

# Council Agenda

November 25, 2013 6:30 p.m.  
Council Chamber

## PRAYER AND PLEDGE OF ALLEGIANCE:

## ROLL CALL:

## ANNOUNCEMENTS:

1. Proclamation presented declaring November 30, 2013 as "Shop Local Day."
2. Proclamation to honor Charles Braddock.

## PUBLIC HEARINGS:

## PERSONAL APPEARANCES:

*(A list will be provided following submittal deadline.)*

## REMARKS OF COUNCIL:

## REPORTS FROM MANAGER:

### Management Update:

1. Police and Fire Pension Ordinance Update, Beth Carson Church, Assistant Director of Employee Services.

## CONSENT AGENDA:

1. Approve the November 12, 2013 regular Council meeting minutes.
2. Approve to receive and file the 2012-2013 Annual Audit of the Saginaw-Midland Municipal Water Supply Corporation.
3. Approve a purchase order to Ricoh USA for \$35,030.40 for a five-year lease of two multi-function printers for the Inspections Department and the Fire Department.
4. Approve the Community Development Block Grant Sub-recipient Contracts for Fiscal Year 2014 with Habitat for Humanity for \$14,320 and with Operation Reach for \$10,000.
5. Approve the Fiscal Year 2014 budget adjustment to increase the Major Streets Fund Use of Fund Equity Account No. 202-0000-989.000 by \$305,000. This increase will be offset by an increase in the Major Streets Fund – Routine Maintenance Division's Vehicle Account No. 202-4651-982.000 for the same amount.
6. Approve a purchase order to HD Supply Waterworks for \$30,409.27 for brass water parts for the Maintenance and Service Division.

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7. Approve a purchase order to Global Environmental Products, Inc. for \$169,293 for the purchase of one 2015 Global M3 Street Sweeper for the Streets Division.
8. Approve a purchase order to Lake State Railway for \$6,576 for track removal and replacement services for the Maintenance and Service Division.
9. Approve the agreement to release Lake State Railway from liability and approve payments to Lake State Railway of \$1,000 per day for a flagman fee while utility easement work is done by the Maintenance and Service Division at the Lake State Railway property.
10. Approve a purchase order to Detroit Pump, a sole source, for \$4,194.66 for stock pump parts for the Boerger rotary lobe pumps at the Wastewater Treatment Plant.
11. Approve a purchase order to Dave Ray & Associates, a sole source, for \$2,260 for two Insight dissolved oxygen probes for the Wastewater Treatment Plant.
12. Approve a purchase order to Wesco Distribution, a sole source, for \$3,270.61 for a Motor Protect 3000 overload protection unit for the high service pump at the Weiss Street Retention and Treatment Basin.

## REPORTS FROM BOARDS AND COMMISSIONS AND COMMITTEES AND APPOINTMENT OF BOARD AND COMMISSION MEMBER

### INTRODUCTION OF ORDINANCES:

1. An Ordinance to amend §16.19 “Non-Duty Death” and §16.20 “Death Occurring in the Line of Duty,” of Chapter 16 “Police Officer and Firefighters Retirement System,” Title I “Administrative Code,” of the City of Saginaw Code of Ordinances O-1.

### CONSIDERATION AND PASSING OF ORDINANCES:

### RESOLUTIONS:

### UNFINISHED BUSINESS:

### MOTIONS AND MISCELLANEOUS BUSINESS:

1. Motion to go into closed session to discuss pending litigation per MCL 15.268 Section 8.

### ADJOURN:

Timothy Morales  
Interim City Manager

IF YOU ARE DISABLED AND NEED ACCOMMODATION TO PROVIDE YOU WITH AN OPPORTUNITY TO PARTICIPATE OR OBSERVE IN PROGRAMS, SERVICES, OR ACTIVITIES, PLEASE CALL THE SAGINAW CITY CLERK, 1315 S. WASHINGTON AVENUE, 989.759.1480.

# City of Saginaw Proclamation

**WHEREAS:** there are currently 28 million small businesses in the United States, according to the United States Small Business Administration. These businesses create two-thirds of the net new jobs and generate half of private gross domestic product; and

**WHEREAS:** small businesses employ 50 percent of the employees in the private sector in the United States; and

**WHEREAS:** 86 percent of consumers in the United States have small businesses in their community that consumers would miss if the small businesses closed; and

**WHEREAS:** 93 percent of consumers in the United States agree that it is important for people to support the small businesses that they value in their community and to pledge support for a “buy local” movement; and

**WHEREAS:** Saginaw is home to several local owned businesses, stores, and specialty shops. Saginaw also offers a wide array of local owned restaurants, cafes and bistros that are some of the most well-established and popular gathering places in the City; and

**WHEREAS:** the members of the Saginaw City Council support our local businesses that create jobs, boost our local economy and preserve our neighborhoods. We celebrate these local businesses and the contribution they make to our community; and

**WHEREAS:** advocacy groups and public and private organizations across the country have endorsed the Saturday after Thanksgiving as Small Business Saturday.

**NOW, THEREFORE BE IT RESOLVED,** I, Dennis Browning, Mayor of the City of Saginaw, do hereby proclaim **November 30, 2013**, as

## “Small Business Saturday”

in the City of Saginaw and urge all residents of our community to support small businesses and merchants in the City of Saginaw on Small Business Saturday and throughout the year.

**IN WITNESS WHEREOF,** I have hereunto set my hand and caused the seal of the City of Saginaw to be affixed this 25th day of November in the year of our Lord two thousand and thirteen.



**Dennis Browning, Mayor**

### **Councilpersons**

*Amos O'Neal, Mayor Pro Tem  
Michael D. Balls, Annie Boensch,  
Norman Braddock, Larry Coulouris,  
Daniel Fitzpatrick, Floyd Kloc, and  
Brenda F. Moore*

November 25, 2013

**Timothy Morales, Interim City Manager**

# CITY OF SAGINAW PROCLAMATION

**WHEREAS**, Charles Braddock will be remembered as a great leader, mentor, and activist who positively affected the lives of so many, and left a legacy of love and hope for the Saginaw Community; and

**WHEREAS**, Charles strived every day to help others to experience the hope and joy that he found in his faith and in surrounding himself with family and friends. Charles is remembered as a loving son and brother. He was the father of two beautiful daughters, Kinesha and Candice, and his devoted son Derek; and grandfather to four very special grandchildren; and

**WHEREAS**, Charles Braddock was known for his strong faith and commitment to the Lord, serving as Pastor at St. Luke C.M.E. since 2010. He began every day reading the Bible and often told others that he found his strength in the scriptures; and

**WHEREAS**, Charles was a man committed to making a positive impact on our community and empowering others to do the same. Charles served as an officer with the Saginaw Police Department and as an instructor at the Delta College Police Academy. While serving with the police department, Charles operated the department's first community mini-policing station, and implemented several anti-crime and drug prevention seminars; and

