



CITY OF ALBION CITY COUNCIL MEETING AGENDA

Meetings: First and Third Mondays – 7:00 p.m.

City Council Chambers ♦ Second Floor ♦ 112 West Cass Street ♦ Albion, MI 49224

COUNCIL-MANAGER
GOVERNMENT

Council members and
other officials normally in
attendance.

REVISED AGENDA

COUNCIL MEETING Monday, March 4, 2019

7:00 P.M.

David Atchison
Mayor

Vicky Clark
Council Member
1st Precinct

Lenn Reid
Council Member
2nd Precinct

Sonya Brown
Mayor Pro-Tem
Council Member
3rd Precinct

Marcola Lawler
Council Member
4th Precinct

Jeanette Spicer
Council Member
5th Precinct

Shane Williamson
Council Member
6th Precinct

LaTonya Rufus
City Manager

The Harkness Law Firm
Atty Cullen Harkness

Jill Domingo
City Clerk

NOTICE FOR PERSONS WITH
HEARING IMPAIRMENTS
WHO REQUIRE THE USE OF A
PORTABLE LISTENING DEVICE

Please contact the City
Clerk's office at
517.629.5535 and a listening
device will be provided
upon notification. If you
require a signer, please
notify City Hall at least five
(5) days prior to the posted
meeting time.

PLEASE TURN OFF CELL PHONES DURING MEETING

- I. CALL TO ORDER
- II. MOMENT OF SILENCE TO BE OBSERVED
- III. PLEDGE OF ALLEGIANCE
- IV. ROLL CALL
- V. APPROVAL OF THE AGENDA (Includes any proposed additions, deletions or other changes to the agenda)
- VI. PRESENTATIONS AND RECOGNITIONS
 - A. Oath of Office for Public Safety Officer Bryan Gandy
 - B. Presentation-Project Rising Tide Action Strategies
 - C. Presentation-American Legion 100th Anniversary
 - D. Proclamation Designating March 2019 as American Legion Golden Anniversary Month
 - E. Presentation-Expanding Health Care Services in Albion-Oaklawn PACE Clinic & Calhoun County Health Department
 - F. Presentation-Friends of Albion Animals
 - G. Proclamation Designating March 9th, 2019 as "Friends of Albion Animals Day"
 - H. Presentation-Kids-N-Stuff Children's Museum 16th Anniversary
 - I. Proclamation Designating March 23rd, 2019 as Kids-N-Stuff Children's Museum Day
 - J. Presentation-Opportunity Atlas
- VII. PUBLIC HEARING
 - A. Closeout Peabody Project
- VIII. PUBLIC COMMENTS (Persons addressing the City Council shall limit their comments to **agenda items only** and to no more than three (3) minutes. Proper decorum is required.)
- VIII. CLOSED SESSION-The City Attorney requests a Closed Session under the Open Meetings Act (Section 15.268 (h), P.A. 267 of 1976, as



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amended) to consider material exempt from discussion or disclosure by state or federal law.

The City Manager requests an Executive Session under the Open Meetings Act (Section 15.268 (a), P.A. 267 of 1976, as amended) to consider the dismissal, suspension or disciplining of, or to hear complaints or charges brought against, or to consider a periodic personnel evaluation of a public officer, employee, staff member of individual agent, if the named person requests a closed hearing

- IX. CONSENT CALENDAR (VV) (Items on Consent Calendar are voted on as one unit)
- A. Approval Regular Session Minutes, February 19, 2019
 - B. Approval Special Session Minutes, February 21, 2019
 - C. Assembly Permit for New Hope Worship Center Community Event held at Victory Park on June 22, 2019
 - D. Assembly Permit for Irwin Avenue Animal Hospital held at Victory Park on May 18, 2019
 - E. Assembly Permit for Larry LaBond Disc Golf Course held at Victory Park on April 6, 2019
 - F. Assembly Permit for Sister City French Market held at Stoffer Plaza on June 15, 2019
- XI. ITEMS FOR INDIVIDUAL DISCUSSION
- A. Discussion/Action City Manager Contract
 - B. Discussion/Action Interim City Manager
 - C. Request Approval Resolution #2019-07, To Designate City Council Liaison to Housing Commission
 - D. Request Approval Resolution # 2019-08, To Approve Agreement for Moore + Bruggink for Professional & Consulting Services for the City Water System
 - E. Discussion/Approval Fair Housing Policy
 - F. Discussion/Approval Economic Opportunities Policy for Section 3 Covered Contracts
 - G. Discussion/City Council Code of Ethics
 - H. Discussion/Economic Development Initiatives
 - I. Discussion/City of Albion Public Relations



CITY OF ALBION

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- XII. FUTURE AGENDA ITEMS
- XIII. PUBLIC COMMENTS (Persons addressing the City Council shall limit their comments to no more than three (3) minutes. Proper decorum is required).
- XIV. CITY MANAGER REPORT
- XV. MAYOR AND COUNCIL MEMBER COMMENTS
- XVI. MOTION TO EXCUSE ABSENT COUNCIL MEMBER (S)
- XVII. ROLL CALL
- XVIII. ADJOURN

Proclamation Recognizing March 2019 as American Legion Centennial Anniversary Month in Albion

WHEREAS, the American Legion was initially organized on 15 March 1919 at a caucus meeting of sailors and soldiers in Paris, France; and

WHEREAS, the American Legion has been a staunch advocate for veterans and their families since 1919, forever lobbying for better care and support for all veterans and their families; and

WHEREAS, throughout the past ten decades the American Legion has been a beacon of hope and support for all past and presently serving American service men and women, playing a leading role in initiatives and advances that have affected the lives of Americans in every community, from the U.S. Flag Code to the GI Bill and improved services by the Veterans Administration; and

WHEREAS, Post 55 has fulfilled the Legion's mission since 1919 through various programs and activities which strengthen our community such as Boys and Girls State summer leadership programs, the Boy Scouts of America, various academic scholarship programs; and

WHEREAS, 2019 marks the official 100th Anniversary of both the American Legion national organization and the City of Albion's own Patrick Leo Hanlon American Legion Post 55.

NOW, THEREFORE, I, Dave Atchison, Mayor of Albion, do hereby proclaim March 2019 as: "American Legion Centennial Anniversary Month" in the City of Albion.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the official seal of ALBION, MICHIGAN on this 4th day of MARCH, in the year 2019.



David Atchison, Mayor

Date

Proclamation Recognizing March 9th 2019 as Friends of Albion
Animals Day

WHEREAS, the *Friends of Albion's Animals* is a 501(c)3 non-profit charitable organization established in 2014 to reduce the number of feral cats in Albion through the humane Trap-neuter-return (TNR) program advocated by the Michigan Humane Society of the United States; and

WHEREAS, Trap-neuter-return is a program in which free roaming outdoor cats are humanely trapped, spayed or neutered, vaccinated, ear-tipped and returned to the location where they were found; and

WHEREAS, TNR is endorsed by the American Society for the Prevention of Cruelty to Animals as "the most humane, effective and financially sustainable strategy for stabilizing and eventually reducing free-roaming cat populations"; and

WHEREAS, left unsterilized, feral cats and their offspring continue to reproduce, potentially introducing thousands of unwanted cats into our community and posing an elevated risk to Albion's domesticated pets from various illnesses borne by feral cats; and

WHEREAS, the Friends of Albion Animals serve to assist low-income residents to spay/neuter and vaccinate their cats for rabies and advocate for responsible pet ownership in the greater Albion area; and

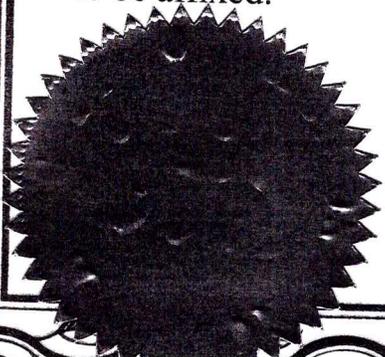
WHEREAS, the Friends of Albion Animal's is holding a luncheon fundraiser on Saturday March 9th at the American Legion to cover the cost of veterinarian services provided by local area Vets and to purchase needed supplies to feed and humanely care for abandoned cats.

NOW, THEREFORE, I, Dave Atchison, Mayor of Albion, do hereby proclaim March 9th, 2019 as: "Friends of Albion's Animals Day" in the City of Albion, and urge all residents of Albion.

In witness whereof I have hereunto set my hand and caused the seal of this city to be affixed.

David Atchison, Mayor

Date



Proclamation Recognizing March 23rd 2019 as Kids 'N' Stuff
Children's Museum Day

WHEREAS, Albion is home to the amazing Kids 'N' Stuff Children's Museum which provides fun, hands-on learning experiences for all children and families through interactive exhibits; and

WHEREAS, children's museums help children develop essential foundational skills; and

WHEREAS, children's museums light a creative spark for discovery and lifelong learning; and

WHEREAS, children's museums are uniquely positioned to help reverse stigma and discrimination; and

WHEREAS, children's museums strengthen community resources that educate and care for children; and

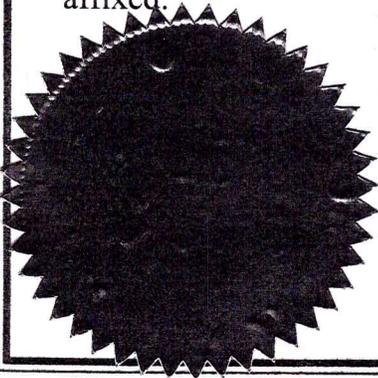
WHEREAS, Kids "N" Stuff strives to include creative outlets for all types of voices because not all communication is verbal - some children speak using art, music, dramatic play, and movement; and

WHEREAS, on the 4th Thursday of every month, Kids 'N' Stuff extends closing to 7pm and offers free admission to all; and

WHEREAS, the *Kids N Stuff Children's Museum* is celebrating their 16th anniversary on Saturday, 23 March.

NOW, THEREFORE, I, Dave Atchison, Mayor of Albion, do hereby proclaim March 23rd, 2019 as: "*Kids 'N' Stuff Children's Museum Day*" in the City of Albion, and urge all residents of Albion to support this treasured resource in our community.

