
RULE OF THE CHAMBER

Any person wishing to address City Council shall step up to the lectern, state their name and address in an audible tone of voice for the record, and unless further time is granted by the presiding officer, shall limit their address to three (3) minutes. A person may not give up or relinquish all or a portion of their time to the person having the floor or another person in order to extend a person's time limit in addressing the Council.

Any person who does not wish to address Council from the lectern, may print their name, address and comment/question which he/she would like brought before Council on a card provided by the Clerk/Treasurer and return the card to the Clerk/Treasurer before the meeting begins. The Clerk/Treasurer will address the presiding officer at the start of Citizen Comments on the Agenda, notifying him of the card comment, and read the card into the record for response.

Those who want to use audio and image recording equipment in Council Chambers that requires a monopod, tripod or other auxiliary equipment for the audio and image devices shall notify the City Clerk before the meeting begins. Arrangements will be made to accommodate the request in a manner that minimizes the possibility of disrupting the meeting. No additional illuminating lights may be used in Council Chambers unless a majority of City Council members consent. Additionally, cell phones and pagers should be set to vibrate or silent mode when inside Council Chambers.

Should any person fail or refuse to comply with any Rules of the Chamber, after being informed of such noncompliance by the presiding officer, such a person may be deemed by the presiding officer to have committed a breach of the peace by disrupting the public meeting, and the presiding officer may then order such person excluded from the public meeting under Section 3 (6) of Open Meetings Act, Act 267 of 1976.

You will notice a numbering system under each heading. There is significance to these numbers. Each agenda item is numbered consecutively beginning in January and continues through December of each calendar year.

The City of Monroe will provide necessary reasonable auxiliary aids and services to individuals with disabilities at the meeting/hearing upon one week's notice to the City Clerk/Treasurer. Individuals with disabilities requiring auxiliary aids or services should contact the City of Monroe by writing or calling: City of Monroe, City Clerk/Treasurer, 120 E. First St., Monroe, LA 70161, (734) 384-9136. The City of Monroe website address is www.monroemi.gov.

**AGENDA - CITY COUNCIL REGULAR MEETING
MONDAY, AUGUST 2, 2010**

I. CALL TO ORDER.

II. ROLL CALL.

III. INVOCATION/PLEDGE OF ALLEGIANCE.

IV. PRESENTATION.

Presentation by Linda Shipman, Monroe Multi-Sports Complex Manager regarding the proposed rates and area market rates.

V. PROCLAMATION.

162 Hofu Student City Day, August 2nd, 2010.

VI. CONSENT AGENDA. (All items listed under the Consent Agenda are considered to be routine by Mayor and Council and will be approved by one motion, unless a Council member or citizen requests that an item be removed and acted on as a separate agenda item)

A. Approval of the Minutes of the Regular Meeting held on Monday, July 19, 2010 and the Minutes of the Work Session held on Monday, July 19, 2010.

B. Approval of payments to vendors in the amount of \$_____.
Action: Bills be allowed and warrants drawn on the various accounts for their payment.

163 Memorial 9/11 "Bike Night".

1. Communication from the City Manager's Office, reporting back on a request from Firefighter Mike DeSloover on behalf of the Firefighters Local 326 for permission to hold the 4th annual 9/11 Memorial Bike Night on September 11, 2010, and to close E. First Street between Macomb and Monroe Street, Washington Street between E. Second and E. Front Street, and E. Front Street from S. Macomb to S. Monroe Street from 5:00 p.m. – 10:00 p.m., and recommending that Council approve the request contingent upon items being met as outlined by the administration, subject to costs recovery & fee waivers in accordance with City Council adopted policy, and that the City Manager be granted authority to alter/amend the event due to health and/or safety reasons.
2. Supporting documents.
3. Action: Accept, place on file and the recommendation be carried out.

- 164 Clean Michigan Initiative \$1 M Brownfield Redevelopment Loan for Ventower Industries.
1. Communication from the Interim Director of Planning & Recreation, submitting a loan agreement from Michigan Department of Natural Resources and Environment (MDNRE) Brownfield Redevelopment for Ventower Industries project, and recommending that Council authorize the Monroe Brownfield Redevelopment Authority to proceed in accepting the MDNRE Clean Michigan Initiative Brownfield Redevelopment Loan for the Ventowers Industries Project.
 2. Supporting documents.
 3. Action: Accept, place on file and the recommendation be carried out.
- 165 Sale and Conveyance of Land at the Port of Monroe.
1. Communication from the Interim Director of Planning & Recreation, submitting a resolution and a request from the Monroe Port Commission to obtain authorization from Council for the sale and conveyance of certain properties located at the Port of Monroe to Great Lakes Tower, LLC/Ventower Industries, and recommending that the attached resolution approving the sale of 38+ acres located at the Port of Monroe (see Exhibit A attached) be adopted and the sale subject to the terms and conditions of the real estate purchase agreement between the Port of Monroe and Great Lakes Tower, LLC/Ventower Industries and attached herewith.
 2. Supporting documents.
 3. Action: Accept, place on file and resolution be adopted.
- 166 Ballot proposals for consideration by voters of amendments of the City Charter Sections C-10, C-46, C-47 and C-80.
1. Communication from the City Manager, submitting four (4) resolutions that would place four (4) charter amendments on the November ballot and if approved by the voters the charter amendment language proposed would do the following:
Resolution #A – Amends Section 10 of the Monroe City Charter, pertaining to officers elected, by removing language referring to the Clerk/Treasurer.
Resolution #B – Amends Section 46 of the Monroe City charter, pertaining to elective officers designated by removing language referring to the Clerk/Treasurer.
Resolution #C – Amends Section 47 of the Monroe City Charter, pertaining to officers of the City appointed, by adding language referring to the Clerk and Treasurer appointments and by removing language pertaining to other appointed officers of the City that are no longer valid and/or can be included under ordinance designated appointments.
Resolution #D – Amends Section 80 of the Monroe city charter, pertaining to Authority of the City Manager, by removing and modifying language that will further consolidate most employment management responsibilities with the City Manager, under policies and guidelines reviewed and approved by the Mayor and City Council and recommending that Council approve Resolutions A, B, C, and D, placing the proposed charter amendments on the November 2, 2010 ballot, for consideration by City of Monroe Voters.
 2. Supporting documents.
 3. Action: Accept, place on file and the resolution be adopted.
- 167 Ballot proposal for consideration of the repeal of City Charter Sections C-325 through 345, aka Police Civil Service.
1. Communication from the City Manager, submitting a ballot proposal for the repeal of City Charter Sections C-325 through C-345, asking the City of Monroe voters to consider repeal of the Police Civil Service provision of the City Charter, and recommending that Council approve the attached

resolution that would place repeal of City Charter Sections C-352 through C-345 on the November 2, 2010 general election ballot, for consideration by City of Monroe voters.

2. Supporting documents.
3. Action: Accept, place on file and the resolution be adopted.

168 Ballot proposal for consideration of the rescission of Fire Department Civil Service under Michigan Public Act 78.

1. Communication from the City Manager, submitting a ballot proposal for the rescission of Fire Department Civil Service under Michigan Public Act 78, asking City of Monroe voters to consider rescission of the Fire Department Civil Service System, and recommending that Council approve the attached resolution that would place rescission of the Fire Department Civil Service provisions under P.A. 78 of 1935 on the November 2, 2010 general election ballot, for consideration by City of Monroe voters.
2. Supporting documents.
3. Action: Accept, place on file and the resolution be adopted.

169 Ballot proposal for voter consideration of the repeal of City Charter Sections C-48, C-49, C-50, C-228, C-229, and C-230.

1. Communication from the City Manager, submitting a ballot proposal for repeal of Charter Sections C-48 through C-50 and C-228 through C-230, which have now been obsolete and or non-existent for years, and recommending Council approve the attached resolution that would place repeal of Sections C-48, C-49, C-50, C-228, C-229, and C-230 on the November 2, 2010 general election ballot, for consideration by City of Monroe voters.
2. Supporting documents.
3. Action: Accept, place on file and the resolution be adopted.

170 User rates and fees for the Monroe Multi-Sports Complex.

1. Communication from the City Manager, submitting a proposed rate and fees schedule for the Monroe Multi-Sports Complex, and recommending Council approve the attached Monroe Multi-Sports Complex 2010-2011 rate schedule submitted by Canlan Management.
2. Supporting documents.
3. Action: Accept, place on file and the recommendation be carried out.

VII. MAYOR'S COMMENTS.

VIII. CITY MANAGER COMMUNICATION.

IX. COUNCIL COMMENTS.

X. CITIZEN COMMENTS

XI. ADJOURNMENT.

PROCLAMATION

WHEREAS, Hofu, Japan, and Monroe, Michigan, the United States of America, have developed a friendly relationship with each other through educational, cultural, and economic exchanges; and

WHEREAS, a Sister City Relationship between Hofu, Japan, and Monroe, Michigan, the United States of America was entered into on August 19, 1993; and

WEREAS, Reo Tanaka, Machiko Sado, Misako Kudo, Masanori Kono, and Kohei Iwamoto, exchange students from our sister city, Hofu, Japan, accompanied by their chaperone's Mr. Katsuaki Ota, Assistant Manager of Hofu International Affairs Office, and Ms. Nanami Iwasaki are the esteemed visitors of the City of Monroe; and

WHEREAS, it is the intent of the City of Monroe that the hosting of such honored international guests not go unrecognized.

NOW, THEREFORE, I, Robert E. Clark, Mayor of the City of Monroe, with the full support of City Council, do hereby proclaim August 2, 2010 as

“HOFU CITY STUDENTS DAY”

in the City of Monroe, and on behalf of the citizens of Monroe, we warmly welcome our Japanese guests to our City.

IN WITNESS WHEREOF, We have hereunto set our hands and caused the Seal of the City of Monroe to be affixed this 2nd day of August, 2010.

Council Members:

Robert E. Clark, Mayor

Jeffery A. Hensley, Precinct 1

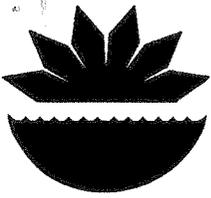
Edward F. Paisley, Precinct 2

Christopher M. Bica, Precinct 3

Jeremy J. Molenda, Precinct 4

Mary V. Conner, Precinct 5

Brian P. Beneteau, Precinct 6



CITY COUNCIL AGENDA FACT SHEET

RELATING TO: SEPTEMBER 11TH MEMORIAL "BIKE NIGHT"

DISCUSSION:

The City received a request from Fire Captain Mike DeSloover on behalf of the Firefighters Local 326 for permission hold the 4th annual September 11th Memorial Bike Night and to close the affected streets. Specifically the request is to close East First Street between Macomb and Monroe, Washington Street between E. Second and E. Front Street, and E. Front Street from S. Macomb to S. Monroe Street from 5:00 p.m. – 10:00 p.m. for the purpose of parking motorcycles for display and to use the Loranger Square pavilion for music.

Donations from this event will be collected and all proceeds will be donated to the Great Lakes Burn Camp.

The request was sent to the administrative staff for their review. We do not foresee any problems or objections to the request subject to emergency vehicle access being maintained and certificate of insurance. It was also recommended that residents and businesses in the downtown area be made aware of the event and street closures. DPS personnel will place and pick up barricades on normal hours (9/10 & 9/13); volunteers will need to set up and remove during actual closure.

The Police Department recommends a minimum of three officers and a supervisor be assigned to the event this year. The officers will monitor the closed roadways, assure motorcycles are parking properly (not on sidewalks/crosswalks), and make bar checks of the nearby establishments to monitor the participants behavior and possible LCC violations. (Police Dept.'s labor estimate for this event is approximately \$771.95.00 depending on staffing levels.) **In addition, MPD strongly recommends that the "moment of Noise" be shortened to the original minute.** Last year's moment of noise was closer to 10 minutes and we did receive noise complaints from residents. The Monroe Fire Department could give a short blast on their siren to signify the start of the moment proceeded by a longer blast to signify the end of it.

Permission to use the Loranger Square pavilion must be obtained through the County of Monroe.

Therefore, it is recommended, that City Council approve the request contingent upon items being met as outlined by the administration, subject to costs recovery & fee waivers in accordance with City Council adopted policy, and that the City Manager be granted authority to alter/amend the event due to health and/or safety reasons.

CITY MANAGER RECOMMENDATION:

- For
- For, with revisions or conditions
- Against
- No Action Taken/Recommended

APPROVAL DEADLINE:

REASON FOR DEADLINE:

STAFF RECOMMENDATION:

For

Against

REASON AGAINST:

INITIATED BY: City Manager's Office

PROGRAMS, DEPARTMENTS, OR GROUPS AFFECTED: D.P.S., Police, Attorney, Engineering, Fire, Finance, Building and Manager

FINANCES

COST AND REVENUE PROJECTIONS:

| | |
|---------------------------------|----|
| Cost of Total Project | \$ |
| Cost of This Project Approval | \$ |
| Related Annual Operating Cost | \$ |
| Increased Revenue Expected/Year | \$ |

SOURCE OF FUNDS:

City

Account Number

Amount

\$
\$
\$
\$
\$
\$
\$
\$

Other Funds

Budget Approval: _____

FACT SHEET PREPARED BY: City Manager's Office

DATE: 7/27/10

REVIEWED BY:

DATE:

COUNCIL MEETING DATE: 8/02/10

Weaver, Patricia

From: Evans, Charles
Sent: Friday, July 09, 2010 10:24 AM
To: Weaver, Patricia
Subject: FW: Sept. 11th Bike Night

From: Desloover, Michael
Sent: Friday, July 09, 2010 10:14 AM
To: Evans, Charles
Cc: Ford, Thomas; Reed, Timothy; Whittaker, Derek
Subject: Sept. 11th Bike Night

City of Monroe Clerk, Charles Evans,

The City of Monroe Firefighters, IAFF Local 326, is having their 4th September 11th Memorial Bike Night on Saturday, Sept. 11th, 2010. The main purpose of this venture is to remember the 343 firefighters and the remaining 2476 victims that died on that terrible day. We invite people to the Downtown area for that remembrance. We have worked with the Downtown businesses to help with this cause by asking them to give discounts to the people that attend. We ask for a \$5 donation for those discounts and then donate the funds to the Great Lakes Burn Camp which you can read about at their website. In the past years we have asked City Council permission to close portions of the Downtown areas so that we can park motorcycles without downtown car traffic. Last year we had nearly 1000 bikes in the Downtown area. Because of the increasing popularity of the event and the fact that it will fall on a Saturday night we believe that we will need additional space for parking. We are predicting 1200 to 1500 bikes. We are asking permission to close off the areas of Front St. from Macomb and Monroe, First St. from Macomb and Monroe, and Washington St. from E. Second and Front. The members of the City Council that attended last year's event will attest to need for additional closures. Please consider this request.

Mike DeSloover

RECEIVED

JUL 13 2 2010

MAYOR'S OFFICE

Memorandum

To: Thomas Moore, Acting Chief of Police
From: Sgt. Thomas J. Mohrbach
CC: Sgt. DelPiombo
Date: July 18, 2009
Re: Staff Study – MFD Bike Night, Friday, September 11, 2010 (5:00pm-10:00pm).

