

# **AGENDA**

**Regular Meeting of the**

## **CITY COUNCIL OF THE CITY OF TROY**

**AUGUST 16, 2010  
CONVENING AT 7:30 P.M.**

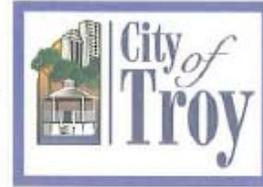
**Submitted By  
The City Manager**

---

***NOTICE: Persons with disabilities needing accommodations for effective participation in this meeting should contact the City Clerk at (248) 524-3316 or via e-mail at [clerk@troymi.gov](mailto:clerk@troymi.gov) at least two working days in advance of the meeting. An attempt will be made to make reasonable accommodations.***

---





TO: The Honorable Mayor and City Council  
Troy, Michigan

FROM: John Szerlag, City Manager

SUBJECT: Background Information and Reports

Ladies and Gentlemen:

This booklet provides a summary of the many reports, communications and recommendations that accompany your Agenda. Also included are suggested or requested resolutions and/or ordinances for your consideration and possible amendment and adoption.

Supporting materials transmitted with this Agenda have been prepared by department directors and staff members. I am indebted to them for their efforts to provide insight and professional advice for your consideration.

As always, we are happy to provide such added information as your deliberations may require.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "John Szerlag". The signature is fluid and cursive.

John Szerlag, City Manager





# CITY COUNCIL AGENDA

August 16, 2010 – 7:30 PM  
Council Chambers  
City Hall - 500 West Big Beaver  
Troy, Michigan 48084  
(248) 524-3317

**INVOCATION: Mayor Pro Tem Fleming** **1**

---

**PLEDGE OF ALLEGIANCE** **1**

---

**A. CALL TO ORDER:** **1**

---

**B. ROLL CALL:** **1**

---

**C. CERTIFICATES OF RECOGNITION AND SPECIAL PRESENTATIONS:** **1**

---

C-1 Certificates of Recognition and Special Presentations Scheduled 1

a) On behalf of the City of Troy Employees' Casual for a Cause Program for the months of May and June 2010, Community Affairs Director Cindy Stewart will present a check in the amount of \$724.00 to the Boys & Girls Club of Troy. .... 1

**D. CARRYOVER ITEMS:** **1**

---

D-1 No Carryover Items 1

**E. PUBLIC HEARINGS:** **1**

---

E-1 No Public Hearings 1

---

<b><u>F.</u></b>	<b><u>PUBLIC COMMENT:</u></b>	<b><u>1</u></b>
<b><u>G.</u></b>	<b><u>RESPONSE / REPLY TO PUBLIC COMMENT</u></b>	<b><u>2</u></b>
<b><u>H.</u></b>	<b><u>POSTPONED ITEMS:</u></b>	<b><u>2</u></b>
H-1	No Postponed Items	2
<b><u>I.</u></b>	<b><u>REGULAR BUSINESS:</u></b>	<b><u>2</u></b>
I-1	Appointments to Boards and Committees: None Scheduled	2
I-2	Nominations for Appointments to Boards and Committees: None Scheduled	2
I-3	Request for Closed Session – None Requested	2
I-4	Amending the Personal Property Tax Abatement Policy	2
<b><u>J.</u></b>	<b><u>CONSENT AGENDA:</u></b>	<b><u>4</u></b>
J-1a	Approval of “I” Items NOT Removed for Discussion	4
J-1b	Address of “I” Items Removed for Discussion by City Council	4
J-2	Approval of City Council Minutes	4
J-3	Proposed City of Troy Proclamations: None Submitted	4
J-4	Standard Purchasing Resolutions: None Submitted	4
J-5	Amendment to Agreement Between Troy Historical Society and City of Troy to Expand the Troy Museum and Historic Village	4
<b><u>K.</u></b>	<b><u>MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:</u></b>	<b><u>5</u></b>
K-1	Announcement of Public Hearings: None Submitted	5

---

K-2	Memorandums (Items submitted to City Council that may require consideration at some future point in time): None Submitted	5
<b><u>L.</u></b>	<b><u>COUNCIL REFERRALS:</u></b>	<b><u>5</u></b>
L-1	No Council Referrals Advanced	5
<b><u>M.</u></b>	<b><u>COUNCIL COMMENTS</u></b>	<b><u>5</u></b>
M-1	No Council Comments Advanced	5
<b><u>N.</u></b>	<b><u>REPORTS</u></b>	<b><u>5</u></b>
N-1	Minutes – Boards and Committees:	5
	a) Planning Commission/Draft – July 13, 2010.....	5
	b) Planning Commission/Final – July 13, 2010.....	5
N-2	Department Reports:	5
	a) City of Troy Incentive Plan for Volunteer Firefighters – 30 <sup>th</sup> Annual Actuarial Valuation Report – December 31, 2009 .....	5
N-3	Letters of Appreciation: None Submitted	5
N-4	Proposed Proclamations/Resolutions from Other Organizations: None Submitted	5
N-5	Memorandum from Carol K. Anderson, Parks & Recreation Director Regarding “Inquiry from Council Member Regarding Park Signs”	5
<b><u>O.</u></b>	<b><u>STUDY ITEMS</u></b>	<b><u>5</u></b>
O-1	Code of Conduct	5
<b><u>P.</u></b>	<b><u>CLOSED SESSION:</u></b>	<b><u>6</u></b>
P-1	Closed Session – None Requested	6

---

**Q. ADJOURNMENT** **6**

---

**FUTURE CITY COUNCIL PUBLIC HEARINGS:** **6**

---

**SCHEDULED CITY COUNCIL MEETINGS:** **6**

---

Monday, August 23, 2010	Regular City Council	6
Monday, September 13, 2010	Regular City Council	6
Monday, September 20, 2010	Regular City Council	6
Monday, September 27, 2010	Regular City Council	6
Monday, October 4, 2010	Regular City Council	6
Monday, October 11, 2010	Regular City Council	6
Monday, October 18, 2010	Regular City Council	6
Monday, November 8, 2010	Regular City Council	6
Monday, November 15, 2010	Regular City Council	6
Monday, November 22, 2010	Regular City Council	6
Monday, December 6, 2010	Regular City Council	6
Monday, December 13, 2010	Regular City Council	6
Monday, December 20, 2010	Regular City Council	6

**INVOCATION: Mayor Pro Tem Fleming**

**PLEDGE OF ALLEGIANCE**

**A. CALL TO ORDER:**

**B. ROLL CALL:**

- (a) Mayor Louise E. Schilling  
Robin Beltramini  
Mayor Pro Tem Wade Fleming  
Martin Howrylak  
Mary Kerwin  
Maureen McGinnis  
Dane Slater

- (b) Excuse Absent Council Members:

Suggested Resolution

Resolution #2010-08-

Moved by

Seconded by

RESOLVED, That Troy City Council hereby **EXCUSES** the absence of \_\_\_\_\_ at the Regular City Council Meeting of Monday, August 16, 2010 due to \_\_\_\_\_.

Yes:

No:

**C. CERTIFICATES OF RECOGNITION AND SPECIAL PRESENTATIONS:**

---

**C-1 Certificates of Recognition and Special Presentations Scheduled**

- a) On behalf of the City of Troy Employees' Casual for a Cause Program for the months of May and June 2010, Community Affairs Director Cindy Stewart will present a check in the amount of \$724.00 to the Boys & Girls Club of Troy.

**D. CARRYOVER ITEMS:**

---

**D-1 No Carryover Items**

**E. PUBLIC HEARINGS:**

---

**E-1 No Public Hearings**

**F. PUBLIC COMMENT:**

In accordance with the Rules of Procedure of the City Council, Article 16 – Members of the Public and Visitors

Any person not a member of the City Council may address the Council with recognition of the Chair, after clearly stating the nature of his/her inquiry or comment. *City Council requests that if you do have a question or concern, to bring it to the attention of the appropriate department(s) whenever possible. If you feel that the matter has not been resolved satisfactorily, you are encouraged to bring it to the attention of the City Manager, and if still not resolved satisfactorily, to the Mayor and Council.*

- Petitioners shall be given a fifteen (15) minute presentation time that may be extended with the majority consent of City Council.
- Any member of the public, not a petitioner of an item, shall be allowed to speak for up to five (5) minutes to address any Public Hearing item.
- Any member of the public, not a petitioner of an item, shall be allowed to speak for up to five minutes to address Postponed, Regular Business or Consent Agenda items or any other item as permitted under the Open Meetings Act during the Public Comment portion of the agenda.
- City Council may waive the requirements of this section by a majority of the City Council members.
- City Council may wish to schedule a Special Meeting for Agenda items that are related to topics where there is significant public input anticipated.
- Through a request of the Chair and a majority vote of City Council, public Comment may be limited when there are fifteen (15) or more people signed up to speak either on a Public Hearing item or for the Public Comment period of the agenda.

## **G. RESPONSE / REPLY TO PUBLIC COMMENT**

### **H. POSTPONED ITEMS:**

---

**H-1 No Postponed Items**

### **I. REGULAR BUSINESS:**

---

**I-1 Appointments to Boards and Committees: None Scheduled**

---

**I-2 Nominations for Appointments to Boards and Committees: None Scheduled**

---

**I-3 Request for Closed Session – None Requested**

---

**I-4 Amending the Personal Property Tax Abatement Policy**

#### Suggested Resolution

Resolution #2010-08-

Moved by

Seconded by

WHEREAS, The City of Troy has the economic objective of (a) increasing employment opportunities, (b) diversifying and stabilizing the tax base of the community, (c) reducing economic obsolescence, (d) providing homogenous industrial areas, (e) encouraging expansion, (f) providing for improved public facilities, and (g) encouraging attractive, viable building sites and (h) enhance our economic development tools to attract and retain businesses; and

WHEREAS, The Industrial Facilities Tax Act (P.A. 1974 No. 198), as amended, empowers cities to establish Industrial Development Districts (IDD) and to grant tax abatements for eligible properties established by the Act;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **ADOPTS** the following minimum criteria, as authorized by the Industrial Facilities Tax Act (P.A. 1974 No. 198):

1. An Industrial Facilities Exemption Certificate (IFEC) tax abatement shall not be granted until there is compliance with MCL 207.559; and
2. Any real and/or personal property tax abatement must be at a minimum, revenue neutral to the City of Troy.
3. Leasehold property shall not qualify for an IFEC tax abatement unless applicant is responsible for payment of the property taxes, and can demonstrate timely payment of property taxes upon the City’s request; and
4. An IFEC tax abatement shall not be issued for a period or term exceeding 12 years; and
5. An IFEC tax abatement shall not be issued unless an Applicant will create more than 10 jobs and/or has a personal property investment of at least \$750,000.00, and/or owns the underlying real property or has a lease for the underlying property for a minimum term of 5 years, as long as two of the three criteria are satisfied.

BE IT FURTHER RESOLVED, That Troy City Council hereby **APPROVES** the use of the following matrix to calculate the length of an IFEC tax abatement, where the increase in the number of jobs created will increase the term of the IFEC abatement, and similarly the increase in the personal property investment and the ownership/lease conditions on the real property will increase the term of the IFEC abatement:

Tax Abatement Matrix for Real and Personal Property					
Job Creation		Building Terms		RP and/or PP Investment	
10 - 24	1 year	Own	4 years	\$ 750,000	1 year
25 - 49	2 years	Lease		\$ 2,000,000	2 years
50 - 99	3 years	5 year	1 Year	\$ 5,000,000	3 years
100 - 149	4 years	6 - 9 year	2 years	\$ 10,000,000	4 years
150 - 199	5 years	10 + year	4 years	\$ 20,000,000	5 years
200 +	6 years				

BE IT FINALLY RESOLVED, That Troy City Council hereby **AUTHORIZES** the implementation of an application fee equal to 2% of the estimated personal property taxes abated under the terms of the IFEC tax abatement, or the actual costs of processing the application, whichever is

less, and the City of Troy will not charge or collect any other fees for the application, in keeping with MCL 207.555 (3).

Yes:

No:

**J. CONSENT AGENDA:**

---

**J-1a Approval of "I" Items NOT Removed for Discussion**

Suggested Resolution

Resolution #2010-08-

Moved by

Seconded by

RESOLVED, That Troy City Council hereby **APPROVES** all items on the Consent Agenda as presented with the exception of Item(s) \_\_\_\_\_, which **SHALL BE CONSIDERED** after Consent Agenda (I) items, as printed.

Yes:

No:

---

**J-1b Address of "I" Items Removed for Discussion by City Council**

---

**J-2 Approval of City Council Minutes**

Suggested Resolution

Resolution #2010-08-

RESOLVED, That Troy City Council hereby **APPROVES** the Minutes of the 7:30 PM Regular City Council Meeting of August 9, 2010 as submitted.

---

**J-3 Proposed City of Troy Proclamations: None Submitted**

---

**J-4 Standard Purchasing Resolutions: None Submitted**

---

**J-5 Amendment to Agreement Between Troy Historical Society and City of Troy to Expand the Troy Museum and Historic Village**

Suggested Resolution

Resolution #2010-08-

RESOLVED, That Troy City Council hereby **APPROVES** the Amendment to Agreement by and between the Troy Historical Society and the City of Troy to expand the Troy Museum and Historic Village; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **AUTHORIZES** the Mayor and City Clerk to execute the document; a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

**K. MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:**

---

**K-1 Announcement of Public Hearings: None Submitted**

---

**K-2 Memorandums (Items submitted to City Council that may require consideration at some future point in time): None Submitted**

---

**L. COUNCIL REFERRALS:**

Items Advanced to the City Manager by Individual City Council Members for Placement on the Agenda

---

**L-1 No Council Referrals Advanced**

---

**M. COUNCIL COMMENTS**

---

**M-1 No Council Comments Advanced**

---

**N. REPORTS**

---

**N-1 Minutes – Boards and Committees:**

**a)** Planning Commission/Draft – July 13, 2010

**b)** Planning Commission/Final – July 13, 2010

---

**N-2 Department Reports:**

**a)** City of Troy Incentive Plan for Volunteer Firefighters – 30<sup>th</sup> Annual Actuarial Valuation Report – December 31, 2009

---

**N-3 Letters of Appreciation: None Submitted**

---

**N-4 Proposed Proclamations/Resolutions from Other Organizations: None Submitted**

---

**N-5 Memorandum from Carol K. Anderson, Parks & Recreation Director Regarding “Inquiry from Council Member Regarding Park Signs”**

---

**O. STUDY ITEMS**

---

**O-1 Code of Conduct**

---

**P. CLOSED SESSION:**

**P-1 Closed Session – None Requested**

**Q. ADJOURNMENT**

Respectfully submitted,



John Szerlag, City Manager

**FUTURE CITY COUNCIL PUBLIC HEARINGS:**

No Future City Council Public Hearings Scheduled

**SCHEDULED CITY COUNCIL MEETINGS:**

- Monday, August 23, 2010 ..... Regular City Council
- Monday, September 13, 2010 ..... Regular City Council
- Monday, September 20, 2010 ..... Regular City Council
- Monday, September 27, 2010 ..... Regular City Council
- Monday, October 4, 2010 ..... Regular City Council
- Monday, October 11, 2010 ..... Regular City Council
- Monday, October 18, 2010 ..... Regular City Council
- Monday, November 8, 2010 ..... Regular City Council
- Monday, November 15, 2010 ..... Regular City Council
- Monday, November 22, 2010 ..... Regular City Council
- Monday, December 6, 2010 ..... Regular City Council
- Monday, December 13, 2010 ..... Regular City Council
- Monday, December 20, 2010 ..... Regular City Council



## CITY COUNCIL AGENDA ITEM

---

August 11, 2010

To: The Honorable Mayor and City Council

From: John Szerlag, City Manager  
John M. Lamerato, Assistant City Manager/Finance & Administration  
Mark F. Miller, Assistant City Manager/Economic Development Services  
Nino Licari, City Assessor  
Pamela Valentik, Economic Development Specialist

Subject: Amending the Personal Property Tax Abatement Policy

---

On August 9, 2010, City Council conducted a study session to discuss the current environment for attracting businesses to the City of Troy and the tools necessary to market Troy as the place to do business. One tool that was specifically discussed was the Industrial Facilities Tax Abatement (P.A. 198 of 1974). Tax abatements have been used by City Council to incentivize new investment in personal property. While the guidelines within P.A. 198 allow communities to provide a 50% abatement on both real and personal property, Troy's current policy only allows for businesses to be eligible for an abatement on their new personal property.

In recent months, City Management has been approached by prospective businesses, property owners and fellow economic development agencies to consider extending our tax abatement policy to include real property. Discussion during the August 9<sup>th</sup> study session led to the need to take advantage of available tools to make Troy competitive when bidding on large attraction and retention projects. Thus City Management has prepared an amended tax abatement policy to include real property for your review and consideration.

The amended tax abatement policy will address a number of items. First of all, companies making capital investments to their operations may be eligible for both real property (building only) and/or personal property. In order for a company to be eligible for a real property tax abatement they must build (or lease with the liability of all real property taxes) a new facility or make improvements to a facility that increase the value of the structure. The applicant will only receive a 50% abatement towards their new real property tax liability, based on the increased value of the structure.

The amended policy will eliminate reference to zoning of the property and more accurately follow the criteria for eligible projects under the guidelines of PA 198 of 1974 (industrial and high tech operations). The amended policy will also address the need for all approved tax abatements to be revenue neutral to the City of Troy. Whereas the combination of the new abated personal property (taxed at half the normal rate) and any abated real property (taxed at half the normal rate) should at least generate a total amount of City taxes equal to the current taxes on the structure and land.



## CITY COUNCIL AGENDA ITEM

---

The amended policy will continue to require the applicant to create more than 10 jobs and/or have a personal property investment of at least \$750,000, and/or own the underlying real property or have a lease for the underlying property for a minimum term of five years, as long as two of the three criteria are satisfied.

However, note that the amended policy will adjust the matrix to allow for applicants with a lease term of five years to be eligible for one year term of the IFEC abatement.

Please see the attached red-lined resolution for the complete recommended changes to the current Personal Property Tax Abatement Policy that was adopted by City Council in February of 2009.

Reviewed as to Form and Legality:

---

Lori Grigg Bluhm, City Attorney

## E-7 Amending the Personal Property Tax Abatement Policy

Resolution #2010-

Moved by

Seconded by

WHEREAS, The City of Troy has the economic objective of (a) increasing employment opportunities, (b) diversifying and stabilizing the ~~industrial tax~~ base of the community, (c) reducing economic obsolescence ~~of the industrial base~~, (d) providing homogenous industrial areas, (e) encouraging ~~industrial~~ expansion, (f) providing for improved public facilities ~~in industrial areas~~, and (g) encouraging attractive, viable ~~industrial building~~ sites and (h) enhance our economic development tools to attract and retain businesses; and

WHEREAS, The Industrial Facilities Tax Act (P.A. 1974 No. 198), as amended, empowers cities to establish Industrial Development Districts (IDD) and to grant tax ~~exemptions~~ abatements for ~~certain industrial~~ eligible properties ~~which meet certain criteria~~ established by the Act;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **ADOPTS** the following minimum criteria, as authorized by the Industrial Facilities Tax Act (P.A. 1974 No. 198):

1. An Industrial Facilities Exemption Certificate (IFEC) tax abatement shall not be granted until there is compliance with MCL 207.559; and  
~~Real property shall not qualify for an IFEC tax abatement, except for those unique situations where there are building improvements that are required to support the personal property that otherwise qualifies for a tax abatement; and~~
2. Any real and/or personal property tax abatement must be at a minimum, revenue neutral to the City of Troy.
3. Leasehold property shall not qualify for an IFEC tax abatement unless applicant is responsible for payment of the property taxes, and can demonstrate timely payment of property taxes upon the City's request; and
4. An IFEC tax abatement shall not be issued for a period or term exceeding 12 years; and
5. An IFEC tax abatement shall not be issued unless an Applicant will create more than 10 jobs and/or has a personal property investment of at least \$750,000.00, and/or owns the underlying real property or has a lease for the underlying property ~~that exceeds~~ for a minimum term of 5 years, as long as two of the three criteria are satisfied.

BE IT FURTHER RESOLVED, That Troy City Council hereby **APPROVES** the use of the following matrix to calculate the length of an IFEC tax abatement, where the increase in the number of jobs created will increase the term of the IFEC abatement, and similarly the increase in the personal property investment and the ownership/lease conditions on the real property will increase the term of the IFEC abatement:

Tax Abatement Matrix <u>for Real and Personal Property</u>					
Job Creation		Building Terms		<u>RP and/or PP Investment</u>	
10 - 24	1 year	Own	4 years	\$ 750,000	1 year
25 - 49	2 years	Lease		\$ 2,000,000	2 years
50 - 99	3 years	<del>4</del> - 5 year	<u>1 Year</u>	\$ 5,000,000	3 years
100 - 149	4 years	6 - 9 year	2 years	\$ 10,000,000	4 years
150 - 199	5 years	10 + year	4 years	\$ 20,000,000	5 years
200 +	6 years				

BE IT FINALLY RESOLVED, That Troy City Council hereby **AUTHORIZES** the implementation of an application fee equal to 2 % of the estimated personal property taxes abated under the terms of the IFEC tax abatement, or the actual costs of processing the application, whichever is less, and the City of Troy will not charge or collect any other fees for the application, in keeping with MCL 207.555 (3).

Yes:

No:

**MOTION CARRIED**

Joe Maestro of Kensington Community Church gave the Invocation. The Pledge of Allegiance to the Flag was given.

#### **A. CALL TO ORDER:**

The Regular Meeting of the Troy City Council was held Monday, August 9, 2010, at City Hall, 500 W. Big Beaver Road. Mayor Schilling called the Meeting to order at 7:30 PM.