In witness whereof I have hereunto set my hand and caused the seal of this city to be affixed.



David Atchison, Mayor

Date

NOTICE OF CLOSEOUT PUBLIC HEARING

CITY OF ALBION

The City of Albion will conduct a closeout public hearing on Monday, March 4, 2019 at 7:00 p.m., in the Council Chambers at City Hall, 112 W. Cass St., Albion, MI 49224, for the purpose of affording citizens an opportunity to submit comments and receive a final report on the completion of the Peabody Block Redevelopment Project CDBG grant.

The CDBG grant provided funding to assist in The Peabody building, a commercial Italianate, three-story, flat-roofed, painted brick building, was built in 1852 and is located in historic downtown Albion at the intersection of Superior Street and Erie Street (400 S. Superior Street).

The redevelopment will feature 3,000 square feet of white-box commercial space on the first floor. The space will allow for one or two commercial clients. The second and third floors will have two - 2 bedroom/2 bathroom apartments on each floor for a total of 4 apartments. An elevator will be added as part of the redevelopment.

Historical tax credits have been requested for the project.

The total cost of the project is \$1,831,220.91 (\$828,800 CDBG and \$1,002,420.91 Private match) at 400 S. Superior St., Albion. The CDBG project benefitted at least 51% low to moderate income persons; No persons were displaced as a result of the project; and eliminated the blight of the building.

Interested parties are invited to comment on the project in person at the public hearing or in writing through March 4, 2019 and addressed to Tom Mead, Interim City Manager – 112 W. Cass St., Albion, MI 49224.

Citizen views and comments on the CDBG project are welcome.

City of Albion
Jill Domingo, Clerk
(517) 629-7864

City of Albion
Council Session Minutes
February 19, 2019

I. CALL TO ORDER

Mayor Atchison called the regular meeting to order at 7:00 p.m.

II. MOMENT OF SILENCE TO BE OBSERVED

III. PLEDGE OF ALLEGIANCE

IV. ROLL CALL

PRESENT: Vicky Clark (1), Lenn Reid (2); Sonya Brown (3); Marcola Lawler (4); Jeanette Spicer (5); Shane Williamson (6) and Mayor Atchison.

ABSENT: All members were present.

STAFF PRESENT:

Tom Mead, Acting City Manager/Finance Director; Cullen Harkness, City Attorney; Scott Kipp, Chief Public Safety; Jill Domingo, City Clerk; Haley Snyder, Deputy Clerk/Treasurer and John Tracy, Director Planning, Building & Code Enforcement.

V. APPROVAL OF THE AGENDA (Includes any proposed additions, deletions or other changes to the agenda)

Council Member Lawler asked to modify the agenda and add Discussion-Study Session on Thursday, February 21, 2019 as Item A under Items for Individual Discussion.

Lawler moved, Brown supported, CARRIED, to Modify the agenda and add Discussion-Study Session on Thursday, February 21, 2019 as Item A under Items for Individual Discussion. (7-0, vv)

Spicer moved, Lawler supported, CARRIED, to Approve the Agenda with the above addition adding Study Session on Thursday, February 21, 2019 as Item A under Items for Individual Discussion. (7-0, vv)

VI. PRESENTATIONS

A. Oath of Office for Vicky Clark-Precinct #1

City Clerk Domingo administered the Oath of Office to Vicky Clark, Council Member Precinct #1.

B. Proclamation Recognizing February 2019 as Black History Month

Mayor Atchison read aloud the proclamation recognizing February 2019 as Black History Month.

C. Proclamation Recognizing March 2nd, 2019 as Darrington Lovelace Day in Albion

Barongiere and Linda Lovelace gave a brief overview of “Darrington’s Gift” which is a non-profit organization established in the memory of Darrington Lovelace.

Mayor Atchison read the Proclamation Recognizing March 2nd, 2019 as Darrington Lovelace Day in Albion and presented to Barongiere and Linda Lovelace.

D. Update on Zoning Re-Write

John Tracy, Planning, Building & Code Enforcement Director stated the Planning Commission will be meeting on Wednesday, February 20, 2019 to continue with the zoning re-write update. Director Tracy stated the re-write was scheduled to be completed in January, 2019 but the committee is running about four months behind. It is anticipated to be complete at the end of May or first of June.

Comments were received from Council Member Williamson

E. AMRCP Story Circle

Ronnie Sims stated a Story Circle is a small group of individuals sitting in a circle, sharing stories from their own experience and that are focused on a common theme. Everyone has a story to tell. All that’s required for a story to be complete is a beginning, middle and an end.

Mr. Sims stated he would like to see the Council become involved in a Story Circle and there are facilitators available if they are interested.

F. S Squared Project, Emily Smith, AmeriCorps VISTA

Emily Smith, AmeriCorps VISTA gave the following update on the S Squared project:

- The S Squared project which is a sidewalk and sign project
- The project kicked off on February 15th, 2019
- A community canvass event will be held on Saturday, March 16, 2019 from 1-5:00 p.m. at Sterling Books and Brew. The rain date will be Saturday, March 23, 2019
- You can either access the S Squared program through the website (<https://arcg.is/ojfqPH>) or the QR code
- Emily provided a short video on how to access the program

Comments were received from Council Members Lawler and Spicer and Mayor Atchison.

VII. PUBLIC HEARINGS-None

VIII. PUBLIC Comments (Persons addressing the City Council shall limit their comments to agenda items and to no more than three (3) minutes. Proper decorum is required.)

Comments were received from Bill Dobbins, 15901 E. Michigan Avenue and Garrett Brown, 1016 N. Superior St.

IX. CLOSED SESSION-The City Attorney requests a Closed Session under the Open Meetings Act (Section 15.268 (h), P.A. 267 of 1976, as amended) to consider material exempt from discussion or disclosure by state or federal law.

Williamson moved, Lawler supported, CARRIED to adjourn to Closed Session. (7-0, rcv)

Mayor Atchison adjourned to closed session at 7:38 p.m.

Mayor Atchison re-convened the regular session at 8:38 p.m.

ROLL CALL

PRESENT: Vicky Clark (1); Lenn Reid (2); Sonya Brown (3); Marcola Lawler (4); Jeanette Spicer (5); Shane Williamson (6) and Mayor Atchison.

All members were present.

X. CONSENT CALENDAR (VV) Items on the Consent Calendar are voted on as one unit)

- A. Approval Study Session Minutes, February 4, 2019
- B. Approval Regular Session Minutes, February 4, 2019

Williamson moved, Lawler supported, CARRIED, to Approve the Consent Calendar as presented. (7-0, vv)

XI. ITEMS FOR INDIVIDUAL DISCUSSION

A. Discussion-Study Session on Thursday, February 21, 2019

Council Member Lawler stated it was important for all members of the Council to attend the training and asked if the Council would be willing to change the start time to 6:30 p.m.

Comments were received from Mayor Atchison.

Brown moved, Spicer supported, CARRIED, To Change the Start Time of the February 21, 2019 Study Session to 6:30 p.m. (6-1, rcv) (Williamson dissenting)

B. Discussion/Action City Manager Leave Status

Comments were received from City Attorney Harkness

Lawler moved, Williamson supported, CARRIED, To Change the City Manager Leave Status to Unpaid Leave Effective Immediately. (7-0, rcv)

C. Discussion/Approval Resolution # 2019-02, A Resolution for Review of Facilities Authorized by the Michigan Regulation & Taxation of Marihuana Act

Comments were received from Mayor Atchison and City Attorney Harkness.

Williamson moved, Brown supported, CARRIED, to Approve Resolution # 2019-02, A Resolution for Review of Facilities Authorized by the Michigan Regulation & Taxation of Marihuana Act as presented. (7-0, rcv)

D. Request Approval Resolution # 2019-04, A Resolution to Approve Contract # 19-5026 with Michigan Department of Transportation (MDOT) and Authorize the Mayor and Clerk to Sign the Contract for the City of Albion

Comments were received from Acting City Manager Mead and City Attorney Harkness

Brown moved, Williamson supported, CARRIED, to Approve Resolution # 2019-04, A Resolution to Approve Contract # 19-5026 with Michigan Department of Transportation (MDOT) and Authorize the Mayor and Clerk to Sign the Contract for the City of Albion as presented. (7-0, rcv)

E. Request Approval Resolution # 2019-05, To Set Compensation for Acting City Manager

Williamson moved, Reid supported, CARRIED, to Approve Resolution # 2019-05, To Set Compensation for Acting City Manager as presented. (7-0, rcv)

F. Request Approval Resolution # 2019-06, Resolution to Approve Contract with Maner Costerisan for Fiscal Year 2018 Auditing Services

Comments were received from Acting City Manager Mead and Mayor Atchison

Reid moved, Williamson supported, CARRIED, to Approve Resolution # 2019-06, Resolution to Approve Contract with Maner Costerisan for Fiscal Year 2018 Auditing Services as presented. (7-0, rcv)

G. Discussion/Approval MuniCode Update

Comments were received from Council Member Lawler; City Attorney Harkness; Director of Planning, Building & Code Enforcement Tracy; Acting City Manager Mead and Mayor Atchison

Williamson moved, Lawler supported, CARRIED, to Approve MuniCode Update as presented. (7-0, rcv)

H. Discussion City-Wide Clean-Up Dates

Council Member Reid asked if the city-wide clean up could be done in June instead of the end of July.

Acting City Manager Mead stated he will reach out to Granger for potential dates in June and bring back to Council for approval.

I. Discussion/Approval Rollback of Park Pavilion Rental Fees

Council Member Reid asked to have the park pavilion rental fees changed back to the 2018 fee schedule.

Comments were received from Council Members Clark, Williamson and Brown and Acting City Manager Mead

Reid moved, Williamson supported, CARRIED, To Change the Park Pavilion Rental Fees back to the 2018 Fee Schedule. (7-0, rcv)

J. Discussion to Designate a City Council Member as Liaison to the Albion Housing Commission

Council Member Brown asked to designate a City Council Member as a liaison to the Albion Housing Commission to help bridge the communication flow. The liaison would attend the Albion Housing Commission meetings and then report back to Council.

Mayor Atchison agreed this was a good idea and asked for a Resolution to be prepared for Council approval.