**WHEREAS**, Charles Braddock also served the City of Saginaw in many other capacities, working as Director of the Summer Food Program, Finance Specialist, and Research Analyst. Charles later worked for the Michigan Department of Corrections Parole Board Commission, at the First Ward Community Center as Executive Director, and most recently at SVRC Industries, Inc. as an employment specialist for the Michigan Prisoner Re-Entry Program; and

**WHEREAS**, Charles Braddock was recognized for his great insight and passion for advocacy and justice. Charles received several awards; including the Delta College Distinguished Alumni Award, the Women's Progressive Club Hazel Wright Award, and the Saginaw Police Department Meritorious Service Award; and

**WHEREAS**, Charles Braddock touched the lives of many in Saginaw and throughout Michigan. In 1990, Charles was named "Top Cop" in the state of Michigan by Governor James Blanchard for the work he performed while serving on the Michigan Parole Board Commission; and

**WHEREAS**, Charles Braddock was a master gardener who loved and nurtured his flowers as he did his family and community. Throughout his life, Charles focused on cultivating seeds of hope and passing to future generations a legacy of strong values and integrity.

**NOW, THEREFORE BE IT RESOLVED**, that I, Dennis Browning, Mayor of the City of Saginaw, hereby urge all citizens of Saginaw to recognize and honor Charles Braddock and celebrate his life, outstanding achievements, and contributions to the City of Saginaw.

**IN WITNESS WHEREOF**, I have hereunto set my hand and caused the seal of the City of Saginaw to be affixed this 25th day of November in the year of our Lord two thousand and thirteen.



**Dennis Browning, Mayor**

***Councilpersons***

*Amos O'Neal, Mayor Pro Tem*

*Michael D. Balls, Annie Boensch, Norman Braddock,  
Larry Coulouris, Daniel Fitzpatrick, Floyd Kloc, and Brenda  
F. Moore*

**November 25, 2013**

**Timothy Morales, Interim City Manager**

REGULAR MEETING OF THE COUNCIL OF THE CITY OF SAGINAW, MICHIGAN, HELD TUESDAY, NOVEMBER 12, 2013, AT 6:30 P.M. IN THE COUNCIL CHAMBER OF CITY HALL.

PRAYER AND PLEDGE OF ALLEGIANCE

Council Member Fitzpatrick offered a prayer and led the pledge of allegiance.

City Clerk Janet Santos called forth the newly elected members of the City Council, Dennis Browning, Larry Coulouris, Michael Balls and Brenda Moore. Clerk Santos administered the oath of office. Each member signed the oath book and took their seat.

ROLL CALL

City Clerk Janet Santos called the meeting to order. Council Members present: Floyd Kloc, Daniel Fitzpatrick, Larry Coulouris, Dennis Browning, Norman Braddock, Amos O'Neal, Annie Boensch, Michael Balls and Brenda Moore - 9. Council Members absent: None - 0.

The first order of business was election of a Mayor. The City Clerk called for nominations. Council Member Fitzpatrick nominated Council Member Browning, which he accepted. Council Member O'Neal nominated Council Member Braddock, which he accepted. The Clerk called for nominations three additional times and hearing none closed the nominations. The Clerk proceeded with a roll call vote as follows:

Council Member Balls	Norman Braddock
Council Member Boensch	Dennis Browning
Council Member Coulouris	Dennis Browning
Council Member Fitzpatrick	Dennis Browning
Council Member Kloc	Dennis Browning
Council Member Moore	Norman Braddock
Council Member O'Neal	Norman Braddock

Having received the majority vote, Dennis Browning was announced as the Mayor of the City of Saginaw. Mayor Browning, after taking his oath of office, took his seat and proceeded with the election to fill the office of Mayor Pro Tem.

Mayor Browning opened the floor for nominations for Mayor Pro Tem. Council Member Fitzpatrick nominated Council Member Coulouris, which he accepted. Council Member Braddock nominated Council Member O'Neal, which he accepted. Mayor Browning called for nominations three times and hearing none closed the nominations. The Clerk conducted a roll call vote as follows:

Council Member Balls	Amos O'Neal
Council Member Boensch	Larry Coulouris
Council Member Braddock	Amos O'Neal
Council Member Coulouris	Larry Coulouris
Council Member Fitzpatrick	Larry Coulouris
Council Member Kloc	Larry Coulouris
Council Member Moore	Amos O'Neal
Council Member O'Neal	Amos O'Neal
Mayor Browning	Amos O'Neal

Council Member Amos O'Neal having received the majority of votes was announced as Mayor Pro Tem of the City of Saginaw. Council Member O'Neal, after taking his oath of office, took his seat next to Mayor Browning.

#### ANNOUNCEMENTS

City Clerk Janet Santos made the following announcements:

- leaf and yard waste collection process with regular trash pick-up available through November 30<sup>th</sup>;
- a reminder that political signs shall be removed within 7 days of the election, which is today;
- SVRC Industries, Inc. is now accepting electronic recycling items; and
- an agenda item was added regarding the approval of petition #13-13 from PRIDE in Saginaw to display fireworks on Ojibway Island November 22, 2013.

Mayor Browning read a proclamation declaring November 15, 2013 as "America Recycles Day." Public Services Director Phil Karwat accepted the proclamation and expressed appreciation for the recognition of the efforts and importance of recycling.

#### PERSONAL APPEARANCES

There were no persons present to address the Council.

#### REMARKS OF COUNCIL

Remarks were heard from the following Council Members: Fitzpatrick, Braddock, Boensch, O'Neal, Coulouris, Moore, Balls, Kloc and Mayor Browning.

A moment of silence was observed for Charles Braddock.

*Council Members Fitzpatrick and Braddock left the meeting at 6:55 p.m.*

#### REPORTS FROM CITY MANAGER

##### Management Update

Interim City Manager Tim Morales congratulated the newly elected and re-elected Council Members and the Mayor and Mayor Pro Tem and their election. Mr. Morales also congratulated the City Clerk and staff for the conduct of a smooth election with immediate posting of election results for the public. Manager Morales reported his attendance at the Neighborhood Watch Group meetings and the arson watch resulting in no arson fires. Manager Morales and staff have attended Charette planning sessions and a report from the New ERA Group can be expected in the near future.

##### Consent Agenda

1. Approve the October 23, 2013 regular Council meeting minutes.
2. Approve the proposed 2014 City Council Meeting Schedule.
3. Approve to receive the Saginaw Community Foundation's Enhanced Photographic Evidence Program Grant to the Saginaw Police Department for \$5,190 for the purchase of cameras for the Police Department. Further, approve a budget adjustment for Fiscal Year 2014 to increase the General Fund Revenue's Foundation Grant Account No. 101-0000-580.002 from \$0 to \$5,190. The increase

in revenue will be offset by an increase to the Community Public Safety – Police, Police Building Management Division’s Capital Outlay less than \$5,000 Account No. 101-3514-971.000 by the same amount.