#### **B. ROLL CALL:**

Mayor Louise E. Schilling  
 Robin Beltramini  
 Mayor Pro Tem Wade Fleming  
 Martin Howrylak  
 Mary Kerwin  
 Maureen McGinnis  
 Dane Slater

#### **C. CERTIFICATES OF RECOGNITION AND SPECIAL PRESENTATIONS:**

---

C-1 No Certificates of Recognition and Special Presentations Scheduled

#### **D. CARRYOVER ITEMS:**

---

D-1 No Carryover Items

#### **E. PUBLIC HEARINGS:**

---

E-1 No Public Hearings

#### **F. PUBLIC COMMENT:**

<b>William Wylonis</b>	Supports amending tax abatement policy
<b>John Ragan</b>	Supports the Troy Nature Center
<b>James Savage</b>	Discussed passage of Transit Authority ballot passage; Opposed to the Troy Birmingham Transit System
<b>Audre Zembrzuski</b>	Discussed transportation options for seniors; requested that phone numbers be posted on City's website

#### **G. RESPONSE / REPLY TO PUBLIC COMMENT**

#### **H. POSTPONED ITEMS:**

---

H-1 No Postponed Items

#### **I. REGULAR BUSINESS:**

---

I-1 Appointments to Boards and Committees:

a) **Mayoral Appointments: None Scheduled**

b) **City Council Appointments/Confirmation:**

Resolution #2010-08-166

Moved by Fleming

Seconded by Beltramini

RESOLVED, That Troy City Council hereby **CONFIRMS** the appointment of the following person to serve on the Boards and Committees as indicated:

**Building Code Board of Appeals**

Appointed by Council (5-Regular) 5-Year Term for 3 Residents: Background, training or experience in construction or similar trades; at least one shall be a professional structural or civil engineer of architectural engineering experience.

2 by Ordinance: City Manager and Oakland County Health Department Representative

**Teresa Brooks – Oakland County Health Department Rep.      **ORDINANCE****

Yes: All-7

No: None

**MOTION CARRIED**

---

**I-2      Nominations for Appointments to Boards and Committees:**

c) **Mayoral Nominations: None Scheduled**

d) **City Council Nominations: None Scheduled**

---

**I-3      Request for Closed Session – None Requested**

---

**I-4      Ratification of Industrial Development District Approved on October 19, 2009 at 1400 Rochester**

Resolution #2010-08-167

Moved by McGinnis

Seconded by Kerwin

RESOLVED, That Troy City Council hereby **ESTABLISHES** an Industrial Development District (IDD), and Plant Rehabilitation District (PRD) for property known as 1400 Rochester, Troy, MI. 48083-2854, Parcel #88-20-34-226-048, and #88-20-34-226-057, in accordance with City Council Policy Resolution #2009-02-042; and

BE IT FURTHER RESOLVED, That Troy City Council has **DETERMINED** that this district shall also be used for Plant Rehabilitation, and that **PROPERTY COMPRISING NOT LESS THAN 50%** of the State Equalized Value (SEV) within the District is **OBSOLETE**; and

BE IT FINALLY RESOLVED, That Troy City Council hereby **DIRECTS** the City Clerk to forward a copy of this resolution to the State Tax Commission, Treasury Building, P.O. Box 30471, Lansing, MI 48909-7971.

Yes: Beltramini, Fleming, Kerwin, McGinnis, Slater, Schilling  
No: Howrylak

**MOTION CARRIED**

**J. CONSENT AGENDA:**

---

**J-1a Approval of “I” Items NOT Removed for Discussion**

Resolution #2010-08-168  
Moved by Beltramini  
Seconded by Kerwin

RESOLVED, That Troy City Council hereby **APPROVES** all items on the Consent Agenda as presented.

Yes: All-7  
No: None

**MOTION CARRIED**

---

**J-1b Address of “I” Items Removed for Discussion by City Council**

---

**J-2 Approval of City Council Minutes**

Resolution #2010-08-168-J-2

RESOLVED, That Troy City Council hereby **APPROVES** the Minutes of the 7:30 PM Regular City Council Meeting of July 26, 2010 as submitted.

---

**J-3 Proposed City of Troy Proclamations: None Submitted**

---

**J-4 Standard Purchasing Resolutions:**

**a) Standard Purchasing Resolution 3: Exercise Renewal Option – Home Chore Snow Removal Services**

Resolution #2010-08-168-J-4a

WHEREAS, On August 17, 2009, Troy City Council awarded a contract for seasonal requirements of snow removal services for Troy residents using the Home Chore Program with an option to renew for one (1) additional year to the low total bidders, MVP Environmental, LLC of Troy, as primary contractor and Brantley Development LLC of Westland, as secondary contractor, at unit prices contained in the bid tabulation opened July 21, 2009, a copy of which

shall be **ATTACHED** to the original Minutes of this meeting (Resolution #2009-08-251 F4a); and

WHEREAS, MVP Environmental, LLC has agreed to exercise the one-year option to renew their contract under the same pricing, terms and conditions;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **EXERCISES** the option to renew the contract with MVP Environmental, LLC of Troy to provide seasonal requirements of snow removal services for Troy residents using the Home Chore Program under the same prices, terms and conditions expiring May 1, 2011; and

BE IT FURTHER RESOLVED, That Troy City Council **SHALL NOT RENEW** the contract, which expired May 1, 2010, with Brantley Development LLC, as secondary contractor as their services were not needed last season.

b) **Standard Purchasing Resolution 3: Exercise Renewal Option – Ice Melt Compounds**

Resolution #2010-08- 168-J-4b

WHEREAS, On October 19, 2009, Troy City Council awarded a one-year contract to provide ice melt compounds with an option to renew for one (1) additional year to the low bidder, Washington Elevator Co, Inc. of Washington Twp, MI (Resolution #2009-10-312-F-4a); and

WHEREAS, Washington Elevator Co, Inc. has agreed to exercise the option to renew the contract for one (1) additional year under the same prices, terms, and conditions;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **EXERCISES** the option to renew the contract for ice melt compounds with Washington Elevator Co, Inc. of Washington Twp, MI, under the same terms and conditions at unit prices contained in the bid tabulation opened September 30, 2009, with a contract expiration of October 31, 2011.

c) **Standard Purchasing Resolution 3: Exercise Renewal Option – Uniform Rental Services**

Resolution #2010-08- 168-J-4c

WHEREAS, On November 24, 2008, Troy City Council awarded a two-year contract to provide uniform rental services for various City of Troy union employees with an option to renew for two additional years to the highest scoring respondent, Unifirst Corporation of Auburn Hills, MI, as a result of a best value process in cooperation with Oakland County, which the Troy City Council determines to be in the public interest (Resolution #2008-11-351-F-4c) and;

WHEREAS, Unifirst Corporation has agreed to exercise the option to renew the contract for two additional years under the same pricing, terms and conditions;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **EXERCISES** the two-year option to renew the contract to provide uniform rental services for various City of Troy union

employees with Unifirst Corporation of Auburn Hills at unit prices contained in the tabulation opened September 3, 2008, with the contract expiring October 31, 2012.

---

**J-5 City of Troy v William H. Price**

Resolution #2010-08- 168-J-5

RESOLVED, That Troy City Council hereby **APPROVES** the proposed Consent Judgment in the condemnation case of *City of Troy v William H. Price, et al.*, (Oakland County Circuit Court Case No. 09-097977-CC); and

BE IT FURTHER RESOLVED, That Troy City Council hereby **AUTHORIZES** payment in the amounts stated therein; and

BE IT FINALLY RESOLVED, That Troy City Council hereby **AUTHORIZES** the City Attorney's Office to execute the document on behalf of the City of Troy, a copy of which is to be **ATTACHED** to the original Minutes of this meeting.

**Vote on Resolution to Suspend Rules of Procedure for the City Council, Rule #6 – Order of Business**

Resolution #2010-08-169

Moved by Kerwin

Seconded by Fleming

RESOLVED, That Troy City Council hereby **SUSPENDS** Rules of Procedure for the City Council, Rule #6 Order of Business to take action on an item that does not appear on the Agenda.

Yes: Howrylak, Kerwin, McGinnis, Slater, Schilling, Fleming

No: Beltramini

**MOTION CARRIED****Vote on Resolution to Cancel the Monday, August 16, 2010 Regular City Council Meeting**

Resolution #2010-08-170

Moved by McGinnis

Seconded by Schilling

RESOLVED, That Troy City Council hereby **CANCELS** the Monday, August 16, 2010 Regular City Council Meeting.

Yes: None

No: Kerwin, McGinnis, Slater, Schilling, Beltramini, Fleming, Howrylak

**MOTION FAILED**

**K. MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:**


---

K-1 Announcement of Public Hearings: None Submitted

---

K-2 Memorandums (Items submitted to City Council that may require consideration at some future point in time): None Submitted

**L. COUNCIL REFERRALS:**

Items Advanced to the City Manager by Individual City Council Members for Placement on the Agenda

---

L-1 Proposed Charter Amendment – Operation of City Owned Library – Submitted by Council Member Howrylak

Resolution

Moved by Howrylak

Seconded by Fleming

RESOLVED, That Troy City Council hereby **REFERS** to the Charter Revision Committee a proposal to amend the City Charter to mandate a city owned and operated library; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **DIRECTS** the Charter Revision Committee to discuss the proposal, draft proposed ballot language and make a recommendation to the City Council no later than October 9, 2010.

**Vote on Resolution to Postpone Proposed Charter Amendment – Operation of City Owned Library – Submitted by Council Member Howrylak**

Resolution #2010-08-171

Moved by Slater

Seconded by Schilling

RESOLVED, That Troy City Council hereby **POSTPONES** *Proposed Charter Amendment – Operation of City Owned Library – Submitted by Council Member Howrylak* until after the November 2, 2010 General Election

Yes: McGinnis, Slater, Schilling

No: Beltramini, Fleming, Howrylak, Kerwin

**MOTION FAILED**

**Vote on Resolution for Proposed Charter Amendment – Operation of City Owned Library – Submitted by Council Member Howrylak**

Resolution #2010-08-172

Moved by Howrylak

Seconded by Fleming

RESOLVED, That Troy City Council hereby **REFERS** to the Charter Revision Committee a proposal to amend the City Charter to mandate a city owned and operated library; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **DIRECTS** the Charter Revision Committee to discuss the proposal, draft proposed ballot language and make a recommendation to the City Council no later than October 9, 2010.

Yes: Fleming, Howrylak

No: Slater, Schilling, Beltramini, Kerwin, McGinnis

## **MOTION FAILED**

## **M. COUNCIL COMMENTS**

---

### **M-1 Council Comments Advanced:**

Council Member Fleming stated he would not have supported the “Distracted Drivers Ordinance” had he been present when the ordinance came before City Council. Council Member Fleming requested a report as to how many citations are issued to drivers violating the Distracted Drivers ordinance.

City Manager Szerlag indicated that report will become available in January, 2011.

Council Member McGinnis disagreed with earlier comments made that City Council has done nothing to keep the Library open. Council Member McGinnis stated since she has been on City Council she and other Council Members have made many difficult budget decisions. Although their actions were not specific to the Library, she explained that they have spent many hours on reviewing the City’s overall operations, restructuring of the departments and finding ways to save money to keep the city operating.

Council Member Beltramini reported that the National League of City’s “Institute for Youth Education & Families” has published a new guide on getting authentic engagement from youth and suggested that it would be a good publication for Troy’s Youth Council to review.

Council Member Kerwin reported that the Troy Community Center hosted more than one hundred visitors last week to learn about sustainable gardening.

Council Member Howrylak clarified that his earlier comments were not about the budget but about the Library. He explained no proposals have been brought forward by City Council regarding options to keep the Library open.

Council Member Howrylak referenced a political event held at Fire Fighter’s Park over the past weekend and asked City Management to clarify the City’s policy regulating political organizations to place their campaign signs on city property.

City Manager Szerlag indicated that he will provide that information as a Report and Communication at the July 16, 2010 Regular City Council Meeting.

Mayor Schilling expressed her concern about the loss of the polling location for Precincts 4 and 9 due to the inappropriate behavior of candidates and their supporters.

Council Member Howrylak asked for the status of agenda item N-9 *Act 164 Library – 11/02/10 General Election Ballot Question*.

City Clerk Bartholomew responded that signatures for all petitions have been certified and forwarded to the Attorney General's Office, State Bureau of Elections and Oakland County Elections. She added that it appears that all four will appear on the November ballot.

## **N. REPORTS**

---

### **N-1 Minutes – Boards and Committees:**

- a) Troy Historic District Commission/Final – May 18, 2010
- b) Board of Zoning Appeals/Draft – June 15, 2010
- c) Board of Zoning Appeals/Final – June 15, 2010
- d) Troy Historic District Commission/Final – June 16, 2010
- e) Employees' Retirement System Board of Trustees/Draft – July 14, 2010
- f) Special Joint Meeting of the City of Birmingham Planning Board and City of Troy Planning Commission – July 14, 2010

Noted and Filed

---

### **N-2 Department Reports:**

- a) 2010 Mid-Year Calls for Police Service Report
- b) Economic Development Activity Report- July, 2010

Noted and Filed

---

### **N-3 Letters of Appreciation:**

- a) Letter of Appreciation from Gordon Cameron to Tim Richnak Commending a DPW Employee for His Expedient Service
- b) Letter of Appreciation from Dan Smiley to Chief Gary Mayer Expressing his Appreciation for having the Opportunity to complete his Student Internship with the Police Department
- c) Congratulatory Letter to John Szerlag from State Senator John Pappageorge – District 13 for Receiving *AA Bond Rating* from Standard and Poor

Noted and Filed

---

### **N-4 Proposed Proclamations/Resolutions from Other Organizations: None Submitted**

---

### **N-5 Report from John Ragan to Troy City Council Regarding Discussions with City of Troy and the Troy Nature Society**

Noted and Filed

---

### **N-6 Complete Streets Legislation**

Noted and Filed

---

### **N-7 Organizational Structure: Museum and Nature Center**

Noted and Filed

---

---

N-8 Precincts 4 and 10 Polling Location – St. Elizabeth Ann Seton Catholic Church  
Noted and Filed

---

N-9 Act 164 Library – 11/02/10 General Election Ballot Question  
Noted and Filed

**O. STUDY ITEMS**

---

O-1 Niles Barnard House Relocation

---

O-2 Tax Abatement Policy

**P. CLOSED SESSION:**

---

P-1 Closed Session – *None Requested*

**Q. ADJOURNMENT**

The meeting **RECESSED** at 8:54 PM.

The meeting **RECONVENED** at 9:06 PM.

The meeting **ADJOURNED** at 9:45 PM.

---

Louise E. Schilling, Mayor

---

Tonni L. Bartholomew, MMC  
City Clerk



**TO:** Mayor and Members of Troy City Council  
**FROM:** Lori Grigg Bluhm , City Attorney *LG*  
 Allan T. Motzny, Assistant City Attorney *ATM*  
**DATE:** August 10, 2010  
**SUBJECT:** Amendment to Agreement Between Troy Historical Society and  
 City of Troy to Expand the Troy Museum and Historic Village

In January 2005, the late Harriet Barnard conditionally donated her historical house, located at 5945 Livernois Road, to the City of Troy. Under the previously executed "Agreement by and Between Harriet Barnard and the City of Troy for the Donation of an Historical House" the City had five years to move the house to the Troy Museum and Historic Green. That agreement was amended on December 7, 2009 to extend the deadline for moving the house to December 31, 2010. It was understood that the money to pay for the desired relocation would be raised by the Troy Historical Society Heritage Campaign. On January 23, 2006, the City entered into a separate "Agreement by and Between the Troy Historical Society and the City of Troy to expand the Troy Museum & Historic Village." In addition to the relocation of the Barnard house, the agreement also provided for four other joint projects, including: 1) a historic barn; 2) the adaptive re-use of the museum's main building for permanent exhibit galleries; 3) the creation of a permanent endowment fund to assist Troy with expenses of maintaining the museum's buildings; and 4) the creation of a suitable gateway to the museum.

The agreement required the City to hire all contractors for the project, using the City's competitive bid process. However, based on current staffing, it is unlikely that Troy could perform these obligations and meet the December 31, 2010 deadline. THS has therefore agreed to assume all contracting responsibilities for the relocation of the Barnard house. A proposed revised amendment to the "Agreement By and Between the Troy Historical Society and the City of Troy to Expand the Troy Museum & Historic Village" is attached for your consideration. This amendment is expected to be formally approved by THS. Upon execution, THS is prepared to hire a general contractor and complete the relocation by the December 31, 2010 deadline.

The selected construction manager will need to provide a performance bond, a labor and material bond, and a three year maintenance bond, approved by the City's risk manager, since the work is being completed on City owned property. In addition, all insurance policies will list both the City of Troy and THS as co-insured parties, and THS will be required to sign a standard Hold Harmless Agreement as approved by the Risk Manager. Additionally, as required by the original agreement, a City staff member will still be responsible for overseeing the project, and insuring compliance with the City's guidelines.

City Administration recommends the approval of the attached Amendment to the Agreement. Attached for your review is a clean copy of the proposed amendment, in addition to a red lined version, highlighting the proposed changes.

**AMENDMENT TO AGREEMENT BY AND BETWEEN THE  
TROY HISTORICAL SOCIETY AND THE CITY OF TROY TO  
EXPAND THE TROY MUSEUM & HISTORIC VILLAGE**

This agreement made this \_\_\_\_\_ day of \_\_\_\_\_, 2010 by and between The Troy Historical Society, and hereafter referred to as "THS", a Michigan non-profit corporation, the address of which is 60 W. Wattles, Troy, Michigan 48098, and the City of Troy, hereafter referred to as "TROY", a Michigan municipal corporation, the address of which is 500 W. Big Beaver, Troy, Michigan, 48084.

**RECITALS**

- A. TROY and Harriet Barnard entered into an Agreement for the donation of a historic house by Harriet Barnard. That agreement was signed by Harriet Barnard on December 10, 2004 and executed on behalf of TROY on January 24, 2005.
- B. TROY and THS entered into an agreement dated January 23, 2006 that set forth covenants in 15 separate paragraphs that established the roles, duties, obligations, and responsibilities of TROY and THS as it pertains to the relocation of the historic house and other TROY-THS Museum projects referred to in that agreement as the "THS HERITAGE CAMPAIGN". A copy of that agreement is attached.
- C. Sufficient funds have been raised by THS to pay the costs of relocation of the historic house, and sufficient land has been

acquired by TROY for its relocation to the Troy Museum and Historic Village.

- D. Due to current staffing concerns of TROY, TROY and THS have agreed to amend the agreement of January 23, 2006 as it pertains to the relocation of the historic house donated by Harriet Barnard.

**IN CONSIDERATION OF THE MUTUAL COVENANTS SET FORTH  
HEREIN, IT IS MUTUALLY AGREED BY THE PARTIES THAT THE  
“AGREEMENT BY AND BETWEEN THE TROY HISTORICAL SOCIETY AND  
THE CITY OF TROY TO EXPAND THE TROY MUSEUM & HISTORIC  
VILLAGE” DATED JANUARY 23, 2006 IS AMENDED BY AMENDING  
PARAGRAPHS 3, 4, 5, AND 11 TO READ AS SET FORTH BELOW AND BY  
ADDING A NEW PARAGRAPH 16 AS SET FORTH BELOW:**

3. The issuance of RFQ's and RFP's for other providers to carry out the work of the THS HERITAGE CAMPAIGN, including but not limited to a construction manager for its projects, will be the undertaking of TROY, as requested from time to time by the THS, or as deemed necessary by the City Manager of TROY. except for the relocation of the Barnard Historic House. THS shall be responsible for the issuance of RFQs and RFPs for providers to carry out the work necessary for the relocation of the Barnard historic house, including a general contractor/construction manager for that project.

4. The THS will assist TROY in the drafting and writing of RFQs and RFPs and selection of sources of supply and services from issuing each such RFQ and RFP, to be approved by the THS before issuance. The THS will be

responsible for paying the costs of these supplies and services selected from the responses to such RFQs and RFPs. As set forth in paragraph 3, the issuance of RFPs and RFQs is the sole responsibility of THS as it pertains to the relocation of the Barnard historic house.

5. The THS will be responsible for selecting the site planner/architect pursuant to paragraph 2, and the construction manager pursuant to paragraph 3, guided by Troy guidelines and best value selection procedures, from the respondents to their RFQs and RFPs. Troy will be responsible for selecting all other providers from the respondents to their RFQ's and RFP's. Troy will be the contracting party with all selected providers including the site planner/architect and the construction manager; except for the providers selected for the relocation of the Barnard historic house. THS will be the contracting party with the providers selected for the relocation of the Barnard house.

11. TROY will designate special accounts for projects relating to development of the MUSEUM. These special accounts will be used as the conduit for deposit and expenditure of funds by the THS for work completed by contractors on all projects of the THS HERITAGE CAMPAIGN except for the relocation of the Barnard historic house and the permanent endowment fund.

The THS will raise funds and transfer them into the designated special account used by TROY to pay for supplies and services as they are approved by the project manager designated pursuant to paragraph 6, and the construction manager designated pursuant to paragraph 5; except that funds raised by THS to pay for supplies and services for the relocation of the Barnard historic house

may be deposited into THS's own account to be used for payment to the providers of such supplies and services.

16. THS and TROY agree this agreement shall extend beyond the initial five-year fund raising campaign contemplated by the parties at the time the City of Troy Council initially approved this agreement on January 23, 2006.