K. Discussion Council Sub-Committees

Mayor Atchison stated the Charter prohibits standing committees of the Council. He is aware of only one sub-committee at this time which is the Rental Certification Committee which consists of Council Members Reid, Spicer and Lawler. He has asked for an update from this committee at a future Council meeting.

He would also like to create a new sub-committee which would be the Corridor Improvement Authority (CIA) who's purpose is to be responsible for developing a data-based recommendation to the Albion City Council to consider establishing a local tax increment financing authority (TIFA) to correct and prevent deterioration in residential, commercial and industrial areas, to promote economic development and funding infrastructure improvements in the Austin Avenue-Eaton Avenue commercial areas.

He would like the sub-committee to consist of the following members:

Council Member Clark (Precinct 1)
Council Member Reid (Precinct 2)
Mayor Atchison

L. Request Approval Appointments & Reappointments Boards & Commissions

- Betty Branche, Board of Review, Initial Appointment, Term to Expire 12-31-2020
- Barbara McAllister, Board of Review, Reappointment, Term to Expire 12-31-2020
- Emily Verbeke, DDA, Initial Appointment, Term to Expire 12-31-2022

Williamson moved, Reid supported, CARRIED, to Approve Betty Branche, Board of Review, Initial Appointment, Term to Expire 12-31-2020 as presented. (4-3, rcv) (Brown, Lawler and Spicer dissenting)

Williamson moved, Reid supported, CARRIED, to Approve Barbara McAllister, Board of Review, Reappointment, Term to Expire 12-31-2020 as presented. (7-0, rcv)

Comments were received from Council Members Clark and Spicer and City Attorney Harkness.

Williamson moved, Reid supported, CARRIED, To Approve Emily Verbeke, DDA, Initial Appointment, Term to Expire 12-31-2022 as presented. (5-2, rcv) (Clark and Brown dissenting)

XII. FUTURE AGENDA ITEMS

Council Member Brown asked for the following:

- Opportunity Atlas for Albion
- Council Code of Ethics

City Attorney Harkness asked to add Criminal Ordinances for Medical Marihuana

Council Member Williamson asked for a Proclamation for Kids N Stuff

Council Member Lawler cited Privilege and left at 9:20

XIII. PUBLIC COMMENTS (Persons addressing the City Council shall limit their comments to no more than three (3) minutes. Proper decorum is required.)

Comments were received from Al Smith, 1209 Adams St.

XIV. CITY MANAGER REPORT

Acting City Manager Mead's report was as follows:

- He asked for citizens patience pertaining to snow removal as the City has new drivers and problems with equipment.
- We are wrapping up the downtown Peabody project. We met with the project owner, MEDC and the grant administrator and went through the MEDC project wrap up checklist. To complete this, some action from Council will be required in the near future.
- The funding for the Irwin Street project is moving forward without complications. The project appears to be on track.
- We reached out to the engineering firm who performed the sewer system infrastructure study under the SAW grant and asked them to look into the sewer issues experienced by the residents located on the east end of Irwin Street.

- We are making preparations for the repair of one of the two main wells that supply the water to the water tower. We do not anticipate any significant disruptions to the City's water supply.
- We are dealing with some issues with AT&T phone service. For the City, it affects a few key alarm lines. For the residents, we are being told they could be a few cities blocks without service for a few weeks.
- We hope to start seeing new street lights at various locations around the City within 30 to 45 days or so. The replacement project is moving forward.
- I'll wrap up with a quick update on the financials as they currently stand. To date, things are looking relatively positive.

Comments were received from Council Member Spicer and Chief Kipp

XV. MAYOR AND COUNCIL MEMBER'S COMMENTS

Comments were received from Council Members Reid and Brown and Mayor Atchison.

XVI. EXCUSE ABSENT COUNCIL MEMBER (S)

Council Member Lawler cited Privilege and left at 9:20 p.m. All other members were present.

Comments were received by Calhoun County Commissioner Tompkins

XVII. ROLL CALL

PRESENT: Vicky Clark (1), Lenn Reid (2), Sonya Brown (3), Jeanette Spicer (5), Shane Williamson (6) and Mayor Atchison.

ABSENT: Council Member Lawler cited Privilege and left at 9:20 p.m.

XVIII. ADJOURNMENT

Spicer moved, Brown supported, CARRIED, to adjourn the regular session. (6-0, vv)

Mayor Atchison adjourned the Regular Session at 9:50 p.m.

Date

Jill Domingo
City Clerk

City of Albion
Special Council Session Minutes
February 21, 2019

I. CALL TO ORDER

Mayor Atchison called the regular meeting to order at 6:30 p.m.

II. MOMENT OF SILENCE TO BE OBSERVED

III. PLEDGE OF ALLEGIANCE

IV. ROLL CALL

PRESENT: Vicky Clark (1), Lenn Reid (2), Sonya Brown (3), Marcola Lawler (4), Jeanette Spicer (5), Shane Williamson and Mayor Atchison.

ABSENT: Council Member Williamson (6) arrived at 6:55 p.m.

STAFF PRESENT:

Tom Mead, Acting City Manager/Finance Director; Cullen Harkness, City Attorney; Scott Kipp, Chief Public Safety; Jill Domingo, City Clerk and John Tracy, Director Planning, Building & Code Enforcement.

V. APPROVAL OF THE AGENDA (Includes any proposed additions, deletions or other changes to the agenda)

Lawler moved, Spicer supported, CARRIED, to Approve the Agenda as presented. (6-0, vv)

VI. PRESENTATIONS-None

VII. PUBLIC HEARINGS-None

VIII. PUBLIC Comments (Persons addressing the City Council shall limit their comments to agenda items and to no more than three (3) minutes. Proper decorum is required.)

No public comments were received.

IX. CLOSED SESSION-None

X. CONSENT CALENDAR (vv) (Items on Consent Calendar are voted on as one unit)-None

XI. ITEMS FOR INDIVIDUAL DISCUSSION

A. Council Training-Attorney Scott Smith

Attorney Scott Smith provided the following training on the roles and responsibilities of City Officials:

- There are several types of government including:
 - Town Hall
 - Commission
 - Strong Mayor or Strong Executive
 - Commission (or Council)-Manager
- Roles and responsibilities are shaped by the form
- Albion has a Council-Manager form of government
- City Manager is the Chief Administrative Officer
- Council is the policy making & legislative body
- Mayor is a voting member & presiding officer of the Council

- Mayor
 - Ceremonial head of the City
 - Chief Executive Officer
 - Has an equal voice & duty to vote as Council Member
 - Presiding officer of Council
 - Advises the Council on the public affairs of the City
 - Generally, appoints, with Council consent, members of boards & bodies
 - Emergency powers under law
- City Manager
 - Serves at the pleasure of Council
 - Administers & supervises administrative departments
 - Officers & employees, except Council members & Attorney are accountable to the City Manager
 - Administers the annual budget
 - Prepares (with Clerk) agendas & attends Council meetings
 - Recommends adoption of measures Manager deems necessary
 - Enforces ordinances
 - City Charter provides very board authority to City Manager
- Council
 - The body, not individual Council Members has authority
 - Council acts through ordinances, resolutions & motions
 - Makes policy
 - Appoints Manager & City Attorney
 - Adopts budgets, levies taxes & approves borrowing

- Approves contracts
- As a legislative body, adopts laws (i.e. ordinances)
- Fulfills other duties provided by law
- Holds staff accountable through Manager
- Holds Manager accountable by reports, documentation, policy & questions
- Council Rules of Procedures
 - Council Members address comments to Mayor & on topic
 - Personal comments or attacks are out of order
 - Council Members will not speak more than twice until all others have a chance to speak & no longer than 10 minutes
 - Public comments limited to 3 minutes at beginning & end of meeting & at public hearings
 - Personal, disrespectful, slanderous or profane comments are out of order, as are debates with & among audience
 - Audience applause or cheering is out of order
- Open Government
 - OMA, FOIA & records retention requirements apply to you
 - With limited exceptions, if it involves City business, it is public
 - *Exceptions are narrowly construed*
 - *Generally, apply only when public (persons outside government) benefit from exception so it protects public's interests*
 - **Electronic communications related to City business, even if on personal devices, are subject to required retention and disclosure**
 - *So, what is written or recorded is generally recoverable*
 - *Assume it will be published or broadcast*
- Best Practices
 - As a City official, people perceive you as its representative
 - Support policies, personnel & practices while appropriately ensuring accountability & when needed, seeking changes
 - Praise publicly; criticize non-publicly
 - Evaluate based on concrete goals, outcomes & measurements
 - For day-to-day matters, refer inquiries to proper staff
 - Everyone gets the same information
 - Council Members advocate for policies, not for persons or entities & avoid promises requiring official action
 - Council & Manager with mutual respect, make management non-political
 - Spokespersons take great care
 - Cautious with electronic communication & assume everything is recorded.

***Council Member Spicer cited privilege at 7:38 and returned at 7:41 p.m.*

Comments were received from Council Members Clark, Reid, Brown, Lawler, Spicer and Williamson; Mayor Atchison and City Attorney Harkness.

B. Discussion/Approval to Reassign Acting City Manager Duties to Chief Kipp

Comments were received from Council Members Williamson, Spicer, Brown and Reid; Acting City Manager/Finance Director Mead; City Attorney Harkness and Mayor Atchison

Williamson moved, Clark supported, CARRIED, To Reassign Acting City Manager Duties to Chief Kipp as presented. (4-3, rcv) (Brown, Lawler and Spicer dissenting)

XII. Future Agenda Items-None

XIII. PUBLIC COMMENTS (Persons addressing the City Council shall limit their comments to no more than three (3) minutes. Proper decorum is required).

Comments were received from Garrett Brown, 1016 N. Superior St.

XIV. CITY MANAGER REPORT-None

XV. MAYOR AND COUNCIL MEMBER'S COMMENTS

Comments were received from Council Member Williamson and Mayor Atchison

XVI. Motion to Excuse Absent Council Member (s)

No action was necessary as all members were present.

XVII. ROLL CALL

PRESENT: Vicky Clark (1), Lenn Reid (2), Sonya Brown (3), Marcola Lawler (4), Jeanette Spicer (5), Shane Williamson (6) and Mayor Atchison.