4. Approve a purchase order to the County of Saginaw-SCCJCC in the amount of \$40,500 for the 2013 Maintenance/Replacement fee for 27 Mobile Data Terminals for the Police Department.
5. Approve a purchase order to GCR Tire Sales for \$8,312.04 for replacement tires on two Loaders used by the Streets Division.
6. Approve a purchase order to Michigan Pipe and Valve for \$10,800 for an annual supply of manhole blocks to be used by the Maintenance and Service Division.
7. Approve a purchase order to HD Supply Waterworks for \$82,978 for catch basins and manhole castings for the Maintenance and Service Division.
8. Approve the 20 proposed traffic control and parking regulation changes as recommended by the Transportation Committee.
9. Adopt the resolution to approve the Preliminary Engineering Agreement with the Spicer Group, Inc. for preliminary engineering services for the Mackinaw Street Improvements from Congress Street to Weiss Street.
10. Adopt the resolution to approve the Preliminary Engineering Agreement with Rowe Professional Services Company, Inc. for the Niagara Street Improvements from the Huron and Eastern railroad tracks north to Davenport Avenue.
11. Approve the Agreement for the Investment Grade Audit and Energy Assessment Report for Energy Saving Performance Contracting Services with Energy Systems Group at no cost.
12. Approve a purchase order to The Macomb Group, Inc. for \$7,191 for five flow control valves for the Wastewater Treatment Plant.
13. Approve a purchase order to Airgas U.S.A. for \$2,456 for a Rollgliss controlled descent device for the Wastewater Treatment Plant.
14. Approve a purchase order to Hydrodynamics, Inc., a sole source, for \$15,196 for parts to rebuild the #1 raw sewage pump at the Wastewater Treatment Plant.
15. Approve a purchase order to Kennedy Industries, a sole source, for \$2,578 to reline a 20” Dezurik valve for the Wastewater Treatment Plant.

Council Action:

Moved by Council Member Kloc, seconded by Council Member Boensch to approve consent agenda items 1 and 3 through 15 as presented. 7 ayes, 0 nays, 2 absent. Motion approved.

Moved by Mayor Browning, seconded by Council Member Kloc to approve consent agenda item 2 as presented. 7 ayes, 0 nays, 2 absent. Motion approved.

REPORTS FROM BOARDS; COMMISSIONS AND COMMITTEES, AND  
APPOINTMENT OF BOARD AND COMMISSION MEMBERS

Moved by Council Member Boensch, seconded by Council Member Kloc to appoint Gregory L. Branch to the MBS International Airport Commission to fill a vacancy with a term to expire October 15, 2014. 7 ayes, 0 nays, 2 absent. Motion approved.

Moved by Council Member Boensch, seconded by Council Member Kloc to appoint Daniel Fitzpatrick to the MBS International Airport Commission to fill a vacancy with a term to expire October 15, 2014. 7 ayes, 0 nays, 2 absent. Motion approved.

RESOLUTIONS

Moved by Mayor Pro Tem O'Neal, seconded by Council Member Boensch to adopt the resolution authorizing the request to transfer ownership of a Class C licensed business located at 1010 N. Niagara, from SRI SAI Enterprises, LLC to Central States Development, Inc. 7 ayes, 0 nays, 2 absent. Motion approved.

Moved by Council Member Kloc, seconded by Council Member Balls to adopt the resolution for the City of Saginaw apportionment of \$5,625 for the Saginaw Area Storm Water Authority Annual Budget. 7 ayes, 0 nays, 2 absent. Motion approved.

Moved by Council Member Kloc, seconded by Council Member Moore to adopt the resolution authorizing the SAW Grant Agreement with the Michigan Finance Authority and the Michigan Department of Environmental Quality. 7 ayes, 0 nays, 2 absent. Motion approved.

Moved by Council Member Kloc, seconded by Council Member Coulouris to adopt the resolution objecting to the transfer of tax reverted properties from Saginaw County to the City. 7 ayes, 0 nays, 2 absent. Motion approved.

MOTIONS AND MISCELLANEOUS BUSINESS

Moved by Council Member Kloc, seconded by Council Member Balls to approve petition #13-13 from PRIDE in Saginaw to display fireworks on Ojibway Island on November 22, 2013. 7 ayes, 0 nays, 2 absent. Motion approved.

ADJOURNMENT

Moved by Mayor Pro Tem O'Neal, seconded by Council Member Moore to adjourn the meeting at 7:19 p.m. 7 ayes, 0 nays, 2 absent. Motion approved.

Janet Santos, CMC/MMC  
City Clerk

**From:** Timothy Morales, Interim City Manager  
**Subject:** Saginaw-Midland Municipal Water Supply Corporation (SMMWSC)  
2012-2013 Annual Audit  
**Prepared by:** Janet Santos, City Clerk

**Manager’s Recommendation:**

I recommend that the 2012-2013 Annual Audit of the Saginaw-Midland Municipal Water Supply Corporation (SMMWSC) be received and filed.

**Justification:**

The City of Saginaw and the City of Midland are owners of the SMMWSC. According to Article XVII of the Articles of Incorporation, it states “The Corporation shall cause an annual audit to be made of its financial transactions by a certified public accountant and furnish at least five copies thereof to each constituent municipality.” This recommendation will indicate that this requirement is met. The SMMWSC 2012-2013 Annual Audit was received by the City Clerk’s Office on November 14, 2013, and provided to City Council under separate cover.

**Council Action:**

Moved by Council Member \_\_\_\_\_, seconded by Council Member \_\_\_\_\_ to approve the recommendation of the City Manager.

**From:** Timothy Morales, Interim City Manager  
**Subject:** Ricoh USA Copy Machine Lease – Inspections & Fire Department  
**Prepared by:** Jeff Kloplic, Technical Services Department

**Manager’s Recommendation:**

I recommend that the bid from the State of Michigan MiDEAL, be accepted and that a purchase order be approved and issued to Ricoh USA in the amount of \$35,030.40. This amount consists of two multi-function printers, with \$7,006.08 in annual payments due on a five-year lease option.

**Justification:**

The Technical Services Department conducted a copy/print study in 2011. The study concluded that the City would see a dramatic decrease in print related costs if it were to remove all personal desktop printers from employees’ desks and replace them with multi-function printers. The Inspections’ multi-function printer is an end-of-lease exchange, and the Fire Department printer will be a replacement of a City owned printer. The City will see a \$4,079.04 decrease in yearly costs associated with the new leases.

Ricoh USA 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 the yearly lease are budgeted and available in the General Fund – Fire Suppression Division’s Operating Services Account No. 101-3551-805.000 (\$924), Inspections Division’s Operating Services Account No. 101-3865-805.000 (\$2,027.36), Rubbish Collection Fund – Environmental Improvement Division’s Operating Service Account No. 226-4583-805-000 (\$2,027.36), and the CDBG Residential Loan Fund’s Operating Service Account No. 276-6540-805-000 (\$2,027.36).