The City of Monroe Firefighters Local 326 is once again organizing a "Bike Night" to benefit the Great Lakes BURN Camp. This will be the fourth such event. They are requesting the closure of Washington Street between E. Front & E. First Streets, E. Front Street between S. Monroe & S. Macomb Street, as well as E. First between Monroe & S. Macomb Streets, to allow room for parking the motorcycles. The event is slated for Saturday, 09/11/10 from 5:00pm-10:00pm. The organizers plan on charging \$5.00 per bike. Area businesses will be offering discounts on food & beverages to participants that have the proper wrist bands.

The organizers are also checking into the possibility of having some type of music at Loranger Square. The event planner, Mike DeSloover, estimated last years at approximately 1000 bikes with approximately 1500 participants (passengers included). This year he estimates that figure to increase by 50 %.

I recommend that a minimum of three officers and a supervisor are assigned to the event this year. The officers will perform several functions: monitor the closed roadways, assure motorcycles are parking properly (not on sidewalks/crosswalks), and make bar checks of the nearby establishments to monitor the participants behavior and possible LCC violations. I personally attended this event last year on an off duty basis and note that the attendance was very large. Although the crowd was well behaved, a minor disturbance could quickly escalate to a large brawl. I am recommending an additional officer added to total four officers (includes supervisor), to coordinate the patrols of the area, and to assist the officers in their duties, especially since attendance is estimated to increase significantly once again this year.

In addition it should be noted that the "moment of noise" that started out as a minute in duration each year has become progressively longer. Last year's moment of noise was closer to ten minutes of non-stop 1000 motorcycles revving their engines at full throttle. I am not suggesting eliminating the moment of noise but strongly recommend that the duration be shortened to the original minute. This should be stressed by the event organizer. In past events MFD gave a short blast on their siren to signify the start of the moment. They should also give a longer blast to signify the end of it.

Motor unit officers have been given preference to this in the past as the presence of their bikes gives an added PR benefit. I recommend this preference be continued unless none volunteer.

Cpl. Liechty is currently scheduled to work during the event hours. Provided vacation and/or sick days do not take the shift below minimum staffing levels, he could be one of the officers assigned to the event without generating overtime. The other motor unit officers, Cpl. Brady or Tamsen would be available on overtime. The total cost for the event with staffing as recommended will be \$771.95, provided Cpl. Liechty is available at straight time. If not the cost will be slightly higher.

I recommend approval of this event provided the recommend police coverage is authorized and any applicable permits are obtained.

EVENT COORDINATORS: Mike DeSloover 241-1626

CITY OF MONROE INTERDEPARTMENT ACTIVITY FORM

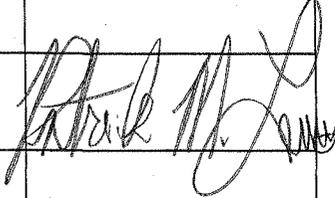
ADMINISTRATIVE ACTIVITY: Request from Firefighters Local 326 for permission hold the 4th annual 9/11 Memorial Bike Night and to close the affected streets. Specifically the request is to close Washington Street between E. Second and E. Front Street and E. Front Street from S. Macomb to S. Monroe Street from 5:00 p.m. – 10:00 p.m. for the purpose of parking motorcycles for display and to use the Loranger Square pavilion for music.

INITIATING DEPARTMENT: City Manager's Office

DATE: 7/12/10

SUSPENSE: A.S.A.P.

DEPARTMENT ROUTING:

| DEPARTMENT | ACTIVITY REQUIRED | DATE RECEIVED | DATE TRANSMITTED | DEPARTMENT SIGNATURE |
|------------|--------------------|---------------|------------------|---|
| B. LaRoy | Review and Comment | | | |
| J. Lehmann | Review and Comment | | | |
| ✓ P. Lewis | Review and Comment | 07/12/10 | 07/14/10 |  |
| J. Mominee | Review and Comment | | | |
| T. Moore | Review and Comment | | | |
| E. Sell | Review and Comment | | | |
| G. Brown | Review and Comment | | | |

SUMMARY:

No objections, Public Services personnel will place barricades prior to end of day on September 10 and pick up September 13. Event organizers can place into and remove from street as needed.



CITY COUNCIL AGENDA FACT SHEET

RELATING TO: Clean Michigan Initiative \$1M Brownfield Redevelopment Loan for Ventower Industries

DISCUSSION: In May of 2009, the Monroe City Council authorized the repayment of a \$1,000,000 Michigan Department of Natural Resources and Environment (MDNRE) Brownfield Redevelopment Loan by the Monroe Brownfield Redevelopment Authority (BRA) through the capture of tax increment revenues generated by the Ventower Industries project. This authorization was granted in resolution R09-31. With adoption of the resolution, it was understood the BRA would seek approval from City Council prior to entering into any agreements pertaining to the loan.

Since this authorization was given, the project which it is funding has progressed to the extent where it is clear the loan, or some portion of it, will be required for completion. The loan funds will be used to carry out environmental activities detailed in the work plan previously approved by the MDNRE. These environmental activities include soil stabilization (foundation work), vapor barrier installation, and exposure barrier construction.

As was indicated in resolution R09-31, this loan will be repaid to the State of Michigan by way of tax increment revenues captured from value added to the Ventower Industries property in the form of real and personal property.

IT IS THEREFORE RECOMMENDED that City Council authorize the Monroe Brownfield Redevelopment Authority to proceed in accepting the MDNRE Clean Michigan Initiative Brownfield Redevelopment Loan for the Ventowers Industries project.

CITY MANAGER RECOMMENDATION:

- For
 For, with revisions or conditions
 Against
 No Action Taken/Recommended

APPROVAL DEADLINE: August 2, 2010

REASON FOR DEADLINE: Approval required to avoid interruption of field work

STAFF RECOMMENDATION: X For Against

REASON AGAINST: N/A

INITIATED BY: Department of Planning and Recreation

PROGRAMS, DEPARTMENTS, OR GROUPS AFFECTED: Monroe Brownfield Redevelopment Authority, Taxing Jurisdictions, Port of Monroe, Planning Office

FINANCES

| | | |
|--------------------------------------|---------------------------------|--------|
| COST AND REVENUE PROJECTIONS: | Cost of Total Project | \$ n/a |
| | Cost of This Project Approval | \$ n/a |
| | Related Annual Operating Cost | \$ n/a |
| | Increased Revenue Expected/Year | \$ n/a |

| | | | |
|-------------------------|--------------------|----------------|--------|
| SOURCE OF FUNDS: | <u>City</u> | Account Number | Amount |
| | | | \$ |
| | <u>Other Funds</u> | | \$ |

Budget Approval: _____

FACT SHEET PREPARED BY: Matt Wallace, Planner 

DATE: 7/28/10

REVIEWED BY: Jeffrey Green, AICP, Director of Planning and Recreation 

DATE: 7/28/10

COUNCIL MEETING DATE: August 2, 2010



CITY OF MONROE
Brownfield Redevelopment Authority

Harry F. Borchert
Administration Building
2929 East Front Street
P.O. Box 585
Monroe, MI 48161-0585
PHONE (734) 241-6480
FAX (734) 241-2964

July 21, 2010

Honorable Mayor Robert E. Clark
and Council Members
City of Monroe
120 E. First Street
Monroe, MI 48161

RE: Michigan Department of Natural Resources and Environment (MDNRE)
Clean Michigan Brownfield Redevelopment Loan of \$1 Million

Dear Mayor and Council:

By adopting Resolution R09-31 in May of 2009, the City Council authorized the repayment of the \$1 Million Brownfield Redevelopment Loan awarded to the BRA by the MDNRE for the Great Lakes Towers/Ventowers Project from tax increment revenues captured from the Project investments; provided, however, that the BRA seek further approval before drawing on the CMI loan proceeds. The Project has progressed sufficiently over the past 14 months for GLT to determine that some or all of the CMI loan will be required to complete the environmental work plan approved by MDNRE.

Based on a review of GLT's presentation at its last meeting on July 15, 2010, the BRA board authorized the chairman to send a letter to Mayor and Council seeking approval from the City Council to use the CMI loan proceeds for the environmental activities approved by MDNRE. The approved activities include soil stabilization (foundation work), vapor barrier installation, and exposure barrier construction.

The CMI loan will be repaid from tax increment revenues captured from the increase in the taxable value of the real estate, site improvements and from the new equipment as reflected in the revised Brownfield Plan Tables 2 and 3. The CMI Loan will be paid first and prior to any other disbursements from the tax increment revenues from this Project.

Please contact me with any additional questions or comments.

Thomas A. Krzyston, Chairman
City of Monroe BRA

RECEIVED

JUL 26 2010

MAYOR'S OFFICE

RESOLUTION

WHEREAS, the State of Michigan, through its Michigan Department of Environmental Quality, has made funding available for Brownfield Redevelopment through the Clean Michigan Initiative Implementation, Parts 195, 196, and 201, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA); and

WHEREAS, the proposed Port of Monroe site for which the CMI funds will be used is the largest area of undeveloped industrial property remaining in the City of Monroe, lying south of E. Front Street, north of Plum Creek Bay and east of I-75; and

WHEREAS, the City of Monroe has prioritized development of this acreage in its economic development plan; and

WHEREAS, the Brownfield Redevelopment Authority has submitted an application to the Michigan Dept. of Environmental Quality for funding through the Clean Michigan Initiative for a \$1,000,000 Brownfield Redevelopment Grant; \$70,000 Assessment Grant, and a \$1,000,000 Brownfield Redevelopment Loan; and

WHEREAS, the proposed use of the CMI funds applied for by the Brownfield Redevelopment Authority will be used to conduct Baseline Environmental Activities and other DEQ approved eligible activities; and

WHEREAS, the new proposed industry will compliment and support Michigan's green energy initiative with its fabrication of towers for wind driven electrical generators; and

WHEREAS, this project will generate additional tax base for the City of Monroe and provide good paying jobs for our citizens.

NOW, THEREFORE, BE IT RESOLVED THAT the Monroe City Council, subject to the following paragraph, authorizes repayment of the \$1,000,000 Brownfield Redevelopment Loan by the Monroe Brownfield Redevelopment Authority from tax increment revenues captured from the taxes paid by the new proposed industry and other Brownfield projects; and further, acknowledges that a default in repayment of the loan may result in loss of City revenue sharing, and further acknowledges that the loan is secured by the City's full faith and credit.

BE IT FURTHER RESOLVED that the Brownfield Redevelopment Authority shall seek approval from the Monroe City Council prior to entering into any agreements with the State of Michigan related to any Brownfield Redevelopment Loan.

Motion: Councilman Paisley
Seconded by: Councilman Clark
Ayes: 7 Nays: 0

RESOLUTION DECLARED ADOPTED

I, Charles D. Evans, City Clerk-Treasurer of the City of Monroe, County of Monroe, State of Michigan, do hereby certify that the foregoing is an exact copy of a Resolution adopted by the City Council of said City, at a regular meeting thereof held on the 18th day of May, 2009.



A handwritten signature in black ink, appearing to read 'Charles D. Evans', is written over a horizontal line.

Charles D. Evans
City Clerk-Treasurer

Great Lakes Towers
Table 2

Proposed Tax Incremental Revenues - Real & Personal

Bldg Dimensions (Approx)

| sq ft | height/ft |
|---------|-----------|
| 60,000 | 50 |
| 31,680 | 30 |
| 14,400 | 10 |
| 105,080 | |

| | |
|----------------|-----------|
| Bldgs TCV | 8,000,000 |
| Land TCV | 380,000 |
| Millage 2009 | 0.0544603 |
| IFT Millage | 0.0302302 |
| SET not abated | 0.0050000 |

| | |
|------------------|------------------|
| <u>Millages</u> | <u>2009</u> |
| City | 0.0155490 |
| LETC | 0.0006826 |
| SET | 0.0060000 |
| <u>County Op</u> | <u>0.0047952</u> |
| SUMMER | 0.0270268 |
| | |
| Cnty Senior | 0.0005000 |
| Library | 0.0010000 |
| ISD | 0.0047541 |
| B&S | 0.0010000 |
| SOP | 0.0180000 |
| College | 0.0021794 |
| WINTER | 0.0274335 |
| TOTAL | 0.0544603 |

Assumptions

- 1 SET -- No abatement of 6 mills -- MCL 207.564a
- 2 SET & LSO -- TIR lost due to exemption on personal property per MCL 211.9k is retained per MCL 125.2665a.
- 3 Construction of real and acquisition of personal completed by Dec. 31, 2010
- 4 Annual increase in real property TV @ .25% for years 6 to 30
- 5 12 yr IFT through 2022
- 6 PP Cost remains same for 30 years - no acquisitions/retirements yrs 1-12 or offsetting acquisitions/retirements yrs 13-30.
- 7 Mileages remain same as in 2009 for 30 years.
- 8 GLT has supplied the information upon which the values of the buildings and personal property are based.