ABSENT: All members were present.

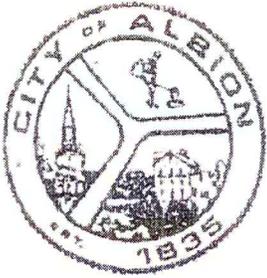
XVIII. ADJOURNMENT

Spicer moved, Williamson supported, CARRIED, to adjourn the special session. (7-0, vv)

Mayor Atchison adjourned the Special Session at 8:45 p.m.

Date

Jill Domingo
City Clerk



City of Albion

William L. Rieger Municipal Building
112 West Cass Street· Albion, Michigan 49224 (517)
629-5535· Fax (517) 629-4168

CITY OF ALBION
Date: 02/15/2019 11:46:05 AM
Ref: PARK RENT-L
Receipt: 4012_31
Amount: \$500.00

PARKS RESERVATION APPLICATION

I, New Hope Worship Center request permission from the
(Responsible Party/Organization)

City of Albion to use the following park facilities:

Victory Park: Pavilion, Band shell, Shelter

(Park and Park area requested)

	Date(s)	Beginning time(s)	Ending time(s)
On	<u>6-22-2019</u>	from <u>12:01 Am</u>	to <u>11:59 pm</u>
On	_____	from _____	to _____
On	_____	from _____	to _____

Description of events or functions: Free Community Event - Party in the Park
(see attachment)

Proof of Insurance: Yes No

Number of people expected to attend? 400

Non-profit organization? Yes No

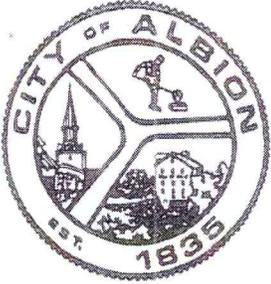
Will amplified sound be used? Yes No

Will Electricity be required? Yes No

Has your organization conducted this event in the requested area before?

Yes No If yes, when: _____

Number of tables needed (allow 8 persons per table)? 12 at shelter
15 at Pavilion



City of Albion

William L. Rieger Municipal Building
112 West Cass Street * Albion, Michigan 49224
(517) 629-5535 * Fax (517) 629-2238

ASSEMBLIES FOR PARK RESERVATION FACILITIES OVER 100 OR MORE

ASSEMBLIES: New Hope Worship Center

DATE: 6-22-19

FACILITIES: Victory Park: Pavilion, Shelter, Band Shell

NUMBER OF
PEOPLE(S): Approximately 400

CONTACT PERSON: Bruce Johnson

INSURANCE: Brotherhood Mutual # 21M0465054

PHONE NUMBER: 517-945-6963



PARTY IN THE PARK – A FREE COMMUNITY EVENT

- 3 ON 3 Basketball Tournament (no entry fees) • Trophies for 1st Place Winners (8) • Games during the day for the Community • Concert – featuring Grammy/Dove Nominated Hip Hop/Rap artist DPB & Crew
- Honor the Mayor, Park and Recreation Department, Police Department and Fire Department • Desk statuettes for community officials (4) • FREE Giveaways all day long

A FREE COMMUNITY EVENT SUPPORTED BY LOCAL BUISNESSES AND CHURCH'S

Treat your community to an event designed to provide fun for the entire family. An opportunity for young and the young at heart to engage in activities that are fun without any cost. Promote a sense of Community by providing a time for FAMILY, FRIENDS and FUN.

The basketball tournament provides an opportunity for us to love on these kids, instill in them a positive self-image, reinforcing the idea that they can make a difference in their own lives, their homes and communities.

Involving your community leaders such as the Police Department can play an important part in bridging the gap between the community and your law enforcement officers. Honoring the Mayor, Fire Department and Park and Recreation Department are just as important. Recognizing and honoring their support for your local community.

During the day we have games such as Bingo, Bean Bag Toss, and Corn Hole Toss with prizes for the winners.

Engage local food vendors and churches to provide FREE food and drinks.

We end the day with a FREE positive, no-cursing concert with DPB & Crew.

During the concert we have free giveaways and sponsors are recognized. We present the winners of the basketball tournament with their trophies. Also, we present desk statuettes to the Mayor, Park and Recreation Department, Police Department and Fire Department heads.



City of Albion

William L. Rieger Municipal Building
112 West Cass Street- Albion, Michigan 49224 (517)
629-5535- Fax (517) 629-4168

PARKS RESERVATION APPLICATION

I, Horacio Lewis DVM request permission from the
(Responsible Party/Organization)

City of Albion to use the following park facilities:

(Park and Park area requested)

Date(s)	Beginning time(s)	Ending time(s)
On <u>Sat May 18, 2019</u>	from <u>2pm</u>	to <u>5pm</u>
On _____	from _____	to _____
On _____	from _____	to _____

Description of events or functions: _____

Proof of Insurance: Yes ___ No X B

Number of people expected to attend? 95

Non-profit organization? Yes ___ No X

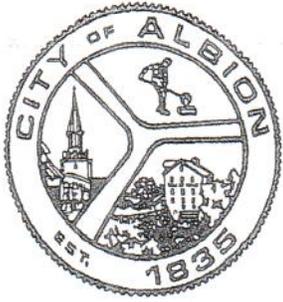
Will amplified sound be used? Yes X No ___

Will Electricity be required? Yes X No ___

Has your organization conducted this event in the requested area before?

Yes No If yes, when: _____

Number of tables needed (allow 8 persons per table)? 15



City of Albion

William L. Rieger Municipal Building
112 West Cass Street * Albion, Michigan 49224
(517) 629-5535 * Fax (517) 629-2238

ASSEMBLIES FOR PARK RESERVATION FACILITIES OVER 100 OR MORE

ASSEMBLIES: Quinn Ave Animal Hospital

DATE: Saturday May 18th, 2019

FACILITIES: Pavilion

NUMBER OF
PEOPLE(S): 95

CONTACT PERSON: Beckie Decker

INSURANCE: N/A ref Bonnie

PHONE NUMBER: 517-629-4981



City of Albion

William L. Rieger Municipal Building
112 West Cass Street · Albion, Michigan 49224 (517)
629-5535 · Fax (517) 629-4168

CITY OF ALBION
Date 02/22/2019 11:11:38 AM
Ref PARK RENTAL
Receipt 40121892
Amount \$85.00

PARKS RESERVATION APPLICATION

I, Harry LaBond request permission from the
(Responsible Party/Organization)

City of Albion to use the following park facilities:

Disc Golf Course & lg Pavilion / Can gate be closed by sleding hill & at other end of that Drive
(Park and Park area requested)

	Date(s)	Beginning time(s)	Ending time(s)
On	<u>4-6-19</u>	from <u>8am</u>	to <u>6pm</u>
On	_____	from _____	to _____
On	_____	from _____	to _____

Description of events or functions: Disc Golf Tournament

Proof of Insurance: Yes ___ No ___

Number of people expected to attend? 72

Non-profit organization? Yes ___ No X

Will amplified sound be used? Yes ___ No X

Will Electricity be required? Yes X No ___

Has your organization conducted this event in the requested area before?

No If yes, when: last 11 years

Number of tables needed (allow 8 persons per table)? 8



City of Albion

William L. Rieger Municipal Building
112 West Cass Street · Albion, Michigan 49224 (517)
629-5535 · Fax (517) 629-4168

PARKS RESERVATION APPLICATION

I, Carolyn Amos (Sister City) request permission from the
(Responsible Party/Organization)

City of Albion to use the following park facilities: Stoffer Plaza
211 Market Pl.

(Park and Park area requested)

	Date(s)	Beginning time(s)	Ending time(s)
On	<u>6/15/19</u>	from <u>8 a.m.</u>	to <u>5 p.m.</u>
On	_____	from _____	to _____
On	_____	from _____	to _____

Description of events or functions: French Market

Proof of Insurance: Yes No City of Albion

Number of people expected to attend? 150-200

Non-profit organization? Yes No

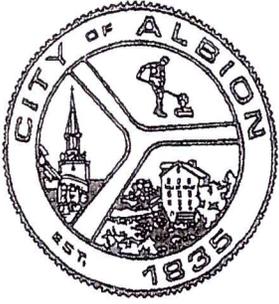
Will amplified sound be used? Yes No

Will Electricity be required? Yes No

Has your organization conducted this event in the requested area before?

No If yes, when: June 2018

Number of tables needed (allow 8 persons per table)? —



City of Albion

William L. Rieger Municipal Building
112 West Cass Street * Albion, Michigan 49224
(517) 629-5535 * Fax (517) 629-2238

ASSEMBLIES FOR PARK RESERVATION FACILITIES OVER 100 OR MORE

ASSEMBLIES: Sister City | Albion Farmers Market | Stoffer Plaza

DATE: 6/15/19

FACILITIES: Stoffer Plaza

NUMBER OF PEOPLE(S): 150-200

CONTACT PERSON: Carolyn Amos

INSURANCE: City of Albion Org

PHONE NUMBER: 629 3607

Resolution #2019-07

To Designate City Council Liaison to Housing Commission

Purpose and Finding: This resolution designates the individual who is to act as a liaison between the Albion City Council and the Albion Housing Commission. Quality housing is important to the residents of the City of Albion and the Albion Housing Commission was created to ensure residents of the City have safe and affordable housing. It is in the best interests of the citizens of the City of Albion for the City Council to have regular updates regarding activities of the Housing Commission. As such, a liaison between the two public bodies is appropriate. Given that the majority of the City's public housing is located in specific precincts, it logically follows that the Councilperson from one of those precincts would be the council liaison to the Housing Commission and shall be appointed by the Mayor for a two (2) year term.

Council Member _____ moved, supported by Council Member _____, to approve the following resolution.

RESOLVED, that the Councilperson from Precinct (1) shall act as liaison between the Albion City Council and the Albion Housing Commission and shall attend open meetings of the Housing Commission and report to the City Council monthly on activities of the Housing Commission;

I hereby certify that the above resolution was adopted on March 4, 2019, in a regular session of the Albion City Council, and this is a true copy of that resolution.