**Council Action:**

Moved by Council Member \_\_\_\_\_, seconded by Council Member \_\_\_\_\_ to approve the recommendation from the City Manager.

**From:** Timothy Morales, Interim City Manager  
**Subject:** HUD Community Development Block Grant (CDBG) Subrecipients Contracts

**Prepared by:** Leticia Trevino, Department of Community Services

**Manager's Recommendation:**

I recommend that the City Council approve the two contracts for Community Development Block Grant (CDBG) Sub recipients for FY 2013-14. The contracts have been approved by the City Manager as to substance and the CDBG Attorney as to form. Further, it is recommended that the Mayor or his designee be authorized to sign the Contracts.

**Justification:**

Transmitted herewith are two (2) contracts, one for housing services and the other for public service activities. They were previously submitted; however, there was an error in the name of the Sub recipient so we have amended the communication to reflect the correction. We ask that the contracts be carried out under the City's 40<sup>th</sup> year of the CDBG Program. The following information outlines the scope of activity and funding level for each project under contract with the City:

1. Habitat for Humanity Home Maintenance \$14,320  
This activity is operated by Habitat for Humanity in the City of Saginaw. It provides for home maintenance classes for basic plumbing, electrical, interior and exterior repairs. This service is provided to households with income that falls between 30-60% of the area median income for the number of members in their household.
  
2. Operation Reach \$10,000  
This public service is administered by Operation Reach in the City of Saginaw. The purpose of this program is to provide an environment where individuals are learning to improve their social skills, have recreational activities, and get assistance with homework in order to improve academic scores in a safe, supervised, drug-free learning environment.

Council approved the City's submission to the Department of Housing and Urban Development (HUD) for these funds on January 22, 2013.

**Council Action:**

Moved by Council Member \_\_\_\_\_, seconded by Council Member \_\_\_\_\_ to approve the recommendation from the City Manager.

**From:** Timothy Morales, Interim City Manager  
**Subject:** Budget Adjustment to Recognize FEMA Unrealized Revenues  
**Prepared by:** Phillip J. Karwat, Department of Public Services

**Manager's Recommendation:**

It is recommended that the FY 2014 Approved Major Streets Fund's Use of Fund Equity Account No. (202-0000-989.000) be increased by \$305,000. This increase is a result of the final audit and closure of project #286 under disaster declaration MI-DR-1777 where the City reserved unrealized revenues from the Federal Emergency Management Agency (FEMA) disaster declared in 2008. To offset the increase in revenues, expenditures should be increased by the same amount in the Major Streets Fund – Routine Maintenance Division's Vehicle Account No. (202-4651-982.000).

**Justification:**

On August 27, 2008 under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act as amended 42 U.S.C. 5121-5206 (Stafford Act), in accordance with 44CFR 206.44 the President of the United States declared a disaster for certain areas of the State of Michigan, including the City of Saginaw. This disaster declaration was a result of severe storms, tornadoes and flooding for the period of June 6 through June 13, 2008. The President declared the impact of the storms and flooding to be of sufficient severity and magnitude that it was beyond the combined capabilities of state and local government to respond.

The City of Saginaw applied for and was determined eligible for Federal and State financial assistance to aide with the cleanup following this storm event. Federal funds provided under the Stafford Act for Public Assistance were granted at 75%, with State sharing at 12.5% of the total eligible costs and City sharing at 12.5% percent of matching funds. The City of Saginaw agreed to participate in the Pilot program and four of the nine approved projects contained an element of Pilot Programs. Specifically, the four projects were written to allow reimbursements for force account regular-time wages and equipment costs at the Michigan Department of Transportation Schedule C Rates for debris related activities. Of the nine projects only one was a large project, PW #286, a Category A project written for the Streets Division in the amount of \$951,834.65.

With guidance from the Emergency Management and Homeland Security Division the final audit of Project #286 is completed. This audit determined actual project costs of \$794,148.91, including \$305,000 in underrun funds. Underrun funds are defined as "the difference between the original amount of the estimated project agreed upon less the actual eligible and documented costs.

Per the guidelines of the Pilot Program the City may utilize underrun funds for the purchase of equipment within the Major Streets Fund.

**Council Action:**

Moved by Council Member \_\_\_\_\_, seconded by Council Member \_\_\_\_\_ to approve the recommendation from the City Manager.

**From:** Timothy Morales, Interim City Manager  
**Subject:** Brass Water Parts  
**Prepared by:** John Premo, Public Services Department

**Manager’s Recommendation:**

I recommend that the low bid from HD Supply Waterworks, Shelby Township, Michigan be accepted and that a purchase order be approved and issued to them in the amount of \$30,409.27 for brass water parts for FY 2014.

**Justification:**

On October 29, 2013, bids were received for 77 different brass water parts totaling 1,237 individual pieces. These brass parts will be used in the maintenance, repair, and construction of the Transmission and Water Distribution Systems. On January 4, 2014, the new no lead rules that are being enforced by the EPA will become effective. All brass potable water parts can have no more than 25% of lead content in the wet area of the part. At this time, these brass parts are the last of what is needed for replacement in order to be in compliance with the upcoming new law.

The following is a tabulation of the bids received:

<b><u>Vendor</u></b>	<b><u>Cost</u></b>
HD Supply Waterworks Shelby Township, MI	\$30,409.27
Etna Supply Grand Rapids, MI	\$31,593.74

HD Supply Waterworks meet all requirements of §14.23, “Vendors,” of Purchasing, Contracting, and Selling Procedure,” of Chapter 14, “Finance and Purchasing,” of Title 1, “General Provisions” of the Saginaw Code of Ordinances O-1.

Funds for these purchases are budgeted in the Water Operation and Maintenance Fund – Maintenance and Service Division’s Parts & Supplies Account No. 591-4721-742.000.

**Council Action:**

Moved by Council Member \_\_\_\_\_, seconded by Council Member \_\_\_\_\_ to approve the recommendation from the City Manager.

**From:** Timothy Morales, Interim City Manager

**Subject:** Sewer - Replacement Street Sweeper

**Prepared by:** Don Riley, Public Services Department

**Manager's Recommendation:**

I recommend that a purchase order be approved and issued to Global Environmental Products, Inc., San Bernardino, CA at the HGACBuy Contract price in the amount of \$169,293 for the purchase of one (1) 2015 Global M3 Street Sweeper and authorization for the City Manager or his designee to execute the Inter-local Contract and any related documents. The application and contract has been approved by me as to substance and the City Attorney as to form.