| | |
|------------------------|-----------|
| Personal Property Cost | 7,280,000 |
| Millage 2009 | 0.0544603 |
| IFT Millage | 0.0302302 |

| Tax Day | Year | TV Land | TIR Land | Imprmnts TV | Imprmnts TIR | Combined TIR Real | Accum TIR Real | PP Cost | STC Mult | PP MV | PP TV | TIR PP | Accum TIR PP | All TIR | Accum All TIR | SET/LSO TIR | Local TIR | LOCAL TIR TEST |
|---------|------|---------|----------|-------------|--------------|-------------------|----------------|-----------|----------|-----------|-----------|--------|--------------|---------|---------------|-------------|-----------|----------------|
| 1 | 2010 | 190,000 | 10,347 | 4,000,000 | 120,921 | 131,268 | 131,268 | 7,280,000 | 0.89 | 6,479,200 | 3,239,600 | 97,934 | 97,934 | 229,202 | 229,202 | 113,154 | 116,048 | 116048 |
| 2 | 2011 | 190,000 | 10,347 | 4,000,000 | 120,921 | 131,268 | 262,536 | 7,280,000 | 0.76 | 5,532,800 | 2,766,400 | 83,629 | 181,562 | 214,897 | 444,098 | 106,056 | 108,841 | 108841 |
| 3 | 2012 | 190,000 | 10,347 | 4,000,000 | 120,921 | 131,268 | 393,804 | 7,280,000 | 0.67 | 4,877,600 | 2,438,800 | 73,725 | 255,288 | 304,993 | 649,097 | 101,142 | 103,851 | 103851 |
| 4 | 2013 | 190,000 | 10,347 | 4,000,000 | 120,921 | 131,268 | 525,072 | 7,280,000 | 0.60 | 4,368,000 | 2,184,000 | 66,023 | 321,310 | 297,291 | 846,382 | 97,320 | 99,971 | 99971 |
| 5 | 2014 | 190,000 | 10,347 | 4,000,000 | 120,921 | 131,268 | 656,340 | 7,280,000 | 0.54 | 3,931,200 | 1,965,600 | 59,420 | 380,731 | 190,688 | 1,037,071 | 94,044 | 96,544 | 96544 |
| 6 | 2015 | 190,475 | 10,373 | 4,010,000 | 121,223 | 131,596 | 787,937 | 7,280,000 | 0.49 | 3,567,200 | 1,783,600 | 53,918 | 434,649 | 185,525 | 1,222,586 | 91,475 | 94,040 | 94040 |
| 7 | 2016 | 190,951 | 10,399 | 4,020,025 | 121,526 | 131,925 | 919,862 | 7,280,000 | 0.45 | 3,276,000 | 1,638,000 | 49,517 | 484,165 | 181,442 | 1,404,028 | 89,453 | 91,989 | 91989 |
| 8 | 2017 | 191,429 | 10,425 | 4,030,075 | 121,830 | 132,255 | 1,052,117 | 7,280,000 | 0.42 | 3,057,600 | 1,528,800 | 46,216 | 530,382 | 178,471 | 1,582,499 | 87,977 | 90,494 | 90494 |
| 9 | 2018 | 191,907 | 10,451 | 4,040,150 | 122,134 | 132,586 | 1,284,702 | 7,280,000 | 0.38 | 2,796,400 | 1,393,200 | 41,814 | 572,196 | 174,400 | 1,756,899 | 85,956 | 88,444 | 88444 |
| 10 | 2019 | 192,387 | 10,477 | 4,050,251 | 122,440 | 132,917 | 1,517,620 | 7,280,000 | 0.36 | 2,620,800 | 1,310,400 | 39,614 | 611,810 | 172,531 | 1,929,429 | 85,027 | 87,504 | 87504 |
| 11 | 2020 | 192,869 | 10,504 | 4,060,375 | 122,746 | 133,249 | 1,650,869 | 7,280,000 | 0.33 | 2,402,400 | 1,201,200 | 36,312 | 648,122 | 169,562 | 2,098,991 | 83,557 | 86,010 | 86010 |
| 12 | 2021 | 193,350 | 10,530 | 4,070,527 | 123,053 | 133,583 | 1,784,452 | 7,280,000 | 0.31 | 2,256,800 | 1,126,400 | 34,112 | 682,234 | 167,694 | 2,266,686 | 82,694 | 85,070 | 85070 |
| 13 | 2022 | 193,833 | 10,556 | 4,080,704 | 123,356 | 133,917 | 1,918,244 | 7,280,000 | 0.29 | 2,111,200 | 1,055,600 | 31,938 | 719,722 | 165,811 | 2,432,507 | 81,875 | 84,146 | 84146 |
| 14 | 2023 | 194,318 | 10,583 | 4,090,905 | 123,660 | 134,251 | 2,052,039 | 7,280,000 | 0.26 | 2,039,400 | 1,019,200 | 29,763 | 755,228 | 164,022 | 2,616,535 | 81,050 | 83,321 | 83321 |
| 15 | 2024 | 194,804 | 10,609 | 4,101,133 | 123,964 | 134,585 | 2,186,524 | 7,280,000 | 0.23 | 1,974,400 | 987,200 | 27,588 | 790,716 | 162,173 | 2,800,563 | 80,225 | 82,496 | 82496 |
| 16 | 2025 | 195,291 | 10,636 | 4,111,385 | 124,268 | 134,919 | 2,314,443 | 7,280,000 | 0.23 | 1,914,400 | 955,200 | 25,413 | 826,209 | 160,324 | 2,985,077 | 79,400 | 81,671 | 81671 |
| 17 | 2026 | 195,779 | 10,662 | 4,121,664 | 124,572 | 135,253 | 2,442,362 | 7,280,000 | 0.23 | 1,854,400 | 923,200 | 23,238 | 861,701 | 158,475 | 3,169,592 | 78,575 | 80,846 | 80846 |
| 18 | 2027 | 196,268 | 10,689 | 4,131,968 | 124,876 | 135,587 | 2,570,281 | 7,280,000 | 0.23 | 1,794,400 | 891,200 | 21,063 | 897,193 | 156,626 | 3,354,118 | 77,750 | 80,021 | 80021 |
| 19 | 2028 | 196,759 | 10,716 | 4,142,298 | 125,180 | 135,921 | 2,698,200 | 7,280,000 | 0.23 | 1,734,400 | 859,200 | 18,888 | 932,685 | 154,777 | 3,538,645 | 76,925 | 79,196 | 79196 |
| 20 | 2029 | 197,251 | 10,742 | 4,152,654 | 125,484 | 136,255 | 2,826,119 | 7,280,000 | 0.23 | 1,674,400 | 827,200 | 16,713 | 968,178 | 152,928 | 3,723,173 | 76,100 | 78,371 | 78371 |

Great Lakes Towers

Table 3

Proposed distribution of tax increment revenues

| | | Reimbursement GLT's EPA RLF Loan | | | CMI Loan | | | | | |
|----|----------------------|-------------------------------------|----------------|--------------|----------------------------------|-----------|-------------|-------------|-----------|--|
| | | 2,000,000 Loan Amt | | | 1,000,000 Loan Amt | | | | | |
| | | No int or pmts initial 5 years | | | No int or pmts initial 5 years | | | | | |
| | | 2% Interest | | | 1.50% Interest | | | | | |
| | | (\$155,650.94) 15 Annual P & I Pmts | | | \$97,826.45 11 Annual P & I Pmts | | | | | |
| | Tax Day Dec. 31st | Year Taxes due | SET/LSO TIR | Local TIR | Adm Local | GLT's RLF | CMI Loan | TIR Balance | Accum TIR | |
| 1 | 2010 | 2011 | 113,154 | 116,048 | 229,202 | (40,000) | - | 189,202 | 189,202 | |
| 2 | 2011 | 2012 | 106,056 | 108,841 | 214,897 | (40,000) | - | 174,897 | 364,098 | |
| 3 | 2012 | 2013 | 101,142 | 103,851 | 204,993 | (40,000) | - | 164,993 | 529,092 | |
| 4 | 2013 | 2014 | 97,320 | 99,971 | 197,291 | (40,000) | - | 157,291 | 686,382 | |
| 5 | 2014 | 2015 | 94,044 | 96,644 | 190,688 | (40,000) | - | 150,688 | 837,071 | |
| 6 | 2015 | 2016 | 91,475 | 94,040 | 185,515 | (40,000) | (155,651) | (97,826) | 729,108 | |
| 7 | 2016 | 2017 | 89,453 | 91,989 | 181,442 | (40,000) | (155,651) | (97,826) | 617,073 | |
| 8 | 2017 | 2018 | 87,977 | 90,494 | 178,471 | (40,000) | (155,651) | (97,826) | 502,067 | |
| 9 | 2018 | 2019 | 85,956 | 88,444 | 174,400 | (40,000) | (155,651) | (97,826) | 382,989 | |
| 10 | 2019 | 2020 | 85,027 | 87,504 | 172,531 | (40,000) | (155,651) | (97,826) | 262,042 | |
| 11 | 2020 | 2021 | 83,552 | 86,010 | 169,562 | (40,000) | (155,651) | (97,826) | 138,127 | |
| 12 | 2021 | 2022 | 82,624 | 85,070 | 167,694 | (40,000) | (155,651) | (97,826) | 12,344 | |
| 13 | 2022 | 2023 | 127,923 | 162,358 | 290,281 | (30,000) | (155,651) | (97,826) | 1,803 | |
| 14 | 2023 | 2024 | 127,306 | 161,574 | 288,880 | (30,000) | (155,651) | (97,826) | 5,403 | |
| 15 | 2024 | 2025 | 123,195 | 156,357 | 279,552 | (30,000) | (155,651) | (97,826) | (3,925) | |
| 16 | 2025 | 2026 | 123,453 | 156,684 | 280,137 | (40,000) | (155,651) | (97,826) | (13,340) | |
| 17 | 2026 | 2027 | 123,711 | 157,012 | 280,723 | (70,000) | (155,651) | - | 55,072 | |
| 18 | 2027 | 2028 | 123,970 | 157,341 | 281,311 | (70,000) | (155,651) | - | 55,660 | |
| 19 | 2028 | 2029 | 124,230 | 157,670 | 281,901 | (70,000) | (155,651) | - | 56,250 | |
| 20 | 2029 | 2030 | 124,491 | 158,001 | 282,491 | (70,000) | (155,651) | - | 56,840 | |
| | | | 2,116,060 | 2,415,902 | 4,531,962 | (895,000) | (2,334,764) | (1,076,091) | | |

Summary

| | |
|-----------|------------------------------|
| 895,000 | Adm |
| 2,334,764 | Revolving Loan Fund (DCC) |
| 1,076,091 | CMI Loan |
| 226,107 | Available for Revolving Fund |
| 4,531,962 | All TIR |



CITY COUNCIL AGENDA FACT SHEET

RELATING TO: Request by the Monroe Port Commission for the Sale and Conveyance of Land at the Port of Monroe

DISCUSSION: The Monroe Port Commission is requesting that the Monroe City Council authorize the sale and conveyance of certain properties located at the Port of Monroe to Great Lakes Tower, LLC/Ventower Industries. This replaces a similar request made by the Port Commission in 2009 and rescinds the resolution adopted by City Council on May 18, 2009.

To that end the Port Commission adopted a resolution at its regular meeting on July 21, 2010, indicating that the property in question is no longer needed for the purpose of the port district and may be sold. The reason for the new request is that the development/purchase agreement approved in 2009 has expired. Additionally, the terms of the agreement have been further refined and revised to reflect changes that have taken place over the ensuing fourteen months.

The City Manager and the Planning Office recommend that the attached resolution approving the sale of 38+ acres located at the Port of Monroe (see Exhibit A attached) be adopted and the sale subject to the terms and conditions of the real estate purchase agreement between the Port of Monroe and Great Lakes Tower, LLC/Ventower Industries and attached herewith.

CITY MANAGER RECOMMENDATION:

- For
 For, with revisions or conditions
 Against
 No Action Taken/Recommended

APPROVAL DEADLINE: August 2, 2010

REASON FOR DEADLINE: In order to facilitate further development of the site.

STAFF RECOMMENDATION: For Against

REASON AGAINST: N/A

INITIATED BY: The Monroe Port Commission

PROGRAMS, DEPARTMENTS, OR GROUPS AFFECTED: The Monroe Port Commission, the City Manager's Office, and the Planning Office

FINANCES

COST AND REVENUE PROJECTIONS:

| | |
|---------------------------------|----------|
| Cost of Total Project | \$0 |
| Cost of This Project Approval | \$0 |
| Related Annual Operating Cost | \$0 |
| Increased Revenue Expected/Year | \$100.00 |

| SOURCE OF FUNDS: | City | Account Number | Amount |
|-------------------------|--------------------|----------------|--------|
| | | | \$0 |
| | | | \$ |
| | | | \$ |
| | | | \$ |
| | | | \$ |
| | <u>Other Funds</u> | | \$0 |
| | | | \$ |
| | | | \$ |
| | | | \$ |

Budget Approval: _____

FACT SHEET PREPARED BY: Jeffrey Green, AICP, Interim Director / City Planner

DATE: 7.28.10

REVIEWED BY: George Brown, City Manager

DATE: 7.28.10

COUNCIL MEETING DATE: 8.2.10

REAL ESTATE PURCHASE AGREEMENT FOR THE PURCHASE OF VACANT LAND

This Real Estate Purchase Agreement (the "Agreement") is entered into on _____, by and between the Port of Monroe, by and through the Monroe Port Commission, a body corporate, 2929 East Front Street, P.O. Box 585, Monroe, MI 48161 ("Seller" or "Port"), and Great Lakes Towers, LLC, a Michigan limited liability company doing business as Ventower Industries, 111 Borchert Park Drive, P.O. Box 589, Monroe, MI 48161 (Buyer).

RECITALS

- A. Buyer proposes to manufacture and distribute towers for wind turbines around the Great Lakes and the eastern United States ("Project").
- B. Buyer has represented to the State of Michigan and to the City of Monroe the following:
 - B.1. Buyer will expend approximately \$17 Million for manufacturing equipment and a manufacturing facility with approximately 100,000 square feet along with land improvements; and
 - B.2. The manufacturing process for these wind turbine towers will create approximately 150 new jobs.
 - B.3. The Buyer at its sole discretion may install a commercial scale wind turbine on the Property subject to obtaining all local, state and federal approvals required by law.
- C. Buyer has expressed its preference to be located on certain land located at the Port of Monroe because of its proximity to 1) rail service from the Canadian National Railroad and the Norfolk Southern Railroad; 2) the Federal Interstate Highway System including I-75, I-275, I-80, I-90, I-94 and US 23; and 3) the Monroe Harbor for the transshipping of steel plate and completed wind turbine towers over the Port's wharf and docks by lake barges and tugs to and from areas around the Great Lakes and the eastern United States.
- D. The Monroe Harbor was established by an Act of Congress in 1835 as a public harbor and is now under the local control of the Port of Monroe which was established by a vote of the citizens of Monroe in 1932 in accordance with Public Act 234 of 1925.
- E. Buyer will receive or benefit from assistance from the State of Michigan in various forms in the amount of over \$7 Million in order to make Monroe and Michigan competitive in attracting this new business to this location over locations in other states.
- F. The City of Monroe Brownfield Redevelopment Authority ("Authority"), the Monroe Port Commission, and the City of Monroe, acting through the Monroe City Council, have proposed to use a \$1 Million grant from the State of Michigan for approved environmental activities on the Property and to capture certain tax increment revenues resulting from the new development from which the Authority will reimburse the Buyer for certain eligible activities

approved by the Michigan Economic Growth Authority ("MEGA") or the Michigan Department of Natural Resources and Environment ("MDNRE") in a certain Brownfield Plan and the First Amendment to Development and Reimbursement Agreement and the Limited Assignment between the Authority and the Buyer.

NOW THEREFORE, the Seller and Buyer agree as follows:

1. **Land.** Seller is the owner of a parcel of real property located in the City of Monroe, County of Monroe, Michigan, as described and shown on Exhibit A (the Property) consisting of approximately 38.21 acres of land. This Agreement sets forth the terms and conditions on which Buyer agrees to purchase the Property from Seller.
2. **Purchase and Sale.** Seller agrees to sell the Property to Buyer, and Buyer agrees to purchase the Property from Seller, together with all easements, rights, hereditaments, and appurtenances, on the terms and conditions set forth below.
3. **Purchase Price.** The purchase price of the Property is \$100.00 and other good and valuable consideration as described above. At the Closing, Buyer shall pay Seller \$100.00 for the Property. The entire purchase price shall be paid at Closing in immediately available funds.
4. **Easements, Covenants and Deed Restrictions.** The conveyance will be subject to the deed restrictions and covenants described in attached Exhibit B and subject to liens and encumbrances that appear of record at the time of closing.
5. **Reserved.**
6. **Facility under Part 201 of NREPA.** Buyer acknowledges that the Property is a facility as defined by the Natural Resources and Environmental Protection Act (NREPA), MCL 324.20101(o). The Seller will make available to Buyer for inspection any environmental information in its possession but makes no representations or warranties concerning the Property's environmental condition.
7. **Delivery of Documents.**
 - a. Seller's Land Division Application Form was approved by the Monroe City Council on May 17, 2010.
 - b. Buyer acknowledges receipt of Title Commitment Number 201040032, dated February 2, 2010, issued without exceptions by Stewart Title Guaranty Company through Hassett Title Co., Inc. Seller shall obtain and

deliver to Buyer an updated commitment in the amount of \$380,000.00. Seller will request an endorsement to permit Buyer to increase amount of coverage during construction. Buyer shall pay the premium for title insurance and cost related thereto.

c. Buyer acknowledges receipt of a boundary survey prepared by Johnson & Anderson, Inc., a copy of which is attached hereto as Exhibit A.