**EXCEPT FOR THE AMENDMENTS SET FORTH ABOVE, ALL OTHER PROVISIONS OF THE "AGREEMENT BY AND BETWEEN THE TROY HISTORICAL SOCIETY AND THE CITY OF TROY TO EXPAND THE TROY MUSEUM & HISTORIC VILLAGE" DATED JANUARY 23, 2006 SHALL REMAIN IN EFFECT.**

ACKNOWLEDGED:

TROY HISTORICAL SOCIETY,  
a Michigan non-profit corporation

By: \_\_\_\_\_

By: \_\_\_\_\_

Its: \_\_\_\_\_

Its: \_\_\_\_\_

\_\_\_\_\_ and \_\_\_\_\_ acknowledged the foregoing instrument before me on this \_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
Notary Public  
\_\_\_\_\_ County, Michigan  
My Commission Expires \_\_\_\_\_

CITY OF TROY, a Michigan  
municipal corporation

By: \_\_\_\_\_  
Louise E. Schilling, Mayor

By: \_\_\_\_\_  
Tonni Bartholomew, City Clerk

Louise E. Schilling, Mayor of the City of Troy, and Tonni L. Bartholomew, Troy City Clerk, acknowledged the foregoing instrument before me on this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
Notary Public  
\_\_\_\_\_ County, Michigan  
Acting in Oakland County, Michigan  
My Commission Expires \_\_\_\_\_

**AMENDMENT TO AGREEMENT BY AND BETWEEN THE  
TROY HISTORICAL SOCIETY AND THE CITY OF TROY TO  
EXPAND THE TROY MUSEUM & HISTORIC VILLAGE**

This agreement made this \_\_\_\_\_ day of \_\_\_\_\_, 2010 by and between The Troy Historical Society, and hereafter referred to as "THS", a Michigan non-profit corporation, the address of which is 60 W. Wattles, Troy, Michigan 48098, and the City of Troy, hereafter referred to as "TROY", a Michigan municipal corporation, the address of which is 500 W. Big Beaver, Troy, Michigan, 48084.

**RECITALS**

- A. TROY and Harriet Barnard entered into an Agreement for the donation of a historic house by Harriet Barnard. That agreement was signed by Harriet Barnard on December 10, 2004 and executed on behalf of TROY on January 24, 2005.
- B. TROY and THS entered into an agreement dated January 23, 2006 that set forth covenants in 15 separate paragraphs that established the roles, duties, obligations, and responsibilities of TROY and THS as it pertains to the relocation of the historic house and other TROY-THS Museum projects referred to in that agreement as the "THS HERITAGE CAMPAIGN". A copy of that agreement is attached.
- C. Sufficient funds have been raised by THS to pay the costs of relocation of the historic house, and sufficient land has been

acquired by TROY for its relocation to the Troy Museum and Historic Village.

- D. Due to current staffing concerns of TROY, TROY and THS have agreed to amend the agreement of January 23, 2006 as it pertains to the relocation of the historic house donated by Harriet Barnard.

**IN CONSIDERATION OF THE MUTUAL COVENANTS SET FORTH HEREIN, IT IS MUTUALLY AGREED BY THE PARTIES THAT THE “AGREEMENT BY AND BETWEEN THE TROY HISTORICAL SOCIETY AND THE CITY OF TROY TO EXPAND THE TROY MUSEUM & HISTORIC VILLAGE” DATED JANUARY 23, 2006 IS AMENDED BY AMENDING PARAGRAPHS 3, 4, 5, AND 11 TO READ AS SET FORTH BELOW AND BY ADDING A NEW PARAGRAPH 16 AS SET FORTH BELOW:**

3. The issuance of RFQs and RFPs for other providers to carry out the work of the THS HERITAGE CAMPAIGN, including but not limited to a construction manager for its projects, will be the undertaking of TROY, as requested from time to time by the THS, or as deemed necessary by the City Manager of TROY, except for the relocation of the Barnard Historic House. THS shall be responsible for the issuance of RFQs and RFPs for providers to carry out the work necessary for the relocation of the Barnard historic house, including a general contractor/construction manager for that project.

4. The THS will assist TROY in the drafting and writing of RFQs and RFPs and selection of sources of supply and services from issuing each such RFQ and RFP, to be approved by the THS before issuance. The THS will be

responsible for paying the costs of these supplies and services selected from the responses to such RFQs and RFPs. As set forth in paragraph 3, the issuance of RFPs and RFQs is the sole responsibility of THS as it pertains to the relocation of the Barnard historic house.

5. The THS will be responsible for selecting the site planner/architect pursuant to paragraph 2, and the construction manager pursuant to paragraph 3, guided by Troy guidelines and best value selection procedures, from the respondents to their RFQs and RFPs. Troy will be responsible for selecting all other providers from the respondents to their RFQ's and RFP's. Troy will be the contracting party with all selected providers including the site planner/architect and the construction manager except for the providers selected for the relocation of the Barnard historic house. THS will be the contracting party with the providers selected for the relocation of the Barnard house.

11. TROY will designate special accounts for projects relating to development of the MUSEUM. These special accounts will be used as the conduit for deposit and expenditure of funds by the THS for work completed by contractors on all projects of the THS HERITAGE CAMPAIGN except for the relocation of the Barnard historic house and the permanent endowment fund. The THS will raise funds and transfer them into the designated special account used by TROY to pay for supplies and services as they are approved by the project manager designated pursuant to paragraph 6, and the construction manager designated pursuant to paragraph 5, except that funds raised by THS to pay for supplies and services for the relocation of the Barnard historic house may

be deposited into THS's own account to be used for payment to the providers of such supplies and services.

16. THS and TROY agree this agreement shall extend beyond the initial five-year fund raising campaign contemplated by the parties at the time the City of Troy Council initially approved this agreement on January 23, 2006.

**EXCEPT FOR THE AMENDMENTS SET FORTH ABOVE, ALL OTHER PROVISIONS OF THE "AGREEMENT BY AND BETWEEN THE TROY HISTORICAL SOCIETY AND THE CITY OF TROY TO EXPAND THE TROY MUSEUM & HISTORIC VILLAGE" DATED JANUARY 23, 2006 SHALL REMAIN IN EFFECT.**

ACKNOWLEDGED:

TROY HISTORICAL SOCIETY,  
a Michigan non-profit corporation

By: \_\_\_\_\_

By: \_\_\_\_\_

Its: \_\_\_\_\_

Its: \_\_\_\_\_

\_\_\_\_\_ and \_\_\_\_\_ acknowledged the foregoing instrument before me on this \_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
Notary Public

\_\_\_\_\_ County, Michigan

My Commission Expires \_\_\_\_\_

CITY OF TROY, a Michigan  
municipal corporation

By: \_\_\_\_\_  
Louise E. Schilling, Mayor

By: \_\_\_\_\_  
Tonni Bartholomew, City Clerk

Louise E. Schilling, Mayor of the City of Troy, and Tonni L. Bartholomew, Troy  
City Clerk, acknowledged the foregoing instrument before me on this \_\_\_\_\_ day  
of \_\_\_\_\_, 2010.

\_\_\_\_\_  
Notary Public  
\_\_\_\_\_ County, Michigan  
Acting in Oakland County, Michigan  
My Commission Expires \_\_\_\_\_

**AGREEMENT BY AND BETWEEN  
THE TROY HISTORICAL SOCIETY AND THE CITY OF TROY  
TO EXPAND THE TROY MUSEUM & HISTORIC VILLAGE**

This agreement is made this 23<sup>rd</sup> day of January, 2006 by and between The Troy Historical Society, hereafter referred to as "THS", a Michigan non-profit corporation, the address of which is 60 W. Wattles, Troy, Michigan 48098, and the City of Troy, hereafter referred to as "TROY", a Michigan municipal corporation, the address of which is 500 W. Big Beaver, Troy, Michigan 48084.

**RECITALS**

- A. Harriet Barnard has donated her historic house, located at 5945 Livernois Rd. in the City of Troy, to TROY, so that it can be moved to the Troy Museum & Historic Village, hereafter referred to as "MUSEUM", a municipal facility owned and operated by TROY, located at 60 W. Wattles Road, Troy, Michigan. Under her gift agreement with TROY, Mrs. Barnard will allow a five-year period to secure funding from public and private sources to pay the costs of relocating the house to the MUSEUM and to pay the costs of acquiring additional land as needed to accomplish such relocation in accordance with all applicable statutes, codes and ordinances.

- B. The City Council of TROY has by appropriate resolutions accepted Mrs. Barnard's gift and the terms of her gift agreement with TROY, including Mrs. Barnard's and TROY's respective responsibilities for maintaining the historic house until it has been relocated to the MUSEUM, and the use of portions of TROY's MUSEUM "barn fund" as needed for carrying out TROY's part, if any, of such maintenance responsibilities.
- C. The THS has by resolutions unanimously adopted by its Board of Trustees agreed to raise the funds to pay the costs of relocating Mrs. Barnard's historic house to the MUSEUM within the five-year period specified in her gift agreement with TROY.
- D. The THS has by resolutions unanimously adopted by its Board of Trustees agreed to raise the funds to pay the costs of TROY's acquisition of the two parcels of land adjoining the western boundary of the MUSEUM, pursuant to the terms of purchase agreements negotiated by TROY with the owners of said parcels and signed by the owners and TROY.
- E. The City Council of TROY has by appropriate resolutions approved the purchase agreements to acquire for TROY the two parcels of land adjoining the western boundary of the MUSEUM. Upon

completion of the purchases, TROY intends that the parcels will be used for the expansion of the MUSEUM and the siting of Mrs. Barnard's historic house at the MUSEUM.

F. Mrs. Barnard's gift of her historic house to TROY has served as a catalyst for capital fund raising by the THS to expand the MUSEUM in a public-private partnership with TROY, without further significant cost to TROY. In addition to raising the funds to carry out the intent of Mrs. Barnard's gift to TROY and to purchase suitable land for it, the THS proposes to raise funds for the adaptive re-use by the MUSEUM of Mrs. Barnard's historic house contemplated by her gift agreement with TROY, and for four other major joint TROY-THS MUSEUM projects to be hereafter referred to, together with the total Barnard house project, as the "THS HERITAGE CAMPAIGN".

G. The four other projects to be funded by the THS HERITAGE CAMPAIGN, in addition to carrying out Mrs. Barnard's gift to TROY, are the acquisition and relocation to the MUSEUM of a historic barn, the adaptive re-use of the MUSEUM's main building for principal use as permanent exhibit galleries for the MUSEUM, the creation of a permanent endowment fund to assist TROY with the expenses of maintaining the MUSEUM's buildings, and the creation of a suitable gateway to the MUSEUM.

- H. The THS has calculated the projected costs of each of the projects based on the actual costs of the recent relocation to the MUSEUM of the Old Troy Church and its parsonage and of their restoration.
  
- I. The THS has created a detailed business plan that describes all five of these major projects. It is estimated that their total cost will be \$7.7 million dollars. The THS will ask corporations, individuals, foundations and governmental agencies for cash and in-kind contributions to the THS HERITAGE CAMPAIGN. The THS anticipates that many of the contributors will want assurances that the funds they give to the THS HERITAGE CAMPAIGN will be used for the expansion and adaptive re-use, and as a supplement to the operation of the MUSEUM through the five major projects of the THS HERITAGE CAMPAIGN, and that TROY and the THS are in full accord as to the completion of those projects.
  
- J. This agreement is intended to set forth the terms of that accord, to delineate the respective responsibilities of the THS and TROY, and for the reassurance of major contributors to the THS HERITAGE CAMPAIGN.

## COVENANTS

In consideration of the mutual covenants set forth herein, it is mutually agreed by the parties as follows:

1. As soon as practicable after the execution of this agreement, TROY intends to initiate the process of rezoning of the two parcels of land adjoining the western boundary of the MUSEUM to allow for the properties to be used for MUSEUM purposes. TROY also intends to initiate the process to include the two parcels, once acquired by TROY, as a part of a designated historic district, so that they can be used for MUSEUM purposes. These processes will involve public hearings, and THS representatives agree to attend these public hearings, as long as THS receives notification of the public hearings in advance.

2. As soon as practicable after the execution of this agreement, TROY intends to initiate the process of issuing a Request for Qualification ("RFQ") and then a Request for Proposal ("RFP") for a site planner/architect to advise TROY and THS regarding a preliminary site plan for the Barnard historic house and historic barn projects of the THS HERITAGE CAMPAIGN.

3. The issuance of RFQ's and RFP's for other providers to carry out the work of the THS HERITAGE CAMPAIGN, including but not limited to a construction manager for its projects, will be the undertaking of TROY, as requested from time to time by the THS, or as deemed necessary by the City Manager of TROY.

4. The THS will assist TROY in the drafting and writing of RFQs and RFPs and selection of sources of supply and services from issuing each such RFQ and RFP, to be approved by the THS before issuance. The THS will be responsible for paying the costs of these supplies and services selected from the responses to such RFQs and RFPs.

5. The THS will be responsible for selecting the site planner/architect pursuant to paragraph 2, and the construction manager pursuant to paragraph 3, guided by TROY guidelines and best value selection procedures, from the respondents to their RFQ's and RFP's. TROY will be responsible for selecting all other providers from the respondents to their RFQ's and RFP's. TROY will be the contracting party with all selected providers including the site planner/architect and the construction manager.

6. The City Manager of TROY will be responsible for selecting the project manager for the four projects of the THS HERITAGE CAMPAIGN other than the permanent endowment fund. The responsibilities and duties of the project manager are set forth in Appendix A of this agreement.

7. TROY intends to provide suitable in-kind TROY staff support and reasonable TROY staff time towards the THS HERITAGE CAMPAIGN projects.

8. The THS will continue in its efforts to raise the funds to pay the costs of relocating Mrs. Barnard's historic house to the MUSEUM and the costs to acquire the parcels of land adjoining the MUSEUM property, to raise the funds for the adaptive re-use by the MUSEUM of Mrs. Barnard's historic house, and to raise the funds for the other four projects of the THS HERITAGE CAMPAIGN, as long as this agreement remains in effect.

9. The THS will manage and invest the permanent endowment fund and will control all disbursements from the fund. TROY may request disbursements from the fund for direct payments to contractors designated by TROY for maintaining the MUSEUM's buildings, and for amounts charged by other TROY departments to the MUSEUM for maintaining its buildings.

10. All restorations and adaptive re-use involved in the projects of the THS HERITAGE CAMPAIGN will follow National Park Service Guidelines where feasible, and will follow all codes and ordinances of TROY. TROY in consultation with the THS will be responsible for the management and direction of any and all restorations, adaptive re-use and construction involved in the projects.

11. TROY will designate special accounts for projects relating to development of the MUSEUM. These special accounts will be used as the conduit for deposit and expenditure of funds by the THS for work completed by contractors on all projects of the THS HERITAGE CAMPAIGN except the permanent endowment fund. The THS will raise funds and transfer them into the designated special account used by TROY to pay for supplies and services as they are approved by the project manager designated pursuant to paragraph 6, and the construction manager designated pursuant to paragraph 5.

12. After completion and acceptance, TROY will be the recipient of and own all work completed for the four projects of the THS HERITAGE CAMPAIGN other than the permanent endowment fund.

13. All inspections of the completed work on the said four projects will be the responsibility of TROY.

14. The THS will be responsible for the form of recognition of donors to the THS HERITAGE CAMPAIGN at the MUSEUM, in accordance with applicable codes and ordinances of TROY.

15. This agreement may be amended at any time by written agreement between the THS and TROY.

ACKNOWLEDGED:

TROY HISTORICAL SOCIETY,  
a Michigan non-profit corporation

By: Ward Randolph  
WARD RANDOL, JR.  
Its: ASST. TREASURER

By: Cheryl L. Barnes  
Its: PRESIDENT

Cheryl Barnes acknowledged the foregoing instrument before me on this 16th day of January, 2006.

JUDITH A. ICEMAN  
Notary Public - Michigan  
Oakland County  
My Commission Expires  
June 30, 2011

Judith A. Iceman  
Notary Public  
6/30/2011 County, Michigan  
My Commission Expires:

CITY OF TROY,  
a Michigan municipal corporation

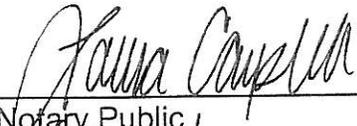
\_\_\_\_\_

By: Louise E. Schilling  
Louise E. Schilling, Mayor

\_\_\_\_\_

By: Tonni Bartholomew  
Tonni Bartholomew, City Clerk

Louise E. Schilling, Mayor of the City of Troy, and Tonni L. Bartholomew, Troy City Clerk, acknowledged the foregoing instrument before me on this 23<sup>rd</sup> day of January, 2006.

  
\_\_\_\_\_  
Notary Public  
Oakland County, Michigan  
Acting in Oakland County, Michigan  
My Commission Expires: 9/25/2011

**LAURA CAMPBELL**  
Notary Public, Oakland County, MI  
My Commission Expires 9/25/2011  
Acting in Oakland County

## AGREEMENT BETWEEN THE THS AND TROY TO EXPAND THE MUSEUM

### Appendix A Project Manager

The Project Manager will:

1. Be an employee of TROY selected by its City Manager for the duration of the four capital projects.
2. Approve payments to the architect, site planner, construction manager, and subcontractors.
3. Act as a liaison between TROY, the THS, the Troy Historical Commission, Troy Historic District Commission and other agencies as necessary.
4. Oversee appropriate approval processes for the four capital projects of the HERITAGE CAMPAIGN by the Troy Historical Commission, Troy Historic District Commission, and City Council.
5. Participate in all pre-construction and construction meetings .
6. Work with the THS to implement the THS deposit schedule to the designated special city account and appropriate expenditures of THS funds.
7. Report project status to the City Manager as required.
8. Perform other duties as required.

The Regular Meeting of the Troy City Planning Commission was called to order by Chair Hutson at 7:30 p.m. on July 13, 2010, in the Council Chamber of the Troy City Hall.

1. ROLL CALL

Present:

Donald Edmunds  
 Michael W. Hutson  
 Mark Maxwell  
 Philip Sanzica  
 Robert Schultz  
 Thomas Strat  
 John J. Tagle  
 Lon M. Ullmann  
 Mark J. Vleck (arrived 7:40 p.m.)

Also Present:

R. Brent Savidant, Acting Planning Director  
 Allan Motzny, Assistant City Attorney  
 Zachary Branigan, Carlisle/Wortman Associates, Inc.  
 Wanda Norman, Planning Department Intern  
 Kathy L. Czarnecki, Recording Secretary

2. APPROVAL OF AGENDA

**Resolution # PC-2010-07-045**

Moved by: Schultz  
 Seconded by: Tagle

RESOLVED, To approve the Revised Agenda, as prepared.

**Resolution # PC-2010-07-046**

Moved by: Edmunds  
 Seconded by: Ullmann

**RESOLVED**, To amend the motion on the floor to add to the agenda discussion on the Transit Center as Agenda item #8-B.

Discussion on the motion on the floor.

Chair Hutson stated that discussion on the transit center might be more appropriate at the joint meeting with Birmingham on July 14<sup>th</sup> when representation from all professions is present and available to address questions and concerns.

Mr. Ullmann expressed a desire to discuss some points tonight prior to the joint meeting.

Vote on the amendment to the motion on the floor.

Yes: Edmunds, Maxwell, Sanzica, Strat, Tagle, Ullmann  
 No: Hutson, Schultz  
 Absent: Vleck (arrived 7:40 p.m.)

**MOTION CARRIED**

Vote on **Resolution # PC-2010-07-045**, as amended.

Yes: All present (8)  
 Absent: Vleck (arrived 7:40 p.m.)

**MOTION CARRIED**

3. MINUTES

**Resolution # PC-2010-07-046**

Moved by: Sanzica  
 Seconded by: Schultz

**RESOLVED**, To approve the minutes of the June 22, 2010 Special/Study meeting as prepared.

Yes: Edmunds, Hutson, Maxwell, Sanzica, Schultz, Strat, Ullmann  
 Abstain: Tagle  
 Absent: Vleck (arrived 7:40 p.m.)

**MOTION CARRIED**

4. PUBLIC COMMENTS – Items not on the Agenda

There was no one present who wished to speak.

**PRELIMINARY SITE PLAN REVIEWS**

5. PRELIMINARY SITE PLAN REVIEW (File Number SP 899 A) – Proposed Automation Alley Addition, West side of Bellingham, South of Big Beaver (2675 Bellingham), Section 26, Currently Zoned R-C (Research Center) District

Mr. Branigan presented a summary of the Planning Consultant report on the proposed Preliminary Site Plan application. Mr. Branigan addressed the 42 parking spaces proposed for future use and the 22 spaces along the south boundary that encroach into the neighboring site. Mr. Branigan said the existing 76 parking spaces provide more than enough parking to accommodate the existing use and expanded use.

Mr. Branigan expressed support of the request and recommends the Planning Commission approve the Preliminary Site Plan application with the condition to eliminate the proposed parking spaces along the south boundary.

[Mr. Vleck arrived at 7:40 p.m.]

The petitioner, Randall DeRuiter of Synergy Group, 39400 Woodward Avenue, Bloomfield Hills, was present.

Ken Rogers, Executive Director of Automation Alley, was also present.

Mr. DeRuiter requested consideration to approve the parking to the south, conditioned upon securing a cross access easement in the future.

Mr. Savidant said it is required to designate a cross access easement on the site plan at the time of site plan approval.

Mr. Branigan explained that should approval of the site plan be conditioned on securing a cross access easement in the future, and the easement was not secured, then the site plan would be rendered invalid because the condition of the site plan was not met.

Mr. Savidant gave a brief explanation of the administrative process of Preliminary Site Plan approval.

**Resolution # PC-2010-07-047**

Moved by: Schultz

Seconded by: Strat

**RESOLVED**, That Preliminary Site Plan Approval for the proposed Automation Alley addition, located on the west side Bellingham, south of Big Beaver Road (2675 Bellingham), Section 26, within the R-C zoning district, be granted, subject to the following condition:

1. Submittal of a revised site plan indicating the elimination of the denoted future parking along the south boundary of the property.