Ayes _____

Nays _____

Absent _____

Jill Domingo, Albion City Clerk

Resolution #2019-08

To Approve Agreement with Moore Bruggink for Professional and Consulting Services for the City Water System

Purpose and Finding: The Albion City Council has previously discussed at the January 18, 2019 council meeting the possibility of utilizing additional services from Moore Bruggink relating to the city's water systems. Specifically, they will be providing engineering guidance and investigation pertaining to the city's drinking water, stormwater, and wastewater utilities. The city recently received a violation notice from the Michigan Department of Environmental Quality for not having an asset management program in place. This is one of the many issues that Moore Bruggink will address in the scope of their work. They are proposing to provide their services as outlined in the agreement for a not-to-exceed amount of \$41,000.00. This amount would be drawn from city funds as follows: \$31,300 from the water fund, \$3,100 from the streets fund, and \$6,700 from the wastewater fund. Staff recommends approval of the agreement.

Council Member _____ moved, supported by Council Member _____, to approve the following resolution.

RESOLVED, the Albion City Council hereby approves the agreement with Moore Bruggink for professional engineering and consulting services as it relates to the City's water systems for a not-to-exceed price of \$41,000.00. The Albion City Council authorizes the Mayor and Clerk to sign the agreement on the City's behalf.

I hereby certify that the above resolution was adopted on March 4, 2019, in a regular session of the Albion City Council, and this is a true copy of that resolution.

Ayes _____

Nays _____

Absent _____

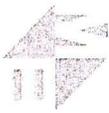
Jill Domingo, Albion City Clerk

Tom Mead

From: Jeff Landers <Jlanders@mbce.com>
Sent: Monday, February 11, 2019 11:03 AM
To: Tom Mead
Subject: Utility Engineering Proposal
Attachments: 2019.02.11 Albion Utility Engineering - Cost Matrix.pdf; 2019.02.11 Ltr Mead - Utility Engineering Proposal.pdf

Tom,
Please see that attached proposal. As I mentioned on Friday, you can consider this a draft if you would like, to make scoping adjustments, or if the way I explain things in the letter could be better stated for council approval. We always work on a time and materials basis, not-to-exceed value structure, so if it takes us less time to do things, it will be reflected in billing.
I look forward to getting started.
Thanks,
Jeff

Jeff Landers, P.E.



Moore + Bruggink
Consulting Engineers

2020 Monroe Avenue | Grand Rapids, MI 49505
Ph: (616) 363-9801 | Fx: (616) 363-2480 | jlanders@mbce.com
[Website](#) | [LinkedIn](#)

This e-mail and any attachments are intended for the sole use of the addressee(s) listed, and may contain confidential or proprietary information. If you are not the intended recipient, please delete the e-mail and any attachments, and notify the sender. Keep it green, think before you print this email.



Date: 1/21/2019

	Project Manager	Project Engineer	Field Tech	GIS Manager	Clerical	Total M&B
As-Needed Engineering Service Contracts						
Create Water and Wastewater Utility Roadmap - Completed						
Wastewater Kickoff Site Meeting - Completed						
Water Kickoff Site Meeting - Completed						
Obtain As-Builts - Completed						
Research and Coordinate Infrastructure Alternatives Contract - Completed						
Utility Engineering Contract Kickoff Meeting - Completed						
Utility Engineering Contract						
Drinking Water Utility Tasks						\$ 31,300.00
Site visit to tour the drinking water filtration plant with IAI	8	8			1	17
Review system map, and available information on the drinking water system		16				16
Gather data as needed		8		40		48
Field technician to GPS locate and assess		4	40			44
Create a Drinking Water atlas from GIS data				24		24
Develop a Drinking Water Asset Management Plan	20	120			4	144
Storm Water Utility Tasks						\$ 3,100.00
Review information gathered through the SAW grant		8				8
Create a Storm Water atlas from GIS data				24		24
Waste Water Utility Tasks						\$ 6,700.00
Site visit to tour the WWTP with IAI	8	8			1	17
Review information gathered through the SAW grant		20				20
Create a Wastewater atlas from GIS data				24		24
TOTAL HOURS, DESIGN PHASE	36	192	40	112	6	386
TOTAL ENGINEERING DESIGN AND BIDDING COST						\$ 41,100.00



February 11, 2019

Proposal – Utility Engineering
Services

Mr. Tom Mead
City of Albion
112 West Cass Street
Albion, Michigan 49224

Dear Mr. Mead:

This proposal is in response to our meeting held at the Albion City Hall on January 18, 2019. Per our discussion, the City would like to procure services from Moore+Bruggink (M+B) to provide engineering guidance and investigation pertaining to the drinking water, storm water, and wastewater utilities owned and operated by the City. The City has recently completed, and the Council approved, the Comprehensive Plan and Capital Improvements Plan. A rate schedule has been completed and approved to match these plans as well. Upon review of these documents and the site review of the available information in the GIS system created through the SAW grant, M+B recommends moving forward with the current plans in place, while planning to review and adjust these plans annually.

Concerning the drinking water utility, the most recent water reliability study was completed in 2015 and remains valid until 2020. Priority then is on creating an asset management plan to meet the requirements set by the MDEQ in order to have one in place by the end of the year, and working to get a program in place to update water meters and capture anticipated water-loss revenues.

Given these conditions, below is a list of the tasks discussed in the meeting and included in this proposal.

Drinking Water Utility Tasks:

1. Complete one site visit to tour the drinking water filtration plant with Infrastructure Alternatives Operator to create a comprehensive list of prioritized improvements needed.
2. Review system map, and any other available information surrounding the drinking water system.
3. Determine areas lacking information and gather data on all hydrants, booster stations, valves, and water tower as needed to complete the information. 40 hours of time for a field technician to GPS locate incomplete information on assets has been included in this proposal. All assets to be added to current GIS system.
4. Create a Drinking Water Atlas from GIS data.
5. Create a Drinking Water Asset Management Plan, approvable by the MDEQ.



Storm Water Utility Tasks:

1. Review information gathered through the SAW grant to organize and determine criticality, age, and condition of storm system assets.
2. Create a Storm Water Atlas from existing GIS data.

Wastewater Utility Tasks:

1. Complete one site visit to tour the wastewater treatment plant with Infrastructure Alternatives Operator to create a comprehensive list of prioritized improvements needed.
2. Review information gathered through the SAW grant to help prioritize and create a "Master Plan" for improvements at the WWTP and in the Collection System.
3. Create a Wastewater Collection System Atlas from existing GIS data.

Other Tasks:

1. Work with City Streets Engineer to coordinate drinking water, storm water, and wastewater utility capital improvement plans with road improvement projects.

Items and Information Assumed as provided by the City to Complete:

- Wastewater and Storm Water asset spreadsheet with itemized list of names, age, condition, criticality, and risk assessment and any SAW reports produced;
- Access to GIS server;
- Drinking Water, Storm Water, and Wastewater System Maps and As-Built drawings as needed; and
- Current Water Reliability Study.

The above list of tasks and deliverables can be completed on a time and materials basis with a not-to-exceed price of **\$41,100** (Water Fund: \$31,300, Streets Fund \$3,100, Wastewater Fund \$6,700). Also discussed was an option for an engineer to be present for City staff meetings once per month. When possible, this can be coordinated with other work to save on travel time, but otherwise will be charged based on our typical rates provided along with this proposal.

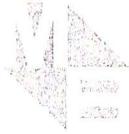
Following approval of this proposal, project scopes stemming from the capital improvement plan can be evaluated and separate proposals provided for each.

We appreciate the opportunity to continue our partnership with the City of Albion. Please review this proposal and call me with any questions or comments. You can authorize this work by signing the Acceptance of the Proposal Authorization attached.

Very truly yours,

Jeff S. Landers, P.E.
Project Engineer

Attachment



CONFIDENTIAL

Client Name: City of Albion ("Client") Date: February 11, 2019
Client Address: 112 West Cass Street, Albion, Michigan 49224

PROPOSAL AND AUTHORIZATION FOR PROFESSIONAL SERVICES

Moore & Bruggink, Inc. ("M&B"), appreciates the opportunity to provide you with professional engineering and consulting services. It is our policy to receive this Professional Services Authorization, with acknowledgment of the terms and conditions contained herein and in the attached Proposal (Exhibit A) prior to commencing services. We propose services to be performed for you for the project known as Utility Engineering Services ("Project") located in Albion, Michigan. The attached proposal is dated February 11, 2019.

NATURE OF ENGAGEMENT

Moore & Bruggink, Inc. (M&B) will provide all work as stated in the attached proposal at the fee quoted therein. There may be additional work to be performed either through change orders or unforeseen circumstances for which M&B will be compensated on an hourly basis.

TERMS AND CONDITIONS

Client Responsibility. The Client shall furnish all existing data pertinent to the Project and shall furnish any additional information when requested.

Hourly Billing Rates. Unless stipulated otherwise, CLIENT shall compensate M&B at hourly billing rates in effect when services are provided by M&B employees of various classifications. Rates are revised annually and you will be notified of the changes.

Reimbursable Expenses. Unless stipulated otherwise, Client shall compensate M&B for Reimbursable Expenses defined as those costs incurred on or directly for Client Project, including, but not limited to, government fees, necessary transportation costs (including mileage at M&B current rate for service vehicles and automobiles), meals and lodging, laboratory tests and analyses, computer services, special equipment services, postage and delivery charges, telephone and telefax charges, copying, printing and binding charges, and outside technical or professional services. Reimbursement for these expenses shall be on the basis of actual charges plus ten percent (10%) when furnished by outside sources and on the basis of usual commercial charges or separate rate schedules when furnished by M&B.

Cost Estimates. Cost estimates of other contractors' work will be on a basis of experience and judgment, but since it has no control over market condition or bidding procedures, M&B cannot warrant that bids or ultimate construction costs will not vary from these cost estimates.

Professional Standards. M&B shall be responsible to the generally-accepted standards of ordinary and reasonable skill and care usually exercised by other practicing professional engineers and surveyors at the time and location such services are rendered. No warranty, express or implied, is included or intended in its proposals, contracts, or reports.