8. Taxes and Assessments. Seller is a public body corporate and is exempt from property taxes. Buyer shall pay all real property taxes for the Property and personal property taxes assessed against the personal property on the Property after the date of Closing.

9. Closing Date and Possession. Buyer and Seller shall complete the sale of the Property from Seller to Buyer (the Closing) at a closing to be held on or before September 30, 2010. The Closing shall take place at the office of the title insurance company involved in the transaction or at another location agreeable to Seller and Buyer.

- **Delivery of Deed; Possession.** The Seller shall deliver the deed to the Buyer at the time of closing. Possession shall transfer to the Buyer upon delivery of said deed.
- **Evidence of Equity Contributions.** Closing shall not occur until evidence of equity contributions and other related documents reasonably requested by Seller's legal counsel have been provided.
- **Compliance with State Requirements.** Closing shall not occur until Seller's and Buyer's legal counsel are satisfied that the Buyer is in compliance with all requirements related to the Buyer's agreements and relationship to the Michigan Economic Growth Authority, the Michigan Economic Development Corporation and the Michigan Strategic Fund.
- **Termination of Agreement.** If the closing has not occurred or the deed has not been delivered by September 30, 2010, this Agreement shall terminate and the deed and any other related documents shall be returned to the Seller.

10. Form of Conveyance. At the Closing, Seller shall grant and convey legal title to the Property to Buyer pursuant to a quit claim or warranty deed, at the discretion of the Seller.

11. Closing. Seller shall prepare the closing documents and deliver them to Buyer for review and approval at least 10 days before the Closing. Seller is exempt from the payment of the state and county transfer taxes. Buyer is responsible for payment of the title insurance premium to issue a policy pursuant to the title commitment referenced above. At or before closing,

Buyer shall pay the fees necessary to record the deed and any other documents to transfer title. Buyer shall pay any closing costs charged by any closing agent.

12. Reserved.

13. Seller's Default. In the event of any default by Seller that continues without cure for 10 days after delivery by Buyer of written notice to Seller, Buyer shall have any and all rights and remedies available to Buyer in law and at equity arising out of the default, including, without limitation, specific performance.

14. Buyer's Default. In the event of any default by Buyer that continues without cure for 10 days after the delivery by Seller of written notice to Buyer, Seller shall have the right (but not the obligation) to terminate this Agreement by notice to Buyer within 15 days after the end of the cure period, and Seller shall have any and all rights and remedies available to Seller in law and at equity arising out of the default, including, without limitation, specific performance.

15. Real Estate Broker. Seller and Buyer represent and warrant to each other that no real estate broker or any other person or entity has been involved in or is entitled to a commission as a result of the sale and purchase of the Property contemplated by this Agreement. To the extent a commission or fee is claimed by any individual or entity as a result of its contacts with either Seller or Buyer, the party against and through whom the commission or fee is claimed shall indemnify the other party and be responsible for the payment of all costs of defending that claim and, to the extent it is to be paid, the liability for the payment of that commission or fee.

16. "AS IS" Condition. The Buyer has inspected the Property and accepts the same in its present "AS IS" condition, with no warranty whatsoever concerning its condition or permitted and regulated use.

17. Cooperation – CDBG Grants. The Buyer, at no additional cost to the buyer, will cooperate with the Seller in offering job opportunities to individuals from low and moderate income families so that the new jobs created by the Project will qualify for credit under the terms of any existing or future Community Development Block Grant agreements related to the Property or other property owned by the Seller.

18. Notices. Except as otherwise provided, all notices required under this Agreement shall be effective only if in writing or in a form of electronic or facsimile transmission that provides evidence of receipt and shall be either personally served, electronically transmitted, or sent with postage prepaid to the appropriate party at its address as set forth in the introductory paragraph

of this Agreement. Either party may change its address by giving written notice of the change.

19. **Successors and Assigns; Binding Effect.** Buyer shall not assign this Agreement without the prior written consent of the Seller. The terms and provisions of this Agreement are to apply to and bind the permitted successors and assigns of the parties.

20. **Entire Agreement.** This Agreement, its exhibits and a certain Access Agreement To Perform Site Preparation Work dated May 3, 2010 constitute the entire agreement between the parties with respect to the subject matter of this Agreement, and all prior agreements between the parties with respect to the Property, whether written or oral, are of no further force or effect. This Agreement may not be modified except by a written document signed by Seller and Buyer. All other agreements between the parties hereto related to the Property are terminated.

21. **Applicable Law.** This Agreement shall be applied, construed, and enforced in accordance with the laws of the State of Michigan, without giving effect to conflicts of law principles. Venue for any disputes under this Agreement shall lie in Monroe County, Michigan.

22. **Severability.** If any term, covenant, or condition of this Agreement or its application is, to any extent, held to be invalid or unenforceable, the remainder of this Agreement or the application of the term, covenant, or condition to persons or circumstances other than those to which it is held invalid or unenforceable, shall remain effective; and each term, covenant, or condition of this Agreement shall be valid and enforced to the fullest extent permitted by law.

23. **Time of the Essence.** Time is of the essence of this Agreement.

24. **Counterparts.** This Agreement may be executed in one or two counterparts, each of which will be an original, and all of which together shall constitute one and the same document. Facsimile signatures shall be effective as originals.

25. **Exhibits.** The following are exhibits attached to and a part of this Agreement:

- Exhibit A – Survey Drawing and Legal Description of the Property
- Exhibit B – Easements, Deed Restrictions and Covenants

26. **Effective Date.** This Agreement has been signed and shall be effective as of the later of the dates signed by the Parties.

Great Lakes Towers, LLC

By: _____
Gregory Adanin, President

STATE OF MICHIGAN)
) SS
COUNTY OF MONROE)

The foregoing signatory Gregory Adanin, known to me, acknowledged the foregoing instrument as President on behalf of Great Lakes Towers, LLC, on this _____ day of _____, 2010.

Kimberly F. Schaefer, Notary Public
Monroe County, Michigan
Acting in Monroe County, MI
My Commission expires: 12-13-2011

(SIGNATURE PAGE FOLLOWS)

Approved by the Monroe Port Commission on _____, 2010.

PORT OF MONROE

By: _____
Thomas A. Krzyston, Chairman

By: _____
Kenyon Calender, Secretary

STATE OF MICHIGAN)
) SS
COUNTY OF MONROE)

The foregoing signatories, Thomas A. Krzyston and Kenyon Calender, are known to me, respectively, as the Chairman and Secretary of the Monroe Port Commission and acknowledged the foregoing instrument on behalf of the Monroe Port Commission this _____ day of _____, 2010.

Kimberly F. Schaefer, Notary Public
Monroe County, Michigan
Acting in Monroe County, MI
My Commission expires: 12-13-2011

EXHIBIT B
EASEMENTS, DEED RESTRICTIONS AND COVENANTS

1. Easements

1.1. Seller shall retain easements over a portion of the western half of the property for purposes of constructing, maintaining, and operating railroad lines, switches and related appurtenances for the benefit of the Property and for the benefit of the Seller's other property in the area. The reservation will be set forth in the deed based on surveys prepared by the Seller's engineer to be supplied before closing. The estimated width of the easement area is approximately 50 feet.

1.2. Seller shall provide any other utility easements that may be reasonably necessary to provide the Property with water, sanitary sewer, storm sewer, vehicular access, and to provide rail access to this Property.

2. Storm Water Facilities. Buyer will design, construct and maintain, at its sole expense, storm water facilities on the Property to serve the Project. The construction shall be in accordance with plans approved by the Port and any other authorized regulatory agency. Buyer shall own and maintain the storm water facilities. The content and form of such covenant shall be satisfactory to the Seller's engineer and legal counsel.

3. Drilling. Buyer's consultant shall prepare a work plan describing the extent of the drilling including without limitation the proposed depth of such drilling; and, ten days prior to any exploratory or construction drilling on the property, submit such work plan to the Port's engineer for review. No drilling activities shall penetrate the clay barrier over the bedrock without the written approval of the Port's consultants and Buyer is responsible for taking all appropriate action to prevent anything existing above the bedrock area from flowing into the bedrock area, and to prevent anything existing within the bedrock area from flowing into the overlying soil strata. Port has the right to have its engineer and environmental consultant present during any such drilling. No such drilling is permitted without the prior review of the Port's consultants. The content and form of such covenant shall be satisfactory to the Seller's and Buyer's engineer and legal counsel.

4. Environmental Restrictions and Covenants. Buyer shall execute a restrictive covenant necessary to allow the Seller to obtain an industrial closure on the Property and surrounding property owned by the Seller, provided that such covenant is not inconsistent with and does not increase the cost of the Buyer operating on the Property, except for Buyer's due care obligations required by NREPA that arise by reason of ownership and use of the Property. In addition, Seller will record a restrictive covenant that prohibits the installation of any wells that penetrate the clay barrier for drinking water or any other purpose consistent with the MDNRE's recommendations. The content and form of such covenant shall be satisfactory to the Seller's and Buyer's engineer and legal counsel.

PORT OF MONROE

RESOLUTION DECLARING THAT A CERTAIN PARCEL OF LAND IS NO LONGER NEEDED FOR THE PURPOSE OF THE PORT DISTRICT

Minutes of a Regular Meeting of the Monroe Port Commission, County of Monroe, Michigan (the "Port") held on the 21st day of July 2010 at 7:00 o'clock p.m., prevailing Eastern Time.

Present: Thomas A. Krzyston, Chairman; Dale H. Brose, Vice Chairman; Kenyon Calender, Secretary; and Thomas Myers and Lisa Leachman, Commissioners

Absent: None

Excused: None

The following Preamble and Resolution was offered by Vice Chairman Brose and supported by Secretary Calender.

WHEREAS, Great Lakes Towers, LLC., doing business as Ventower Industries, has expressed its intention to locate a manufacturing facility on a parcel of land owned by the Port of Monroe described and depicted on Exhibit A (Property) consisting of 38.21 acres; and

WHEREAS, Great Lakes Towers intends to manufacture and distribute towers for wind turbines around the Great Lakes and the eastern United States (Project); and

WHEREAS, Great Lakes Towers has represented to the State of Michigan and to the City of Monroe that it will invest approximately \$17 Million for manufacturing equipment and a manufacturing facility with approximately 100,000 square feet along with land improvements and create approximately 150 new jobs; and

WHEREAS, Great Lakes Towers has expressed its preference to be located on the Property because of its proximity to 1) rail service from the Canadian National Railroad and the Norfolk Southern Railroad; 2) the Federal Interstate Highway System including I-75, I-275, I-80, I-90, I-94 and US 23; and 3) the Monroe Harbor for the transshipping of steel plate and completed wind turbine towers over the Port's wharf and docks by lake barges and tugs to and from areas around the Great Lakes and the eastern United States; and

WHEREAS, the Monroe Port Commission was organized by a vote of the citizens of the City of Monroe in 1932 under Public Act 234 of 1925; and

WHEREAS, Act 234 authorizes the Monroe Port Commission to acquire and sell property; subject to the following:

MCL 120.23 Sale of property; approval

Sec 23. Each port commission shall have power to sell and convey any property in anywise acquired and owned by the port district whenever the port commission of such district shall have by resolution declared such property to be no longer needed for the purpose of the port district; Provided, That the power herein granted to the commission shall not be exercised without first obtaining the approval therefor by a 2/3 vote of the members elect of the board of supervisors of the county or counties in which such property is located.

and;

WHEREAS Act 234 provides that when the port district is coterminous with a city, the governing body and local officers of said city substitute for the elected county governing body and officers, as follows:

MCL 120.34a Port districts coterminous with cities and townships; powers of local governing bodies.

Sec 34a. In construing this act, port districts coterminous with a city or township shall follow the same procedure, as near as may be, substituting the local governing body and local officers where applicable for the board of supervisors and county officials, shall enjoy the same powers and be subject to the same conditions as set forth for county port districts, and port districts coterminous with 2 or more cities or townships shall in the same manner follow the same procedure, as near as may be, shall enjoy the same powers and be subject to the same conditions as set forth for port districts coterminous with 2 or more counties.

and;

WHEREAS, the Port has held the Property for the purpose of promoting industrial development that would create jobs, provide new tax base, and utilize the transshipping facilities that are in close proximity to the Port lands; and

WHEREAS, the Property is no longer needed for the purpose of the port district; and

WHEREAS, the Port previously requested the consent of the Monroe City Council for the sale of said land; and the City Council gave its approval on May 18, 2009 subject to the terms and conditions of a certain agreement then on file in the clerk's office of the City of Monroe; and

WHEREAS, the time for closing set forth in the agreement has expired and the terms have been further refined and revised due to changing events over the past 14 months.

NOW THEREFORE BE IT RESOLVED:

1. The Monroe Port Commission does hereby declare that the Property described in attached Exhibit A is no longer needed for the purpose of the port district and may be sold.
2. The Monroe Port Commission hereby requests approval from the Monroe City Council for the sale and conveyance of all or any portion of the Property as described above, subject to the terms and conditions of a certain real estate purchase agreement to be entered into between the Port of Monroe and the Company, a copy of which is to be filed with this Resolution at the clerk's office of the City of Monroe.

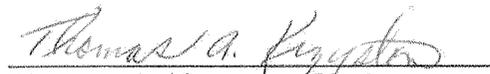
Voting Yes: Krzyston, Brose, Calender, Leachman and Myers

Voting No: None

Resolution Declared Adopted by the Port Commission Secretary on July 21, 2010.

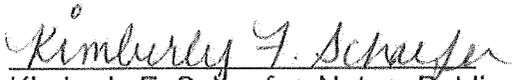

Kenyon Calender, Secretary

Attest:


Thomas A. Krzyston, Chairman

STATE OF MICHIGAN)
COUNTY OF MONROE) ss.

On July 21, 2010, the foregoing instrument was acknowledged before me by Kenyon Calender, Secretary, and Thomas A. Krzyston, Chairman.


Kimberly F. Schaefer, Notary Public
Monroe County, Michigan
My Commission Expires: 12-13-2011

KIMBERLY F. SCHAEFER
NOTARY PUBLIC
MONROE COUNTY, MICHIGAN
MY COMMISSION EXPIRES 12-13-2011



CITY COUNCIL AGENDA FACT SHEET

RELATING TO: Ballot proposals for consideration by voters of amendments of the City Charter sections: C-10. "When Regular Elections Held; Officers Elected", C-46 "Elective Officers Designated", C-47 "Appointive Officers Designated; Removal", C-80 "Authority of the City Manager".