**Justification:**

The Sewer Division is replacing a 1990 Elgin Pelican Street Sweeper with 52,555 miles that was scheduled for replacement in 2000. This unit had an engine part failure that caused a fire and left the unit in disrepair. The Sweeper value was below the City's \$15,000 deductible resulting in no insurance compensation. This Sweeper was sold for a profit at the City's June 8, 2013 public auction in the amount of \$1,840, and it is a frontline piece of equipment that assists in cleaning City streets, catch basins, and sewers. HGACBuy allows Municipalities to use the purchasing power of National Bids to expedite procurement, receive volume-purchasing discounts, and many other significant benefits.

Global Environmental Products, Inc. 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 Sewer Operations and Maintenance Fund - Surplus Division's Maintenance Equipment Account No. 590-4840-978.000.

**Council Action:**

Moved by Council Member \_\_\_\_\_, seconded by Council Member \_\_\_\_\_ to approve the recommendation from the City Manager.

**From:** Timothy Morales, Interim City Manager  
**Subject:** Track Removal and Replacement Charges, Lake State Rail Way  
**Prepared by:** John Premo, Public Services Department

**Manager’s Recommendation:**

I recommend that a purchase order be approved and issued to Lake State Rail Way, Saginaw, MI (in city) in the amount of \$6,576 for Track Removal and Replacement Services done by Lake State crews when previous water main repairs were made by the Maintenance and Service Division in FY 2013.

**Justification:**

In 1960, the City abandoned the Eighth Street right of way to the rail road retaining a utilities easement with no stipulations, thereby, unintentionally exposing the City to the rules, regulations and charges of the rail road company, which is effective to date. Subsequently, our water main has broken on two previous occasions in FY 2013 requiring the track removal and replacement services of Lake State Rail Way.

Funds for these charges are budgeted in the Water Operation and Maintenance Fund, Maintenance and Service Division’s Operating Services Account No. 591-4721-805.000.

**Council Action:**

Moved by Council Member \_\_\_\_\_, seconded by Council Member \_\_\_\_\_ to approve the recommendation from the City Manager.

**From:** Timothy Morales, Interim City Manager  
**Subject:** Lake State Railway Release of Liability  
**Prepared by:** John Premo, Public Services Department

**Manager’s Recommendation:**

I recommend that the Lake State Railway, Saginaw, Michigan (in city) agreement be approved. The agreement provides for a release from liability, as well as for the acquisition of a Lake State flagman at the fee of \$1,000 per day. I further recommend that the Interim City Manager or his designee be authorized to execute this agreement on behalf of the City of Saginaw. The Agreement has been approved by me as to substance and the City Attorney as to form.

**Justification:**

On or about December 1, 2013, the Public Services, Maintenance and Service crews will be required to work inside the Lake State Railway yard on the water main serving Lake State Railway. This project is anticipated to take 1 – 2 days, and will not involve track removal. A release from liability is required by Lake State Railway for our work to take place along with a notification clause to contact the railroad prior to entry so a flagman can be present during the work. The City is required to indemnify Lake State from any liability incurred as a result of the City’s use of work on the property. A mutual indemnification clause was requested by the City however, Lake State would not agree to include the same language in their release from liability document.

Funds for this charge is budgeted in the Water Operation and Maintenance Fund – Maintenance and Service Division’s Operating Services Account No. 591-4721-805.000.

**Council Action:**

Moved by Council Member \_\_\_\_\_, seconded by Council Member \_\_\_\_\_ to approve the recommendation from the City Manager.

**From:** Timothy Morales, Interim City Manager

**Subject:** Boerger Pump Parts

**Prepared by:** Brian Baldwin, Water and Wastewater

**Manager's Recommendation:**

I recommend that the quote from Detroit Pump of Ferndale, MI, a sole source, be accepted and a purchase order be issued to them in the amount of \$4,194.66 to purchase stock pump parts for the Boerger rotary lobe pumps at the Wastewater Treatment Plant.

**Justification:**

The Wastewater Plant has eight Boerger rotary lobe pumps which pump sludge from the bottom of our primary clarifiers to our above ground storage tanks. Parts are stocked to rebuild one of these pumps. A pump was recently rebuilt using stock parts. On September 25, 2013, we received a quote from Detroit Pump to replace the stock parts used. Detroit Pump is the manufacturer's representative for Boerger Pumps, a sole source for replacement 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 purchase are available in the Sewer Operations and Maintenance Fund, Treatment and Pumping Division's Parts and Supplies Account No. 590-4830-742.000

**Council Action:**

Moved by Council Member \_\_\_\_\_, seconded by Council Member \_\_\_\_\_ to approve the recommendation from the City Manager.

**From:** Timothy Morales, Interim City Manager  
**Subject:** Replacement Dissolved Oxygen Probes  
**Prepared by:** Brian Baldwin, Water and Wastewater

**Manager's Recommendation:**

I recommend that the quote from Dave Ray & Associates of New Hudson, MI, a sole source, be accepted and a purchase order be issued to them in the amount of \$2,260 to purchase two Insight dissolved oxygen probes for the Wastewater Treatment Plant.

**Justification:**

The wastewater plant has twelve dissolved oxygen probes, three in each of our four aeration basins. These probes constantly monitor the dissolved oxygen level in our aeration basins and speed up or slow the aerators to maintain the desired dissolved oxygen level. In early October one of these probes failed. On October 10, 2013, we received a quote from Dave Ray & Associates in the amount of \$2,260 to purchase a replacement probe, plus one for stock. Dave Ray & Associates is the manufacturer's representative for Insight and a sole source for replacement probes.

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 Sewer Operations and Maintenance Fund, Treatment and Pumping Division's Parts and Supplies Account No. 590-4830-742.000

**Council Action:**

Moved by Council Member \_\_\_\_\_, seconded by Council Member \_\_\_\_\_ to approve the recommendation from the City Manager.

**From:** Timothy Morales, Interim City Manager

**Subject:** Motor Overload Protection Unit

**Prepared by:** Brian Baldwin, Water and Wastewater

**Manager's Recommendation:**

I recommend that the quote from Wesco Distribution of Saginaw, MI, a sole source, be accepted and a purchase order be issued to them in the amount of \$3,270.61 for the purchase of a Motor Protect 3000 overload protection unit for the #1 high service pump at the Weiss Street Retention and Treatment Basin.

**Justification:**

On September 24, 2013 we received a quote from Wesco for a Motor Protect 3000 overload protection unit. The Weiss Street Retention and Treatment Basin has three pumps which come on automatically during high flows to relieve the main sewer interceptor and prevent basement flooding. The overload protection units prevent the pumps from drawing too many amps and burning up the motors. In early September one of these motor overload protection units failed. Wesco is the local distributor and the sole source for this equipment.

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 Sewer Operations and Maintenance Fund, Remote Facilities Division's Parts and Supplies Account No. 590-4835-742-000.

**Council Action:**

Moved by Council Member \_\_\_\_\_, seconded by Council Member \_\_\_\_\_ to approve the recommendation from the City Manager.