Termination. Either Client or M&B may terminate this Authorization by giving ten (10) days' written notice to the other party. In such event, Client shall pay M&B in full for all work previously authorized and performed prior to the effective date of termination, plus (at the discretion of M&B) a termination charge to cover finalization work necessary to bring ongoing work to a logical conclusion. Such charge shall not exceed thirty-three percent (33%) of all charges previously incurred. Upon receipt of such payment, M&B will return to the Client all documents and information which are the property of Client.

Subcontractor. M&B may, in its sole discretion, engage subcontractors on behalf of Client to perform any portion of the services to be provided by M&B hereunder, and Client agrees that M&B shall not be responsible for, or in any manner guarantee, the performance of such subcontractors, nor shall M&B be liable for any negligent acts, errors, or omissions of any such subcontractor.

Payment to M&B. Invoices will be issued on a monthly basis or upon completion of the work product, whichever occurs sooner, payable upon receipt unless otherwise agreed. Interest of one-and-one-half percent (1.5%) per month (but not exceeding the maximum rate allowed by law) will be payable on all amounts not paid within thirty (30) days from date of invoices, payment thereafter to be applied first to accrued interest and then to the principal unpaid amount. Any attorney's fees or other costs incurred in collecting any delinquent amount shall be paid by Client.

Client agrees to pay on a current basis, in addition to any proposal or contact fee understandings, all taxes including, but not limited to, sales taxes on services or related expenses which may be imposed on M&B by any government entity.

In addition to any other remedies M&B may have, M&B shall have the absolute right to cease performing any basic or additional services in the event payment has not been made on a current basis.

Hazardous Waste. M&B has neither created nor contributed to the creation or existence of any hazardous, radioactive, toxic irritant, pollutant, or otherwise dangerous substance or condition at any site, and its compensation hereunder is in no way commensurate with the potential risk of injury or loss that may be caused by exposure to such substances or conditions. M&B shall not be responsible for any alleged contamination, whether such contamination occurred in the past, is occurring presently, or will occur in the future, and the performance of engineering or surveying services hereunder does not imply risk-sharing on the part of M&B.

Limitation of Liability. To the fullest extent permitted by law, M&B's total liability to Client or Client's contractors for any cause or combination of causes, whether arising out of claims based upon contract, warranty, negligence, strict liability, or otherwise is, in the aggregate, limited to an amount no greater than the fee earned under this authorization. A higher limit of liability may be considered upon Client's written request, prior to commencement of services, and agreement to pay an additional fee.

Indemnification. Client agrees to defend, indemnify, and hold M&B harmless from any claim, liability, or defense cost for injury or loss sustained by any part from exposures allegedly caused by M&B's performance of services hereunder, except for injury or loss caused solely by the negligence or willful misconduct of M&B.

Legal Expenses. In the event of a claim by Client against M&B, at law or otherwise, for any alleged error, omission, or other act arising out of the performance of its services, and to the extent Client fails to prove such claim, then Client shall pay all costs, including attorney's fees, incurred by M&B in defending itself against the claim.

Ownership of Work Product. M&B shall remain the owner of all drawings and reports, and Client shall be authorized to use the copies provided by M&B only in connection with the Project. Any use or reuse by Client or others for any purpose other than as outlined herein and in the attached Proposal shall be at Client's risk and full legal responsibility, without liability to M&B.

MOORE & BRUGGINK, INC.

Date: _____

By:  _____

Brian J. Hannon, P.E.

Its: Vice President

Acceptance of Proposal and Authorization for Professional Services

CITY OF ALBION

Date: _____

By: _____

Its: _____



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENTAL QUALITY
LANSING



LIESL EICHLER CLARK
DIRECTOR

February 6, 2019

Ms. Latonya Rufus
City of Albion
112 West Cass Street
Albion, MI 49224

WSSN: 00100
Albion

Dear Ms. Rufus:

SUBJECT: VIOLATION NOTICE – Asset Management Program

The records of the Department of Environmental Quality (DEQ), Drinking Water and Municipal Assistance Division (DWMAD), show that Albion is in violation of the Safe Drinking Water Act 1976 PA 399, as amended (Act 399); R 325.11606, *Community water supplies; additional general plan requirements; asset management program; capital improvements plan.* of the 1979 Administrative Code.

In accordance with the rule cited above, a community water supply that serves more than 1,000 people shall implement an asset management program as defined in R 325.10102 beginning January 1, 2018. These requirements were outlined in a letter mailed to you on October 4, 2018. To date, the DEQ has not received evidence that such a program has been implemented by Albion.

The DEQ's investigation consisted of a review of DWMAD files for the submission of the required asset management program information.

The DEQ's investigation is considered complete. Albion was out of compliance on January 1, 2018, and remains out of compliance with R 325.11606.

To return to compliance, you must submit a report outlining your asset management program and actions relevant to implementing the program. This submission must be received by March 31, 2019. If you are not able to comply with that deadline, you must contact the DEQ to establish an alternate compliance schedule.

Guidance materials on the preparation and submission of Asset Management Programs (AMPs) can be found at www.michigan.gov/deq/0,4561,7-135-3313_3675_3691-428688--,00.html. Please contact me if the requirements are unclear or you have trouble finding the guidance materials. Your AMP can be mailed to your district engineer or submitted electronically to the email address for your respective district office. A contact information sheet is enclosed for your reference.

If you have any factual information you would like the DEQ to consider regarding the violations identified in this Violation Notice, please provide it in a written response by March 1, 2019.

Michigan's Lead and Copper Rule recognizes the benefits of addressing lead service lines through the water system's AMP. Greater flexibility in lead service line replacement is afforded to supplies that incorporate lead service lines into their AMPs. **You are encouraged to include lead service lines in your asset inventory if you have not already. Additionally, recent**

Ms. Latonya Rufus
Page 2
February 6, 2019

rule changes require the presence of lead service lines to be a factor in prioritizing asset criticality in the AMP by January 1, 2021.

The DEQ anticipates and appreciates your cooperation in resolving this matter. If you have any questions regarding this Violation Notice, please contact your district engineer according to the enclosed contact list.

Sincerely,

A handwritten signature in black ink that reads "Amy D. Lachance". The signature is fluid and cursive, with a long horizontal stroke at the end.

Amy Lachance
Assistant Division Director
Drinking Water and Municipal
Assistance Division

Enclosure

cc: DEQ District File

**City of Albion
FAIR HOUSING POLICY**



The City of Albion is committed to fair housing and will work aggressively to ensure that the City of Albion's housing developments comply fully with all state, federal, and local fair housing laws. The City has appointed the Planning Department as its fair housing contact. The Planning Department has an understanding of the Fair Housing Laws and will attend applicable training to remain informed.

The City of Albion has established a Fair Housing Log. The Fair Housing Log will be maintained by the Planning Department and will disclose information regarding any and all fair housing concerns and their outcomes. Fair housing issues identified in the community, such as in the newspaper, will be recorded in the log. Persons wishing to file a housing related complaint or concern will be referred to the Michigan Department of Civil Rights, HUD, and their local Fair Housing Center. Persons wishing to file a complaint or concern that is employment related will be referred to the Equal Employment Opportunity Commission and the Michigan Department of Civil Rights. The Planning Department will notify MSHDA if a complaint or concern is filed.

The Planning Department is accessible and barrier free. The City of Albion will make every attempt to reasonably accommodate all of its customers.

The City of Albion will include the Fair Housing Logo on all of its housing-related documents and advertisements. The City will post a Fair Housing poster in a place visible to the public. The City will secure and distribute Fair Housing material provided by MSHDA and various other Fair Housing agencies and organizations. "Fair Housing, It's Your Right" brochures will be distributed to all applicants.

The City of Albion will consider all applicants and contractors based on qualifications. No applicant or contractor will be denied housing or a contract based on their race, color, national origin, religion, age, sex, marital status, familial status and handicap. Persons raising concerns regarding discrimination will not be retaliated against. The City of Albion will request that both minority and women apply for assistance through the single-family and emergency assistance programs.

The City of Albion is committed to affirmative marketing and will identify its fair housing needs and barriers. The City of Albion will address these needs and barriers by establishing a plan to resolve and meet fair housing needs.

The City of Albion is committed to providing safe, affordable, decent, and sanitary housing located in areas where people choose to live.

Approved on _____, 2019

SECTION 3 POLICY

CITY OF ALBION

ECONOMIC OPPORTUNITIES POLICY FOR SECTION 3 COVERED CONTRACTS

Background:

Section 3 of the Housing and Urban Development Act of 1968, as amended, ("Section 3") requires that economic opportunities generated by certain U.S. Department of Housing and Urban Development financial assistance for housing and community development programs be directed to low- and very low-income persons, particularly those who are recipients of government assistance for housing, and business concerns which provide economic opportunities to low- and very low income persons¹.

Pursuant to Section 3 of the Housing and Urban Development Act of 1968, as amended and 24 CFR Part 135, The City of Albion ("The City") adopts this Economic Opportunities Policy for Section 3 Covered Contracts. The policy will provide direction for implementing Section 3, when required.

Policy Statement:

The City shall provide opportunities to low- and very low-income persons residing in the State of Michigan (as defined in § 135.5 of 24 CFR Part 135) and to businesses meeting the definition of "Section 3 Business Concern" (as defined by 24 CFR Part 135). Accordingly, The City shall implement policies and procedures to ensure that Section 3, when required, is followed and develop programs and procedures necessary to implement this policy covering all procurement contracts where labor and/or professional services are provided. This policy shall not apply to contractors who only furnish materials or supplies through Section 3 covered assistance. It will apply to contractors who install materials or equipment. (See the definition of "Section 3 Covered Contracts" below.) There is nothing in policy that should be construed to require the employment or contracting of a Section 3 resident or contractor who does not meet the qualifications of the position to be filled or who cannot fulfill the contract requirements.

¹24 CFR 135.1

Definitions:

The City incorporates into this policy the definitions contained in § 135.5 of 24 CFR Part 135.