DISCUSSION: The City of Monroe Charter that was initially written and adopted in 1913 (i.e. 97 years ago) designated that the City would have a City Clerk and a City Treasurer that were elected by a vote of the registered electors of the City of Monroe. In that era both of those positions were anticipated to be held by Monroe Citizens who desired to serve their community in some way on a voluntary, part-time basis, while they were still able to conduct their regular, full-time private-sector careers. At various times since its original adoption the Monroe City Charter has been amended by voters to reflect changing norms, including the combining of the separate Clerk and Treasurer positions into one Clerk/Treasurer position. Other significant previous changes to the Monroe City Charter was the inclusion of language that was needed for the establishment of a professional city management team to oversee the much more complex day-to-day administration, financing, operations and employee relations for city services. Among other things, these changes included the establishment of the position of City Manager and the establishment through ordinance of the Director of Finance and other professional administration positions.

A comprehensive City Operations Assessment and Recommendations, commissioned by the Mayor and Council, was completed by a professional municipal consultant in 2007. Almost all of the recommendations from that Assessment have since been implemented, resulting in a significantly more efficient and financially sustainable municipal services organization. One of the recommendations from that Assessment that has not yet been implemented was the recommendation to transform the City Clerk/Treasurer positions from elected to appointed (see attached pgs II-18 – II-23 excerpted recommendations from the 2007 Operations Assessment). While the consultant who authored the report was complimented the incumbent Clerk/Treasurer for pursuing professional certifications and upgrading operational practices, he also raised the following concern: *"As mentioned, the Clerk/Treasurer is an elected position. As such, the duties and responsibilities borne by a position incumbent will vary – as will prior education and experience. Essentially, there are few qualifications required, and management controls for an elected position."*

About 17% of Michigan cities and villages still elect their clerks and treasurers, with many of these being smaller and much less complex operations than ours. It was recommended that the part-time duties of the current Clerk/Treasurer position be assigned to other current city administrators and employees, which would result in more efficient operations and significant cost savings. Current estimates indicate that with the transition of the Clerk/Treasurer position from elected to appointed and those part-time duties distributed to other current city administrators and employees, the City could reduce its costs by a minimum of \$50,000 or more each year.

The major duties of the City Clerk are to organize and oversee the governmental election process for registered voters residing within the City, maintenance of the registered voter rolls, recording and archiving the minutes and pertinent records of City Council and other City board and commissions and maintaining other City documents and records as prescribed by the State of Michigan. The major responsibilities of the City Treasurer are to oversee the collection and proper deposit of funds due and paid to the City. Over the past several years the State of Michigan has established and maintains a centralized system for registering voters and updating and maintaining voter rolls, significantly reducing the time commitments previously required of city clerks for maintaining voter rolls. The City has also established a separate, highly trained provisional finance staff and functions to provide for the comprehensive budgeting, accounting, investment and auditing of City funds, relieving the City Treasurer from much of the time previously needed to fulfill some of those responsibilities. While Council and management vigilance is still necessary and important, several state and federal mandates and other safeguards have been enacted and implemented over the past several years that better ensure the security and integrity of the voting, record-keeping and financial processes. Some of these include, Michigan Secretary of State centralization management of voter registration databases, Michigan Department of Treasury budgeting and auditing standards and oversight and the mandates of the Governmental Accounting Standards Board (GASB). In reaction to previous financial and investment scandals in other cities and states, there are many more federal, state and credit rating agency requirements for much more detailed financial reporting and independent reviews, that City of Monroe professional finance staff have consistently met or exceeded.

Attached you will find copies of four (4) resolutions that would place four (4) charter amendments on the November ballot. If approved by the voters the charter amendment language proposed would do the following:

Resolution #A - Amends section 10 of the Monroe City Charter, pertaining to officers elected, by removing language referring to the Clerk/Treasurer.

Resolution #B - Amends Section 46 of the Monroe City Charter, pertaining to elective officers designated, by removing language referring to the Clerk/Treasurer

Resolution #C - Amends Section 47 of the Monroe City Charter, pertaining to officers of the City appointed, by adding language referring to the Clerk and Treasurer appointments and by removing language pertaining to other appointed officers of the City that are no longer valid and/or can be included under ordinance designated appointments.

Resolution #D - Amends Section 80 of the Monroe City Charter, pertaining to Authority of the City Manager, by removing and modifying language that will further consolidate most employment management responsibilities with the City Manager, under policies and guidelines reviewed and approved by the Mayor and City Council.

In order to implement recommendations made in the City's Operational Assessment and to achieve additional efficiencies and economies in City operations, I am respectfully requesting that the Mayor and City Council approve Resolutions A, B, C, and D, placing the proposed charter amendments on the November 2, 2010 ballot, for consideration by City of Monroe Voters.

CITY MANAGER RECOMMENDATION:

- For
- For, with revisions or conditions
- Against
- No Action Taken/Recommended

APPROVAL DEADLINE: August 2, 2010

REASON FOR DEADLINE: To provide for adequate time to meet statutory deadlines for placement on the November 2, 2010 general election ballot.

STAFF RECOMMENDATION: X For Against

REASON AGAINST: N/A

INITIATED BY: City Manager

PROGRAMS, DEPARTMENTS, OR GROUPS AFFECTED: City Council, Clerk/Treasurer, Finance, and ongoing General Fund budget reductions if approved by voters.

FINANCES

| | | |
|--------------------------------------|---------------------------------|--------|
| COST AND REVENUE PROJECTIONS: | Cost of Total Project | \$ N/A |
| | Cost of This Project Approval | \$ N/A |
| | Related Annual Operating Cost | \$ N/A |
| | Increased Revenue Expected/Year | \$ N/A |

| SOURCE OF FUNDS: | City | Account Number | Amount |
|-------------------------|--------------------|----------------|--------|
| | | | \$ N/A |
| | <u>Other Funds</u> | | \$ N/A |
| | | | \$ N/A |
| | | | \$ N/A |
| | | | \$ N/A |

Budget Approval: _____

FACT SHEET PREPARED BY: George A. Brown, City Manager

DATE: July 29, 2010

REVIEWED BY: N/A

DATE:

COUNCIL MEETING DATE: August 2, 2010

RESOLUTION

1 **BE IT RESOLVED**, by the City Council of the City of Monroe, Michigan as follows:

2 1. By a 3/5 vote of its members-elect, pursuant to the authority granted by Public Act 279 of
3 1909, as amended, it is proposed that Section 10 of the Charter of the City of Monroe be
4 amended to read as follows:

5 **§ C-10. When Regular Election Held; Officers Elected.**

6 A regular City election shall be held in the several voting precincts of said City as
7 have been designated heretofore by the City Council of said City or may be
8 designated hereafter, on the Tuesday following the first Monday, in November, 1993,
9 and every odd-numbered year thereafter, at which time there shall be elected a Mayor
10 and one (1) Councilperson from each precinct of the said City for the term of two (2)
11 years,.

12 Provisions of existing Section 10 of the Charter of the City of Monroe to be altered or
13 abrogated by such proposal, if adopted, now read as follows:

14 **§ C-10. When Regular Election Held; Officers Elected.**

15 A regular City election shall be held in the several voting precincts of said City as
16 have been designated heretofore by the City Council of said City or may be
17 designated hereafter, on the Tuesday following the first Monday, in November, 1993,
18 and every odd-numbered year thereafter, at which time there shall be elected, a
19 Mayor for the term of two (2) years, one (1) Councilperson from each precinct of the
20 said City, and a Clerk/Treasurer all for the terms of two (2) years.

21 2. The purpose of the proposed amendment shall be designated on the ballot as follows:

22 To remove the position of Clerk/Treasurer as an elected official.

23 3. The City Clerk shall transmit a copy of the proposed amendment to the Governor of the
24 State of Michigan for approval, and transmit a copy of the foregoing statement of purpose of
25 such proposed amendment to the Attorney General of the State of Michigan for approval, as
26 required by law.

27 4. The proposed charter amendment shall be submitted to the qualified electors of the City
28 at the general election to be held on November 2, 2010, and the City Clerk is directed to give
29 notice of the election and notice of registration in the manner prescribed by law.

30 5. The proposed amendment shall be submitted to the electors in the following format:

31 PROPOSED AMENDMENT TO SECTION 10 OF THE CHARTER OF THE CITY
32 OF MONROE TO REMOVE THE POSITION OF CLERK/TREASURER AS AN
33 ELECTED OFFICIAL.

34 A City charter amendment proposed by the City Council to amend Section 10 of the Charter
35 by removing the position of Clerk/Treasurer as an elected official.

36 Shall Section 10 of the Charter of the City of Monroe be amended to remove the position of
37 Clerk/Treasurer as an elected official?

38 IN FAVOR _____ YES

39 OPPOSED _____ NO

40 6. The proposed amendment shall be published in full together with the existing charter
41 provision altered or abrogated by the amendment as part of the notice of election.

42 7. The canvass and determination of the votes of said question shall be made in accordance
43 with the laws of the State of Michigan and the Charter of the City of Monroe.

RESOLUTION

1 **BE IT RESOLVED**, by the City Council of the City of Monroe, Michigan as follows:

2 1. By a 3/5 vote of its members-elect, pursuant to the authority granted by Public Act 279 of
3 1909, as amended, it is proposed that Section 46 of the Charter of the City of Monroe be
4 amended to read as follows:

5 **§ C-46. Elective Officers Designated.**

6 The elective officers are hereby fixed and designated as follows:

7 One (1) Mayor and six (6) Councilpersons.

8 The Mayor and six (6) Councilpersons shall be elected at large.

9 There shall not be more than one (1) Councilperson from each precinct as
10 constituted and they must reside in the precinct from which they are elected.

11 Provisions of existing Section 46 of the Charter of the City of Monroe to be altered or
12 abrogated by such proposal, if adopted, now read as follows:

13 **§ C-46. Elective Officers Designated. [Amended 4-27-1993]**

14 The elective officers are hereby fixed and designated as follows:

15 One (1) Mayor and six (6) Councilpersons and a Clerk/Treasurer.

16 The Mayor and six (6) Councilpersons shall be elected at large.

17 There shall not be more than one (1) Councilperson from each precinct as
18 constituted and they must reside in the precinct from which they are elected.

19 The elected position of Clerk/Treasurer shall fulfill all duties and responsibilities
20 and have such power and authority as provided by Charter, ordinance and statute.

21 2. The purpose of the proposed amendment shall be designated on the ballot as follows:

22 To remove the position of Clerk/Treasurer as an elected official.

23 3. The City Clerk shall transmit a copy of the proposed amendment to the Governor of the
24 State of Michigan for approval, and transmit a copy of the foregoing statement of purpose of
25 such proposed amendment to the Attorney General of the State of Michigan for approval, as
26 required by law.

27 4. The proposed charter amendment shall be submitted to the qualified electors of the City
28 at the general election to be held on November 2, 2010, and the City Clerk is directed to give
29 notice of the election and notice of registration in the manner prescribed by law.

30 5. The proposed amendment shall be submitted to the electors in the following format:

31 PROPOSED AMENDMENT TO SECTION 46 OF THE CHARTER OF THE CITY
32 OF MONROE TO REMOVE THE POSITION OF CLERK/TREASURER AS AN
33 ELECTED OFFICIAL.

34 A City charter amendment proposed by the City Council to amend Section 46 of the Charter
35 by removing the position of Clerk/Treasurer as an elected official.

36 Shall Section 46 of the Charter of the City of Monroe be amended to remove the position of
37 Clerk/Treasurer as an elected official?

38 IN FAVOR _____ YES

39 OPPOSED _____ NO

40 6. The proposed amendment shall be published in full together with the existing charter
41 provision altered or abrogated by the amendment as part of the notice of election.

42 7. The canvass and determination of the votes of said question shall be made in accordance
43 with the laws of the State of Michigan and the Charter of the City of Monroe.

RESOLUTION

1 **BE IT RESOLVED**, by the City Council of the City of Monroe, Michigan as follows:

2 1. By a 3/5 vote of its members-elect, pursuant to the authority granted by Public Act 279 of
3 1909, as amended, it is proposed that Section 47 of the Charter of the City of Monroe be
4 amended to read as follows:

5 **§ C-47. Appointive Officers Designated; Removal.**

6 The appointive officers of the said City are hereby fixed and designated as
7 follows and shall be appointed by the Council:

8 One (1) City Manager (wherever in this Charter the word “Director” appears it is
9 to refer to the City Manger)

10 One (1) Clerk/Treasurer, or one (1) Clerk and (1) Treasurer, who shall fulfill all
11 duties and responsibilities and shall have such power and authority as may be
12 provided by statue, Charter or ordinance.

13 One (1) City Attorney

14 Four (4) members of the Board of Review, for a term of one (1) year.

15 And such other officers, and for such terms of office, as the Council may by
16 ordinance provide.

17 The City Manager and the City Attorney may be removed by a majority vote of
18 the Council at its pleasure. The Clerk/Treasurer, or the Clerk and Treasurer shall be
19 subordinate to the City Manager in the performance of the duties of his or her office ,
20 except insofar as his or her duties as clerk of the Council are concerned, and may be
21 removed by the City Manager with confirmation by a majority vote of the Council.

22 Provisions of existing Section 47 of the Charter of the City of Monroe to be altered or
23 abrogated by such proposal, if adopted, now read as follows:

24 **§ C-47. Appointive Officers Designated; Removal. [Amended 6-23-1921]**

25 The appointive officers of the said City are hereby fixed and designated as
26 follows and shall be appointed by the Council:

27 One (1) City Attorney, for a term of two (2) years.

28 Three (3) Building Inspectors, for terms of three years, whose terms shall be so
29 arranged that one (1) Inspector shall be appointed each year.

30 One (1) Chief of Police, for a term of one (1) year.

31 One (1) Chief of the Fire Department, for a term of one (1) year.

32 One (1) City Engineer, for a term of one (1) year.

33 Four (4) members of the Board of Review of whom the City Attorney shall be one
34 (1), for a term of one (1) year.

35 Three (3) Election Inspectors for each election precinct, for a term of one (1) year.

36 One (1) City Physician, for a term of one (1) year.

37 One (1) Inspector of Weights and Measures, for a term of one (1) year.

38 One (1) Dog Warden, for a term of one (1) year.

39 And such other officers, and for such terms of office, as the Council may by
40 ordinance provide.

41 All appointive officers may be removed by a majority vote of the Council at its
42 pleasure.

43 2. The purpose of the proposed amendment shall be designated on the ballot as follows:

44 To designate the position of Clerk/Treasurer, or Clerk and Treasurer, as an appointed
45 official(s) subordinate to the City Manager, and delete the positions of Building
46 Inspectors, Chief of Police, Chief of Fire, City Engineer, Election Inspectors, City
47 Physician, Inspector of Weights and Measures and Dog Warden as appointed
48 officials.