Yes: All present (9)

**MOTION CARRIED**

6. PRELIMINARY SITE PLAN REVIEW (File Number SP 949 A) – Proposed Troy Marketplace Parking Reduction, Southwest Corner of Big Beaver and Rochester Roads, Section 27, Currently Zoned B-2 (Community Business) District

Mr. Branigan presented a summary of the Planning Consultant report on the proposed Preliminary Site Plan application. He addressed the parking and parking calculations for restaurants. Mr. Branigan expressed support of the request and recommends the Planning Commission approve the parking modification, permitting the site to go from a 201-space deficiency to a 218-space deficiency.

Mr. Maxwell asked (1) if there were any registered complaints on parking at the site, and (2) how many parking spaces are allotted for the health club.

Mr. Branigan said he is not aware of any complaints relating to parking. He indicated his personal observation is that the site has plenty of parking as well as easily accessible parking. Mr. Branigan indicated the health club has plenty of parking also because the major retail space next to them is vacant. He replied that based on the report provided, the estimated peak demand for parking at the health club on a weekend, including employees, could be as high as 527.

Mike Sullivan of Ramco-Gershenson, 31500 Northwestern Highway, Farmington Hills, was present to represent the petitioner.

**Resolution # PC-2010-07-048**

Moved by: Edmunds

Seconded by: Schultz

**RESOLVED**, The Planning Commission hereby approves a reduction in the number of required parking spaces for the proposed Troy Marketplace uses to 1,438 when a total of 1,656 spaces are required on the site based on off-street parking space requirements, as per Article XL. This 218-space reduction is justified through the application of ULI parking methodology, as outlined in the Technical Memorandum prepared by PEA.

**THEREFORE BE IT RESOLVED**, That Preliminary Site Plan Approval for the proposed uses, located on the southwest corner of Big Beaver and Rochester Road, Section 27, within the B-2 zoning district, be granted.

Yes: All present (9)

**MOTION CARRIED**

7. PRELIMINARY SITE PLAN REVIEW (File Number SP 963) – Proposed North Troy Park Association, Southwest Corner of South Boulevard and Rochester Road, Section 3, Currently Zoned O-1 (Office Building) District

Mr. Branigan presented a summary of the Planning Consultant report on the proposed Preliminary Site Plan application. He addressed the parking and parking calculations. Mr. Branigan expressed support of the request and recommends the Planning Commission approve the parking modification, conditioned on the restriction that the usable square footage for 6915 Rochester and 89 South Boulevard be limited to 65% of the gross square footage.

Ron Radcliffe of Trivest Management Services, Rochester, was present to represent the petitioner. He indicated that co-owners of the property were present also.

**Resolution # PC-2010-07-049**

Moved by: Schultz

Seconded by: Strat

**RESOLVED**, The Planning Commission hereby approves a reduction in the number of required parking spaces for the proposed medical office uses to 143 when a total of 193 spaces are required on the site based on off-street parking space requirements, as per Article XL. This 50-space reduction is justified through the application of ULI and ITE methodologies, as outlined in the Parking Space Analysis prepared by Nowak & Fraus.

**THEREFORE BE IT RESOLVED**, That Preliminary Site Plan Approval for the proposed medical office uses, located on the southwest corner of South Boulevard and Rochester Road, Section 3, within the O-1 zoning district, be granted, subject to the following condition:

1. That the usable square footage be limited to 65% for the final build out of 89 South Boulevard and 6915 Rochester Road.

Yes: All present (9)

**MOTION CARRIED**

## **SPECIAL USE REQUEST**

8. **PUBLIC HEARING – SPECIAL USE APPROVAL AND PRELIMINARY SITE PLAN REVIEW (File Number SU 381)** – Proposed Renaissance Fencing Club, North of Maple, West of Livernois (408 Oliver), Section 28, Currently Zoned M-1 (Light Industrial) District

Mr. Branigan presented a summary of the Planning Consultant report on the proposed Special Use and Preliminary Site Plan application. He addressed the proposed re-occupancy of the vacant industrial building with respect to site improvements, occupancy, special use request and parking, inclusive of a shared parking agreement with the adjacent landowner. Mr. Branigan indicated a landscape plan is not required, but brought to the attention of the members that there are no street trees on site. He recommends that as a Special Use, the Planning Commission require the applicant to provide three street trees as a condition to site plan approval.

Mr. Branigan expressed support of the Special Use and Preliminary Site Plan application and recommends the Planning Commission approve the application with conditions that the single class size is limited to 35 students, that tournaments are held only on weekends, and that three street trees are provided along Oliver Street.

Mr. Schultz noted that it might be to the property owner's advantage to seek and receive the required variances for the legal nonconformities.

It was calculated that the class size could be increased to 45 students to correlate to the number of parking spaces provided.

Mr. Edmunds addressed the shared access road on site and the sign displayed for overflow parking.

Mr. Savidant said City staff would look into the matter to assure that the sign meets City sign ordinance requirements.

Mr. Savidant announced the Planning Department received a letter from H & S Inspection Service of 422 Oliver Drive, a copy of which was distributed to members prior to the beginning of tonight's meeting. The letter, supportive of the Special Use request, addresses concerns with the operation of the club.

Mary Bednar, civil engineer, fencer and coach at Renaissance Fencing Club, was present to represent the petitioner.

Robert Snyder of 408 Oliver, Troy, was also present.

Ms. Bednar addressed the shared parking agreement for overflow parking and class size. She expressed concern with the placement and survival of three street trees, noting the planting area is limited in size. Mr. Bednar also indicated that a sign permit application for the overflow parking sign is in process.

The placement of the three streets trees was briefly discussed. It was noted there is no requirement to plant the trees in a straight line; they could be staggered. The Planning Department will assist the petitioner with the placement of the street trees.

Mr. Snyder said he is not opposed to planting the trees. He just wanted to plant them in the appropriate manner. Mr. Snyder briefly addressed the hardships property owners are facing in the current economy.

#### PUBLIC HEARING OPENED

No one was present to speak.

#### PUBLIC HEARING CLOSED

#### **Resolution # PC-2010-07-050**

Moved by: Sanzica

Seconded by: Vleck

**RESOLVED**, That Special Use Approval and Preliminary Site Plan Approval, as requested for the proposed indoor commercial recreation use, located north of Maple, west of Livernois (408 Oliver), in Section 28, within the M-1 zoning district, be granted, subject to the following conditions:

1. No more than 45 students shall be permitted in a single class.
2. Tournaments shall be held only on weekends.
3. Three (3) street trees shall be provided along Oliver Street.

Yes: All present (9)

#### **MOTION CARRIED**

8. A REMOVAL OF CONDITION OF PRELIMINARY SITE PLAN REVIEW (File Number SP 960) – Proposed Vehma International Improvements, Northwest corner of Stephenson and Rankin (1055 Stephenson), Section 35, Currently Zoned M-1 (Light Industrial) District

Chair Hutson addressed the item to reconsider the condition placed on Preliminary Site Plan approval for Vehma International Improvements at 1055 Stephenson Highway.

Mr. Strat said he supports the reconsideration of the condition placed on Preliminary Site Plan approval for Vehma. It was his assumption when the item was before the Board for approval that the petitioner was in agreement to the condition.

Chair Hutson noted the initial Preliminary Site Plan met all requirements of the Zoning Ordinance and the parent company did not agree with the condition placed on the approval. Chair Hutson said it would be a disservice to the City to lose a big development to another community because of a condition to place a berm.

Mr. Schultz said he supports the Resolution in front of the Board tonight. He said the paperwork in front of the Board this evening makes it look like the Planning Commission did something nefarious, noting that is not the case. He asked that the record reflect that the petitioner agreed to the berm at the request of the Planning Commission, and it was not demanded of them.

**Resolution # PC-2010-07-051**

Moved by: Schultz

Seconded by: Strat

**WHEREAS**, The Troy Planning Commission performs an essential function for the economic vitality of the City of Troy through its review and approval of preliminary site plans for significant new projects and in-fill projects; and

**WHEREAS**, The Troy Planning Commission, after being presented with a preliminary site plan application from Vehma, granted preliminary site plan approval for a project located at 1055 Stephenson Highway, which is reported to generate 365 new jobs in the City of Troy and significant tax revenue; and

**WHEREAS**, This preliminary site plan approval, approved on June 22, 2010, was conditioned on the construction of a berm adjacent to Stephenson Highway, which although not required by Troy's ordinance, was proposed to screen vehicles from the roadway; and

**WHEREAS**, The developer has requested removal of this condition of the preliminary site plan approval, and has indicated that the imposition of this condition may subsequently impede this significant economic development project.

**NOW THEREFORE, BE IT RESOLVED**, That the Planning Commission hereby REMOVES the requirement for the construction of a berm along Stephenson Highway, which was a condition of the Preliminary Site Plan Approval granted on June 22, 2010 for the proposed Vehma International Improvements.

***BE IT FURTHER RESOLVED***, That the Planning Commission hereby RATIFIES the Preliminary Site Plan Approval for the proposed Vehma International Improvements, located at 1055 Stephenson Highway, on the Northwest corner of Stephenson and Rankin in Section 35, which is within the M-1 zoning district, pursuant to Section 03.30.03 of the Zoning Ordinance.

Yes: All present (9)

**MOTION CARRIED**

8. B TROY/BIRMINGHAM TRANSIT CENTER

Mr. Edmunds said his major concern with the Transit Center Preliminary Site Plan is the lack of elevators, although he commended the staff to show the elevators as an alternate plan. Mr. Edmunds addressed the site plan in relation to the bid process and grant funding, and offered the following Resolution for consideration.

**Resolution # PC-2010-07-**

Moved by: Edmunds

Seconded by:

RESOLVED, That the Planning Commission approves the Preliminary Site Plan review of the Intermodal Transit Center, subject to the following conditions:

1. The plan incorporates two elevators to improve accessibility, as a required and not an alternate bid package component.
2. Staff has requested to revise the site plan components so as to not exceed the grant funding approved for the project.

There was discussion on the following.

- Elevators; not as alternate plan.
- Project costs/expenditures.
- Federal grant funding.
- Safety concerns.
- Zoning Ordinance requirements met.
- Identify concerns, specifically lack of elevators, to City Council.

Mr. Savidant reminded the Planning Commission that its role in the Preliminary Site Plan approval process is to make a recommendation to City Council. He indicated that expenditures for the project is a policy decision by City Council. Mr. Savidant explained the Preliminary Site Plan approval process as a joint venture.

There was no support for the motion on the floor.

**OTHER BUSINESS**

9. **PUBLIC COMMENTS** – Items on Current Agenda

There was no one present who wished to speak.

10. **PLANNING COMMISSION COMMENTS**

Mr. Strat welcomed Allan Motzny.

Mr. Schultz acknowledged the sadness of the tragic death of Saif Jameel and extended sincere condolences to the family.

The Regular Meeting of the Planning Commission adjourned at 9:06 p.m.

Respectfully submitted,

---

Michael W. Hutson, Chair

---

Kathy L. Czarnecki, Recording Secretary

G:\Planning Commission Minutes\2010 PC Minutes\Draft\07-13-10 Regular Meeting\_Draft.doc

The Regular Meeting of the Troy City Planning Commission was called to order by Chair Hutson at 7:30 p.m. on July 13, 2010, in the Council Chamber of the Troy City Hall.

1. ROLL CALL

Present:

Donald Edmunds  
Michael W. Hutson  
Mark Maxwell  
Philip Sanzica  
Robert Schultz  
Thomas Strat  
John J. Tagle  
Lon M. Ullmann  
Mark J. Vleck (arrived 7:40 p.m.)

Also Present:

R. Brent Savidant, Acting Planning Director  
Allan Motzny, Assistant City Attorney  
Zachary Branigan, Carlisle/Wortman Associates, Inc.  
Wanda Norman, Planning Department Intern  
Kathy L. Czarnecki, Recording Secretary

2. APPROVAL OF AGENDA

**Resolution # PC-2010-07-045**

Moved by: Schultz  
Seconded by: Tagle

RESOLVED, To approve the Revised Agenda, as prepared.

**Resolution # PC-2010-07-046**

Moved by: Edmunds  
Seconded by: Ullmann

**RESOLVED**, To amend the motion on the floor to add to the agenda discussion on the Transit Center as Agenda item #8-B.

Discussion on the motion on the floor.

Chair Hutson stated that discussion on the transit center might be more appropriate at the joint meeting with Birmingham on July 14<sup>th</sup> when representation from all professions is present and available to address questions and concerns.

Mr. Ullmann expressed a desire to discuss some points tonight prior to the joint meeting.

Vote on the amendment to the motion on the floor.

Yes: Edmunds, Maxwell, Sanzica, Strat, Tagle, Ullmann  
 No: Hutson, Schultz  
 Absent: Vleck (arrived 7:40 p.m.)

**MOTION CARRIED**

Vote on **Resolution # PC-2010-07-045**, as amended.

Yes: All present (8)  
 Absent: Vleck (arrived 7:40 p.m.)

**MOTION CARRIED**

3. MINUTES

**Resolution # PC-2010-07-046**

Moved by: Sanzica  
 Seconded by: Schultz

**RESOLVED**, To approve the minutes of the June 22, 2010 Special/Study meeting as prepared.

Yes: Edmunds, Hutson, Maxwell, Sanzica, Schultz, Strat, Ullmann  
 Abstain: Tagle  
 Absent: Vleck (arrived 7:40 p.m.)

**MOTION CARRIED**

4. PUBLIC COMMENTS – Items not on the Agenda

There was no one present who wished to speak.

**PRELIMINARY SITE PLAN REVIEWS**

5. PRELIMINARY SITE PLAN REVIEW (File Number SP 899 A) – Proposed Automation Alley Addition, West side of Bellingham, South of Big Beaver (2675 Bellingham), Section 26, Currently Zoned R-C (Research Center) District

Mr. Branigan presented a summary of the Planning Consultant report on the proposed Preliminary Site Plan application. Mr. Branigan addressed the 42 parking spaces proposed for future use and the 22 spaces along the south boundary that encroach into the neighboring site. Mr. Branigan said the existing 76 parking spaces provide more than enough parking to accommodate the existing use and expanded use.

Mr. Branigan expressed support of the request and recommends the Planning Commission approve the Preliminary Site Plan application with the condition to eliminate the proposed parking spaces along the south boundary.

[Mr. Vleck arrived at 7:40 p.m.]

The petitioner, Randall DeRuijter of Synergy Group, 39400 Woodward Avenue, Bloomfield Hills, was present.

Ken Rogers, Executive Director of Automation Alley, was also present.

Mr. DeRuijter requested consideration to approve the parking to the south, conditioned upon securing a cross access easement in the future.

Mr. Savidant said it is required to designate a cross access easement on the site plan at the time of site plan approval.

Mr. Branigan explained that should approval of the site plan be conditioned on securing a cross access easement in the future, and the easement was not secured, then the site plan would be rendered invalid because the condition of the site plan was not met.

Mr. Savidant gave a brief explanation of the administrative process of Preliminary Site Plan approval.

**Resolution # PC-2010-07-047**

Moved by: Schultz

Seconded by: Strat

**RESOLVED**, That Preliminary Site Plan Approval for the proposed Automation Alley addition, located on the west side Bellingham, south of Big Beaver Road (2675 Bellingham), Section 26, within the R-C zoning district, be granted, subject to the following condition:

1. Submittal of a revised site plan indicating the elimination of the denoted future parking along the south boundary of the property.

Yes: All present (9)

**MOTION CARRIED**

6. PRELIMINARY SITE PLAN REVIEW (File Number SP 949 A) – Proposed Troy Marketplace Parking Reduction, Southwest Corner of Big Beaver and Rochester Roads, Section 27, Currently Zoned B-2 (Community Business) District

Mr. Branigan presented a summary of the Planning Consultant report on the proposed Preliminary Site Plan application. He addressed the parking and parking calculations for restaurants. Mr. Branigan expressed support of the request and recommends the Planning Commission approve the parking modification, permitting the site to go from a 201-space deficiency to a 218-space deficiency.

Mr. Maxwell asked (1) if there were any registered complaints on parking at the site, and (2) how many parking spaces are allotted for the health club.

Mr. Branigan said he is not aware of any complaints relating to parking. He indicated his personal observation is that the site has plenty of parking as well as easily accessible parking. Mr. Branigan indicated the health club has plenty of parking also because the major retail space next to them is vacant. He replied that based on the report provided, the estimated peak demand for parking at the health club on a weekend, including employees, could be as high as 527.

Mike Sullivan of Ramco-Gershenson, 31500 Northwestern Highway, Farmington Hills, was present to represent the petitioner.

**Resolution # PC-2010-07-048**

Moved by: Edmunds

Seconded by: Schultz

**RESOLVED**, The Planning Commission hereby approves a reduction in the number of required parking spaces for the proposed Troy Marketplace uses to 1,438 when a total of 1,656 spaces are required on the site based on off-street parking space requirements, as per Article XL. This 218-space reduction is justified through the application of ULI parking methodology, as outlined in the Technical Memorandum prepared by PEA.

**THEREFORE BE IT RESOLVED**, That Preliminary Site Plan Approval for the proposed uses, located on the southwest corner of Big Beaver and Rochester Road, Section 27, within the B-2 zoning district, be granted.

Yes: All present (9)

**MOTION CARRIED**

7. PRELIMINARY SITE PLAN REVIEW (File Number SP 963) – Proposed North Troy Park Association, Southwest Corner of South Boulevard and Rochester Road, Section 3, Currently Zoned O-1 (Office Building) District

Mr. Branigan presented a summary of the Planning Consultant report on the proposed Preliminary Site Plan application. He addressed the parking and parking calculations. Mr. Branigan expressed support of the request and recommends the Planning Commission approve the parking modification, conditioned on the restriction that the usable square footage for 6915 Rochester and 89 South Boulevard be limited to 65% of the gross square footage.

Ron Radcliffe of Trivest Management Services, Rochester, was present to represent the petitioner. He indicated that co-owners of the property were present also.

**Resolution # PC-2010-07-049**

Moved by: Schultz

Seconded by: Strat

**RESOLVED**, The Planning Commission hereby approves a reduction in the number of required parking spaces for the proposed medical office uses to 143 when a total of 193 spaces are required on the site based on off-street parking space requirements, as per Article XL. This 50-space reduction is justified through the application of ULI and ITE methodologies, as outlined in the Parking Space Analysis prepared by Nowak & Fraus.

**THEREFORE BE IT RESOLVED**, That Preliminary Site Plan Approval for the proposed medical office uses, located on the southwest corner of South Boulevard and Rochester Road, Section 3, within the O-1 zoning district, be granted, subject to the following condition:

1. That the usable square footage be limited to 65% for the final build out of 89 South Boulevard and 6915 Rochester Road.

Yes: All present (9)

**MOTION CARRIED**

---

## SPECIAL USE REQUEST

8. **PUBLIC HEARING – SPECIAL USE APPROVAL AND PRELIMINARY SITE PLAN REVIEW (File Number SU 381)** – Proposed Renaissance Fencing Club, North of Maple, West of Livernois (408 Oliver), Section 28, Currently Zoned M-1 (Light Industrial) District

Mr. Branigan presented a summary of the Planning Consultant report on the proposed Special Use and Preliminary Site Plan application. He addressed the proposed re-occupancy of the vacant industrial building with respect to site improvements, occupancy, special use request and parking, inclusive of a shared parking agreement with the adjacent landowner. Mr. Branigan indicated a landscape plan is not required, but brought to the attention of the members that there are no street trees on site. He recommends that as a Special Use, the Planning Commission require the applicant to provide three street trees as a condition to site plan approval.

Mr. Branigan expressed support of the Special Use and Preliminary Site Plan application and recommends the Planning Commission approve the application with conditions that the single class size is limited to 35 students, that tournaments are held only on weekends, and that three street trees are provided along Oliver Street.

Mr. Schultz noted that it might be to the property owner's advantage to seek and receive the required variances for the legal nonconformities.

It was calculated that the class size could be increased to 45 students to correlate to the number of parking spaces provided.

Mr. Edmunds addressed the shared access road on site and the sign displayed for overflow parking.

Mr. Savidant said City staff would look into the matter to assure that the sign meets City sign ordinance requirements.

Mr. Savidant announced the Planning Department received a letter from H & S Inspection Service of 422 Oliver Drive, a copy of which was distributed to members prior to the beginning of tonight's meeting. The letter, supportive of the Special Use request, addresses concerns with the operation of the club.

Mary Bednar, civil engineer, fencer and coach at Renaissance Fencing Club, was present to represent the petitioner.

Robert Snyder of 408 Oliver, Troy, was also present.

Ms. Bednar addressed the shared parking agreement for overflow parking and class size. She expressed concern with the placement and survival of three street trees, noting the planting area is limited in size. Mr. Bednar also indicated that a sign permit application for the overflow parking sign is in process.

The placement of the three streets trees was briefly discussed. It was noted there is no requirement to plant the trees in a straight line; they could be staggered. The Planning Department will assist the petitioner with the placement of the street trees.

Mr. Snyder said he is not opposed to planting the trees. He just wanted to plant them in the appropriate manner. Mr. Snyder briefly addressed the hardships property owners are facing in the current economy.

#### PUBLIC HEARING OPENED

No one was present to speak.

#### PUBLIC HEARING CLOSED

#### **Resolution # PC-2010-07-050**

Moved by: Sanzica

Seconded by: Vleck

**RESOLVED**, That Special Use Approval and Preliminary Site Plan Approval, as requested for the proposed indoor commercial recreation use, located north of Maple, west of Livernois (408 Oliver), in Section 28, within the M-1 zoning district, be granted, subject to the following conditions:

1. No more than 45 students shall be permitted in a single class.
2. Tournaments shall be held only on weekends.
3. Three (3) street trees shall be provided along Oliver Street.

Yes: All present (9)

#### **MOTION CARRIED**

8. A REMOVAL OF CONDITION OF PRELIMINARY SITE PLAN REVIEW (File Number SP 960) – Proposed Vehma International Improvements, Northwest corner of Stephenson and Rankin (1055 Stephenson), Section 35, Currently Zoned M-1 (Light Industrial) District

Chair Hutson addressed the item to reconsider the condition placed on Preliminary Site Plan approval for Vehma International Improvements at 1055 Stephenson Highway.

