

# Council Agenda

December 9, 2013 6:30 p.m.  
Council Chamber

## PRAYER AND PLEDGE OF ALLEGIANCE:

## ROLL CALL:

## ANNOUNCEMENTS:

## PUBLIC HEARINGS:

## PERSONAL APPEARANCES:

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

## REMARKS OF COUNCIL:

## REPORTS FROM MANAGER:

### Management Update:

1. Sarah A. Lewis of Fuss & O'Neill, Presentation on Downtown Saginaw Design Charrette.
2. John Stemple, Neighborhood Services, and Tim Novak, Saginaw County Treasurer, TARP Grant Update.

## CONSENT AGENDA:

1. Approve the November 25, 2013 regular Council meeting minutes.
2. Approve the Credit Application from McNaughton-McKay Electric for \$1,508 for a Power Conditioner Unit for the Wastewater Plant.
3. Approve emergency purchase order to Central Metallizing & Machine, a sole source, for emergency repairs to Aqua Booster Station Pump #2 in the amount of \$3,175 for the Water Treatment Division.
4. Approve quote and purchase order to Lubrication Engineers, a sole source, for a 55 gallon drum of Monolec gear lubricant in the amount of \$2,124 for the Wastewater Treatment Plant.
5. Approve quote and purchase order to Martin Control Services, a sole source, for a replacement control console for the Accusonic flow meter at the Salt/Fraser retention and treatment basin in the amount of \$22,120 for the Wastewater Treatment Division.

# Council Agenda

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6. Approve quote and purchase order to System Specialties Co., a sole source, for two Rotork valve actuators in the amount of \$23,892.70 for the Wastewater Treatment Division.
7. Approve a purchase order to Lake State Railway for track removal and replacement services in the amount of \$6,576 for the Maintenance and Service Division.
8. Approve the agreement to release Lake State Railway from liability while utility easement work is done by the Maintenance and Service Division at the Lake State Railway property.

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

### INTRODUCTION OF ORDINANCES:

### CONSIDERATION AND PASSING 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.

### RESOLUTIONS:

### UNFINISHED BUSINESS:

### MOTIONS AND MISCELLANEOUS BUSINESS:

### 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.

REGULAR MEETING OF THE COUNCIL OF THE CITY OF SAGINAW, MICHIGAN, HELD TUESDAY, NOVEMBER 25, 2013, AT 6:30 P.M. IN THE COUNCIL CHAMBER OF CITY HALL.

PRAYER AND PLEDGE OF ALLEGIANCE

Mayor Browning offered a prayer and led the pledge of allegiance.

ROLL CALL

Mayor Browning called the meeting to order. Council Members present: Daniel Fitzpatrick, Norman Braddock, Mayor Pro Tem Amos O'Neal, Larry Coulouris, Brenda Moore, Michael Balls, Floyd Kloc and Mayor Dennis Browning – 8. Council Members absent: Annie Boensch – 1.

ANNOUNCEMENTS

Deputy City Clerk Lynnette Hagen made the following announcements:

- City Hall will be closed Thursday, November 28 and Friday, November 29 for the Thanksgiving Holiday;
- Curbside pickup of trash, recycling and yard waste normally scheduled for Thursday or Friday will be delayed one day due to the Thanksgiving holiday. This is the last week for yard waste pickup, which runs through November 30.

Council Member Balls read a proclamation declaring November 30, 2013 as "Shop Local Day."

Mayor Pro Tem O'Neal read a proclamation honoring Charles Braddock. The proclamation was accepted by Council Member Braddock.

PERSONAL APPEARANCES

The following person addressed the Council: Pastor Carol Summers.

REMARKS OF COUNCIL

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

REPORTS FROM CITY MANAGER

Management Update

Interim City Manager Tim Morales announced the Design Charette planning event presentation would be held during the December 9, 2013 Council meeting. Manager Morales reported on neighborhood group meetings he attended and that staff from the offices of the Manager and Clerk are working to provide Council Members with minutes of all Commission meetings.

Assistant Director of Employee Services Beth Church updated Council Members on amendments proposed to the Police and Fire Pension Ordinance. The amendments clarify existing language in the ordinance bringing it in line with public policy by eliminating provisions against remarriage.

Deputy Clerk Lynnette Hagen informed Council that Consent Agenda items #8 and 9 were removed from the agenda.

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.
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. **REMOVED:** *Approve a purchase order to Lake State Railway for \$6,576 for track removal and replacement services for the Maintenance and Service Division.*
9. **REMOVED:** *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.

Council Action:

Moved by Council Member Coulouris, seconded by Council Member Braddock to approve consent agenda items 1 through 6 and 10 through 12 as presented. 8 ayes, 0 nays, 1 absent. Motion approved.