49 3. The City Clerk shall transmit a copy of the proposed amendment to the Governor of the
50 State of Michigan for approval, and transmit a copy of the foregoing statement of purpose of
51 such proposed amendment to the Attorney General of the State of Michigan for approval, as
52 required by law.

53 4. The proposed charter amendment shall be submitted to the qualified electors of the City
54 at the general election to be held on November 2, 2010, and the City Clerk is directed to give
55 notice of the election and notice of registration in the manner prescribed by law.

56 5. The proposed amendment shall be submitted to the electors in the following format:

57 PROPOSED AMENDMENT TO SECTION 47 OF THE CHARTER OF THE CITY
58 OF MONROE TO DESIGNATE THE POSITION OF CLERK/TREASURER, OR
59 CLERK AND TREASURER, AS AN APPOINTED OFFICIAL(S) SUBORDINATE
60 TO THE CITY MANAGER, AND DELETE THE POSITIONS OF BUILDING
61 INSPECTORS, CHIEF OF POLICE, CHIEF OF FIRE, CITY ENGINEER,
62 ELECTION INSPECTORS, CITY PHYSICIAN, INSPECTOR OF WEIGHTS AND
63 MEASURES AND DOG WARDEN AS APPOINTED OFFICIALS.

64 A city charter amendment proposed by the City Council to amend Section 47 of the Charter
65 by designating the position of Clerk/Treasurer, or Clerk and Treasurer, as an appointed official(s)
66 subordinate to the City Manager, and delete the positions of Building Inspectors, Chief of Police,

67 Chief of Fire, City Engineer, Election Inspectors, City Physician, Inspector of Weights and
68 Measures and Dog Warden as appointed officials.

69 Shall Section 47 of the Charter of the City of Monroe be amended to designate the position
70 of Clerk/Treasurer, or Clerk and Treasurer, as an appointed official(s) subordinate to the City
71 Manager, and delete the positions of Building Inspectors, Chief of Police, Chief of Fire, City
72 Engineer, Election Inspectors, City Physician, Inspector of Weights and Measures and Dog
73 Warden as appointed officials.

74 IN FAVOR_____YES

75 OPPOSED_____NO

76 6. The proposed amendment shall be published in full together with the existing charter
77 provision altered or abrogated by the amendment as part of the notice of election.

78 7. The canvass and determination of the votes of said question shall be made in accordance
79 with the laws of the State of Michigan and the Charter of the City of Monroe.

RESOLUTION

1 **BE IT RESOLVED**, by the City Council of the City of Monroe, Michigan as follows:

2 1. By a 3/5 vote of its members-elect, pursuant to the authority granted by Public Act 279 of
3 1909, as amended, it is proposed that Section 80 of the Charter of the City of Monroe be
4 amended to read as follows:

5 **§ C-80. Authority of City Manager.**

6 The City Manager shall have the right and authority to hire and discharge, or
7 temporarily suspend, any employee in any department or service; provided that any
8 employee who is required by the laws of the State or by this Charter to subscribe to
9 and file an oath of office shall not be employed, appointed or discharged except by a
10 majority vote of the City Council.

11 Provisions of existing Section 80 of the Charter of the City of Monroe to be altered or
12 abrogated by such proposal, if adopted, now read as follows:

13 **§ C-80. Authority of City Manager. [Amended 11-8-1934; 4-9-1941; 4-27-1993]**

14 The City Manager shall have the right and authority to hire and discharge, or
15 temporarily suspend, any employee in any department or service; provided that any
16 employee who is required by the laws of the State or by this Charter to subscribe to
17 and file an oath of office shall not be employed, appointed or discharged except by a
18 majority vote of the City Council; and provided further, that his authority to hire,
19 discharge and suspend employees shall not extend to the authorized employees of the
20 City Clerk, the City Treasurer and City Assessor. The City Clerk, the City Treasurer
21 and the City Assessor shall, however, hire, discharge or temporarily suspend
22 employees in accordance with the provisions of the personnel manual hereinafter

23 mentioned; and said employees shall have the right to a public hearing before the
24 Civil Service Commission which shall advise the appointing authority in writing of its
25 findings.

26 The City Manager shall carry out the authority herein vested in him in accordance
27 with the provisions of a personnel manual which he shall prepare and issue. This
28 manual shall be prepared with the advice and assistance of the Civil Service
29 Commission, appointed as provided in §§ C-325 to C-345 inclusive of this Charter,
30 and it shall be submitted to the City Council for approval. Among other things, the
31 personnel manual shall provide: (1) that appointments and promotions shall be based
32 solely upon the fitness, training and experience of the individual with no
33 discrimination on account of political or religious opinions; (2) that no employee shall
34 be demoted, suspended or discharged for gender or political or religious reason, but
35 such demotions, suspensions or discharges shall be made only for misconduct,
36 inefficiency or other just cause; (3) that any demoted, suspended or discharged
37 employee if hired through or put under Civil Service shall have the right to a public
38 hearing before the Civil Service Commission after which said Civil Service
39 Commission shall advise the City Manager in writing of its findings.

40 2. The purpose of the proposed amendment shall be designated on the ballot as follows:

41 To extend the authority of the City Manager to hire, discharge, or suspend authorized
42 employees of the City Clerk, the City Treasurer and the City Assessor, to eliminate
43 the requirement to prepare a personnel manual with the assistance of the Civil Service
44 Commission, and to eliminate the involvement of the Civil Service Commission in
45 employment matters.

46 3. The City Clerk shall transmit a copy of the proposed amendment to the Governor of the
47 State of Michigan for approval, and transmit a copy of the foregoing statement of purpose of
48 such proposed amendment to the Attorney General of the State of Michigan for approval, as
49 required by law.

50 4. The proposed charter amendment shall be submitted to the qualified electors of the City
51 at the general election to be held on November 2, 2010, and the City Clerk is directed to give
52 notice of the election and notice of registration in the manner prescribed by law.

53 5. The proposed amendment shall be submitted to the electors in the following format:

54 PROPOSED AMENDMENT TO SECTION 80 OF THE CHARTER OF THE CITY
55 OF MONROE TO EXTEND THE AUTHORITY OF THE CITY MANAGER TO
56 HIRE, DISCHARGE, OR SUSPEND AUTHORIZED EMPLOYEES OF THE CITY
57 CLERK, THE CITY TREASURER AND THE CITY ASSESSOR, TO ELIMINATE
58 THE REQUIREMENT TO PREPARE A PERSONNEL MANUAL WITH THE
59 ASSISTANCE OF THE CIVIL SERVICE COMMISSION, AND TO ELIMINATE
60 THE INVOLVEMENT OF THE CIVIL SERVICE COMMISSION IN
61 EMPLOYMENT MATTERS.

62 A City charter amendment proposed by the City Council to amend Section 80 of the Charter
63 by extending the authority of the City Manager to hire, discharge, or suspend authorized
64 employees of the City Clerk, the City Treasurer and the City Assessor, to eliminate the
65 requirement to prepare a personnel manual with the assistance of the Civil Service Commission,
66 and to eliminate the involvement of the Civil Service Commission in employment matters.

67 .

68 Shall Section 80 of the Charter of the City of Monroe be amended to extend the
69 authority of the City Manager to hire, discharge, or suspend authorized employees of the
70 City Clerk, the City Treasurer and the City Assessor to eliminate the requirement to
71 prepare a personnel manual with the assistance of the Civil Service Commission, and to
72 eliminate the involvement of the Civil Service Commission in employment matters?

73 IN FAVOR _____ YES

74 OPPOSED _____ NO

75 6. The proposed amendment shall be published in full together with the existing charter
76 provision altered or abrogated by the amendment as part of the notice of election.

77 7. The canvass and determination of the votes of said question shall be made in accordance
78 with the laws of the State of Michigan and the Charter of the City of Monroe.



CITY COUNCIL AGENDA FACT SHEET

RELATING TO: Ballot proposal for consideration of the repeal of City Charter sections C-325 through 345 aka Police Civil Service

DISCUSSION: City of Monroe “Police Civil Service” provisions were adopted by voters and included in the Monroe City Charter 73 years ago, i.e. 1937. Civil service provisions were adopted by voters in several local governments in Michigan and other states during the earlier years of the last century as a response to concerns about political cronyism, retribution and corruption. During a period beginning in the 1880s through the 1930s reform-minded civil servants and academics, such as Woodrow Wilson, promoted a professional civil service that would be more removed and insulated from the vagaries of national, state and local politics.

Since the 1930s there has been a vast array of measures developed and implemented, through constitutional, statutory and court-case-law, that go well beyond the now-rudimentary provisions of civil service system legislation. This multitude of complex labor protection, labor relations, procedural mandates, etc., have made civil service provisions and systems redundant, unnecessary, more costly and in some cases legally conflicting.

In Michigan, provisions negotiated and adopted as part of the collective bargaining process pre-empt civil service provisions. As such, the collective bargaining agreements for City of Monroe police officers comprehensively and more thoroughly outline and mandate the administration of promotions, qualifications, discipline, compensation (including benefits), discipline, suspension, discharge, reinstatement and grievance-appeals. Public Act (P.A.) 312 of 1969 “Compulsory Arbitration of Labor Disputes in Police and Fire Departments” also provides for mandatory “binding arbitration” of individual and union-wide disputes and contract-terms settlement by a third-party, state approved arbitrator.

There are additional incremental costs to the tax-payer associated with maintaining and supporting a separate civil service system. These include the payment of attorney fees for the services of the separate attorney retained and used by the Civil Service Commission. Attorney fees and costs have varied over the past few years, and probably have been somewhat lower than average because the City has not hired a new police officer in about four years nor a new fire fighter in about five-six years. Over the past eight years, the average annual expenditure for Civil Service attorney fees has been about \$4,000/yr., with a low of no expenditures one year to a high of \$10,332 last year. Other real, but difficult to measure, additional costs include the many hours provided each year for the necessary staff support, to the Commission, from the Human Resources, Clerk, and Finance Departments. Both the City Attorney and Labor Attorney also spend time dealing with some of the issues and conflicts that occasionally arise between the Commission, employees and management.

The principal, actual function of the current City of Monroe, Civil Service System and Commission is the oversight of the testing and assessment process and procedures for hiring and promoting police officers and fire fighters. However, most of those functions are actually administered by City of Monroe, Human Resource Department staff. In most other Michigan cities, oversight and administration are provided by their HR staff.

Finally, the civil service system dictates and promotes a narrow and somewhat closed environment for fostering self-initiative, achievement and accountability. The system’s severe limitations on the candidates who can compete can also stifle the community’s ability to better develop the best internal candidates or attract best external candidates for management and leadership positions. Even the most mediocre performance by a Chief or Deputy Chief, who now has protection under the Civil Service System, would not likely be sufficient enough grounds for implementing effective discipline and/or discharge of the individual who displays poor judgment, management, or leadership capabilities.

In summary, some of the reasons for asking City of Monroe voters to consider repeal of the “Police Civil Service” provisions of the City Charter are:

- Constitutional, statutory and court case-law provisions have more than adequately addressed the employment and labor relations issues that justified the adoption of the police civil service provisions in the City Charter.
- Civil service provisions are both redundant and inadequate to meet the needs of contemporary employee relations needs and issues.
- The Civil Service System adds extra, unnecessary costs to taxpayers and work for City staff that could be addressing other customer-service needs.
- The Civil Service System stifles flexibility for public-safety management reorganization and can limit the community’s ability to appoint the best Department managers and leaders.

Considering all of the above, I am requesting that the Mayor and Council approve the attached resolution that would place repeal of City Charter sections C-325 through C-345 on the November 2, 2010 general election ballot, for consideration by City of Monroe voters.

CITY MANAGER RECOMMENDATION:

- For
- For, with revisions or conditions**
- Against
- No Action Taken/Recommended

APPROVAL DEADLINE: August 2, 2010

REASON FOR DEADLINE: To provide for adequate time to meet statutory deadlines for placement on the November 2, 2010 general election ballot.

STAFF RECOMMENDATION: X For Against

REASON AGAINST: N/A

INITIATED BY: City Manager

PROGRAMS, DEPARTMENTS, OR GROUPS AFFECTED: Police and Human Resources Departments, ongoing General Fund budget reductions if approved by voters.

FINANCES

| | | |
|--------------------------------------|---------------------------------|--------|
| COST AND REVENUE PROJECTIONS: | Cost of Total Project | \$ N/A |
| | Cost of This Project Approval | \$ N/A |
| | Related Annual Operating Cost | \$ N/A |
| | Increased Revenue Expected/Year | \$ N/A |

| SOURCE OF FUNDS: | City | Account Number | Amount |
|-------------------------|--------------------|----------------|--------|
| | | | \$ N/A |
| | <u>Other Funds</u> | | \$ N/A |
| | | | \$ N/A |
| | | | \$ N/A |
| | | | \$ N/A |

Budget Approval: _____

FACT SHEET PREPARED BY: George A. Brown, City Manager

DATE: July 29, 2010

REVIEWED BY: N/A

DATE:

COUNCIL MEETING DATE: 8/2/10

RESOLUTION

1 **BE IT RESOLVED**, by the City Council of the City of Monroe, Michigan as follows:

2 1. By a 3/5 vote of its members-elect, pursuant to the authority granted by Public Act 279 of
3 1909, as amended, it is proposed that Sections 325 through 345 of the Charter of the City of
4 Monroe be repealed.

5 Provisions of existing Sections 325 through 345 of the Charter of the City of Monroe to be
6 altered or abrogated by such proposal, if adopted, now read as follows:

7 **§ C-325. Civil Service Commission Created. [Amended 4-7-1937]**

8 Within thirty (30) days after the approval of this amendment (§§ C-325 through C-
9 345) by the electors of the City of Monroe, Michigan, a Civil Service Commission
10 shall be created in the manner hereinafter provided, which Commission shall have
11 charge of the administration of the power hereinafter prescribed governing the Police
12 Department of the City of Monroe, Michigan.

13 **§ C-326. Membership of Commission; Vacancies; Term. [Amended 4-7-1937]**

14 The Civil Service Commission shall consist of three (3) members, to be appointed by
15 the Mayor and said appointments approved by the legislative body of the City. The
16 appointments shall be for staggered terms of six (6), four (4), and two (2) years, so
17 that no more than one (1) Commissioner’s term shall expire in any one (1) year.
18 Vacancies in the office of the Civil Service Commission, whether occurring through
19 expiration of term or for any cause or reason, shall be filled by the Mayor, said
20 appointments to be approved by the legislative body of the City. Where vacancies
21 occur through removal, death, resignation or any cause other than expiration of term,
22 vacancy appointments shall be for the remainder of the term of the Commissioner in

23 whose office the vacancy occurs. Appointments made up on the expiration of a term
24 shall be for the full period of six (6) years.

25 **§ C-327. Compensation and Officers of Commission. [Amended 4-7-1937]**

26 Members of the Civil Service Commission shall serve without pay. They shall elect
27 one (1) of their number to act as President and one of their number to act as Secretary
28 of the Commission. These officers shall serve for one (1) year after their election and
29 until their successors are elected and qualified. The Commission may prescribe such
30 rules and regulations governing their meetings, duties of officers, conduct, and order
31 of business as they shall deem necessary in the premises, not inconsistent with this
32 amendment (§§ C-325 through C-345).