**From:** Timothy R. Morales, Interim City Manager

**Subject:** Amendment of Police and Fire Pension Ordinance

**Prepared By:** Beth Carson Church, Pension Board Secretary

**Manager's Recommendation:**

I recommend the amendment of §16.19 "Non-Duty Death" and §16.20 "Death Occurring in the Line of Duty," of Chapter 16 "Police Officer and Firefighters Retirement System," Title I "Administrative Code," of the City of Saginaw Code of Ordinances O-1.

**Justification:**

The Board of Trustees for the City of Saginaw Police Officer and Firefighters Retirement System (the "Board") has recently reviewed the Ordinance and has determined that there are numerous provisions regarding the benefits of surviving spouses/parents that are outdated and contrary to public policy. As currently drafted, benefits payable to a surviving spouse/parent terminate upon his or her remarriage. Such provisions are contrary to public policy which encourages marriage. These provisions also treat surviving spouses/parents of members who died while in the employ of the City of Saginaw as police officers or firefighters worse than the divorced spouses of such employees.

It should be noted that the State of Michigan has adopted similar ordinance amendments for its state employee retirement systems.

The Pension Board requests that City Council consider the amendment of the ordinance to eliminate any provisions containing a prohibition on remarriage. An Ordinance has been prepared and appears under the regular order of business.

**Council Action:**

This council communication is for explanation purposes of the ordinance to be introduced and enacted according to the City Charter, Section 22, titled, "Ordinances."

Moved by Council Member \_\_\_\_\_, seconded by Council Member \_\_\_\_\_  
to introduce an Ordinance entitled and reading as follows:

O- \_\_\_\_\_

AN ORDINANCE TO AMEND §16.19 “NON-DUTY DEATH,” AND §16.20 “DEATH OCCURRING IN THE LINE OF DUTY,” OF CHAPTER 16 “POLICE OFFICER AND FIREFIGHTERS RETIREMENT SYSTEM,” TITLE I “ADMINISTRATIVE CODE,” OF THE CITY OF SAGINAW CODE OF ORDINANCES O-1.

Laid over under the Charter Provision.

Moved by Council Member \_\_\_\_\_, seconded by Council Member \_\_\_\_\_ that an ordinance introduced on November 25, 2013, be taken up and enacted, entitled and reading as follows:

O-\_\_\_\_\_

AN ORDINANCE TO AMEND §16.19 “NON-DUTY DEATH,” AND §16.20 “DEATH OCCURRING IN THE LINE OF DUTY,” OF CHAPTER 16 “POLICE OFFICER AND FIREFIGHTERS RETIREMENT SYSTEM,” TITLE I “ADMINISTRATIVE CODE,” OF THE CITY OF SAGINAW CODE OF ORDINANCES O-1.

The City of Saginaw Ordains:

## **§ 16.19 NON-DUTY DEATH.**

(A) *Non-duty death; application of Option A.*

(1) Any member who continues in the employ of the City as a police officer or firefighter on or after the date the member either (1) acquires twenty-five (25) years of credited service or (2) attains age fifty-five (55) years may elect, prior to the effective date of his or her retirement by written declaration filed with the Board of Trustees in the manner and form prescribed by the Board, Option A provided for in §16.14, and nominate a beneficiary whom the Board finds to be dependent upon the said member for at least fifty percent (50%) of his or her financial support. Prior to the effective date of the member's retirement, said member may revoke his or her election of Option A and nomination of beneficiary and the member may again, prior to the effective date of his or her retirement, elect the said Option A and nominate a beneficiary as provided in this subsection. In the event a member who has an Option A election in force dies while in the employ of the City as a police officer or firefighter, his or her beneficiary shall immediately receive a pension computed in the same manner in all respects as if the said member had retired pursuant to the provisions of this chapter the day preceding the date of his or her death. In the event a member who has an Option A election in force under the provisions of this subsection subsequently retires pursuant to the provisions of this chapter, the member's said election of Option A and nomination of beneficiary shall take effect as of the effective date of his or her retirement; provided, that the member shall have the right prior to the effective date of his or her retirement, but not thereafter, to elect, in lieu of Option A, to take his or her pension as a straight life pension or under Option B provided for in §16.14. No pension shall be paid under this subsection on account of the death of a member if any pensions are paid or become payable under §16.20 on account of the member's death.

(2) Any member who continues in the employ of the City as a police officer or firefighter on or after the date the member either (1) acquires twenty-five (25) years of credited service or (2) attains the age of fifty-five (55) years, and does not have an Option A election in force as provided in division (A), and (1) dies while in the employ of the City as a police officer or firefighter, and (2) leaves a widow, or in the case of a female member, leaves a widower whom the Board of Trustees finds to be totally and permanently disabled and to have been dependent upon the said female member for at least fifty percent (50%) of his financial support, the said widow or widower shall

immediately receive a pension computed in the same manner in all respects as if the said member had (1) retired pursuant to the provisions of this chapter the day before the date of the member's death, (2) elected Option A provided in §16.14, and (3) nominated his or her said widow or widower as beneficiary. No pension shall be paid under this subsection on account of the death of member if any pensions are paid under §16.20 on account of the member's death.

(3) Effective July 1, 1983, and thereafter, the foregoing provisions of this division (A) shall not be applicable to a firefighter member, or effective September 19, 1984, and thereafter to a police sergeant, police lieutenant, police captain, or assistant police chief who was a prior Saginaw command officer bargaining unit member or their beneficiaries. Any benefits granted to a firefighter member or any of his beneficiaries prior to July 1, 1983, or to a police sergeant, police lieutenant, or police captain member or their beneficiaries prior to September 19, 1984, shall remain in full force and effect.

(B) *Non-duty death; survivor pensions.*

(1) If a member dies while in the employ of the City, the applicable pensions provided for in subsections (a), (b), (c), and (d) below shall be paid; provided, that the member has neither elected Option A nor nominated a beneficiary under division (A)(1); provided further, that the member has paid into the member's deposit fund all amounts due the fund by the member.

(a) The widow or widower of a deceased member shall receive a pension of twenty-five percent (25%) of final compensation. The widow's or widower's pension shall begin the first day of the calendar month next following the month in which the member died and shall terminate upon the widow's or widower's ~~remarriage, or~~ death, ~~whichever occurs first~~. The widow or widower of a member whose death occurs on or after the member's attainment of age fifty-five (55) years may elect to take his or her pension under either this subsection or under division (A)(2).

(b) If, in addition to a widow or widower, the deceased member leaves an unmarried child or children under age twenty-one (21) years, or the member's mentally or physically totally and permanently disabled child whom the Board of Trustees finds to be a least fifty percent (50%) dependent for his or her financial support upon the deceased member, each such child shall receive a pension of an equal share of thirty percent (30%) of final compensation; provided, that in no case shall the pension payable to any one such child exceed twenty percent (20%) of final salary. The pension payable to a child, except such a totally and permanently disabled child, shall terminate upon his or her attainment of age twenty-one (21) years. The pension payable to any child shall terminate upon said child's adoption, marriage, or death, whichever occurs first. Upon termination of a child's pension there shall be a redistribution by the Board to the member's remaining eligible children. The pensions provided in this subsection shall be in addition to the pension provided in subsection (a) above or division (A)(2).