Defined Terms of Policy:

- **Section 3** – Section 3 is a provision of the Housing and Urban Development Act of 1968, which recognizes that HUD funds are typically one of the largest sources of federal funding expended in communities through the form of grants, loans, entitlement allocations and other forms of financial assistance. Section 3 is intended to ensure that when employment or contracting opportunities are generated because a covered project or activity necessitates the employment of additional persons or the awarding of contracts for work, preference must be given to low- and very low-income persons or business concerns residing in the community where the project is located.
- **Section 3 Recipient** – means any entity which receives Section 3 covered assistance, directly from HUD or from another recipient and includes, but is not limited to, any State, unit of local government, PHA, IHA, Indian tribe, or other public body, public or private nonprofit organization, private agency or institution, mortgagor, developer, limited dividend sponsor, builder, property manager, community housing development organization, resident management corporation, resident council, or cooperative association. Recipient also includes any successor, assignee or transferees of any such entity, but does not include any ultimate beneficiary under the HUD program to which Section 3 applies and does not include contractors.
- **Section 3 Resident** – A section 3 resident is 1) a public housing resident; or 2) a low- or very low-income person residing in the metropolitan area or Non-metropolitan County in which the Section 3 covered assistance is expended.
- **Section 3 Business Concern(s)** – Section 3 Business Concerns are businesses that can provide evidence that they meet one of the following:
a) 51% or more owned by Section 3 residents; or b) at least 30% of its full time employees include persons that are currently Section 3 residents, or within three years of the date of first employment with the business concern were Section 3 residents; or c) provides evidence, as required, of a commitment to subcontract in excess of 25% of the dollar award of all subcontracts to be awarded to business concerns that meet the qualifications in the above two paragraphs.

- **Section 3 Covered Assistance** –
 - (a) Public and Indian housing development, operating or capital funds; or other housing assistance and community development assistance expended for housing rehabilitation, housing construction or other public construction projects, such as: CDBG, HOME, 202/811, Lead-Based Paint Abatement, etc.
 - (b) The following definition for Section 3 Covered Assistance comes from 24 CFR 135.5:
 - (1) Public and Indian housing development assistance provided pursuant to section 5 of the 1937 Act;
 - (2) Public and Indian housing operating assistance provided pursuant to section 9 of the 1937 Act;
 - (3) Public and Indian housing modernization assistance provided pursuant to section 14 of the 1937 Act;
 - (4) Assistance provided under any HUD housing or community development program that is expended for work arising in connection with:
 - (i) Housing rehabilitation (including reduction and abatement of lead-based paint hazards, but excluding routine maintenance, repair and replacement);
 - (ii) Housing construction; or
 - (iii) (Other public construction project (which includes other buildings or improvements, regardless of ownership).
- **Section 3 Covered Contract** – means a contract or subcontract (including a professional service contract) awarded by a recipient or contractor for work generated by the expenditure of Section 3 Covered Assistance, or for work arising in connection with a Section 3 Covered Project. “Section 3 Covered Contracts” do not include contracts awarded under HUD procurement program, which are governed by the Federal Acquisition Regulation System (see 48 CFR, Chapter 1). “Section 3 Covered Contracts” also do not include contracts for the purchase of supplies and materials. However, whenever a contract for materials includes the installation of the materials, the contract constitutes a Section 3 Covered Contract. For example, a contract for the purchase and installation of a furnace would be a Section 3 Covered Contract because the contract is for work (i.e., the installation of the furnace) and thus is covered by Section 3.
- **Section 3 Covered Project** – A section 3 covered project involves the construction or rehabilitation of housing (including reduction of lead-based paint hazards), or other public construction such as street repair, sewage line repair or installation, updates to building facades, etc.

- **Section 3 Covered Community Planning and Development Funding** – Community Development Block Grants (CDBG), Home Investment Partnership Assistance (HOME), Emergency Shelter Grants (ESG), Neighborhood Stabilization Programs (NSP), and certain grants awarded under HUD Notices of Funding Availability (NOFAs). The requirements for Section 3 only apply to the portion(s) of covered funding that were used for project/activities involving housing construction, rehabilitation, demolition, or other public construction.

Responsibilities:

1. A Recipient that receives community development or housing assistance covered by Section 3 has the responsibility to comply with Section 3 in its own operations. This responsibility includes:
 - a. Notifying Section 3 residents and businesses about jobs and contracts generated by Section 3 covered assistance so that residents may seek jobs and businesses may submit bids/proposals for available contracts;
 - b. Notifying potential contractors of the objectives of Section 3 and ways in which each contractor can assist the sub-recipient to meet its goal;
 - c. Facilitating the training and employment of Section 3 residents and the award of contracts to Section 3 business concerns; and
 - d. Documenting the action that the sub-recipient takes to comply with the Section 3 requirements, the results of the actions, and impediments, if any.
2. Recipients have a responsibility to “ensure compliance” of their contractors and subcontractors. This means that a sub-recipient must:
 - a. Notify contractors of their responsibilities under Section 3 including, but not limited to, incorporating the Section 3 Clause in contract documents.
 - b. Refrain from entering into contracts with contractors that are in violation of the regulations in 24 CFR Part 135.
 - c. Respond to complaints made to the recipient by Section 3 residents or business concerns that the sub-recipient, a contractor or subcontractor, is not in compliance with 24 CFR Part 135.
 - d. Cooperate with HUD in obtaining the compliance of contractors and subcontractors when allegations are made that the sub-recipient’s contractors and subcontractors are not in compliance with the regulation of 24 CFR Part 135.

Goals:

All contractors undertaking Section 3 covered projects and activities are expected to meet the Section 3 requirements. To demonstrate compliance with the "greatest extent feasible" requirement of Section 3, contractors must meet the goals set forth below for providing training, employment and contracting opportunities to Section 3 residents and Section 3 business concerns. To meet the goals, contractors must select Section 3 residents based on the following priorities pursuant to § 135.34, 24 CFR Part 135:

First Priority - Residents of the development where the work is to be performed.

Second Priority - Other residents of the neighborhood where the work is to be performed.

Third Priority - Other residents of the neighborhood who are participants in HUD-Youthbuild or others federal, state, and local job programs being carried out in the city or county area.

Fourth Priority - Other persons from the project metropolitan area who meet the definition of Section 3 resident contained in § 135.5 of 24 CFR Part 135.

Employment:

All contractors will seek low- or very low-income persons residing in the property metropolitan area for 30% of all new hires. When applicable, the contractor must show evidence of seeking project residents for 15% of the new hires.

Eligibility for employment or contracting nothing in this policy shall be construed to require the employment or contracting of a Section 3 resident or contractor who does not meet the qualifications of the position to be filled or who cannot perform the contract.

Preference for Section 3 Business Concerns:

Preference shall be awarded to Section 3 Business Concerns according to the following system:

- A. Where the Section 3 Covered Contract is to be awarded based upon the lowest price, the contract shall be awarded to the qualified Section 3 Business Concern with the lowest responsive quotation, if it is reasonable and no more than 10 percent higher than the quotation of the lowest responsive quotation from any qualified source. If no responsive quotation by a qualified Section 3 Business Concern is within 10 percent of the lowest responsive quotation from any qualified source, the award shall be made to the source with the lowest quotation. If it is reasonable and no more than 10 percent higher than the quotation of the lowest responsive quotation from any qualified source. If no responsive quotation by a qualified Section 3 Business Concern is within 10 percent of the lowest responsive quotation from any qualified source, the award shall be made to the source with the lowest quotation.
- B. Where the Section 3 Covered Contract is to be awarded based on factors other than price, a request for quotations shall be issued by developing the particulars of the solicitation, including a rating system for the assignment of points to evaluate the merits of each quotation. The solicitation shall identify all factors to be considered, including price or cost. The rating system shall provide for a range of 15 to 25 percent of the total number of available rating points to be set aside for the provision of preference for Section 3 Business Concerns. The purchase order shall be awarded to the responsible firm whose quotation is the most advantageous, considering price and all other factors specified in the rating system.

Competitive Bids: Procurement by Sealed Bids (Invitations for Bids)

Preference in the award of Section 3 Covered Contracts that are awarded under a sealed bid process may be provided as follows:

Bids shall be solicited from all businesses (Section 3 Business Concerns, and non-Section 3 Business Concerns). An award shall be made to the qualified Section 3 Business Concern with the highest priority ranking and with the lowest responsive bid if that bid—

1. Bids shall be solicited from all businesses (i.e. Section 3 Business Concerns and non-Section 3 Business Concerns). An award shall be made to the qualified Section 3 Business Concern with the highest priority ranking (as defined in 24 CFR Part 135) and with the lowest responsive bid if that bid:

A.) is within the maximum total contract price established in THE UGLG's budget for the specific project for which bids are being taken; and

B.) is not more than "X" higher than the total bid price of the lowest responsive bid from any responsible bidder. "X" is determined as follows:

X = lesser of:

When the lowest responsive bid is less than \$100,000 10% of that bid or \$9,000 When the lowest responsive bid is:

At least \$100,000, but less than \$200,000 9% of that bid or \$16,000 At

least \$200,000, but less than \$300,000 8% of that bid or \$21,000

At least \$300,000, but less than \$400,000 7% of that bid or \$24,000

At least \$400,000, but less than \$500,000 6% of that bid or \$25,000 At least

\$500,000, but less than \$1 million 5% of that bid or \$40,000 At least \$1

million, but less than \$2 million. . . . 4% of that bid or \$60,000 At least \$2

million, but less than \$4 million. . . . 3% of that bid or \$80,000 At least \$4

million, but less than \$7 million. . . . 2% of that bid or \$105,000

\$7 million or more 1.5% of the lowest responsive bid, with no dollar limit.

2. If no responsive bid by a Section 3 Business Concern meets the requirements of paragraph 1 of this section, the contract shall be awarded to a responsible bidder with the lowest responsive bid.

3. In both paragraph 1 and 2 above, a bidder, to be considered as responsible, must demonstrate compliance with the "greatest extent feasible" requirement of Section 3.

Compliance

HUD holds The City accountable for compliance with Section 3 requirements. In its written agreement with its housing partners, The City will site Section 3 obligations. When a housing partner is unable to meet Section 3 goals, The City will place the burden of proving compliance with Section 3 on the recipient.

The minimum numerical goal for employment is 30 percent of the aggregate number of new hires shall be Section 3 residents annually—i.e., 1 out of 3 new employees needed to complete a Section 3 covered project/activity shall be a Section 3 resident.