Moved by Council Member Fitzpatrick, seconded by Council Member Kloc to approve consent agenda item 7 as presented. 8 ayes, 0 nays, 1 absent. Motion approved.

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

Council Member Fitzpatrick reported the MBS International Airport Commission is working to add additional flights through Delta Airlines.

Council Member Coulouris reported the Saginaw County Land Bank Authority is experimenting with clover rather than grass on some properties and reviewing options for the maintenance of lots.

Mayor Pro Tem O'Neal reported the Michigan Municipal League (MML) offers training for Council Members and staff, and encouraged them to take advantage of the training.

At the request of Mayor Pro Tem O'Neal, City Manager Morales reported the City made only the first cut in the Placemaking initiative. The consultants involved on that project directed the City to Smart Growth American Global Green USA who is soliciting applications for technical assistance. Manager Morales suggested quarterly meetings for the various planning groups to make sure they are working together and not duplicating efforts as well as partnering more with the County and their Planning Department.

Mayor Browning will review Boards and Commissions appointments of council members then make changes to Boards and Commissions after the first of the year.

INTRODUCTION OF ORDINANCES

Moved by Council Member Fitzpatrick, seconded by Council Member Kloc to introduce 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. 8 ayes, 0 nays, 1 absent. Motion carried. Mayor Browning announced that the ordinance is laid over under Charter provision.

MOTIONS AND MISCELLANEOUS BUSINESS

Moved by Council Member Kloc, seconded by Council Member Braddock to enter a closed session to discuss pending litigation per MCL 15.268, Section 8.

Mayor Browning asked the Deputy City Clerk to conduct a roll call vote.

Ayes: Fitzpatrick, Braddock, Mayor Pro Tem O'Neal, Coulouris, Moore, Balls, Kloc and Mayor Browning.

Nays: None

Absent: Boensch

Abstain: None

Motion approved.

Council entered closed session at 7:39 p.m.

Moved by Council Member Balls, seconded by Council Member Kloc to return to regular session at 8:13 p.m. 8 ayes, 0 nays, 1 absent. Motion approved.

Moved by Council Member Balls, seconded by Council Member Coulouris to approve the City Attorney's recommendation regarding the pending litigation. 8 ayes, 0 nays, 1 absent. Motion approved.

ADJOURNMENT

Moved by Council Member Coulouris, seconded by Mayor Pro Tem O'Neal to adjourn the meeting at 8:14 p.m. 8 ayes, 0 nays, 1 absent. Motion approved.

Lynnette A. Hagen  
Deputy City Clerk

**From:** Tim Morales, Interim City Manager  
**Subject:** McNaughton-McKay Electric Credit Application  
**Prepared by:** Jim Nichols, Purchasing Officer

**Manager's Recommendation:**

I recommend approval of a Credit Application from McNaughton-McKay Electric. This application is required in order to purchase a Power Conditioner Unit for the Wastewater Plant at a total cost of \$1,508.00. The application has been approved by the interim City Manager as to substance and the City Attorney as to form.

**Justification:**

On October 8, 2013, the City received bids for a Power Conditioner for the Wastewater Treatment Plant. Council approval was not required as the low bid came in under \$2000. However, because this is the City's first time doing business with this company they required the completion of a credit application. The Attorney has approved the application but recommended it still be approved by Council due to some of the language contained in the application, including a limited warranty and indemnification, appointment of McNaughton-McKay as the City's attorney-in-fact with regard to perfecting purchase money security interests and filing financing statements, a lack of liquidated damages due to McNaughton-McKay's delay, and a lack of any mechanism to terminate. A personal guaranty was also included with the credit application; however, under the advice of counsel, the City will not be executing it.

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

Funds are budgeted and available in the Sewer Operations and Maintenance Fund, Treatment and Pumping Division, Parts and Supplies Account No. 590-4830-742-000 for this purchase.

**Council Action:**

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

**From:** Tim Morales, Interim City Manager  
**Subject:** Emergency Repair Aqua Booster Pump #2  
**Prepared by:** Ted Bomba, Water and Wastewater

**Manager's Recommendation:**

I recommend that payment for emergency purchase order #493199 be made to Central Metallizing & Machine of Saginaw, MI in the amount of \$3,175 for emergency repairs to Aqua Booster Station Pump #2 for the Water Treatment Division.

**Justification:**

On October 28, 2013, booster pump #2 at the Aqua Pump Station failed. The pump was isolated, removed from service and disassembled. It was determined that the outer bearing of the pump shaft had failed causing excessive wear to the pump shaft, wear rings and packing sleeves. Immediate repair of this pump is essential to Aqua Station. Central Metallizing is the only vendor that has the capability to metallize, machine and ceramic coat the shaft and rings, therefore, they were chosen as the sole source for repairs. A quote was requested and received resulting in the issuing of emergency purchase order #493199 on November 5, 2013.