Mr. Strat said he supports the reconsideration of the condition placed on Preliminary Site Plan approval for Vehma. It was his assumption when the item was before the Board for approval that the petitioner was in agreement to the condition.

Chair Hutson noted the initial Preliminary Site Plan met all requirements of the Zoning Ordinance and the parent company did not agree with the condition placed on the approval. Chair Hutson said it would be a disservice to the City to lose a big development to another community because of a condition to place a berm.

Mr. Schultz said he supports the Resolution in front of the Board tonight. He said the paperwork in front of the Board this evening makes it look like the Planning Commission did something nefarious, noting that is not the case. He asked that the record reflect that the petitioner agreed to the berm at the request of the Planning Commission, and it was not demanded of them.

**Resolution # PC-2010-07-051**

Moved by: Schultz

Seconded by: Strat

**WHEREAS**, The Troy Planning Commission performs an essential function for the economic vitality of the City of Troy through its review and approval of preliminary site plans for significant new projects and in-fill projects; and

**WHEREAS**, The Troy Planning Commission, after being presented with a preliminary site plan application from Vehma, granted preliminary site plan approval for a project located at 1055 Stephenson Highway, which is reported to generate 365 new jobs in the City of Troy and significant tax revenue; and

**WHEREAS**, This preliminary site plan approval, approved on June 22, 2010, was conditioned on the construction of a berm adjacent to Stephenson Highway, which although not required by Troy's ordinance, was proposed to screen vehicles from the roadway; and

**WHEREAS**, The developer has requested removal of this condition of the preliminary site plan approval, and has indicated that the imposition of this condition may subsequently impede this significant economic development project.

**NOW THEREFORE, BE IT RESOLVED**, That the Planning Commission hereby REMOVES the requirement for the construction of a berm along Stephenson Highway, which was a condition of the Preliminary Site Plan Approval granted on June 22, 2010 for the proposed Vehma International Improvements.

***BE IT FURTHER RESOLVED***, That the Planning Commission hereby RATIFIES the Preliminary Site Plan Approval for the proposed Vehma International Improvements, located at 1055 Stephenson Highway, on the Northwest corner of Stephenson and Rankin in Section 35, which is within the M-1 zoning district, pursuant to Section 03.30.03 of the Zoning Ordinance.

Yes: All present (9)

**MOTION CARRIED**

8. B TROY/BIRMINGHAM TRANSIT CENTER

Mr. Edmunds said his major concern with the Transit Center Preliminary Site Plan is the lack of elevators, although he commended the staff to show the elevators as an alternate plan. Mr. Edmunds addressed the site plan in relation to the bid process and grant funding, and offered the following Resolution for consideration.

**Resolution # PC-2010-07-**

Moved by: Edmunds

Seconded by:

RESOLVED, That the Planning Commission approves the Preliminary Site Plan review of the Intermodal Transit Center, subject to the following conditions:

1. The plan incorporates two elevators to improve accessibility, as a required and not an alternate bid package component.
2. Staff has requested to revise the site plan components so as to not exceed the grant funding approved for the project.

There was discussion on the following.

- Elevators; not as alternate plan.
- Project costs/expenditures.
- Federal grant funding.
- Safety concerns.
- Zoning Ordinance requirements met.
- Identify concerns, specifically lack of elevators, to City Council.

Mr. Savidant reminded the Planning Commission that its role in the Preliminary Site Plan approval process is to make a recommendation to City Council. He indicated that expenditures for the project is a policy decision by City Council. Mr. Savidant explained the Preliminary Site Plan approval process as a joint venture.

There was no support for the motion on the floor.

**OTHER BUSINESS**

9. **PUBLIC COMMENTS** – Items on Current Agenda

There was no one present who wished to speak.

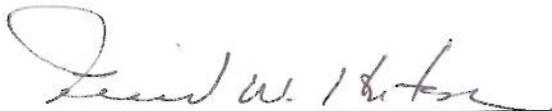
10. **PLANNING COMMISSION COMMENTS**

Mr. Strat welcomed Allan Motzny.

Mr. Schultz acknowledged the sadness of the tragic death of Saif Jameel and extended sincere condolences to the family.

The Regular Meeting of the Planning Commission adjourned at 9:06 p.m.

Respectfully submitted,



Michael W. Hutson, Chair



Kathy L. Czarniecki, Recording Secretary

**CITY OF TROY INCENTIVE PLAN FOR  
VOLUNTEER FIREFIGHTERS  
30<sup>TH</sup> ANNUAL ACTUARIAL VALUATION REPORT  
DECEMBER 31, 2009**

## Table of Contents

Page	Items
1	Cover Letter
2	Summary of Plan Provisions
3	Active Participants Data
4	Inactive Participants Data
5	Development of Funding Value of Assets
6	Actuarial Accrued Liabilities and Assets
7	City's Computed Contribution for the Fiscal Year Beginning July 1, 2010
8	Derivation of Actuarial Gain (Loss)
9	Comparative Schedule
10-13	Actuarial Assumptions
14-16	Actuarial Accrued Liability

August 2, 2010

Mr. John M. Lamerato  
Assistant City Manager - Finance  
City of Troy  
500 West Big Beaver Road  
Troy, Michigan 48084

Dear John:

Submitted in this report are the results of the 30<sup>th</sup> Annual Actuarial Valuation of the assets, benefit values, reserves and contribution requirements associated with payments provided by the City of Troy Incentive Plan for Volunteer Firefighters. The valuation was based upon data, furnished by your staff, concerning financial operations and individual participants and vested former participants.

The date of the valuation was December 31, 2009.

This report was prepared by actuaries who have substantial experience valuing public employee retirement plans. To the best of our knowledge, this report is complete and accurate and the valuation was conducted in accordance with standards of practice prescribed by the Actuarial Standards Board. The actuarial assumptions used for the valuation produce results which, individually and in the aggregate, are reasonable.

Both of the undersigned actuaries submitting this report are Members of the American Academy of Actuaries (M.A.A.A.) as indicated, and meet the Qualification Standards of the American Academy of Actuaries to render the actuarial opinions contained herein.

Respectfully submitted,



Brad Lee Armstrong  
A.S.A., E.A., M.A.A.A.



Randall J. Dziubek  
A.S.A., E.A., M.A.A.A.

BLA:RJD:sc

## SUMMARY OF PLAN PROVISIONS (DECEMBER 31, 2009)

### NORMAL PAYMENT CONDITIONS

*Eligibility* - Attainment of age 55 with 10 or more years of incentive service or 30 years of service regardless of age, or attainment of age 50 with 25 or more years of service.

*Annual Amount* - \$518 per year of incentive service, retiring on or after January 1, 2005, \$539 per year of incentive service, retiring on or after January 1, 2006, \$560 per year of incentive service, retiring on or after January 1, 2007, \$582 per year of incentive service, retiring on or after January 1, 2008, \$605 per year of incentive service, retiring on or after January 1, 2009. Optional forms of payment include a lump sum payment of the actuarial value using valuation assumptions for interest and male mortality. Per year amount of \$605 is frozen through December 31, 2011.

### VESTING

*Eligibility* - 10 years of incentive service. Payments commence at age 60.

*Annual Amount* - See above.

### PAYMENTS IN EVENT OF PARTICIPANT'S DEATH

*Eligibility* - Death of an active participant after 10 years of incentive service.

*Annual Amount* - Widow receives the amount computed as above but reduced to reflect a 100% joint and survivor election.

### POST-RETIREMENT PAYMENT INCREASES

An ad-hoc 10% increase in each current payment was granted in 1986 and 1987.

An ad-hoc 7-1/2% increase in each current payment was granted in 1988.

An ad-hoc 7-1/2% increase in each current payment was granted in 1989, along with a prorated increase based on the difference between the actual incentive service and the twenty-five year maximum which was provided for in Ordinance No. 62.

An ad-hoc \$10 per month increase in each current payment was granted in 1990 through 1994, inclusive.

An ad-hoc \$5 per month increase in each current payment was granted in 1995.

An ad-hoc \$15 per month increase in each current payment was granted in 1996.

An ad-hoc \$10 per month increase in each current payment was granted in 1997 through 2009, inclusive.

No increases January 1, 2010 through December 31, 2011.

**ACTIVE PARTICIPANTS - DECEMBER 31, 2009**  
**BY NEAR AGE AND YEARS OF SERVICE**

Near Age	Years of Accrued Service							Totals No.
	0-4	5-9	10-14	15-19	20-24	25-29	30 Plus	
15-19	1							1
20-24	10							10
25-29	8	6						14
30-34	10	8	7					25
35-39	7	3	2	3				15
40-44	4	4	1	2	6			17
45-49	4	7	5	5	5	2		28
50-54		1	4	10	3	1		19
55-59	2	1	1		2			6
60						1		1
63						1		1
<b>Totals</b>	<b>46</b>	<b>30</b>	<b>20</b>	<b>20</b>	<b>16</b>	<b>5</b>	<b>0</b>	<b>137</b>

While not used in the financial computations, the following group averages are computed and shown because of their general interest.

---

**Group Averages:**

Age:           39.8 years.  
Service:       10.4 years.

Note: In addition, there are 8 members currently on leave of absence.

**INACTIVE PARTICIPANTS - BY ATTAINED AGES  
DECEMBER 31, 2009**

Near Ages	Current Payments		Deferred Payments	
	No.	Annual Payments	No.	Annual Payments
30-34				
35-39			2	\$ 15,016
40-44			3	12,945
45-49			9	40,538
50-54	5	\$ 67,946	7	19,984
55-59	10	104,606	6	21,525
60-64	9	52,252		
65-69	9	54,930		
70-74	20	92,468		
75-79	9	41,206		
80+	17	64,228		
<b>Totals</b>	<b>79</b>	<b>\$477,636</b>	<b>27</b>	<b>\$110,008</b>

**DEVELOPMENT OF FUNDING VALUE OF ASSETS**

	Year Ended December 31,	2006	2007	2008	2009	2010	2011	2012
A.	Funding Value Beginning of Year	\$ 6,571,524	\$ 6,006,600	\$ 6,412,626	\$ 6,272,677			
B.	Market Value End of Year	5,768,679	6,245,711	6,066,814	5,362,039			
C.	Market Value Beginning of Year	6,261,583	5,768,679	6,245,711	6,066,814			
D.	Non Investment Net Cash Flow# (EE + ER cont.) - (Ret. Ben.+Refunds+Admin. Exp.)	(785,379)	127,423	(375,392)	(1,273,689)			
E.	Investment Income							
E1.	Market Total: B - C - D	292,475	349,609	196,495	568,914			
E2.	Assumed Rate	6.50%	6.50%	6.50%	6.50%			
E3.	Amount for Immediate Recognition	401,624	394,570	404,620	366,329			
E4.	Amount for Phased-In Recognition	(109,149)	(44,961)	(208,125)	202,585			
F.	Phased-In Recognition of Investment Income							
F1.	Current Year: 0.25 x E4	(27,287)	(11,240)	(52,031)	50,646			
F2.	First Prior Year	(78,620)	(27,287)	(11,240)	(52,031)	\$ 50,646		
F3.	Second Prior Year	1,181	(78,620)	(27,287)	(11,240)	(52,031)	\$ 50,646	
F4.	Third Prior Year	(76,443)	1,180	(78,619)	(27,288)	(11,241)	(52,032)	\$ 50,647
F5.	Total Recognized Investment Gain/(Loss)	(181,169)	(115,967)	(169,177)	(39,913)	(12,626)	(1,386)	50,647
G.	Funding Value: A + D + E3 + F5	6,006,600	6,412,626	6,272,677	5,325,404			
H.	Difference Between Market & Funding Values	(237,921)	(166,915)	(205,863)	36,635			
I.	Recognized Rate of Return	3.6%	4.6%	3.8%	5.8%			

# Net of investment expenses.

The Funding Value of Assets recognizes assumed investment income (line E3) fully each year. Differences between actual and assumed investment income (line E4) are phased-in over a closed 4-year period. During periods when investment performance exceeds the assumed rate, Funding Value of Assets will tend to be less than market value. During periods when investment performance is less than the assumed rate, Funding Value of Assets will tend to be greater than market value. The Funding Value of Assets is **unbiased** with respect to Market Value. At any time it may be either greater or less than Market Value. If actual and assumed rates of investment income are exactly equal for 3 consecutive years, the Funding Value will become equal to Market Value.

**DEVELOPMENT OF UNFUNDED ACTUARIAL ACCRUED LIABILITIES  
AS OF DECEMBER 31, 2009**

Actuarial Accrued Liabilities For:	
Active Participants*	\$ 7,215,834
Inactive Participants	
Current payments	4,818,038
Deferred payments	<u>591,371</u>
Total Actuarial Accrued Liabilities	12,625,243
Funding Value of Assets	<u>5,325,404</u>
Unfunded Actuarial Accrued Liabilities	<b>\$7,299,839</b>

\* Includes participants on leave of absence.

**MARKET VALUE INCOME STATEMENT  
FOR CALENDAR YEAR 2009**

Plan Assets at Beginning of Year	\$ 6,066,814
plus Employer Contributions	864,167
plus Investment Income	568,914
less Monthly Retirement Benefits	595,735
less Lump Sum Retirement Benefits	1,535,569
less Administrative Expenses	<u>6,552</u>
Plan Assets at End of Year	\$ 5,362,039

**CITY'S COMPUTED CONTRIBUTION FOR THE FISCAL YEAR  
BEGINNING JULY 1, 2010**

**Contribution for:**

**NORMAL COST**

Age and service payments	\$ 275,031
Death-in-service payments	<u>18,854</u>
Total	293,885

**UNFUNDED ACCRUED LIABILITIES**

Present recipients	0
Active participants and vested former participants*	<u>579,806</u>
Total	579,806

**CITY'S TOTAL CONTRIBUTION** **\$ 873,691**

*\* Financed over an open period of 25 years.*

**Comment A:** This Plan has a history of benefit increases and allows lump sums to be paid at retirement. The total contribution shown above does not reflect recognition of potential future increases in benefits beyond 2011. A funding policy of recognizing pension increases as they happen will usually lead to persistent annual increases in the computed contribution requirement and persistent decreases in the funded ratio. In the case of this Plan that has a popular lump sum option, this can also lead to negative cash flows which could exhaust the Plan Assets in less than 10 years. This would drive contributions to the level of expenditures, which would create extreme volatility and on average, much higher contributions.

**Comment B:** The Plan's current assumed investment return assumption of 6.5% can be considered aggressive since the Plan is primarily invested in fixed income instruments. The Plan has averaged about 4.5% over the last four years. We recommend a review of the Plan's investment policy with a focus on asset allocation.

**DERIVATION OF ACTUARIAL GAIN (LOSS)**  
**PENSION BENEFITS**  
**YEAR ENDED DECEMBER 31, 2009**

1) UAAL at start of year	\$ 6,765,166
2) Normal cost	326,829
3) Actual employer contributions	864,167
4) Interest accrual	422,272
5) Expected UAAL before changes	6,650,100
6) Change from benefit increases#	76,413
7) Change from revised actuarial assumptions	0
8) Expected UAAL after changes	6,726,513
9) Actual UAAL at end of year	7,299,839
10) Gain (Loss) (8) - (9)	(573,326)
11) Gain (Loss) as percent of actuarial accrued liabilities at start of year \$13,037,843	(4.4)%

# \$10 per month ad-hoc COLA for current retiree's benefits.

**CITY OF TROY INCENTIVE PLAN FOR VOLUNTEER FIREFIGHTERS  
COMPARATIVE SCHEDULE**

Valuation Date December 31,	Vested Former Participants				Accrued Liability	Actuarial Value of Assets	Percent Funded	Unfunded Accrued Liability	Computed City Contribution
	Current Payments		Deferred Payments						
	No.	Annual \$	No.	Annual \$					
1994 *	51	\$ 136,187	22	\$ 39,750	\$ 3,749,683	\$ 3,236,057	86.3 %	\$ 513,626	\$ 171,556
1995	54	145,049	21	40,587	4,393,900	3,512,240	79.9	881,660	216,567
1996 *	56	163,321	21	44,897	4,935,993	3,761,590	76.2	1,174,403	262,950
1997 *	57	178,421	22	47,885	5,635,119	4,211,224	74.7	1,423,895	301,412
1998 *	58	182,869	24	59,570	6,034,103	4,680,711	77.6	1,353,392	304,480
1999 #	58	189,829	24	59,570	6,789,910	5,051,720	74.4	1,738,190	349,404
2000 *	60	201,427	27	73,879	7,397,365	5,137,078	69.4	2,260,287	413,432
2001 *	62	225,030	28	79,743	8,160,180	5,109,422	62.6	3,050,758	512,973
2002 *	61	232,881	28	86,384	9,598,244	5,720,336	59.6	3,877,908	623,348
2003 *	63	246,090	26	79,680	11,786,697	6,083,672	51.6	5,703,025	795,904
2004 *	64	263,767	26	82,834	11,936,051	6,261,188	52.5	5,674,863	774,795
2005 *	67	302,477	27	92,676	12,052,272	6,571,524	54.5	5,480,748	762,121
2006 *	70	346,539	25	79,601	11,931,905	6,006,600	50.3	5,925,305	788,742
2007 *	73	372,705	23	75,828	13,239,695	6,412,626	48.4	6,827,069	885,365
2008 *	74	403,828	24	89,238	13,037,843	6,272,677	48.1	6,765,166	864,167
<b>2009</b>	<b>79</b>	<b>468,876</b>	<b>27</b>	<b>110,008</b>	<b>12,548,830</b>	<b>5,325,404</b>	<b>42.4</b>	<b>7,223,426</b>	<b>867,621</b>
<b>2009 #</b>	<b>79</b>	<b>477,636</b>	<b>27</b>	<b>110,008</b>	<b>12,625,243</b>	<b>5,325,404</b>	<b>42.2</b>	<b>7,299,839</b>	<b>873,691</b>

\* After changes in benefit provisions.

# After changes in actuarial assumptions.

**COMMENT:** It is the actuary's opinion that the required contribution amounts determined by the most recent actuarial valuation are sufficient to meet the System's financial objective, presuming continued timely receipt of required contributions when due, and no changes in benefit provisions.

## VALUATION ASSUMPTIONS

The **entry-age normal cost valuation method** was used in determining payment liabilities and costs.

The **interest rate** used in making the valuation was 6.5% per annum, compounded annually. This rate was first used for the December 31, 1999 valuation.

The **mortality table** used was the 1983 Group Annuity Mortality Table. This table was first used for the December 31, 1999 valuation.

Sample Ages	Single Life Values			
	Present Value of		Future Life	
	\$1 Monthly for Life		Expectancy (Years)	
	Men	Women	Men	Women
50	\$151.83	\$163.46	29.18	34.92
55	141.54	155.23	24.82	30.24
60	129.07	144.87	20.64	25.67
65	114.32	132.18	16.69	21.29
70	98.49	116.95	13.18	17.13
75	82.32	100.05	10.15	13.37
80	66.65	83.11	7.64	10.20

**Probabilities of retirement** for members eligible for immediate incentive payments were:

Percent of Eligible Active Participants Separating Within Next Year	
Ages	
48	20%
49	20
50	20
51	20
52	20
53	20
54	20
55	20
56	20
57	20
58	20
59	15
60	15
61	15
62	25
63	100

**SAMPLE RATES OF SEPARATION FROM ACTIVE EMPLOYMENT  
BEFORE AGE 55**

Sample Ages	Years of Service	% of Active Participants Separating Within Next Year
ALL	1	15.00 %
	2	10.00
	3	8.00
	4	7.00
	5	6.00
25	5 & Over	5.00
30		4.50
35		3.55
40		1.45
45		0.75
50		0.75

**SUMMARY OF ASSUMPTIONS USED  
DECEMBER 31, 2009**

*Pensions in an Inflationary Environment*

**VALUE OF \$1,000/MONTH RETIREMENT BENEFIT  
TO AN INDIVIDUAL WHO RETIRES AT AGE 55  
IN AN ENVIRONMENT OF 4.00% INFLATION**

<u>Age</u>	<u>Value</u>
55	\$1,000
56	962
57	925
58	889
59	855
60	822
65	676
70	556
75	457
80	375

The life expectancy of a 55 year old male retiree is age 80. The life expectancy for a 55 year old female retiree is age 85. Half of the people will outlive their life expectancy. The effects of even moderate amounts of inflation can be significant for those who live to an advanced age.

**SUMMARY OF ASSUMPTIONS USED**  
**MISCELLANEOUS AND TECHNICAL ASSUMPTIONS**  
**DECEMBER 31, 2009**

**Marriage Assumption.** 100% of males and 100% of females are assumed to be married for purposes of death-in-service benefits.

**Pay Increase Timing.** Beginning of (Fiscal) year. This is equivalent to assuming that reported pays represent amounts paid to members during the year ended on the valuation date.

**Decrement Timing.** Decrements of all types are assumed to occur mid-year.

**Eligibility Testing.** Eligibility for benefits is determined based upon the age nearest birthday and service nearest whole year on the date the decrement is assumed to occur.

**Benefit Service.** Exact fractional service is used to determine the amount of benefit payable.

**Decrement Relativity.** Decrement rates are used without adjustment for multiple decrement table effects.

**Decrement Operation.** Disability and mortality decrements do not operate during the first 5 years of service. Disability and withdrawal do not operate during retirement eligibility.

**Normal Form of Benefit.** The assumed normal form of benefit is the straight life form.

**Optional Forms of Payment.** 6.5% interest, 1983 Group Annuity male mortality for members and 1983 Group Annuity female mortality for beneficiaries.

**Incidence of Contributions.** Contributions are assumed to be received continuously throughout the year based upon the computed dollar amounts shown in this report. New entrant normal cost contributions are applied to the funding of new entrant benefits.