33 **§ C-328. Qualifications of Members. [Amended 4-7-1937]**

34 No person shall be appointed a member of said Civil Service Commission who is not
35 a citizen of the United States and who has not been a resident of the City of Monroe,
36 Michigan, for a period of three (3) years, and an elector of said City for a period of at
37 least three (3) years immediately preceding such appointment. No Commissioner
38 shall hold any other office under the United States, the State of Michigan or any other
39 political subdivision thereof, nor shall any Commissioner serve on any political
40 committee or take any active part in the management of any political campaign. Not
41 more than two (2) of said Commissioners at any time shall be adherents of the same
42 political party.

43 **§ C-329. When Vacancies Filled by Commission. [Amended 4-7-1937]**

44 In the event the Mayor and the Council of the City of Monroe shall fail to fill
45 vacancies within thirty (30) days after such vacancy or vacancies shall occur, the

46 remaining member or members of the Civil Service Commission may fill such
47 vacancies, certifying such appointment or appointments to the Mayor in writing and
48 such appointee or appointees shall serve until appointments to fill such vacancy or
49 vacancies are made by the Mayor and Council of the City as hereinbefore provided.

50 **§ C-330. Removal of Commissioner. [Amended 4-7-1937]**

51 The Mayor or principal executive office of the City may at any time remove any
52 Commissioner for incompetency, dereliction of duty, malfeasance in office or any
53 other good cause which shall be stated in writing and made a part of the record of the
54 Commission and served upon the Commissioner removed or to be removed, either
55 personally or by registered mail; provided, however, that within ten (10) days
56 following the filing by the Mayor of the statement or statements in writing for the
57 removal of said Commissioner, said Mayor or chief executive office shall file in the
58 office of the Clerk of the Circuit Court of the County of Monroe, Michigan, a petition
59 setting forth in full the reason for said removal and praying for the confirmation by
60 said court of the action of the Mayor in so removing the said Commissioner. A copy
61 of the said petition in writing shall be served upon the Commissioner so removed
62 within five (5) days after the same is filed in said Clerk's office. Said Commissioner
63 so removed shall answer the charges of said petition if he desires to contest his
64 removal, said answer to be in writing, filed with the Clerk of said Court and a copy
65 thereof served upon the Mayor within ten (10) days after the service upon such
66 Commissioner of a copy of the Mayor's petition aforesaid. The matter of the
67 Commissioner's removal shall then be deemed at issue and such issue shall have
68 precedence on the docket of said Court and shall be heard by said Court as soon as

69 the removed Commissioner shall demand. All rights hereby vested in said Circuit
70 Court may be exercised by the judge thereof during vacation. In the event that no
71 term of court is being held at the time of the filing of said petition and the judge
72 thereof cannot be reached in the county wherein the petition was filed, said petition
73 shall be heard in the next succeeding term of said Circuit Court, whether regular or
74 special, and the Commissioner so suspended shall remain suspended until a hearing is
75 had upon the petition of the Mayor. The Court, or the judge thereof, in term or in
76 vacation, shall hear and decide upon said petition. The contestant against whom the
77 decision of the Court or judge thereof in vacation, shall be rendered, shall have the
78 right of appearing in person or by counsel and presenting his defense and to petition
79 the Supreme Court of the State of Michigan for a review of the decision of the Circuit
80 Court or the judge thereof in vacation, as in chancery cases. In the event that the
81 Mayor shall fail to file this petition in the office of the Clerk of the Circuit Court as
82 hereinbefore provided within ten (10) days after the removal of said Commissioner,
83 such Commissioner shall immediately resume his position as member of the Civil
84 Service Commission.

85 **§ C-331. Effect of Provisions on Existing Commission. [Amended 4-7-1937]**

86 The powers and duties of the Civil Service Commission provided by this amendment
87 (§§ C-325 through C-345) shall be exercised by any Civil Service Commission now
88 existing in the City of Monroe. The intent of this amendment (§§ C-325 through C-
89 345) shall not be construed to mean the appointment and creation of a separate Civil
90 Service Commission to function under this amendment (§§ C-325 through C-345),
91 but the powers and duties herein prescribed for the Civil Service Commission shall be

92 added to and exercised by any Civil Service Commission functioning at the time of
93 the adoption of this amendment (§§ C-325 through C-345).

94 **§ C-332. City Clerk Declared Clerk of Commission and Recorder. [Amended 4-**
95 **7-1937]**

96 The City Clerk shall “ex officio” be Clerk of the Civil Service Commission and the
97 office of said Clerk shall be the office of said Commission for the keeping and filing
98 of all records and actions of the Commission, which by this amendment (§§ C-325
99 through C-345) are required to be kept and maintained as public records.

100 **§ C-333. Application of Provisions; Employees Covered. [Amended 4-7-1937]**

101 On and after the date this amendment (§§ C-325 through C-345) takes effect,
102 appointments and promotions in the Police Department of the City of Monroe,
103 including the Chief, shall be made only according to qualifications and fitness to be
104 ascertained by examinations, which shall be competitive and no person shall be
105 appointed, reinstated, promoted or discharged as a paid member of said Police
106 Department, regardless of rank or position, in any manner or by any means other than
107 those prescribed in this amendment (§§ C-325 through C-345), provided that all
108 members of the Police Department regardless of position, who have been members of
109 the Department for a period of six (6) months or longer preceding the adoption of this
110 amendment (§§ C-325 through C-345), shall be eligible for examination, upon
111 application, and as to such members, age and physical requirements shall be waived,
112 excepting that each such member so applying for examination shall present to the
113 Civil Service Commission a certificate of the City Physician or the Medical
114 Commission as hereafter provided, certifying that he is free from such physical

115 defects as would prevent his performance of normal police duties, provided that the
116 prior service in the Department by such members may be considered by the Civil
117 Service Commission as a credit preference to such members.

118 **§ C-334. City Official to Assist Commission; Office Supplies, Etc. [Amended 4-7-**
119 **1937]**

120 It shall be the duty of the Mayor, or principal executive officer and heads of
121 departments of the City of Monroe to aid the Civil Service Commission in all proper
122 ways in carrying out the provisions of this amendment (§§ C-325 through C-345), and
123 to allow the reasonable use of public buildings and to cause suitable and convenient
124 rooms and accommodations to be assigned and provided, and to be furnished, heated
125 and lighted for carrying on the work and examinations of the Civil Service
126 Commission and in all proper ways to facilitate the same, and to provide and pay for
127 the necessary clerical and stenographic services for the work of the Civil Service
128 Commission. The Civil Service Commission may order from the proper authorities
129 the necessary stationery, postage stamps, official seal and other articles to be
130 supplied, and the necessary printing to be done, for its official use.

131 **§ C-335. General Duties and Powers of Commission. [Amended 4-7-1937]**

132 The Civil Service Commission of the City of Monroe, within the terms of this
133 amendment (§§ C-325 through C-345), shall:

134 (1) Prescribe, amend and enforce rules and regulations for carrying into effect the
135 provisions of this amendment (§§ C-325 through C-345). All rules so prepared
136 may from time to time be added to, amended or rescinded.

137 (2) Keep minutes of its own proceedings and records of its examinations and other
138 official actions. All recommendations of applicants for office, received by the
139 said Commission or by an officer having authority to make appointments to
140 office, shall be kept and preserved for a period of ten (10) years, and all such
141 records, recommendations, or former employees excepted, and all written causes
142 of removal, filed with it, shall, subject to reasonable regulation, be open to public
143 inspection. It shall keep a roster of the members of the Police Department,
144 together with a record of service and military or naval experience, and file
145 statements on all matters relating to the character and quality of the work done
146 and the attitude of the individual to his work and such other matters as may have a
147 bearing on promotion, transfer or discharge.

148 (3) Make investigations, either sitting in a body or through a single Commissioner,
149 concerning all matters touching the enforcement and effect of the provisions of
150 this amendment (§§ C-325 through C-345), and the rules and regulations
151 prescribed thereunder, concerning the action of any examiner or subordinate of
152 the Commission, or any person in the public service in respect to the execution of
153 this amendment; and in the course of such investigations, each Commissioner
154 shall have the power to administer oaths and affirmations and to take testimony.

155 (4) Have power to subpoena and require the attendance of witnesses and the
156 production thereof of books and papers pertinent to the investigations and
157 inquiries hereby authorized, and to examine them and such public records as it
158 shall require, in relation to any matter which it has the authority to investigate.
159 The fees of such witness for attendance and travel shall be the same as for

160 witnesses before the Circuit Courts, and shall be paid from the appropriations for
161 the incidental expenses of the Commission. All officers in the public service and
162 their deputies, clerks, subordinates and employees shall attend and testify when
163 required to do so by said Commission. Any disobedience to, or neglect of, any
164 subpoenas issued by the said Commissioners or any one of them, to any person,
165 shall be held in contempt of court, and shall be punished by the Circuit Court
166 within the county in which the said subpoena has been issued. Any judge of any
167 said courts shall, upon the application of any one of said Commissioners, in such
168 cases, cause the process of said court to issue to compel such person or persons,
169 disobeying or neglecting any such subpoena, to appear or give testimony before
170 the said Commissioners; any one of them shall have power to punish any such
171 contempt.

172 (5) Make an annual report to the Mayor or principal executive officer showing its
173 own action, and rules and regulations, and all exceptions thereto in force, and the
174 practical effects thereof, and any suggestions it may approve for the more
175 effectual accomplishments of the purpose of this amendment (§§ C-325 through
176 C-345). Such reports shall be available for public inspection for five (5) days after
177 the time (they) shall have been delivered to the Mayor or principal executive
178 officer of the City of Monroe.

179 **§ C-336. Applications for Examination and Appointment. [Amended 4-7-1937;**
180 **8-5-1952]**

181 (1) The Civil Service Commission of the City of Monroe shall require persons
182 applying for admission to any examination provided for under this amendment

183 (§§ C-325 through C-345) or under the rules and regulations of the said
184 Commission, to file in its office, within fifteen (15) days prior to the proposed
185 examination, a formal application in which the applicant shall state under oath or
186 affirmation:

187 First, his name, residence and post office address.

188 Second, his citizenship and age, and the place and date of his birth.

189 Third, his health and physical capacity for public service.

190 Fourth, his business and employments and residence for at least three (3)
191 years previous, showing that he has been a resident of the City of
192 Monroe for at least one (1) year immediately preceding his
193 application.

194 Fifth, such other information as may reasonably be required, touching the
195 applicant's qualifications and fitness for public service.

196 (2) Blank forms for such applications shall be furnished by the said Commission,
197 without charge to all persons requesting same. Said Commission may require in
198 connection with such application such certificate of a citizen, physicians or others
199 having knowledge of the applicant, as the good of the service may require. The
200 said Commission may refuse to examine an applicant, or after examination, to
201 certify as eligible, one who is found to lack any of the established preliminary
202 requirements for the examination for the position or employment for which he
203 applied; or who is physically so disabled as to be rendered unfit for the
204 performance of the duties of the position to which he seeks appointment; or who
205 is addicted to the habitual use of intoxicating liquors or drugs; or who may have

206 been guilty of any crime, or infamous or notoriously disgraceful conduct; or who
207 has been dismissed for the public service for delinquency or misconduct; or who
208 has made a false statement of any material fact, or practiced or attempted to
209 practice any deception or fraud in his application, in his examination, or in
210 securing his eligibility; or who refused to comply with the rules or regulations of
211 the Commission. If any applicant feels himself aggrieved by the action of the
212 Commission in refusing to examine him, or after examination, to certify him as
213 eligible as provided in this section, the Commission shall, at the request of such
214 applicant, appoint a time and place for a public hearing; at which time such
215 applicant may appear, by himself or counsel, or both, and the Commission shall
216 then review its refusal to make such examination or certifications, and testimony
217 shall be taken. The Commission shall subpoena, at the expense of the applicant,
218 any competent witnesses requested by him. After such review, the Commission
219 shall file the testimony taken in its records and shall again make a decision, which
220 decision shall be final.

221 (3) All applicants for any position in the Police Department shall undergo a physical
222 examination, which shall be conducted under the supervision of the City
223 Physician. The City Physician shall report the results of such examination to the
224 Civil Service Commission, on blanks to be provided by the Civil Service
225 Commission. Such examination and reports shall be made by the City Physician
226 without additional cost or charge to the regular pay provided for the City
227 Physician. Said Physician shall certify that an applicant is free from any bodily or
228 mental defects, deformity or diseases that would incapacitate him from the

229 performance of the duties of the position desired before said applicant shall be
230 permitted to take further examinations; provided, always, any applicant for
231 position on the Police Department, or for promotion in the Police Department,
232 having been disqualified by the report of the City Physician, may appeal
233 therefrom to the Mayor, who shall appoint a Medical Commission consisting of
234 two medical doctors, practicing their profession in the City of Monroe, who shall
235 examine said applicant and report to said Civil Service Commission the results of
236 their examination. If said Medical Commission's findings are unanimous in favor
237 of the applicant's qualifications, then said applicant shall be deemed eligible to
238 take the examination for appointment or promotion. If the report of said Medical
239 Commission is not unanimous, but one member thereof shall agree with the
240 findings of the City Physician, then said applicant shall not be deemed eligible to
241 take the examination involved. No applications will be received if the person
242 applying is less than twenty-one (21) years of age, or more than thirty-five (35)
243 years of age at the date of his application, excepting as hereinbefore provided for
244 present members of the police force by § C-333 aforesaid.

245 **§ C-337. Regulations of Commission; Appointment and Promotion Procedures.**

246 **[Amended 4-7-1937]**

247 (1) The Civil Service Commission shall make rules and regulations providing for
248 examinations for positions in the Police Department of the City of Monroe and for
249 appointments and promotions therein, and for such other matters as are necessary
250 to carry out the purposes of this amendment (§§ C-325 through C-345). Due
251 notice of the contents of such rules and regulations and/or any modifications

252 thereof, shall be given by mail in due season to appointing officers affected
253 thereby and said rules and regulations and modifications thereof shall be printed
254 for public distribution. All original appointments to any position in the Police
255 Department shall be for a probationary period of six months. If at the close of this
256 probationary term, the conduct or capacity of the probationer has not been
257 satisfactory to the appointing officer, such appointing officer shall notify such
258 probationer in writing, whereupon such probationer's employment shall cease;
259 otherwise his retention in the service shall be equivalent to his final appointment.

