Code of the City of Saginaw Code of Ordinances, O-1, is hereby amended to read as follows:

§ 16.16 NON-DUTY DISABILITY PENSION.

A member who retires on account of disability, as provided in § 16.15 hereof, shall receive a disability pension computed according to § 16.12(A) and (D). If said member retires prior to his or her attainment of age fifty-five (55) years or fifty (50) years in the case of a firefighter member on or after June 7, 1999, his or her credited service shall be increased, for the exclusive purpose only of computing his or her disability pension, by the number of years and fraction of a year, not to exceed ten (10) years, in the period from the date of his or her disability retirement to the date he or she would

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attain age fifty-five (55) years or fifty (50) years in the case of a firefighter member on or after June 7, 1999; however, if a police officer member retires on or after July 1, 2004, his or her credited service shall instead be increased by a number of years, and fraction of a year, not to exceed ten (10) years so that his years of service shall equal twenty (20) years. His or her disability pension shall be subject to §§ 16.21 and 16.22. Upon his or her retirement he or she shall have the right to elect, in lieu of a straight life disability pension, to receive his or her disability pension under an option provided for in § 16.14.

Section 7. Subsection B and E of Section 16.18 “Duty Disability Pension” of Chapter 16 “Police Officers and Firefighters Retirement System” of Title I, Administrative Code of the City of Saginaw Code of Ordinances, O-1, are hereby amended to read as follows:

§ 16.18 DUTY DISABILITY PENSION.

(B) A member who retires prior to his or her attainment of age fifty-five (55) years on account of disability, or a member who is a firefighter on or after July 1, 1993, upon attainment of age fifty-two (52) years on account of disability or a member who is a firefighter on or after June 7, 1999 upon attainment of age fifty (50) years on account of disability, as provided in § 16.17, shall receive a disability pension computed according to § 16.12(A) and (C). For the exclusive purpose only of computing his or her disability pension, his or her credited service shall be increased by the number of years, and fraction of a year, in the period from the date of his or her disability retirement to the date he or she would attain age fifty-five (55) years, or fifty-two (52) years for firefighter members who retired on or after July 1, 1993. Upon the member's attainment of age fifty-five (55) years, or age fifty-two (52) years for a firefighter member, or fifty (50) years for firefighter members who retired on or after June 7, 1999, and with the exception of a member who is a police sergeant or lieutenant on or after September 9, 1984, his or her disability pension shall be recomputed using a final average salary determined according to the salaries at the time the member attains age fifty-five (55) years, or age fifty-two (52) years for a firefighter member on or after July 1, 1993, or age fifty (50) years for a firefighter member on or after June 7, 1999, for the ranks used in computing

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his or her final average salary at the time of his or her disability retirement. In no event shall such recomputed disability pension be less than the disability pension the member received prior to his or her attaining age fifty-five (55) years, or fifty-two (52) years for a firefighter member who retires on or after July 1, 1993, or fifty (50) years for a firefighter member who retires on or after June 7, 1999. Upon the member's retirement he or she shall have the right to elect, in lieu of a straight life disability pension, to receive his or her disability pension under an option provided for in § 16.14. To his or her attainment of age fifty-five (55) years, or fifty-two (52) years for a firefighter member who retires on or after July 1, 1993, or age fifty (50) years for a firefighter member who retires on or after June 7, 1999, his or her disability pension shall be subject to §§ 16.21 and 16.22. If a police officer member retires on or after July 1, 2004, and he or she has 25 or more years of credited service, the pension shall be calculated as a regular retirement. If a police officer member retires on or after July 1, 2004 and has less than 25 years of regular service, his or her credited service shall be increased to 25 years, provided that in the first year of retirement, the benefits are limited to 65% of the final average pay. This pension amount will not be recomputed or readjusted, except for changes made by Cost of Living Adjustments ("COLA"). His or her disability pension shall be subject to §§ 16.21 and 16.22. Upon his or her retirement he or she shall have the right to elect, in lieu of a straight life disability pension, to receive his or her disability pension under an option provided for in § 16.14.

(E) Notwithstanding the above provisions, a police officer member who retires on or after July 1, 2004, and has less than 25 years of regular service, shall have his or her credited service increased to 25 years, provided that in the first year of retirement, the benefits are limited to 65% of the final average pay. There will be no earning limitation.