## ACTUARIAL ACCRUED LIABILITY

The actuarial accrued liability is a measure intended to help users assess (i) a pension fund's funded status on a going concern basis, and (ii) progress being made toward accumulating the assets needed to pay benefits as due. Allocation of the actuarial present value of projected benefits between past and future service was based on service using the individual entry-age actuarial cost method. Assumptions, were the same as used to determine the Plan's level dollar annual required contribution between entry-age and assumed exit age. Entry-age was established by subtracting credited service from current age on the valuation date.

The preceding methods comply with the financial reporting standards established by the Governmental Accounting Standards Board.

The entry age actuarial accrued liability was determined as part of an actuarial valuation of the Plan as of December 31, 2009. Significant actuarial assumptions used in determining the actuarial accrued liability include (a) a rate of return on the investment of present and future assets of 6.5% per year compounded annually, and (b) the assumption that benefits will not increase after retirement.

Actuarial Accrued Liability	
Active members*	\$ 7,215,834
Retired members and beneficiaries currently receiving benefits	4,818,038
Vested terminated members not yet receiving benefits	<u>591,371</u>
Total Actuarial Accrued Liability	12,625,243
Actuarial Value of Assets (market value was \$5,362,039)	<u>5,325,404</u>
Unfunded Actuarial Accrued Liability	\$ 7,299,839

\* Including members on leave of absence.

During the year ended December 31, 2009, the Plan experienced a net change of (\$412,600) in the actuarial accrued liability, of which \$76,413 was attributable to changes in benefit provisions. There were no changes in actuarial assumptions during the year.

**REQUIRED SUPPLEMENTARY INFORMATION**  
**SCHEDULE OF FUNDING PROGRESS**  
**(\$ AMOUNTS IN THOUSANDS)**

Actuarial Valuation Date December 31,	Actuarial Value of Assets# (a)	Actuarial Accrued Liability (AAL) (b)	Unfunded AAL (b)-(a)	Funded Ratio (a)/(b)
1995 *	\$3,512	\$ 4,394	\$ 882	79.9 %
1996 *	3,816	4,936	1,120	77.3
1997 *	4,211	5,635	1,424	74.7
1998	4,681	6,034	1,353	77.6
1999 *&	5,052	6,790	1,738	74.4
2000 *	5,137	7,397	2,260	69.4
2001 *	5,109	8,160	3,051	62.6
2002 *	5,720	9,598	3,878	59.6
2003 *	6,084	11,787	5,703	51.6
2004 *	6,261	11,936	5,675	52.5
2005 *	6,572	12,052	5,481	54.5
2006 *	6,007	11,932	5,925	50.3
2007 *	6,413	13,240	6,827	48.4
2008 *	6,273	13,038	6,765	48.1
<b>2009 *</b>	<b>5,325</b>	<b>12,625</b>	<b>7,300</b>	<b>42.2</b>

# Prior to 1996, Book Value was used.

\* After changes in benefit provisions.

& After changes in actuarial assumptions.

Analysis of the dollar amounts of actuarial value of assets, actuarial accrued liability, or actuarial accrued liability in isolation can be misleading. Expressing the actuarial value of assets as a percentage of the actuarial accrued liability provides one indication of the system's funded status on a going-concern basis. Analysis of this percentage over time indicates whether the system is becoming financially stronger or weaker. Generally, the greater this percentage, the stronger the plan. The unfunded actuarial accrued liability and annual covered payroll are both affected by inflation.

**REQUIRED SUPPLEMENTARY INFORMATION  
SCHEDULE OF EMPLOYER CONTRIBUTIONS**

<b>Fiscal Year Ending June 30,</b>	<b>Actuarial Valuation Date December 31,</b>	<b>Annual Required Contribution (In thousands)</b>	<b>Percent Contributed</b>
1995	1993	\$139	100 %
1996	1994	172	100
1997	1995	217	100
1998	1996	263	100
1999	1997	320	100
2000	1998	330	100
2001	1999	360	100
2002	2000	413	100
2003	2001	513	100
2004	2002	623	100
2005	2003	796	100
2006	2004	775	105
2007	2005	762	104
2008	2006	789	101
2009	2007	885	100
<b>2010</b>	<b>2008</b>	<b>864</b>	<b>100</b>

**NOTES TO REQUIRED SUPPLEMENTARY INFORMATION  
SUMMARY OF ACTUARIAL METHODS AND ASSUMPTIONS**

Valuation Date	12/31/2009
Actuarial Cost Method	Individual Entry Age
Amortization Method	Level dollar, open
Remaining Amortization Period	25 years
Asset Valuation Method	4-year smoothed market
Actuarial Assumptions:	
Investment Rate of Return	6.50%
Projected Salary Increases	N/A



## CITY COUNCIL ACTION REPORT

August 10, 2010

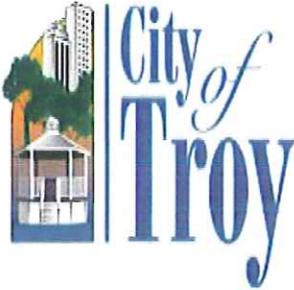
TO: Honorable Mayor and City Council

FROM: John Szerlag, City Manager  
John M. Lamerato, Assistant City Manager/Finance and Administration  
Carol K. Anderson, Parks and Recreation Director

SUBJECT: Inquiry From Council Member Regarding Park Signs

### Background:

- At the City Council meeting on August 9, a council member inquired about the posting of signs at parks by organizations using the facilities. Specific to the inquiry was a group using Firefighters Park on August 7, 2010. The group had authorization to use the park but did not request approval for the posting of signs.
- Chapter 26 of the City Code (Parks- General Regulations) prohibits signs without authorization of the City Manager or his/her designee.
- The code reads, in part, as follows:  
26.10 Merchandising and Advertising ... No person shall paste, glue, tack or otherwise post any sign, placard, advertisement, or inscription whatsoever in any park, and no person shall erect or cause to be erected any sign whatsoever in any park (with the exception of directional signs that are authorized by the City Manager or his/her designee). The exception to this prohibition is for advertising banners used during special events for non-profit community based organizations, as long as approval for the placement of said banners is granted by the City Manager and/or his designee. The banners shall be limited to 48 square feet in size, and shall not advertise tobacco, alcohol or political candidates.
- In the past, signs directing people to an event in the park have ordinarily been allowed.
- The enforcement of this issue has been completed by parks staff, however, budget reductions have eliminated staff stationed at parks resulting in limited and sporadic enforcement.



**TO:** Mayor and Members of Troy City Council  
**FROM:** Lori Grigg Bluhm, City Attorney  
**DATE:** February 16, 2005  
**SUBJECT:** Ethics Policy

---

The City of Troy has already implemented several "ethical" requirements for public servants. Public servants include the City Council, City Board and Committee Members, City Management and City employees. These requirements are interspersed in several different locations, including but not limited to the City Charter, Board/Committee By-laws, Rules and Procedure, Occupational Standards, Ordinances, and Employee Handbooks. Some members of City Council have requested an official ethics policy for the City that would incorporate all of these requirements into one document.

In researching this issue, there are several Michigan communities that have incorporated the Government Ethics Center Public Service Ethics- Summary of Principles and Guidelines, which is attached for your review. This is a comprehensive set of guidelines for the public servant, and is instructive as to the expectations of public service, and a reminder of the sanctity of the public trust. Assuming that the City of Troy receives permission from the Josephson Institute, these principles could be adopted by the City of Troy. The more challenging task is to decide how to incorporate and enforce these principles. Council should decide what the City's policy is for reporting, deliberating, deciding, referring, and sanctioning alleged violations of the ethics code by public servants. One option is to defer to an ethics board, which is done in other jurisdictions. City Council may also wish to assume responsibility for the enforcement of the ethics policy. It is my recommendation that the consensus of City Council be further defined after a study session where potential ramifications and unintended consequences are discussed in greater detail.

As always, if you have any questions concerning the above, please let me know.

PROPOSED  
ETHICS PRINCIPLES AND GUIDELINES

The City of Troy recognizes the following principles and guidelines, as espoused by the Josephson Institute Government Ethics Center, which are reiterated with permission, and adopted by the City of Troy.

I. **PUBLIC OFFICE AS A PUBLIC TRUST.**

Public servants should treat their office as a public trust, only using the powers and resources of public office to advance public interests, and not to attain personal benefits or pursue any other private interest incompatible with the public good.

A. Pursuit of Public Interests.

In treating their office as a public trust, public servants, whatever their role, should diligently and in good faith pursue the public interest to the best of their ability and subordinate self-interest to the public good.

B. Ensuring Public Respect.

In treating their office as a public trust, public servants should act so as to ensure the reality and perception that government is conducted according to the highest principles of democracy with honesty, integrity and a concern for justice and is, therefore, worthy of respect, trust, and support.

1. *Avoiding Impropriety.* Public servants should maintain public trust in government by avoiding acts that place personal or private interests above pursuit of the public interest.
2. *Avoiding Appearances of Impropriety.* Public servants should avoid conduct that tends to undermine public trust by creating in the minds of reasonable impartial observers the perception that government office has been used improperly.

C. Formulation of Public Policy.

Persons with the responsibility for making public policy and laws should place the public interest over all other considerations.

1. *Elected Officials Should Make Policy.* In a representative democracy, public interest should be determined and translated into policies and programs by or under the direction of elected officials who are ultimately accountable to the public.
2. *Dealing With Conflicting Loyalties.* In pursuing the public interest, public servants should put loyalty to democratic principles and to the broadest public good above loyalty to political party, their constituencies and individuals.
3. *Ranking Loyalty Obligations.* When allocating public funds and formulating general public policies, elected officials should evaluate information objectively and decide what is best for the public as a whole, not just a narrow constituency.
4. *Organizational vs. Personal Loyalties.* Public servants with supervisory authority should safeguard and protect the public interest, the reputation of government and the integrity and efficiency of their department, even at the cost of injuring a superior, colleague, or friend.
5. *Protection of Minority Rights.* It is in the overall public interest that the will of the majority is tempered by a commitment to consider and protect the rights and advance the interests of minorities, especially those that are not sufficiently represented in the normal decision making process.

#### D. Implementation of Policy.

Public administrators and executives should interpret and implement policies and laws in good faith and energetically pursue the goals of policy and lawmakers.

1. *Subordination of Personal Views.* Public servants charged with the administration of policies and laws should do so as equitable, efficiently, and economically as possible, regardless of their personal views.

2. *Dealing With Policy Disagreements.* Public servants who find that their personal convictions are irreconcilably incompatible with lawful policies should openly state their conflict and, in some cases, withdraw from the administration of such policies.
3. *Whistle Blowing: Disclosure of Unlawful or Improper Policies or Actions.* Public servants who have a good faith belief that the public interest requires the disclosure of governmental policies or actions thought to be unlawful or improper should reveal their information to appropriate authorities.
4. *Leaking.* Except in matters of great public importance where identifying oneself as the source of information would involve unreasonable personal risks, public servants should not secretly reveal confidential matters or allege improprieties.

E. Personal Gain From the Performance of Public Duties.

Except for official compensation, public servants should neither seek nor accept any form of payment, gratuity or other personal benefit relating to the performance of their responsibilities.

1. *Performance of Duty.* Public servants should neither seek nor accept any form of personal benefit for the performance of their duty to deal with a matter promptly, efficiently or fairly or for the exercise of appropriate but discretionary representational authority.
2. *Accessibility of Elected Officials.* Elected officials should assure that constituents and others who may be affected by public policies have a fair and equal opportunity to express their concerns, grievances, and ideas without regard to their willingness or ability to provide personal benefits or political support to the official.
3. *Personal Benefits Should Never Appear to Be Necessary.* Public servants should not engage in any conduct which could create in the mind of a reasonable observer the belief that persons will receive better or

different service if they provide personal benefits or political support to a government official.

F. Use of Public Employees for Personal Benefit.

Public servants should not use public employees on government time for private benefit.

1. *Subordinate's Responsibility To Say No.* Public employees should refuse to perform improper personal tasks on government time.

G. Use of Government Property for Personal Benefit. A public servant should not use government property or facilities for private benefit.

H. Use of Title or Prestige for Personal Benefit.

Public servants should not use, nor allow others to use, the authority, title, or prestige of public office for the attainment of private financial, social or political benefits in any manner that is inconsistent with public interests.

1. *Use For Commercial Purposes.* Public servants should not permit their names or official titles to be used by a nonpublic enterprise in any manner that would lead reasonable observers to believe that those who deal with the enterprise may receive special treatment or advantages as a result of a formal association with the public servant.
2. *Exploitive Fees.* The present or former holder of a high public office that carries with it substantial prestige should not appear to sell the stature of the office by accepting sums that create a general perception that the office has been exploited for private gain.
3. *Use For Private Advantage.* Public servants should not use official letterhead or refer to their public position as a means of inducing or intimidating persons to resolve disputes more favorably, provide preferential treatment, or give free tickets, discounts, favors or other advantages.

I. Use of Public Powers for Political Advance.

A public servant should not use the resources, prerogatives and powers of office primarily to advance political interests.

1. *Use of Public Employees.* A public servant should not seek to use public employees, on government time, to assist in political party activities, campaigning, fund raising, or other partisan or personal political activities.
2. *Use of Public Facilities.* A public servant should not conduct nor allow campaign and fund raising activities on government premises nor use government resources for these purposes.
3. *Use of Public Authority.* A public servant should not use public authority primarily to achieve personal political advantage or favorable press coverage.

J. Use of Campaign Funds for Private Benefit.

Public servants to run for office should use campaign funds only for expenses directly relating to campaigning (e.g. salaries, consultant fees, travel, printing, media, polling, communication with voters and constituents) and not for personal or other political purposes.

1. *Improper Expenditures.* Campaign funds should not be used to supplement personal income or enhance a personal life style.
2. *Loans.* Candidates should not borrow from campaign funds nor loan them to any other person, whether or not interest is paid.
3. *Disclosure About the Use of Funds.* Public servants to raise campaign funds with the intent or known possibility that they will be used for a purpose other than direct campaign expenses relating to a current election should disclose their intent to the donor in order to avoid any possibility of raising money under false pretenses.

## **II. PRINCIPLES OF INDEPENDENT OBJECTIVE JUDGMENT.**

Public servants should employ independent objective judgment in performing their duties, deciding all matters on the merits, free from conflicts of interest and both real and apparent improper influences.

### **A. Conflicts of Interest.**

Public servants should safeguard their ability to make independent, objective, fair and impartial judgments by scrupulously avoiding financial, social and political relationships and transactions that may compromise or give the appearance of compromising their objectivity, independence or honesty.

1. *Disclosure of Financial Conflicts of Interest.* Public servants should safeguard their ability to make independent, objective, fair and impartial judgments by scrupulously avoiding financial, social and political relationships and transactions that may compromise or give the appearance of compromising on their objectivity, independence or honesty.
2. *Avoidance of Financial Conflicts.* Public servants should make all reasonable efforts to avoid transactions that may compromise or give the appearance of compromising their objectivity, independence or honesty.
3. *Benefits Intended to Influence.* Public servants should not accept benefits of any sort under circumstances in which it could be reasonably inferred that the benefit was intended to influence them in the performance of their public responsibilities.
4. *Duty to Report Improper Offers.* When the possibility of improper motive requires refusal of a gratuity, the official should firmly warn the person about bribery laws and improper influence; if the attempt to unduly influence is clear, the matter should be reported to law enforcement authorities.

5. *Appearance of Undue Influence.* Regardless of the actual intent of the provider or recipient, public servants should not accept benefits of any sort under circumstances that would create in the mind of a reasonable observer the belief the benefit may influence them in the performance of their public responsibilities.
- a. *Earned income from persons directly affected by actions or decisions.* Public servants should avoid engaging in financial relationships that might reasonably be construed to affect their judgment or actions, especially from lobbyists or other persons who are unlikely to be affected directly by their actions or decisions.
  - b. *Gratuities from persons directly affected by actions or decisions.* Public servants should refuse to accept any gratuities that may reasonably be construed to affect their judgment or actions, especially from lobbyists or other persons who are likely to be affected directly by their actions or decisions.
  - c. *Campaign contributions from persons directly affected by decisions.* Public servants should be cautious about accepting campaign contributions that may reasonably be construed to affect their judgment or actions, especially from other lobbyists or other persons who are likely to be affected by their decisions.
  - d. *Personal relationships with persons directly affected by decisions.* Public servants should be cautious about accepting campaign contributions that may reasonably be construed to affect their judgment or actions, especially from lobbyists who are likely to be affected directly by their decisions.

B. Recusal and Disqualification.

Public servants should not take any public action under circumstances where, due to a conflict in interests, they are not certain that they can do so fairly and objectively.

C. Bias or Favoritism.

Public servants should exercise the powers and prerogatives of office fairly without prejudice or favoritism. It is improper to use public authority to reward relatives, friends or political supporters or to hinder or punish enemies and opponents.

D. Intervening on Behalf of Constituents and Friends.

Public officials should be extremely cautious about directly or indirectly intervening with normal decision making, investigatory, or adjudicative processes of governmental bodies on behalf of constituents or friends, since such intervention can threaten the ability of government administrators to exercise independent objective judgment on the merits.

1. *General Rule.* Generally, intervention on behalf of constituents or friends is proper only if it is strictly limited to assuring fairness of the procedures and the intervener consciously avoids seeking to unduly influence the decision making process.
2. *Those who intervene* should firmly, explicitly and unambiguously convey their limited purpose to reduce the possibility of direct or indirect pressure on administrators that could reasonably appear to influence the substantive decision.

III. **PRINCIPLE OF ACCOUNTABILITY.**

Public servants should assure that government is conducted openly, efficiently, equitably and honorably in a manner that permits the citizenry to make informed judgments and hold government officials accountable.

A. Oversight.

Public servants should assure that those to whom they have delegated public power, including their staffs and administrative agencies, carry out their responsibilities efficiently, equitably and ethically.

B. Openness.

Public servants should exercise the authority of their offices openly so that the public is informed about governmental decisions and the citizenry can hold them accountable for their actions.

C. Duty to Improve the System.

Public servants who believe that a law or policy is not achieving its intended purpose, is creating unintended harms, or is wasteful or inefficient, should take affirmative steps to improve procedures in a way that will increase the fairness and quality of government services and assure that policies are implemented equitably, efficiently and economically.

1. *Making Changes.* Public servants should take whatever actions they can to correct problems, streamline procedures and improve services. Where desirable changes exceed authority, public servants should promptly and forcefully recommend reform to the appropriate person or body.
2. *Supervisor's Duty.* In order to encourage a broad sense of responsibility for both the results and methods of government action, supervisors should develop a working environment that fosters constructive criticism and creative problem solving.

D. Self- Policing.

Public servants should maintain the integrity and trustworthiness of government by taking whatever steps are necessary, including reporting improper conduct to appropriate authorities, to prevent the unlawful or unethical use of public position, authority or resources.

#### **IV. PRINCIPLE OF DEMOCRATIC LEADERSHIP.**

Public servants should honor and respect the principles and spirit of representative democracy and set a positive example of good citizenship by scrupulously observing the letter and spirit of laws and rules.

##### **A. Obeying All Laws.**

Public servants have a special obligation to obey all laws and regulations.

##### **B. Artifices and Schemes.**

Public servants should not engage in artifices and schemes to exploit loopholes or ambiguities in the law in a way that undermines their spirit and purpose.

##### **C. Integrity of the Process.**

In using procedural rules, public servants should maintain the integrity, fairness and efficiency of the process by honoring the substance and spirit of the rules and by refraining from conduct which undermines the principles of representative democracy.

##### **D. Use of Leadership Power.**

Legislative leaders and committee chairs should use their leadership powers only in a manner consistent with representative democracy.

##### **E. Civil Disobedience.**

In rare cases, a public servant may exercise the prerogative of conscientious objection by disobeying the law. In such cases, the illegal behavior should be open and the official should be willing to bear the appropriate legal and political consequences.

#### **V. PRINCIPLE OF RESPECTABILITY AND FITNESS FOR PUBLIC OFFICE.**

Public servants should safeguard public confidence in the integrity of government by being honest, fair, caring and respectful and by

avoiding conduct creating the appearance of impropriety of which is otherwise unbecoming a public official.

A. Fitness of Public Office.

Public servants should conduct their professional and personal lives so as to reveal character traits, attitudes, and judgments that are worthy of honor and respect and demonstrate fitness for public office.

1. *Honesty.* Public servants should be scrupulously honest, avoiding any form of lying, deception, deviousness, hypocrisy, and cheating in their professional and personal lives.
2. *Integrity.* A public servant should reflect personal integrity in all matters, placing principle over expediency and demonstrating courage of convictions.
3. *Private Personal Conduct.* Public servants should avoid engaging in any conduct that is likely to bring discredit on themselves and the governmental bodies in which they serve.

B. Campaigning.

Those seeking public office should conduct their campaign in a way that aids the citizenry to make an informed choice on appropriate criteria and which casts credit on government and the election process.

Text Size  

## Board of Ethics

### Members

NAME	TERM
Sophie Fierro-Share	6/30/2011
James Robb	6/30/2010
John Schrot Jr.	6/30/2012

### About the Board of Ethics

#### Watch the Board of Ethics Video:

The above video is a presentation of the Board of Ethics for all board and committee members on the following topics: Open Meetings Act & Freedom of Information Act; Parliamentary Procedures & Roberts Rules of Order; Ethics Ordinance and Board of Ethics

#### Helping to Preserve Public Trust in the Integrity of Government

The City of Birmingham has declared that public office and employment are public trusts. For government to operate properly, each city official, employee, or advisor must earn and honor the public trust by integrity and conduct. All city officials, employees, and advisors must avoid conflicts between their private interests and the public interest and must not use public office for personal gain.

All proceedings before the Birmingham Board of Ethics are subject to the Open Meetings Act.