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 Water Operations and Maintenance Fund, Treatment & Pumping Division General Repairs Account No. 591-4730-930.000 for Fiscal Year 2014.

**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:** Gear Lubricant Purchase

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

**Manager's Recommendation:**

I recommend that the quote from Lubrication Engineers of Fort Worth, TX be accepted and that a purchase order be issued to them in the amount of \$2,124 for the purchase of a 55 gallon drum of Monolec Gear Lubricant for the Wastewater Treatment Plant.

**Justification:**

The Wastewater Treatment Plant has six final clarifiers that each hold 30 gallons of lubricant in their gear boxes. Every six months the lubricant is pumped out of the gearboxes, filtered, and returned to the gear boxes. The level is then topped off with fresh lubricant. Only if there is water in the lubricant is it replaced. Monolec Gear Lubricant has proven to be a high quality product and has been used exclusively in the final clarifiers at the Wastewater Treatment Plant because of superior performance. Maintenance staff estimates that 55 gallons will last us between two and three years. Lubrication Engineers is the manufacturer of Monolec Gear Lubricant and a sole source for this product.

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

Funds for this purchase are available in the Sewer Operations and Maintenance Fund, Treatment and Pumping Division, Parts and Supplies Account No. 590-4830-742.000.

**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:** Accusonic Flow Meter Control Console Purchase  
**Prepared by:** Brian Baldwin, Water and Wastewater

**Manager's Recommendation:**

I recommend that the quote from the Martin Control Services of Farmington Hills, MI be accepted and a purchase order be issued to them in the amount of \$22,120 for the purchase of a replacement control console for the Accusonic flow meter at the Salt/Fraser Retention and Treatment Basin, Wastewater Treatment Division.

**Justification:**

We have flow meters which monitor the flow through each of our seven Retention and Treatment Basins. Flow monitoring is required by the MDEQ in our discharge permit and it also allows for pacing our chlorine feed during a storm event. The original meters installed at several of our stations are manufactured by Accusonics. These meters consist of a control console and sixteen probes installed in the pipe. When we replaced the meters and probes at the Weiss basin two years ago, the cost was in excess of \$80,000. Recently our meter at the Salt/Fraser basin failed. The electrical staff determined that only the control console needed to be replaced. The probes are still working. On October 28, 2013, we received a quote from Martin Controls to provide a replacement control console, and programming and calibration of the meter. Martin Controls is the manufacturer's representative for Accusonic in our area, and 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, Remote Facilities Division Repairs and Replacements Account No. 590-4835-974.000.

**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:** Replacement Rotork Valve Actuators

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

**Manager's Recommendation:**

I recommend that the quote from System Specialties Co. of Bloomfield Hills, MI be accepted and a purchase order be issued to them in the amount of \$23,892.70 for the purchase of two Rotork valve actuators for the Wastewater Treatment Division.

**Justification:**

In the early 1990's the Wastewater Treatment Plant (WWTP) was upgraded to a Supervisory Control and Data Acquisition (SCADA) system. At this time, the valves which control the flow to the aeration basins and final clarifiers were retrofitted with electronic actuators, which allow for the flow to be modulated by the SCADA system. We have fourteen of these valves in our secondary treatment system. One of these valve actuators failed in 2011 and was replaced; repair parts are no longer available. In order to be proactive in replacing these valves before they fail, we budgeted to replace two valves in FY2013 and another two this fiscal year. On November 11, 2013, we received a quote from System Specialties Co. for two replacement valve actuators. System Specialties is the manufacturer's representative and the sole source for Rotork.

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

Funds for this purchase are budgeted in the Sewer Operations and Maintenance Fund, Treatment and Pumping Division Repairs and Replacements Account No. 590-4840-974.000.

**Council Action:**

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

**From:** Tim 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.

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

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

**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:** 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 to Lake State Railway Company for the City of Saginaw use of their property from December 9 through December 13, 2013. 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:**

During the week of December 9, 2013, the Public Services, Maintenance and Service crews will be required to work inside the Lake State Railway yard on the water main that provides service to 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. Lake State Railway will provide the flagmen to the City for one day at no charge. Any days greater than one day will need to be re-evaluated and could equal \$1,000 per day. The City is required to indemnify Lake State from any liability incurred as a result of the City's use of and work performed on the property. Lake State Railway agrees to indemnify the City of Saginaw from any liability incurred as a result of Lake State Railway's gross negligence.

Funds for this charge are budgeted in the Water Operation and Maintenance Fund – Maintenance and Service Division 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.

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 death. 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 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 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 death.

(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 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 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 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 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 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 death.

(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 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 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

\_\_\_\_\_  
Dennis D. Browning  
Mayor

\_\_\_\_\_  
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.

\_\_\_\_\_  
Janet Santos, CMC/MMC  
City Clerk