Section 8. Subsection C of Section 16.21 "Re-Examination of Disability Retirants" of Chapter 16 "Police Officers and Firefighters Retirement System" of Title I, Administrative Code of the City of Saginaw Code of Ordinances, O-1, is hereby amended to read as follows:

§ 16.21 RE-EXAMINATION OF DISABILITY RETIRANTS.

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(C) Retirees in the following groups are subject to earnings limitations:

(1) Police non-duty disability retirees less than age 55 who retired before July 1, 2004;

(2) Police duty disability retirees less than age 55 who retired on or after January 15, 1992 and before July 1, 2004;

(3) Firefighter non-duty disability retirees less than age 55 who retired before June 7, 1999; and

(4) Firefighter non-duty disability retirees less than age 50 who retired on or after June 7, 1999.

In the event a retiree subject to earnings limitations becomes engaged in a gainful occupation, business, or employment, paying him or her more than the difference between the current rate of compensation being paid by the City for the rank last held by him or her and his or her disability pension, his or her disability pension shall be reduced to an amount which together with the amount so earned by him or her shall equal such current rate of compensation for the rank last held by him or her. For purposes of this section, the rate of compensation shall be the base pay for the rank last held and not inclusive of any fringe benefits or expected overtime payments. Retirees subject to this section shall provide income documentation to the Board each year, and failure to do so shall result in the suspension of benefits. If overpayment of benefits has been made, the Board may suspend benefits or take such other action to collect the overpayment as it deems appropriate.

Section 9. Subsection B of Section 16.24 "Members Deposit Fund" of Chapter 16 "Police Officers and Firefighters Retirement System" of Title I, Administrative Code of the City of Saginaw Code of Ordinances, O-1, is hereby amended to read as follows:

§ 16.24 MEMBERS DEPOSIT FUND.

(B) The contributions of a member to the retirement system to February 1, 1965, shall be five percent (5%) of the member's compensation. From and after January 31, 1965, to November 1, 1968, the contributions of a member shall be six percent (6%) of the member's compensation. From and after October 31, 1968, the contributions of a firefighter member shall be seven percent (7%) of the firefighter

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member's compensation; from and after July 1, 1980, the contributions of a firefighter member shall be seven and one-half percent (7.5%) of that member's compensation. From and after July 1, 1981, the contributions of a firefighter member shall be eight percent (8%) of his or her compensation. From and after October 31, 1968, to June 22, 1973, the contributions of a police officer member shall be seven percent (7%) of his or her compensation; and from and after June 21, 1973, the contributions of a police officer member shall be eight percent (8%) of his or her compensation. From and after January 1, 1980, the contribution of a police officer member who is a police sergeant, police lieutenant, or police captain shall be nine and one-half percent (9.5%) of his or her compensation and eight percent (8%) of his or her compensation effective January 1, 1982. From January 1, 1984, through December 31, 1984, the contribution of a firefighter member shall be six percent (6%) of his or her compensation; provided, however, from and after January 1, 1985, the contribution of a firefighter member shall be eight percent (8%) of his or her compensation. From and after July 1, 2004 the contribution of a police officer member shall be figured as a pre-tax contribution. From and after July 1, 2004, a police officer member shall pay 13% to the pension fund. From and after July 1, 2005, a police officer member shall pay 11.5% to the pension fund. From and after July 1, 2004, the contribution of a firefighter member shall be figured as a pre-tax contribution. From and after September 1, 2004, the contribution of a firefighter member shall be nine percent (9%) of his or her compensation. The officer or officers responsible for making up the payroll shall cause the contribution to be deducted from the compensation of each member on each and every payroll period, so long as he or she remains a member of the system.

Section 10. Subsection (1) of Subsection B of Section 16.30 "Assignments Prohibited" of Chapter 16 "Police Officers and Firefighters Retirement System" of Title I, Administrative Code of the City of Saginaw Code of Ordinances, O-1, is hereby amended to read as follows:

§ 16.30 ASSIGNMENTS PROHIBITED.

(B) This section does not apply to:

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(1) Eligible Domestic Relations Orders issued pursuant to the Eligible Domestic Relations Orders Act (MCL 38.1701 through 38.1711) as amended from time to time, or other domestic relations orders.

Section 11. This ordinance shall become effective August 17, 2006.

Enacted: August 7, 2006.