#### Ethics Ordinance

Through the Ethics Ordinance, the city has established rules of conduct for city officials, employees, and advisors and has designed a process for determining whether their conduct conforms to or violates the ordinance. That process contemplates the involvement of all citizens, not just city officials, employees, and advisors, in monitoring the integrity of city government.

#### Board of Ethics

When there is a question or a complaint as to the applicability of any provision of the Ethics Ordinance to a particular situation, the city directs that question or complaint to the Board of Ethics. The Board of Ethics may conduct hearings and issue advisory opinions as applicable under the ordinance.

#### Mission Statement

The mission of the City of Birmingham Board of Ethics is:

- To foster an environment where city officials, employees, and professional consultants work together with integrity, honesty, and mutual respect, such that decisions are made which honor the public trust and enhance the quality of life in our community.
- To educate and inform the public about expected standards of conduct for city officials, employees, and professional consultants through resources such as the city's website and newsletter.
- To strengthen citizens' confidence in the integrity of their city officials, employees, and professional consultants.
- To provide an easily accessible opportunity for all city officials and employees, professional consultants, and the public to ask for advisory opinions of the Board of Ethics with respect to the Ethics Ordinance.
- To address alleged violations of the Ethics Ordinance without delay and with due process and fidelity to the Ethics Ordinance.

#### Rules of the Board of Ethics

The Rules of the Board of Ethics provide for three types of matters that may be referred to the board, depending on whose conduct is to be reviewed and who is requesting that review.

City officials or employees, including consultants, advisors, contractors, and persons serving on advisory boards and commissions, may desire a determination of whether their own conduct or anticipated conduct conforms to or violates the Ethics Ordinance. They may seek that determination by requesting an advisory opinion from the Board of Ethics on the advisory opinion request form. After a hearing at which the official or employee may appear, documents may be presented, and testimony taken, the board issues an opinion on the question presented.

City residents may desire a determination of whether the conduct of city officials or employees conforms to or violates the Ethics Ordinance. They may seek that determination by filing a complaint with the Board of Ethics on the complaint form. After an evidentiary hearing at which the complaining party and the responding party must appear, documents may be presented, and testimony taken, the board issues a decision on the question presented.

The city commission and the city's various boards and advisory commissions may themselves desire a determination of whether one of their members should be disqualified, due to a disclosed conflict of interest, from discussion, deliberation, action, or voting on a particular matter. In that instance, the commission or board may refer the question to the Board of Ethics for a final determination as to the conflict in question and whether the official, commissioner, or employee must refrain from participation in the matter.

#### **Contact Information**

If you have any questions or comments regarding the Board of Ethics, please contact Laura Broski, City Clerk, at 248.530.1802.

#### **Forms and Documents**

Advisory Opinion Form

Decisions

Ethics Complaint Form

Ethics Ordinance (Part II, Chapter 2, Article IX)

Procedural Rules

#### **Meetings**

View Past Events

<b>EVENT</b>	<b>DATE/TIME</b>	<b>AGENDA</b>
Board of Ethics Meeting	7/22/2010 8:00 AM	Not Available

**ARTICLE IX. ETHICS\***

---

**\*Editor's note:** Ord. No. 1810, adopted May 19, 2003, states that the provisions of this article shall become effective July 21, 2003.

---

**Sec. 2-320. Public policy.**

Public office and employment are public trusts. For government to operate properly, each city official, employee, or advisor must earn and honor the public trust by integrity and conduct.

The city hereby declares that all city officials and employees must avoid conflicts between their private interests and the public interest. Public officials and employees must:

- (1) Be independent, impartial and responsible to the people;
- (2) Make governmental decisions and policy in the proper governmental channels;
- (3) Not use public office for personal gain.

To enhance public trust, the city must provide its officials and employees with adequate guidelines for separating their roles as private citizens from their roles as public servants.

This Code sets minimum standards of ethical conduct for all city officials and employees, elected or appointed, paid or unpaid. It proscribes actions incompatible with the public interest and directs disclosure of private financial or other interests in matters affecting the city.

(Ord. No. 1805, 4-28-03; Ord. No. 1810, 5-19-03; Ord. No. 1819, 1-12-04)

**Sec. 2-321. Responsibilities of public office.**

City officials and employees are bound to uphold the Constitution of the United States and the Constitution of the state and to carry out impartially and comply with the laws of the nation, state, and the city. City officials and employees must not exceed their authority or breach the law or ask others to do so. City officials and employees are bound to observe in their official acts the highest standards of morality and to discharge the duties of their offices faithfully, regardless of personal consideration, recognizing that their conduct in both their official and private affairs should be above reproach.

All city officials and employees shall safeguard public confidence by being honest, fair and respectful of all persons and property with whom they have contact, by maintaining non-partisanship in all official acts, and by avoiding conduct which may tend to undermine respect for city officials and employees and for the city as an institution.

(Ord. No. 1805, 4-28-03; Ord. No. 1810, 5-19-03; Ord. No. 1819, 1-12-04)

**Sec. 2-322. Definitions.**

*City official* or *employee* means a person elected, appointed or otherwise serving in any capacity with the city in any position established by the City Charter or by city ordinance which involves the exercise of a public power, trust or duty. The term includes all officials and employees of the city, whether or not they receive compensation, including consultants and persons who serve on advisory boards and commissions. The term does not include election inspectors and student representatives

appointed to city boards or commissions.

*Consultant* means a person who gives professional advice or services regarding matters in the field of his or her special knowledge or training.

*Compensation* means any money, property, thing of value or benefit conferred upon or received by any person in return for services rendered or to be rendered to himself or herself or any other party.

*Financial interest* means any interest in money, property or thing of value or benefit.

*Immediate family* means a city official or employee, his or her spouse, parents or children.

*Official duties* or *official action* means a decision, recommendation, approval, disapproval or other action or failure to act, which involves the use of discretionary authority.

*Personal interest* means an interest arising from blood or marriage relationships or any business association.

*Private gain* means any interest or benefit, in any form, received by a city employee or official.

*Substantial* shall mean considerable in quantity or significantly great.

(Ord. No. 1805, 4-28-03; Ord. No. 1810, 5-19-03; Ord. No. 1819, 1-12-04)

### **Sec. 2-323. Intention of code.**

It is the intention of section 2-324 below that city officials and employees avoid any action, whether or not specifically prohibited by section 2-324, which might result in, or create the appearance of:

- (1) Using public employment or office for private gain;
- (2) Giving or accepting preferential treatment, including the use of city property or information, to or from any organization or person;
- (3) Losing complete independence or impartiality of action;
- (4) Making a city decision outside official channels; or
- (5) Affecting adversely the confidence of the public or the integrity of the city government.

The code of ethics is intended to be preventative and not punitive. It should not be construed to interfere with or abrogate in any way the provisions of any federal or state statutes, the City Charter, the city ordinances, or any rights and/or remedies guaranteed under a collective bargaining agreement.

This declaration of policy is not intended to apply to contributions to political campaigns, which are governed by state law.

(Ord. No. 1805, 4-28-03; Ord. No. 1810, 5-19-03; Ord. No. 1819, 1-12-04)

### **Sec. 2-324. Promulgation.**

#### **(a) Conflict of interest--General.**

- (1) No official or employee of the city shall divulge to any unauthorized person, confidential information acquired in the course of employment in advance of the time prescribed for its authorized release to the public.
- (2) No official or employee of the city shall represent his or her personal opinion as that

of the city.

(3) Every official or employee of the city shall use personnel resources, property and funds under his or her official care and control solely in accordance with prescribed constitutional, statutory and regulatory procedures and not for personal gain or benefit.

(4) No official or employee of the city shall directly or indirectly, solicit or accept any gift or loan of money, goods, services or other thing of value for the benefit of any person or organization, other than the city, which tends to influence the manner in which the official or employee or any other official or employee performs his or her official duties.

Gratuities do not include fees for speeches or published works on legislative subjects and, except in connection therewith reimbursement for expenses for actual expenditures for travel, and reasonable subsistence, for which no payment or reimbursement is made by the city, invitations to such events as ground breakings, grand openings, charitable or civic events, or inconsequential gifts from established friends.

(5) No official or employee of the city shall engage in a business transaction in which he or she may profit because of his or her official position or authority or benefit financially from confidential information which he or she has obtained or may obtain by reason of such position or authority.

(6) No official or employee of the city shall engage in or accept employment or render services for any private or public interest when that employment or service is incompatible or in conflict with the discharge of his or her official duties or when that employment may tend to impair his or her independence of judgment or action in the performance of his or her official duties.

This section shall not prohibit a part-time elected or appointed city official from engaging in private employment or business on his or her own time as a private citizen and where city business is not involved, subject to his or her disclosing such private employment or business on the public record for any matter on which he or she may be called upon to act in his or her official capacity, in accordance with Section 5 B below. He or she shall refrain from voting upon or otherwise participating in debate on any such matter.

(7) No official or employee of the city shall participate, as an agent or representative of the city, in the negotiation or execution of contracts, granting of subsidies, fixing of rates, issuance of permits or certificates, or other regulation or supervision, relating to any business entity in which he or she has, directly or indirectly, a financial or personal interest.

(8) No official or employee of the city shall use, or attempt to use, his or her official position to secure, request or grant unreasonably any special consideration, privilege, exemption, advantage, contract or preferential treatment for himself, herself, or others, beyond that which is available to every other citizen.

(9) It is recognized that various boards and committees are part of the plan of government for the city. As such, it is further recognized that by virtue of the various requirements for membership of the board, a member may be placed in the position of participating in a decision that may directly or indirectly affect his or her financial or personal interests. Therefore, those members of the various boards and committees in the city, as they may be established from time to time, may participate in such decisions provided that they act:

- a. In furtherance of the public good;
- b. In compliance with the duties of their respective boards; and,
- c. In a manner consistent with subsection (8) of this section.

(10) Determination of conflict of interest. A conflict of interest exists if:

- a. The city official or employee has any financial or personal interest, beyond ownership of his or her place of residence, in the outcome of a matter currently before that city official or employee, or is associated as owner, member, partner, officer, employee, broker or stockholder in an enterprise that will be affected by the outcome of such matter, and such interest is or may be adverse to the public interest in the proper performance of said official's or employee's governmental duties, or;
- b. The city official or employee has reason to believe or expect that he or she will derive a direct monetary gain or suffer a direct monetary loss, as the case may be, by reason of his or her official activity, or;
- c. The public official has any other prohibited interest as defined by state statutes relating to conflicts of interest.

(11) Subsequent conflict of interest. No official or employee of the city shall acquire any financial interest in or accept any employment concerning any project which has been granted approval by the city or any commission, board, department or employee thereof within one year of the official's or employee's participation in any manner in considering or recommending the approval or disapproval of said project.

(b) *Full disclosure.*

(1) Responsibility to disclose. It shall be the responsibility of the official or employee to disclose the full nature and extent of his or her direct or indirect financial or personal interest in a matter before him or her.

No official or employee of the city shall participate, as an agent or representative of the city, in approving, disapproving, voting, abstaining from voting, recommending or otherwise acting upon any matter in which he or she has directly or indirectly a financial or personal interest. The official or employee shall, in such circumstances, recuse himself or herself from the matter before him or her.

(2) Disclosure of conflict of interest and disqualification.

a. Any city official or employee who has a conflict of interest, as defined herein, in any matter before the city shall disclose such fact on the appropriate record of the city prior to discussion or action thereon and shall refrain from participating in any discussion, voting or action thereon, as follows, provided that such exceptions shall be observed as are permitted by law:

1. A city commissioner shall disclose any conflict of interest and the nature and extent of such interest on the record of the city commission;
2. A member of any city board, commission or committee shall disclose any conflict of interest and the nature and extent of such interest on the records of said board, commission or committee;
3. A city employee who has a financial or other interest in a matter before the city commission or any city board, commission or committee and who participates in discussion with, or gives an official opinion to the city commission, or to such other city board, commission or committee relating to such matter, shall disclose on the records of the city commission or such other city board, commission or committee, as the case may be, any conflict of interest and the nature and extent of such interest.
4. Otherwise, any appointed city official or employee shall address such a disclosure to the supervisory head of his or her department, and any elected city official shall address such a disclosure to the general public.

b. If a city official, commissioner or employee who has a conflict of interest, as defined herein, in any matter before the city, and who discloses that conflict on the appropriate records but who refuses to refrain from discussion, deliberation or voting thereon, the matter under consideration shall be immediately referred to the board of ethics for a final determination as to the conflict in question and whether the official, commissioner or employee must refrain from discussion, deliberation, action or voting thereon.

c. Within 20 days after election, employment, appointment, or the effective date of this ordinance, or any change in the facts set forth in the city official's or employee's previously filed disclosure statement, each city official and employee shall file with the city clerk an affidavit and disclosure statement. The city clerk shall provide each city official or employee with the required affidavit and disclosure statement form immediately upon his or her election, employment or appointment. The affidavit and disclosure statement does not apply to part-time and temporary employees of the city. Additionally, the disclosure requirements on this section do not apply to regular full-time employees below the level of assistant department head, except at the discretion of the city manager.

d. The effective date for this ordinance shall be July 21, 2003.

(Ord. No. 1805, 4-28-03; Ord. No. 1810, 5-19-03; Ord. No. 1819, 1-12-04)

### **Sec. 2-325. Violation, enforcement and advisory opinions.**

(a) *Board of ethics.*

(1) The city commission shall appoint a board of ethics, consisting of three members, as an advisory body for the purpose of interpreting this code of ethics.

(2) The initial three members of the board of ethics shall be appointed for one-, two-, and three-year terms of office respectively, which shall begin on July 1, 2003. If appointed prior to July 1st, they shall begin their terms of office immediately and their terms shall include the additional time prior to July 1st. Terms of office shall expire on June 30th of the respective years.

Thereafter, all members shall be appointed to three-year terms, beginning July 1, so that only one member's term expires each year. A member shall hold office until his or her successor is appointed. The city commission shall fill a vacancy by an appointment for the unexpired term only.

(3) The board of ethics shall be made up of residents of the city who have legal, administrative or other desirable qualifications.

a. The members of the board of ethics shall serve without compensation, and shall not be elected officials, persons appointed to elective office, full-time appointed officials or city employees, nor shall they be currently serving on any other city board or commission.

b. The board shall select its own presiding officer from among its members.

c. The board shall establish such procedures it deems necessary or appropriate to perform its functions as set forth in this article.

(b) *Functions of the board of ethics.* When there is a question or a complaint as to the applicability of any provision of this code to a particular situation, that question or complaint shall be directed to the board of ethics. It shall then be the function of the board of ethics to conduct hearings and/or issue an advisory opinion, as applicable.

- (1) Hearings. The board of ethics shall follow the following hearing procedure:
  - a. The board shall, within seven days after any matter is brought to its attention, set a date certain for hearing said matter.
  - b. The board shall, at least 28 days before the hearing date, send notice of such hearing, accompanied by a concise statement of the alleged breach of this code of ethics, to any person requested to appear before them, by certified mail, return receipt requested, to addressee only.
  - c. Any person requested to appear before a board of ethics hearing may request one extension for a period not to exceed 28 days. Extensions thereafter will be granted only under extreme circumstances.
  - d. Any person requested to appear before a board of ethics hearing may be accompanied by his or her attorney.
  - e. All hearings at which any person shall be requested to appear shall be subject to the Open Meetings Act.
  - f. All findings of board hearings shall be published in permanent form and communicated to the city commission and the public, subject to the requirements of the Open Meetings Act.
- (2) Advisory opinions. All advisory opinions so issued shall also be published in permanent form and communicated to the city commission and the public, subject to the requirements of the Open Meetings Act.
- (3) After the board of ethics' advisory opinions and/or hearing findings have been published:
  - a. The city commission shall be responsible for imposing any sanction for a violation of this Code on one of its members or any person appointed by the commission to any city board.
  - b. If it becomes necessary to seek the removal of a city official after the board of ethics' advisory opinion and/or hearing findings, the city shall follow the requirements for removal of a public official in accordance with the laws of the state.
  - c. The city manager shall be responsible for imposing any discipline for a violation of this Code on any employee of the city.

(Ord. No. 1805, 4-28-03; Ord. No. 1810, 5-19-03; Ord. No. 1819, 1-12-04)

### **Sec. 2-326. Affidavit and disclosure statement.**

Immediately following an election, employment or appointment of a city official or employee, the city clerk shall provide the individual with an affidavit and disclosure statement form. Within 20 days after election, appointment, employment or any change in the facts set forth in the city official's or employee's previously filed affidavit and disclosure statement, all city officials or employees shall file with the city clerk an affidavit and disclosure statement including the following:

- A. A disclosure statement responding in detail to the following questions:
  1. To the best of your knowledge, do you or any members of your immediate family own any interest in real property located within the City of Birmingham, in land contiguous to the City of Birmingham, or in any area covered by a 425 Agreement to which the City of Birmingham is party?

2. If your answer to question 1. is affirmative, to the best of your knowledge state the following information for each such interest owned:

- (a) The nature of your interest in the real property;
- (b) The location of the real property (for improved property, provide the street address; for unimproved property state its location in relation to existing streets), and;
- (c) The property's permanent real estate tax identification number.

3. To the best of your knowledge, do you or members of your immediate family own five percent (5%) or more of any business entity located in the City of Birmingham?

4. If your answer to question 3. is in the affirmative, state the following, to the best of your knowledge:

- (a) The name of the entity;
- (b) The address of the entity;
- (c) The nature of your relationship to the entity, and;
- (d) The date relationship commenced.

5. To the best of your knowledge, do you or any members of your immediate family have any direct financial or business relationships with any supplier, service provider or contractor of the City of Birmingham from which you or they derive direct compensation or financial benefit that is not reported in the prior answers.

6. To the best of your knowledge, have you or any members of your immediate family given or received any gifts, other than from immediate family members, the value of which exceeds \$50.00, within the last year, or since the effective date of this code, whichever time period is shorter, to or from any person or business or other legal entity doing business with the City, other than legal campaign contributions? If so, list the names and addresses of each donor or donee of each such gift and the date upon which it was made and the nature of the gift.

B. An affidavit in which the City official or employee states: "I have read and I understand the Code of Ethics of the City of Birmingham and, to the best of my knowledge, I am not in conflict with its provisions."

Dated:

Subscribed and sworn to before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Notary Public

\_\_\_\_\_ County, Michigan

My Commission Expires: \_\_\_\_\_

(Ord. No. 1805, 4-28-03; Ord. No. 1810, 5-19-03; Ord. No. 1819, 1-12-04)



## **BOARD OF ETHICS PROCEDURAL RULES**

### **Chapter 1. Policy and Construction.**

#### Rule 101. Intent.

The City of Birmingham Board of Ethics (the board) promulgates these rules pursuant to the City of Birmingham's Code of Ethics with the intent of realizing the policies and goals set forth in that code and in the board's own mission statement. The board intends to conduct its business consistent with all applicable federal, state and local laws.

#### Rule 102. Construction.

These rules are to be construed to achieve the timely, efficient and cost-effective determination of matters brought before the board.

Rule 103. The board may modify these rules on a case-by-case basis to further this policy.

### **Chapter 2. Procedure for Obtaining Advisory Opinions.**

The rules of this chapter apply to the situation where a city official, employee, the City Commission or a City board or commission seeks an advisory opinion as to whether his, her or its conduct or anticipated conduct, or that of a city official, employee or body, conforms to the Code of Ethics.

#### Rule 201. Definition

"Advisory opinion" means a written opinion of the board concerning whether the conduct or anticipated conduct of the person requesting the opinion, or that of a city official, employee, or body, conforms to the code of ethics.

#### Rule 202. Request for Advisory Opinion.

A city official, employee, the City Commission or a City board or commission may request an advisory opinion on whether the conduct or anticipated conduct of a city official, employee, or body, conforms to the code of ethics. The request must be in writing and filed with the city clerk on a form prescribed by the clerk who will present it to the board for consideration. The person or body who files the request is called the "requesting party." The requesting party may include with the request any documents that may assist the board in responding to the request. If the request for advisory opinion concerns the conduct of a person or body other than the requesting party, the other party is called the "subject party."

#### Rule 203. Dismissal.

- a. The city clerk may administratively dismiss a request for an advisory opinion if the request fails to comply with Rule 202 of this Chapter.

- b. The board may administratively dismiss a request for an advisory opinion for either of the following reasons:
  - (i) One or more requests or complaints regarding the same matter are pending.
  - (ii) The board previously addressed the subject matter.

Rule 204. Additional Information.

Upon presentation of a request for an advisory opinion, the board may direct the city clerk to obtain additional information regarding the request.

Rule 205. Summary Decision.

At any time, the board may issue an advisory opinion decision on the request based on any of the following reasons:

- a. The board lacks jurisdiction over the person or body subject to the advisory opinion.
- b. The board lacks jurisdiction over the subject matter.
- c. The requesting party lacks the legal capacity to request an advisory opinion.
- d. The request for an advisory opinion is barred because of release, prior judgment, or other disposition of the matter before the request for an advisory opinion was filed.
- e. The request for advisory opinion on its face fails to demonstrate any violation of the code of ethics.

Rule 206. Summary Opinion.

If no genuine issue as to any material fact exists, the board may issue an advisory opinion without a hearing.

Rule 207. Scheduling.

If the request for an advisory opinion is not resolved under Rule 205 and 206, the board may schedule a meeting or hearing in accordance with the Rules of this Chapter.

Rule 208. Meeting Date.

The clerk will set the matter for meeting on a date certain and place the matter on the board's calendar. The board may hold a hearing to review, or further review, the merits of a request for an advisory opinion.

Rule 209. Notice of Meeting and Requests to Others to Appear.