(c) If the deceased member does not leave a widow or widower eligible to a pension provided in this chapter, or if a pension payable to a widow or widower terminates on account of ~~remarriage, or~~ death, and there be surviving the said deceased member's unmarried child or children under age twenty-one (21)

years, or a mentally or physically totally and permanently disabled child whom the Board of Trustees finds to be at least fifty percent (50%) dependent upon the deceased member for financial support, each such child shall receive a pension of twenty percent (20%) of final compensation; provided, that if there be more than two (2) such children each such child shall receive a pension of an equal share of forty percent (40%) of final compensation. The pension payable to a child, except such a totally and permanently disabled child, shall terminate upon the child's attainment of age twenty-one (21) years; the pension payable to any child shall terminate upon the child's adoption, marriage, or death, whichever occurs first. Upon termination of a child's pension there shall be a redistribution by the Board to the deceased member's remaining eligible children; provided that the pension payable to any one child shall not exceed twenty percent (20%) of final compensation.

(d) If there be no widow, widower, nor children eligible to receive pensions provided in subsections (a), (b) or (c) above or division (A)(2) above surviving the said deceased member, and the member leaves either or both a dependent mother or dependent father whom the Board of Trustees finds to be dependent upon the said member for at least fifty percent (50%) of that parent's financial support, each such parent shall receive a pension of fifteen percent (15%) of final compensation. Upon a parent's ~~remarriage or~~ death the member's pension shall terminate.

(2) Effective:

July 1, 1983, and thereafter, if a firefighter member;

September 19, 1984, and thereafter, if a police sergeant, police lieutenant, police captain, or assistant police chief who was a prior Saginaw command officer bargaining unit member; or

July 1, 1988, if a police officer member who is a police patrol officer, dies while in the employ of the City, the applicable pensions provided for in subsections (a), (b), (c), or (d) below shall be paid; provided that the member has paid into the member's deposit fund all amounts due to the fund by the member. Any pensions paid under this provision shall be subject to §§16.22 and 16.13(G)(1)—(6).

(a) The widow or widower of a deceased member shall receive a pension of eighty percent (80%) of the pension that would have been due and payable to the deceased member, computed as if the member had retired the day immediately preceding death. Computation of the pension shall be made using the multiplier set forth in §16.12(A) times the average of the member's last three (3) years compensation, including the value of any unused vacation time paid to the surviving spouse, multiplied by the number of years, and fraction of a year, of credited service. If said member should die prior to the attainment of age fifty-five (55) years, the credited service shall be increased, for the exclusive purpose only of computing the pension, by the number of years, and fraction of a year, not to exceed ten (10) years, in the period from the date of the member's death to the date the member would have obtained age fifty-five (55) years. The surviving spouse's pension shall begin the first day of the calendar month next following the month in which the member died and shall be terminated upon the surviving spouse's ~~remarriage or~~ death, ~~whichever occurs first~~.

(b) If a deceased member does not leave a widow or widower eligible to a pension provided in this chapter, or if a pension payable to a widow or widower terminates on account of ~~remarriage or~~ death, and there be surviving the said deceased member's unmarried child or children under age twenty-one (21) years, or mentally or physically totally and permanently disabled child whom the Board of Trustees finds to be at least fifty percent (50%) dependent upon the deceased member for his or her financial support, each such child shall receive a pension of twenty-five percent (25%) of the pension that would have been due and payable to the deceased member calculated as set forth in subsection (a) above. Providing, that if there be more than two (2) such children each such child shall receive a pension of an equal share of fifty percent (50%) of the pension that would have been due and payable to deceased member calculated as set forth in subsection (a) above. The pension payable to a child, except such a totally and permanently disabled child, shall terminate upon his or her attainment of age twenty-one (21) years; the pension payable to any child shall terminate upon said child's adoption, marriage, or death, whichever occurs first. Upon termination of a child's pension there shall be a redistribution by the Board to the deceased member's remaining eligible children; provided, that the pension payable to any one (1) child shall not exceed twenty-five percent (25%) of the pension that would have been due and payable to the deceased member calculated as set forth in subsection (a) above.

(c) If there be no widow, widower, nor children eligible to receive pensions provided in subsection (a) or (b) of this section surviving the said deceased member, and the member leaves either or both a dependent mother or a dependent father whom the Board of Trustees finds to be dependent upon said member for at least fifty percent (50%) of the parent's final support, each such parent shall receive a pension of fifteen percent (15%) of the pension that would have been due and payable to the deceased member calculated as set forth in subsection (a) above. Upon a parent's ~~remarriage or~~ death, this pension shall terminate.

(d) Notwithstanding the foregoing provisions of subsection (a) above, a widow or widower may elect to receive benefits as provided in subsections (1)(a) and (b) above, if this is to their advantage. Should such an election of benefits under subsections (1)(a) and (b) terminate on account of the ~~remarriage or~~ death of the widow or widower, any surviving children shall receive benefits as defined in subsection (2)(b) above.

(3) Effective January 15, 1992, police patrol officer members who leave a pension for surviving children, shall, unless the child is totally and permanently disabled, have said pension terminate at the time the surviving child reaches age twenty-one (21), becomes deceased, is adopted, or marries, whichever comes first.

## § 16.20 DEATH OCCURRING IN THE LINE OF DUTY.

(A) If a member dies as the result of illness contracted or injuries received arising out of and in the course of the member's employment with the City, and such death, illness, or injuries resulting in death be found by the Board of Trustees to have been the natural and proximate result of the member's actual performance of duty as a police officer or

firefighter in the employ of the City, the applicable benefits provided in subsections (1), (2), (3), (4), and (5) below shall be paid; provided, that the widow or widower of such deceased member shall have the right to elect to take benefits under §16.19 in lieu of this section, in which case the accumulated contributions shall not be refunded.

(1) The accumulated contributions standing to the member's credit in the member's deposit fund at the time of the member's death shall be paid in accordance with the provisions of §16.23.

(2) A pension of one-third ( $\frac{1}{3}$ ) of the final compensation of such deceased member shall be paid to the surviving spouse. Such pension shall terminate upon the surviving spouse's ~~remarriage or~~ death, and shall be subject to §16.22.