The minimum goals for contracting are:

- Ten percent of the total dollar amount of all Section 3 covered contracts for building trades work for maintenance, repair, modernization or development of public or Indian housing or building trades work arising in connection with housing rehabilitation, housing construction and other public construction, shall be awarded to Section 3 businesses; and
- Three percent of the total dollar amount of all non-construction Section 3 covered contracts, shall be awarded to Section 3 businesses.

Safe harbor and compliance determinations: In the absent of evidence to the contrary (i.e., evidence that efforts to the “greatest extent feasible” were not expended), if a recipient or contractor meets the minimum numerical goals shown above, the recipient or contractor is considered to have complied with Section 3 preference requirements.

The recipient will be expected to demonstrate why it was not feasible to meet the goals. At a minimum, if recipients of Section 3 Assistance are unable to meet their Section 3 training, hiring, and contracting goals, they should sponsor or participate in upward mobility programs, hire eligible residents in trainee positions with regard to training and employment, or form Section 3 joint ventures with various local employment agencies.

Data Collection and Reporting:

The City will collect and submit required Section 3 data and complete Section 3 reporting requirements.

Adopted _____ Passed by _____

Signed by _____ Title _____

Date _____ Attest _____

CITY OF ALBION ORDINANCE 2018-08

AN ORDINANCE TO PROVIDE A CODE OF ETHICS FOR THE CITY COUNCIL AND TO CREATE SECTION 1-28 OF THE ALBION CODE OF ORDINANCES

FINDINGS AND PURPOSE: The Albion City Council recognizes that the citizens of Albion are entitled to have fair, ethical, and accountable local government that has earned the public's full confidence for integrity. The Albion City Council further recognizes that the effective functioning of democratic government requires that public officials comply with all aspects of the law affecting the operations of government, be impartial and fair in their judgment and actions, use the public office for public good, and conduct process openly in an atmosphere of respect and civility. To that end, it is recommended that the City of Albion adopted the following ethics ordinance.

THAT THE CODE OF ORDINANCES, CITY OF ALBION, MICHIGAN, IS HEREBY AMENDED BY ADDING SECTION 1-28, WHICH READS AS FOLLOWS:

Section 1:

CHAPTER 1, SECTION 1-28: ETHICS

1-28:

- A. **Acting in the Public Interest**: Members of the City Council will work for the common good of the people of Albion and not for any private or personal interest, and they will assure fair and equal treatment of all persons, claims, and transactions coming before the Albion City Council.
- B. **Compliance with the Law**: Members of the City Council shall comply with the laws of the United States, the State of Michigan, and the City of Albion in the performance of their public duties.
- C. **Respect for Process**: The City Council shall perform their duties in accordance with the processes and rules of order established by the City Council which govern the deliberation of public policy issues, meaningful involvement of the public, and implementation of policy decisions of the City Council by the City Staff.
- D. **Preparation for Public Meetings**: Members of the City Council shall prepare themselves for council meetings and public issues.
- E. **Full Disclosure**: A City Council member, in the performance of their public duties, shall not act upon any matter in which they have a direct or indirect financial interest, or where they have a legal or fiduciary duty to another

organization or entity or personal relationship that may give the appearance of a conflict of interest, without disclosing the full nature and extent of the interest to the other members of the City Council at a public meeting. Such disclosure shall be made before the time to perform their duty.

- F. **Confidential Information**: City Council members shall respect the confidentiality of information concerning the property, personnel or affairs of the City. They shall neither divulge to an unauthorized person confidential information acquired in the course of their duties in advance of the time prescribed for its authorized release to the public without proper legal authorization, no use such information to advance their personal, financial or other private interests.

- G. **Public Resources**: Public resources, including city staff time, equipment, supplies, and facilities, not available to the public in general shall on be used for the benefit of the public and not for a council member's personal or private use.

- H. **Representation of Private Interests**: A City Council member shall represent the official policies or positions of the City Council to the best of their ability when designated as delegates for this purpose. When presenting their individual opinions and positions, City Council members shall neither state nor imply that they represent the opinions or positions of the City Council of the City of Albion.

- I. **Policy Role of Council**: Members of the City Council shall respect and adhere to the Council-manager City of Albion form of government as provided in the City of Albion Charter. Members of the City Council shall not interfere with the administrative functions of the City or the professional duties of City staff; nor shall they impair the ability of stall to implement City Council policy decisions.

- J. **Independence of Boards and Commissions**: Members of the City council shall, except when the council member is a member of the subordinate public body, limit their participation in the proceedings of subordinate boards, committees, and commissions to the communication of requested information and providing factual information relevant to the discussion at hand and shall not otherwise attempt to unduly influence the deliberations or outcomes of the proceedings.

- K. **Positive Workplace**: Under no circumstances shall a member of the City Council, either in public or private, intimidate, humiliate, or otherwise abuse a City employee.

- L. **Continuing Training**: A biennial workshop shall be held after the general election in every odd numbered year not later than 60 days after the general

election for training to be provided by the city attorney, the Michigan Municipal League or similar entity, or any other entity or group retained by the city regarding the role and duties of the council members and the requirements of this ordinance. Unless excused by a majority vote of the remaining council member, all council members shall attend this workshop, or a make-up session as soon as may be practicably scheduled.

M. **Affirmation**: At the first meeting immediately following a general election, newly elected council members and the mayor shall sign an affirmation shall sign a statement affirming that they have read and understood this ordinance. In the event of the appointment of councilperson or mayor to a partial term, said affirmation shall be signed at the next regularly scheduled meeting of the council.

N. **Enforcement and Penalties**: All City Councilmembers and the Mayor shall have the primary responsibility to assure that they understand and meet the standards set forth in this ordinance and that the public can continue to have full confidence in the integrity of government. The disciplinary procedure shall be as follows:

- i. A councilmember shall intervene when the council member learns of actions of another council member that appear in violation of this ordinance. Upon acquiring reasonable suspicion of a violation of this ordinance, a council member may request that the mayor meet personally with the council member to notify them of the suspected misconduct and attempt to resolve the issue. In the event the Mayor is suspected of violating this ordinance, said meeting may be held with any two members of council.
- ii. In the event the meeting as described in subsection (N)(i) does not satisfactorily resolve the issue, or in the event the suspected council member has repeatedly violated this ordinance, or if the violation is viewed to be especially serious, any three council members may call for a public hearing before council to determine whether the alleged violation has occurred, and if so, what sanctions, if any should be imposed. Said public hearing shall occur within 30 days of the date of the alleged violation.
- iii. If it has been determined to hold a public hearing as provided in subsection (N)(ii), all council members shall be provided with a written summary of the facts giving rise to the alleged violation at least 10 days prior to the public hearing.
- iv. City staff required to participate in the public hearing, including but not limited to the city attorney and city clerk, shall not be

subject to any discipline, sanction, or any other adverse action whatsoever as a result of the performance of their duties as required by this ordinance.

- v. The mayor, or if the mayor is the subject of the alleged violation, the mayor pro tem, shall preside over the public hearing.
- vi. The presiding council member may determine whether the evidence presented against the council member, or in defense of the council member, is relevant to the allegation(s) against the council member and may preclude its consideration. The presiding council member shall seek guidance from the city attorney regarding hearing procedural and evidentiary issues.
- vii. Witnesses shall be sworn by the city clerk or the clerk's designee is the designee is legally authorized to administer oaths.
- viii. The council as a body, and the accused council member, may each be entitled to have an attorney present at the hearing for consultation. However, there shall be no right for attorneys to make opening or closing statements, question witnesses, present evidence, or offer arguments.
- ix. The rules of evidence and civil procedure shall not apply to public hearings held under this ordinance.
- x. Any member of council may ask questions of witnesses.
- xi. The accused council member may present witnesses in their defense after the presiding council member has presented all evidence supporting a violation. The accused council member shall be provided 10 minutes to provide closing comments at the conclusion of evidence.
- xii. At the conclusion of the presentation of evidence or the closing comments of the accused council member, whichever is later, council members, excluding the accused council member, shall vote to determine whether or not there is a violation by a super majority vote.
- xiii. The council may impose sanctions on a council member who violates this article. After a majority vote finding a violation of this article, a second majority vote shall determine what sanctions, if any, shall be imposed.

- xiv. Sanctions may include reprimand, formal censure, a civil fine, loss of committee assignment, restrictions on budget or travel, and a request to the governor for removal from office in the manner and for the causes provided by law.
- xv. Sanctions shall be imposed based upon the perceived severity level of the violation, with the following guidance:
 - 1. For a level 1 violation, penalty options include a verbal reprimand, a civil fine not to exceed \$100.00, or an additional and/or greater sanction as may be determined by a majority vote of council. A violation of the following subsections of section 1-28 shall minimally result in a level 1 violation: A, C, D, E, K, or L;
 - 2. For a Level 2 violation, penalty options shall include censure, which shall be defined as a formal council resolution for specified conduct, a civil fine not to exceed \$300.00 and/or a greater sanction as may be determined appropriate by the majority of council. A violation of the following subsections of section 1-28 shall minimally result in a level 2 violation: B, F, G, H, I, J;
 - 3. For a level 3 violation, the penalty options shall include censure, a civil fine not to exceed \$500.00, and/or a request to the governor for removal. A third level 1 violation, or a second level 2 violation within 6 months of a prior violation found by the council.

O. **Appellate Review**. If ordered to pay a civil penalty, an appeal may be taken in the form of a trial de novo in the 10th District Court for the County of Calhoun, which shall hear the case in accordance with the Michigan Court Rules. This appeal must be taken within 21 days of the decision by the City Council. If a council member is disciplined or removed from office that council member may seek any other available remedies which exists at law or in equity.

Section 2: Validity and Severability. The provisions of this Ordinance are severable and the invalidity of any phrase, clause or part of this Ordinance shall not affect the validity or effectiveness of the remainder of the Ordinance.

This Ordinance shall take effect December 14, 2018 after publication.

First Reading:
October 15, 2018

Ayes _____
Nays _____
Absent _____

Jill Domingo,
City Clerk

Second Reading & Adoption:
November 19, 2018

Ayes _____
Nays _____
Absent _____

Garrett Brown,
Mayor