The clerk will send notice of the meeting to the requesting party in the manner prescribed by the Code of Ethics. If the requesting party seeks review of the conduct or anticipated conduct of a third party city official, employee, or body, the clerk will also send notice of the meeting to that subject party in the manner prescribed for hearings by the Code of Ethics. The board may request other persons to appear at the meeting by directing the clerk to send notice of the meeting and a request to appear, accompanied by a copy of the request for advisory opinion.

Rule 210. Appearance of Requesting Party, Subject Party, or Representative.

The requesting party and the subject party, person subject to the request, or a representative of either, may appear at the meeting, present information to support or oppose the request, and respond orally to questions presented by the board.

**Rule 211. Meetings, Generally.**

The board will conduct a meeting on the matter set forth in the request for advisory opinion at the scheduled time. Any person requested to appear at the meeting may be accompanied by an attorney.

**Rule 212. Presiding Officer.**

The Chairperson of the board will act as the presiding officer for the meeting or may assign another member of the board to be the presiding officer. The presiding officer will officiate over the meeting; moderate the questions and answers between members of the board, the requesting party, the subject party, and any other witness; and rule on questions of procedure and the admissibility of evidence. The presiding officer will consult with other members of the board before making any decision.

**Rule 213. Presentation of the Request and the Evidence.**

The requesting party will present the request by stating the issue to be resolved and giving any evidence that bears on the matter. The subject party may likewise present any evidence that bears on the matter. The board may request the testimony of other witnesses and the introduction of exhibits or other evidence relevant to the matter. The requesting party, the subject party, and any member of the board may question any witness in the manner directed by the presiding officer. All witnesses will give testimony on sworn oath or affirmation.

**Rule 214. Post-Meeting Evidence.**

The board may request the requesting party or any other person to submit post-meeting evidence if warranted.

**Rule 215. Closure of the Record.**

The record is closed at the conclusion of the meeting or, if the board requests any person to submit post-meeting evidence, at the earlier of the submission of the evidence or the deadline for submitting it. The board may re-open the record and take additional evidence before rendering its decision.

**Rule 216. Advisory Opinion.**

The board will determine whether the conduct or anticipated conduct of the requesting party or the subject party, as the case may be, conforms to the Code of Ethics. The board will make its decision upon a vote of a majority of the board based upon the evidence in the record and controlling law. The board will issue its decision in the form of a written advisory opinion. The advisory opinion, and any dissenting or concurring opinion, will be stated in writing. Once they are issued, the opinions are final.

**Rule 217. Transmittal of the Advisory Opinion or Order.**

The board will send its advisory opinion or order to the city clerk, who will publish, distribute and keep it in the manner prescribed in the ordinance and in conformity with

applicable law. The clerk will mail the requesting party, the subject party, the affected department, and other persons as the board directs, a copy of the opinion or order.

### **Chapter 3. Procedure for Resolving Complaints.**

The rules in this chapter apply to the situation where any person has a complaint against a city official or employee, as defined in the Code of Ethics, alleging that the conduct of that official or employee is in breach of the code.

#### **Rule 301. Filing of Complaint.**

A person with a complaint involving the applicability of any provision of the Code of Ethics with respect to the conduct of a city official or employee may bring the matter before the board by filing with the city clerk a complaint on a form prescribed by the clerk. The person who files the complaint is called the "complainant." The person who is alleged to have breached the code is called the "respondent."

#### **Rule 302. Dismissal.**

- a. The city clerk may administratively dismiss a complaint if it fails to comply with Rule 301 of this Chapter.
- b. The board may administratively dismiss a complaint for either of the following reasons:
  - (i) One or more complaints or requests for advisory opinions regarding the same matter are pending.
  - (ii) The board previously addressed the subject matter.

#### **Rule 303. Additional Information.**

Upon the filing of a complaint, the board may direct the city clerk to obtain additional information regarding the request.

#### **Rule 304. Summary Decision.**

At any time, the board may issue a decision on the complaint based on any of the following reasons:

- a. The board lacks jurisdiction over the respondent.
- b. The board lacks jurisdiction over the subject matter.
- c. The complainant lacks the legal capacity to assert the complaint.
- d. The complaint is barred because of release, prior judgment, or other disposition of the complaint before the complaint was filed.
- e. The complaint on its face fails to demonstrate any violation of the code of ethics.

#### **Rule 305. Summary Opinion.**

If no genuine issue as to any material fact exists, the board may issue a decision on the complaint without a hearing.

#### **Rule 306. Scheduling.**

If the complaint is not resolved under Rule 205 and 206, the board may schedule a meeting or hearing in accordance with the Rules of this Chapter.

#### **Rule 307. Hearing Date.**

Within seven (7) days of the filing of the complaint, the clerk will set the matter for hearing on a date certain and place the matter on the board's calendar in accordance with the ethics ordinance and these procedural rules.

**Rule 308. Service of Complaint on, and Notice to, Respondent.**

At least twenty-eight (28) days before the hearing date, the clerk will send notice of the hearing, accompanied by a copy of the complaint to the respondent in the manner prescribed by the code.

**Rule 309. Notice of Hearing to Complainant and Requests to Others to Appear.**

After setting the matter for hearing, the clerk will notify the complainant of the hearing date in the manner prescribed by the Code of Ethics. The board may request other persons to appear at the hearing by directing the clerk to send notice of the hearing and a request to appear, accompanied by a copy of the complaint in the manner prescribed by the code.

**Rule 310. Answer of Respondent.**

Ahead of the hearing date, the respondent may submit a written answer to the complaint by filing that answer with the city clerk. In the answer, the respondent may respond to the allegations set forth in the complaint and may further provide information, including documents, relevant to the matter. In lieu of a written answer, the respondent may appear at the hearing and respond orally to the allegations in the complaint.

**Rule 311. Hearings, Generally.**

The board will conduct a hearing on the matter alleged in the complaint at the scheduled time. Any person requested to appear at the hearing may be represented by an attorney.

**Rule 312. Presiding Officer.**

The Chairperson of the board will act as the presiding officer for the hearing or may assign another member of the board to be the presiding officer. The presiding officer will officiate over the hearing and rule on questions of procedure and the admissibility of evidence. The presiding officer will consult with other members of the board before making any decision.

**Rule 313. Opening Statements.**

The opening statement is the parties' way to introduce the matter to the board, summarize the evidence that will be presented during the hearing, and state the relief requested. The complainant and the respondent may each give an opening statement. Usually, the complainant will give the first opening statement, but the board may vary this procedure.

**Rule 314. Conduct of Proceedings**

- a. The complainant will present evidence to support the complaint. The respondent may then present evidence to support any defense. Witnesses for each party will also submit to questions from the complainant, the respondent, and the board. The board has the discretion to vary this procedure, provided that the

- parties are treated with equality and that each party has the right to be heard and is given a fair opportunity to present its case.
- b. The board, exercising its discretion, will conduct the proceedings with a view to expediting the resolution of the matter and may direct the order of proof, bifurcate proceedings and direct the parties to focus their presentations on issues the decision of which could dispose of all or part of the matter.
  - c. The parties may agree to waive oral hearings in any case.

**Rule 315. Evidence**

- a. The parties may offer such evidence as is relevant and material to the matter and will produce such evidence as the board may deem necessary to an understanding and determination of the matter. Conformity to legal rules of evidence will not be necessary. All evidence will be taken in the presence of the board and all of the parties, except where any of the parties is absent, in default or has waived the right to be present.
- b. The board will determine the admissibility, relevance, and materiality of the evidence offered and may exclude evidence deemed by the board to be cumulative or irrelevant.
- c. The board will take into account applicable principles of legal privilege, such as those involving the confidentiality of communications between a lawyer and client.

**Rule 316. Closing Statements.**

When the parties have finished presenting their evidence, each may make a closing statement summarizing the evidence, stating the relief requested, and arguing in favor of that relief. Usually, the respondent will give the first closing statement, to be followed by the complainant, but the board may vary this procedure.

**Rule 317. Post-Hearing Briefs.**

The board may request the parties to submit post-hearing briefs if warranted.

**Rule 318. Closure of the Record.**

The record is closed at the conclusion of the hearing or, if the board requests the parties to submit post-hearing briefs, at the earlier of the submission of the briefs or the deadline for submitting them. The board may re-open the record and take additional evidence before rendering its decision.

**Rule 319. Decision.**

The board will determine whether the respondent's conduct as alleged in the complaint or demonstrated at the hearing is in breach of the Code of Ethics. The board will make its decision upon a vote of a majority of the board based upon the evidence in the record and controlling law. The board will issue its decision in the form of a written opinion. The opinion, and any dissenting or concurring opinion, will be stated in writing. Once they are issued, the decision and opinions are final.

**Rule 320. Transmittal of the Decision.**

The board will send its decision to the city clerk, who will publish, distribute and keep it in the manner prescribed by the ordinance and in conformity with applicable law. The

clerk will mail each party, the affected department, and other persons as the board directs, a copy of the decision.

**Chapter 4. Procedure for Deciding Referred Questions of Disqualification Due to Conflict of Interest.**

The rules in this chapter apply to the situation where, under Section 2-324 of the Code of Ethics, a city official or employee has a conflict of interest in any matter before the city, as defined in the code, has disclosed that conflict on the appropriate records of the city, but refuses to refrain from discussion, deliberation or voting on that matter. In that instance, the affected city body may request the board to decide the question of whether the official or employee must refrain from discussion, deliberation, action or voting on the matter because of disqualification due to a conflict of interest. The rules in this chapter contemplate that the referred question be decided on an expedited basis.

**Rule 401. Referral of Question of Disqualification.**

The city, its commission, or any city board or committee, which is called the "referring body," may refer to the board the question of whether an official or employee is disqualified from discussion, deliberation, action or voting on any pending matter due to a conflict of interest. The referring body will refer the question of disqualification to the board by filing the question with the city clerk on a form prescribed by the clerk. The referring body may include with the referred question any information and documents that may assist the board in answering the referred question. The person who is alleged to be disqualified due to conflict of interest is called the "respondent."

**Rule 402. Dismissal.**

- a. The city clerk may administratively dismiss a referred question of disqualification if the referral fails to comply with Rule 401 of this Chapter.
- b. The board may administratively dismiss a referred question of disqualification for either of the following reasons:
  - (i) One or more questions regarding the same matter are pending.
  - (ii) The board previously addressed the subject matter.

**Rule 403. Additional Information.**

Upon referral of a question of disqualification, the board may direct the city clerk to obtain additional information regarding the request.

**Rule 404. Summary Decision.**

At any time, the board may issue a decision on the referred question of disqualification based on any of the following reasons:

- a. The board lacks jurisdiction over the respondent.
- b. The board lacks jurisdiction over the subject matter.
- c. The referring body lacks the legal capacity to refer the question to the board.
- d. Decision on the question is barred because of release, prior judgment, or other disposition of the question before the question was referred.
- e. The question on its face fails to demonstrate any conflict of interest or reason for disqualification.

**Rule 405. Summary Opinion.**

If no genuine issue as to any material fact exists, the board may issue a decision without a hearing.

**Rule 406. Scheduling.**

If the referred question of disqualification is not decided under Rule 404 and 405, the board may schedule a meeting or hearing in accordance with the Rules of this Chapter.

**Rule 407. Hearing Date.**

As soon as practicable after the referred question of disqualification is filed, the clerk will set the matter for hearing on a date certain, which may be that very day, and place the matter on the board's calendar. The board may convene and conduct the hearing immediately upon the clerk's receipt of the referred question, or may set another time for the hearing.

**Rule 408 Notice of Hearing and Requests to Others to Appear.**

The clerk will notify the referring body and the respondent of the hearing. Notice may be given orally or in any other form reasonably calculated to give the date, time, location and subject matter of the hearing. The board may request other persons to appear at the hearing by directing the clerk to notify those persons of the request and transmitting a copy of the referred question to them.

**Rule 409 Hearings, Generally.**

The board will conduct a hearing on the referred question at the scheduled time.

**Rule 410. Presiding Officer.**

The Chairperson of the board will act as the presiding officer for the hearing or may assign another member of the board to be the presiding officer. The presiding officer will officiate over the hearing, and rule on questions of procedure and the admissibility of evidence. The presiding officer will consult with other members of the board before making any decision.

**Rule 411. Appearance of Referring Body and Respondent.**

The referring body and the respondent may appear at the hearing, present information on the referred question of disqualification and respond orally to questions presented by the board. The referring body will designate one of its members or another person to act as its representative for the hearing.

**Rule 412. Opening Statements.**

The opening statement is the parties' way to introduce the question to the board, summarize the evidence that will be presented during the hearing, and state the party's position on the question. The referring body and the respondent may each give an opening statement. Usually, the referring body will give the first opening statement, but the board may vary this procedure.

**Rule 413. Conduct of Proceedings**

- a. The referring body will present evidence on the question of disqualification. The respondent may then present evidence to support his or her position on the question. Witnesses for each party will also submit to questions from the

- referring body and the respondent. The board has the discretion to vary this procedure, provided that the parties are treated with equality and that each party has the right to be heard and is given a fair opportunity to present its case.
- b. The board, exercising its discretion, will conduct the proceedings with a view to expediting the resolution of the matter and may direct the order of proof, bifurcate proceedings and direct the parties to focus their presentations on issues the decision of which could dispose of all or part of the matter.
  - c. The parties may agree to waive oral hearings in any matter.

Rule 414. Evidence

- a. The parties may offer such evidence as is relevant and material to the question and will produce such evidence as the board may deem necessary to an understanding and determination of the question. Conformity to legal rules of evidence will not be necessary. All evidence will be taken in the presence of the board and all of the parties, except where any of the parties is absent, in default or has waived the right to be present.
- b. The board will determine the admissibility, relevance, and materiality of the evidence offered and may exclude evidence deemed by the board to be cumulative or irrelevant.
- c. The board will take into account applicable principles of legal privilege, such as those involving the confidentiality of communications between a lawyer and client.

Rule 415. Closing Statements.

When the parties have finished presenting their evidence, each may make a closing statement, summarizing the evidence, stating the position it takes on the question, and arguing in favor of that position. Usually, the respondent will give the first closing statement, to be followed by the referring body, but the board may vary this procedure.

Rule 416. Post-Hearing Briefs.

The board may request the parties to submit post-hearing briefs if warranted.

Rule 417. Closure of the Record.

The record is closed at the conclusion of the hearing or, if the board requests the parties to submit post-hearing briefs, at the earlier of the submission of the briefs or the deadline for submitting them. The board may re-open the record and take additional evidence before rendering its decision.

Rule 418. Decision.

The board will decide whether the respondent is disqualified from discussion, deliberation, action or voting on the matter pending before the referring body due to a conflict of interest. The board will make its decision upon a vote of a majority of the board based upon the evidence in the record and controlling law. The board will issue its decision in the form of a written opinion. The opinion, and any dissenting or concurring opinion, will be stated in writing. Once they are issued, the decision and opinions are final.

Rule 419. Transmittal of the Decision.

The board will send its decision to the city clerk, who will publish, distribute and keep it in the manner prescribed in the ordinance and in conformity with applicable law. The clerk will provide the referring body, the affected department, and the respondent with a copy of the decision.

Revised 10/03

Revised 05/04

Revised 10/06

Revised 12/06

Revised 1/08

## **Declaration of Commitment**

We commit ourselves collectively and individually to do the following:

1. We will devote time, thought and study to our duties and responsibilities as council members.
2. We will build and maintain good relationships with each other and with the city manager.
3. We will emphasize planning, policy-making, and public relations, leaving management to the city manager.
4. We will come well prepared for each council meeting; keep our comments concise, organized, and clear; and listen carefully to others who have the floor.
5. We will vote our individual convictions and avoid factionalism.
6. We will individually refrain from deliberations and decisions on matters in which one has a vested interest or a conflict of interest.
7. We will respect all confidential information received and refrain from disclosing opinions expressed in confidence by each other and the manger.
8. We will listen courteously to citizens, refer those with personal requests and criticism to the city manager, and keep him apprised of community concerns.
9. We will set clear goals for the city manager, support him, and help him to be as effective as possible.
10. We will establish council and city goals and share them with the community.

## **Code of Ethics**

As a member of Troy City Council, I will:

1. Respect the confidentiality of privileged information;
2. Recognize that as an individual council member I have no authority to speak or act for council;
3. Work with other council members to establish effective policies;
4. Delegate authority for the running of the city to the manager and staff;
5. Encourage ongoing communications among council members, staff, and the community;
6. Render all decisions based on the available facts and independent judgment rather than succumbing to the influence of individuals or special interest groups;
7. Make every effort to attend all meetings;
8. Become informed concerning the issues to be considered at each meeting;
9. Avoid conflicts of interest or the appearance thereof;
10. Refrain from using this position to benefit myself, family members or business associates.

## **Code of Conduct**

As a member of Troy City Council, I shall do my utmost to represent the public interest by adhering to the following commitments:

- I shall represent all constituents honestly and equally, and refuse to surrender my responsibilities to special interest or partisan political groups.
- I shall avoid any conflict of interest or the appearance of impropriety which could result from my position, and shall not use my council membership for personal gain or publicity.
- I shall recognize that a council member has no legal authority as an individual and that decisions can be made only by a majority vote at a council meeting.
- I shall take no private action that might compromise council or the city, and shall respect the confidentiality of privileged information.
- I shall abide by majority decisions of council, while retaining the right to seek changes in such decisions through ethical and constructive channels.
- I shall encourage and respect the free expression of opinion by my fellow council members and others who seek a hearing before council.
- I shall be involved in, and knowledgeable about, not only local concerns, but also state and national issues.

## **CODE OF ETHICS**

Members of council shall agree to:

- Attend all regularly scheduled meetings insofar as possible and become informed concerning the issues to be considered at those meetings.
- Endeavor to make policy decisions only at publicly held council meetings.
- Render all decisions based on the available facts and independent judgment and refuse to surrender that judgment to individuals or special-interest groups.
- Encourage the free expression of opinion by all council members and seek systematic communications between council, staff, and all elements of the community.
- Work with other council members to establish effective policies and to delegate authority for city operations to the manager.
- Communicate to other council members and the manager expressions of public reaction to policies and programs.
- Stay current on issues by individual study and through participation in programs providing needed information, such as those sponsored by state and national associations.
- Avoid being placed in a position of conflict of interest; and, if such conflict of interest is unavoidable, disclose such interest to other council members and abstain from participation in such matter.
- Exercise caution when communicating between and among council members via electronic messaging services, including but not limited to electronic mail (e-mail), Internet Web forums, and Internet chat rooms.
- Take no private action that will compromise council or the city management and respect the confidentiality of information that is privileged under applicable law.

## **Declaration of Commitment**

We commit ourselves collectively and individually to do the following:

1. We will devote time, thought and study to our duties and responsibilities as council members.
2. We will build and maintain good relationships with each other and with the city manager.
3. We will emphasize planning, policy-making, and public relations, leaving management to the city manager.
4. We will come well prepared for each council meeting; keep our comments concise, organized, and clear; and listen carefully to others who have the floor.
5. We will vote our individual convictions and avoid factionalism.
6. We will individually refrain from deliberations and decisions on matters in which one has a vested interest or a conflict of interest.
7. We will respect all confidential information received and refrain from disclosing opinions expressed in confidence by each other and the manger.
8. We will listen courteously to citizens, refer those with personal requests and criticism to the city manager, and keep him apprised of community concerns.
9. We will set clear goals for the city manager, support him, and help him to be as effective as possible.
10. We will establish council and city goals and share them with the community.

## **Code of Ethics**

As a member of Troy City Council, I will:

1. Respect the confidentiality of privileged information;
2. Recognize that as an individual council member I have no authority to speak or act for council;
3. Work with other council members to establish effective policies;
4. Delegate authority for the running of the city to the manager and staff;
5. Encourage ongoing communications among council members, staff, and the community;
6. Render all decisions based on the available facts and independent judgment rather than succumbing to the influence of individuals or special interest groups;
7. Make every effort to attend all meetings;
8. Become informed concerning the issues to be considered at each meeting;
9. Avoid conflicts of interest or the appearance thereof;
10. Refrain from using this position to benefit myself, family members or business associates.

## **Code of Conduct**

As a member of Troy City Council, I shall do my utmost to represent the public interest by adhering to the following commitments:

- I shall represent all constituents honestly and equally, and refuse to surrender my responsibilities to special interest or partisan political groups.
- I shall avoid any conflict of interest or the appearance of impropriety which could result from my position, and shall not use my council membership for personal gain or publicity.
- I shall recognize that a council member has no legal authority as an individual and that decisions can be made only by a majority vote at a council meeting.
- I shall take no private action that might compromise council or the city, and shall respect the confidentiality of privileged information.
- I shall abide by majority decisions of council, while retaining the right to seek changes in such decisions through ethical and constructive channels.
- I shall encourage and respect the free expression of opinion by my fellow council members and others who seek a hearing before council.
- I shall be involved in, and knowledgeable about, not only local concerns, but also state and national issues.

## **CODE OF ETHICS**

Members of council shall agree to:

- Attend all regularly scheduled meetings insofar as possible and become informed concerning the issues to be considered at those meetings.
- Endeavor to make policy decisions only at publicly held council meetings.
- Render all decisions based on the available facts and independent judgment and refuse to surrender that judgment to individuals or special-interest groups.
- Encourage the free expression of opinion by all council members and seek systematic communications between council, staff, and all elements of the community.
- Work with other council members to establish effective policies and to delegate authority for city operations to the manager.
- Communicate to other council members and the manager expressions of public reaction to policies and programs.
- Stay current on issues by individual study and through participation in programs providing needed information, such as those sponsored by state and national associations.
- Avoid being placed in a position of conflict of interest; and, if such conflict of interest is unavoidable, disclose such interest to other council members and abstain from participation in such matter.
- Exercise caution when communicating between and among council members via electronic messaging services, including but not limited to electronic mail (e-mail), Internet Web forums, and Internet chat rooms.
- Take no private action that will compromise council or the city management and respect the confidentiality of information that is privileged under applicable law.