(3) If, in addition to a surviving spouse, the said deceased member leaves an unmarried child or children under age twenty-one (21) years, or leaves a mentally or physically totally and permanently disabled child whom the Board of Trustees finds to be at least fifty percent (50%) dependent for his or her financial support upon the deceased member, each such child shall receive a pension of an equal share of one-fourth ( $\frac{1}{4}$ ) of the deceased member's final compensation. The pension payable to a child, except such a totally and permanently disabled child, shall terminate upon said child's attainment of age twenty-one (21) years; the pension payable to any child shall terminate upon his or her adoption, marriage, or death, whichever occurs first. Upon termination of a child's pension there shall be a redistribution by the Board to the deceased member's remaining eligible children. Any pension payable under this subsection shall be subject to §16.22.

(4) If there be no widow or widower surviving the deceased member, or if the pension payable to a widow or widower terminates on account of his or her ~~remarriage or~~ death, and there be surviving said deceased member's unmarried child or children under age twenty-one (21) years, or a mentally or physically totally and permanently disabled child whom the Board of Trustees finds to be at least fifty percent (50%) dependent for his or her financial support upon the said deceased member, each such child shall receive a pension of one-fourth ( $\frac{1}{4}$ ) of the final compensation of such deceased member; provided, that if there be more than two (2) such children each such child shall receive a pension of an equal share of one-half ( $\frac{1}{2}$ ) of said final compensation. The pension payable to a child, except such a totally and permanently disabled child, shall terminate upon said child's attainment of age twenty-one (21) years; the pension payable to any child shall terminate upon his or her adoption, marriage, or death, whichever occurs first. Upon termination of a child's pension there shall be a redistribution by the Board to the deceased member's remaining eligible children, provided that in no case shall any such child's pension exceed one-fourth ( $\frac{1}{4}$ ) of the deceased member's final compensation. Any pension payable under this subsection shall be subject to §16.22.

(5) If there be neither a surviving spouse nor children eligible to receive pensions under this section surviving the said deceased member, there shall be paid to each the member's dependent father and dependent mother a pension of one-sixth ( $\frac{1}{6}$ ) of the deceased member's final compensation; provided, that the Board of Trustees, after investigation, shall find such parent to have been actually dependent upon the deceased member for at least fifty percent (50%) of his or her financial support due to absence of earning power due to physical or mental disability. Any pension payable under this subsection shall be subject to §16.22.

(B) Effective:

July 1, 1983, and thereafter, if a firefighter member;

September 19, 1984, and thereafter, if a police sergeant, police lieutenant, police captain, or an assistant police chief who was a prior Saginaw command officer bargaining unit member; or

July 1, 1988, if a police officer member who is a police patrol officer, dies as the result of illness contracted or injuries received arising out of and in the course of his or her employment with the City, and such death, illness, or injuries resulting in death be found by the Board of Trustees to have been the natural and proximate result of the member's actual performance of duty as a firefighter or police sergeant, police lieutenant, police captain, or an assistant police chief who was a prior Saginaw command officer bargaining unit member in the employ of the City, the applicable benefits provided in subsections (1), (2), or (3) of this section shall be paid; in addition to the applicable benefits provided in subsections (1), (2), and (3), the accumulated contributions standing to the member's credit in the member's deposit fund at the time of his or her death shall be paid in accordance with the provisions of §16.23; provided, that the member has paid into the member's deposit fund all amounts due the fund by the member. Any pension paid under this section shall be subject to §16.22 and shall qualify the person for the benefits of §16.13(G)(1)—(6), years of credited service notwithstanding.

(1) The widow or widower of a deceased member shall receive a pension of eighty percent (80%) of the pension that would have been due and payable to the deceased member computed as if the member had retired the day immediately preceding the day of death. Computation of the pension shall be made using the multiplier set forth in §16.12(A) times the average of the member's last three (3) years' compensation, including the value of any unused vacation time paid to the surviving spouse, multiplied by the number of years, and fraction of a year, of his or her credited service. If the said member should die prior to the attainment of age fifty-five (55) years, the member's credited service shall be increased, for the exclusive purpose only of computing the pension, by the number of years, and fraction of a year, in the period from the date of death to the date the member would have attained the age fifty-five (55) years. The surviving spouse's pension shall begin the first day of the calendar month next following the month in which the member died and shall terminate upon the surviving spouse's ~~remarriage or~~ death, ~~whichever occurs first.~~

(2) If there be no widow or widower surviving the deceased member, or if the pension payable to the surviving spouse terminates on account of ~~remarriage or~~ death, and there be surviving the said deceased member's unmarried child or children under age twenty-one (21) years, or a mentally or physically totally and permanently disabled child whom the Board of Trustees finds to be at least fifty percent (50%) dependent for financial support upon the said deceased member, each such child shall receive a pension of twenty-five percent (25%) of the pension that would have been due and payable to the deceased member calculated as set forth in subsection (1) above.

Provided, that if there be more than two (2) such children, each such child shall receive a pension of an equal share of fifty percent (50%) of the pension that would have been due and payable to the deceased member calculated as set forth in subsection (1) above. The pension payable to a child, except such a totally and

permanently disabled child, shall terminate upon the child's attainment of age twenty-one (21) years; the pension payable to any child shall terminate upon the adoption, marriage, or death of the child, whichever occurs first. Upon termination of a child's pension, there shall be a redistribution by the Board to the deceased member's remaining eligible children, provided that in no case shall any such child's pension exceed twenty-five percent (25%) of the pension that would have been due and payable to the deceased member calculated as set forth in subsection (1) above.

(3) If there be neither a widow, widower, nor children eligible to receive pensions provided in subsections (1) or (2) above surviving the said deceased member, and the member leaves either or both a dependent mother or dependent father whom the Board of Trustees finds to be dependent upon said member for at least fifty percent (50%) of the dependent parent's financial support, each such parent shall receive a pension of one-sixth ( $\frac{1}{6}$ ) of the pension that would have been due and payable to the deceased member calculated as set forth in subsection (1) above. Upon a parent's ~~remarriage or~~ death, the parent's pension shall terminate.

(C) Effective January 15, 1992, police patrol officer members who leave a pension for surviving children, shall, unless the child is totally and permanently disabled, have said pension terminate at the time the surviving child reaches age twenty-one (21), becomes deceased, is adopted, or marries, whichever comes first.

This ordinance shall become effective December 19, 2013.

Enacted: December 9, 2013.

Yeas:

Nays:

Absent:

Abstain:

Motion Carried.

## ORDINANCE DECLARED ADOPTED

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Dennis Browning  
Mayor

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Janet Santos, CMC/MMC  
City Clerk

I, Janet Santos, City Clerk of the City of Saginaw, Michigan, do hereby certify that the foregoing is a true and complete copy of the ordinance adopted by the City of Saginaw, Saginaw County, State of Michigan, at a public meeting held on December 9, 2013; the original thereof is on file in the records of my office; the meeting was conducted and public notice of said meeting was given pursuant to Act No. 267, Public Acts of Michigan, 1976, as amended, and minutes of this meeting were kept and will be made available as required.

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Janet Santos, CMC/MMC  
City Clerk