260 (2) Every position in the Police Department, unless filled by promotion or reduction,
261 shall be filled only in the following manner: The appointing officer shall notify
262 the Civil Service Commission of any vacancy in the service which he desires to
263 fill and shall request te certification of eligibles. The Civil Service Commission
264 shall forthwith certify from the eligible list, the name of the person who received
265 the highest average at the preceding examinations held under the provisions of
266 this amendment (§§ C-325 through C-345) within a period of three (3) years next
267 preceding the date of such appointment. The appointing officer shall, thereupon,
268 with sole reference to the relative merit and fitness of the candidate, make the
269 appointment so certified; provided, always, that such appointing officer may
270 require the eligible so certified to furnish such appointing officer a certificate of a
271 medical doctor in good standing and practicing his profession in the City of
272 Monroe, Michigan, certifying that said eligible is free from any bodily or mental
273 defect, deformity or disease that might incapacitate him for the performance of
274 the duties of the position desired, incurred or suffered since the medication

275 examination of the eligible herein before provided. If such certificate cannot be
276 furnished, then the appointing officer shall request the Civil Service Commission
277 to continue its certification of eligible to be appointed until such vacancy is filled.
278 As each subsequent vacancy occurs in the same or in other positions, the same
279 procedure shall be followed. When an appointment is made under the provisions
280 of this amendment (§§ C-325 through C-345), it shall be, in the first instance, for
281 the probationary period of six (6) months as provided in the amendment (§§ C-
282 325 through C-345). The term “appointing official” as used in this amendment (§§
283 C-325 through C-345) shall be construed to mean a Municipal officer in whom
284 the power of appointment of members of the Police Department is vested by this
285 Charter of the City.

286 (3) Whenever there are urgent reasons for filling a vacancy in any position in the
287 Police Department, and there is no list of persons eligible for appointment after a
288 competitive examination, the appointing officer may nominate a person to the
289 Civil Service Commission for a non-competitive examination; and if such
290 nominee or nominees shall be certified by said Commission as qualified, after
291 such non-competitive examination, he may be appointed provisionally to fill such
292 vacancy until a selection and appointment can be made after a competitive
293 examination in the manner prescribed in this amendment (§§ C-325 through C-
294 345); but such provisional appointment shall not continue for a longer period than
295 three (3) months, nor shall successive provisional appointments be made to the
296 same position under this provision.

297 **§ C-338. Examinations and Promotions. [Amended 4-7-1937]**

298 All examinations for positions or promotions shall be practical in their character and
299 shall relate to such matters and include such inquiry as will fairly and fully test the
300 comparative merit and fitness of the persons examined to discharge the duties of the
301 employment sought by them. All examinations shall be open to all applicants who
302 have fulfilled the preliminary requirements, stated in other sections of this
303 amendment. Notice of the time and place and purpose of every examination shall be
304 given by the Commission by publication for two (2) weeks preceding such
305 examination in a newspaper published and circulating in the City of Monroe, and
306 such notice shall be posted by the Commission in a conspicuous place in the office
307 and on the bulletin boards of the City of Monroe for two (2) weeks before such
308 examination. Such further notice of examinations may be given as the Commission
309 shall prescribe. The said Commission shall adopt reasonable regulations for
310 permitting the presence of representatives of the press at the examination. The
311 Commission shall post, in a public place at its office, the eligible list, containing the
312 names and grades of those who have passed examinations for positions or promotions
313 in the Police Department under this amendment (§§ C-325 through C-345), and shall
314 indicate thereon such appointments as may be made from said list. No question in any
315 form of application or any examination shall be so framed as to elicit information
316 concerning the political or religious opinions or affiliations of any applicant; nor shall
317 inquiries be made concerning such opinions or affiliations; and all disclosures thereof
318 shall be discountenanced. No discrimination shall be exercised, threatened or
319 promised by any person in the Police Department against or in favor of an applicant,
320 eligible or employee in the Police Department under this amendment (§§ C-325

321 through C-345) because of his political or religious opinions or affiliations.
322 Promotions in the Police Department, including the appointment of the Chief of
323 Police, shall be filled, so far as practical, from among the members of the Police
324 Department. Promotion shall be based upon merit to be ascertained by tests to be
325 provided by the Civil Service Commission and upon the superior qualifications of the
326 person promoted as shown by his previous service and experience provided, however,
327 that no person shall be eligible for promotion until such person shall have completed
328 at least two (2) years' service in the Department. Whenever a position becomes
329 vacant for which examinations are held, the appointing power shall make requisition
330 upon the Commission for the name of the person eligible for appointment thereto.
331 The Commission shall certify the name of the person highest on the eligible list for
332 the class to which the vacant position has been allocated, who is willing to accept
333 employment. If more than one (1) vacancy is to be filled, an additional name shall be
334 certified for each additional vacancy. The appointing power shall forthwith appoint
335 such person to such position. To enable the appointing power to exercise a choice in
336 the filing of positions of promotion in the police service, no promotion shall be
337 deemed complete until after the expiration of a period of six (6) months' probationary
338 service, during which the appointing power may terminate the employment of the
339 person certified to him or it, if during the performance test thus afforded, upon
340 observation or consideration of performance of duty, the appointing power deems him
341 unfit or unsatisfactory for such promotion in the Department. Whereupon the
342 appointing power shall designate the person, certified as standing next highest on any
343 such list, and such person shall likewise enter upon such duties and so on until a

344 person is found who is deemed fit for appointment, whereupon the appointment or
345 promotion shall be deemed complete. The Commission shall have the power to
346 determine in each instance whether an increase in salary constitutes a promotion. All
347 persons failing during the probationary period aforesaid to satisfy the appointing
348 power or officer, on being replaced as aforesaid, shall revert to the position occupied
349 previous to such probationary promotion.

350 **§ C-339. Demotion, Suspension and Dismissal. [Amended 4-7-1937]**

351 No person shall be reduced in pay or position, laid off, suspended, discharged or
352 otherwise discriminated against by any appointing officer for religious or political
353 reasons or affiliations. In all cases of reductions, layoff or suspension of an employee
354 or subordinate, whether appointed for a definite term, or otherwise, the appointing
355 authority shall furnish such employees or subordinate with a copy of reasons for
356 layoff, reduction or suspension and his reasons for the same, and give such employee
357 or subordinate a reasonable time in which to make and file an explanation. Such
358 order, together with the explanation, if any, of the subordinate shall be filed with the
359 Commission. Nothing in this amendment (§§ C-325 through C-345) contained shall
360 limit the power of an appointing officer to suspend without pay, for purposes of
361 discipline, an employee or subordinate for a reasonable period, not exceeding thirty
362 (30) days; provided, however, that successive suspensions shall not be allowed; and
363 provided, further, that the provisions of this amendment (§§ C-325 through C-345)
364 shall not apply to temporary and exceptional appointments made under the authority
365 of this amendment.

366 **§ C-340. Disciplinary Action; Hearings; Appeals; Removal for Economy.**
367 **[Amended 4-7-1937]**

368 The tenure of everyone holding an office, place, position or employment under the
369 provisions of this amendment (§§ C-325 through C-345) shall be only during good
370 behavior and efficient service; and any such person may be removed or discharged,
371 suspended without pay or deprived of vacation privileges or other special privileges
372 for incompetency, inefficiency, dishonesty, drunkenness, immoral conduct,
373 insubordination, discourteous treatment of the public, neglect of duty, violation of the
374 provisions of this amendment (§§ C-325 through C-345) or the rules of the
375 Commission, or any other failure of good behavior, or any other acts of misfeasance,
376 malfeasance or nonfeasance in office, provided, however, no member of any Police
377 Department within the terms of this amendment (§§ C-325 through C-345) shall be
378 removed, discharged or reduced in rank or pay except for cause, and in no event until
379 he shall have been furnished with a written statement of the reasons for such actions.
380 In every case of such removal or reduction a copy of the statement of reasons therefor
381 and answer thereto, if the person sought to be removed desires to file such written
382 answer, shall be furnished to the Civil Service Commission and entered upon its
383 records. If the person sought to be removed or reduced shall demand it, the Civil
384 Service Commission shall grant him a public hearing, which hearing shall be held
385 within a period of ten (10) days from the filing of the charges in writing and a written
386 answer thereto; provided, always, said Civil Service Commission may adjourn such
387 hearing from time to time for a period not to exceed ninety (90) days from the date of
388 filing the answer and demand for hearing of the person sought to be removed. At such

389 hearing the burden shall be upon the removing officer to justify his action. In event
390 that the Civil Service Commission fails to justify the action of the removing officer
391 then the person sought to be removed shall be reinstated with full pay for the entire
392 period which he may have been prevented from performing his usual employment,
393 and no charges shall be officially recorded against his record. A written record of all
394 testimony taken at such hearing shall be kept and preserved by the Civil Service
395 Commission, which record shall be sealed and not available for public inspection, in
396 event that no appeal shall be taken from the action of the Commission. In event that
397 the Civil Service Commission shall sustain the action of the removing officer the
398 person removed shall have an immediate right of appeal to the Circuit Court of
399 Monroe County. Said appeal shall be taken within ninety (90) days from the entry of
400 the Civil Service Commission of its final order; upon such an appeal being taken and
401 docketed with the Clerk of the Circuit Court of the County of Monroe, the Circuit
402 Court shall proceed to hear the appeal upon the original record taken therein and no
403 additional proof shall be permitted to be introduced. The Circuit Court's decision
404 shall be final, saving the employee, however, the right to petition the Supreme Court
405 for a review of the Court's decision. The removing officer and the person sought to be
406 removed shall at all times, both before the Civil Service Commission and upon
407 appeal, be given the right to employ counsel to represent either of them before said
408 Civil Service Commission and upon appeal, should the person removed elect to
409 appeal to the Circuit Court as hereinbefore provided.

410 If for any reasons of economy it shall be deemed necessary by the Mayor and Council
411 of the City of Monroe to reduce the number of paid members of the Police
412 Department, said officials shall comply with the following procedure:

413 Such removal shall be accomplished by suspending in successive order the last
414 appointees to said Police Department until adequate suspensions have been made to
415 effect the reduction desires, provided, further, however, that in the event said Police
416 Department shall again be increased in numbers, the policemen so suspended as
417 aforesaid shall be first reinstated before any appointment to said Police Department
418 shall be made, and such reinstatement shall be made in the inverse order of their
419 suspensions.

420 **§ C-341. Fraudulent and Corrupt Acts Prohibited. [Amended 4-7-1937]**

421 Any commissioner or examiner or any other person, who shall willfully, by himself
422 or in cooperation with one (1) or more persons, defeat, deceive or obstruct any person
423 in respect to his right of examinations or registration according to this amendment (§§
424 C-325 through C-345), or to any rules or regulations prescribed pursuant thereto, or
425 who shall willfully or corruptly, falsely, mark, grade, estimate or report upon the
426 examination or proper standing of any person examined, registered or certified,
427 pursuant to the provisions of this amendment (§§ C-325 through C-345), or aid in
428 doing so, or who shall willfully or corruptly furnish to any person any special or
429 secret information, for the purpose of either improving or injuring the prospects or
430 chances of appointment of any person so examined, registered or certified, or to be
431 examined, registered or certified; or who shall impersonate any other person, or
432 permit or aid in any manner any other person to impersonate him in connection with

433 any examination or registration, or application or request to be examined or
434 registered, shall, for each offense be deemed guilty of a misdemeanor.

435 **§ C-342. Appointments Contrary to Provisions Prohibited; Penalties. [Amended**
436 **4-7-1937]**

437 Whoever makes an appointment to office, or selects a person for employment
438 contrary to the provisions of this amendment (§§ C-325 through C-345), or willfully
439 refuses or neglects otherwise to comply with, or conform to, any of the provisions of
440 this amendment (§§ C-325 through C-345), or violates any of such provisions shall be
441 deemed guilty of a misdemeanor. Misdemeanors under the provisions of this
442 amendment (§§ C-325 through C-345) shall be punishable by a fine of not less than
443 fifty dollars (\$50.00), nor more than one thousand dollars (\$1,000) or by
444 imprisonment in the Detroit House of Corrections or County Jail for a term of not
445 exceeding one (1) year, or by both fine and imprisonment, in the discretion of the
446 Court.

447 **§ C-343. Appointing Power Defined. [Amended 4-7-1937]**

448 The “appointing power” as used in this amendment (§§ C-325 through C-345) shall
449 mean the Mayor of the City of Monroe functioning with the approval of the City
450 Council.

451 **§ C-344. Disciplinary Authority of Chief of Police. [Amended 4-7-1937]**

452 The Chief of Police shall exercise the disciplinary powers provided in this
453 amendment (§§ C-325 through C-345) and shall, in addition, prescribe such
454 disciplinary rules and regulations for the government of the Department, not

455 inconsistent with the terms of this amendment (§§ C-325 through C-345) and for
456 enforcing the same.

457 **§ C-345. Inconsistent Charter Provisions Repealed. [Amended 4-7-1937]**

458 All provisions of the Charter of the City of Monroe, Michigan that are inconsistent
459 with or in conflict with the provisions of this amendment (§§ C-325 through C-345)
460 are hereby repealed.

461 2. The purpose of the proposed amendment shall be designated on the ballot as
462 follows:

463 To eliminate the involvement of the Civil Service Commission in employment
464 matters.

465 3. The City Clerk shall transmit a copy of the proposed amendment to the Governor of the
466 State of Michigan for approval, and transmit a copy of the foregoing statement of purpose of
467 such proposed amendment to the Attorney General of the State of Michigan for approval, as
468 required by law.

469 4. The proposed charter amendment shall be submitted to the qualified electors of the City
470 at the general election to be held on November 2, 2010, and the City Clerk is directed to give
471 notice of the election and notice of registration in the manner prescribed by law.

472 5. The proposed amendment shall be submitted to the electors in the following format:

473 PROPOSED AMENDMENT TO REPEAL SECTIONS 325 THROUGH 345 OF
474 THE CHARTER OF THE CITY OF MONROE TO ELIMINATE THE
475 INVOLVEMENT OF THE CIVIL SERVICE COMMISSION IN EMPLOYMENT
476 MATTERS

477 .

478 A City charter amendment proposed by the City Council to repeal Sections 325 through 345
479 to eliminate the involvement of the Civil Service Commission in employment matters.

480 Shall Sections 325 through 345 of the Charter of the City of Monroe be repealed to
481 eliminate the involvement of the Civil Service Commission in employment matters?

482 IN FAVOR_____YES

483 OPPOSED_____NO

484 6. The proposed amendment shall be published in full together with the existing charter
485 provision altered or abrogated by the amendment as part of the notice of election.

486 7. The canvass and determination of the votes of said question shall be made in accordance
487 with the laws of the State of Michigan and the Charter of the City of Monroe.



CITY COUNCIL AGENDA FACT SHEET

RELATING TO: Ballot proposal for consideration of the rescission of Fire Department Civil Service under Michigan Public Act 78 of 1935.

DISCUSSION: City of Monroe Fire Department Civil Service provisions were adopted by voters over 70 years ago, under the provisions of Michigan Public Act 78 of 1935 (aka P.A. 78). Civil service provisions were adopted by voters in several local governments in Michigan and other states during the earlier years of the last century as a response to concerns about political cronyism, retribution and corruption. During a period beginning in the 1880s through the 1930s reform-minded civil servants and academics, such as Woodrow Wilson, promoted a professional civil service that would be more removed and insulated from the vagaries of national, state and local politics.

Since the 1930s there has been a vast array of measures developed and implemented, through constitutional, statutory and court-case-law, that go well beyond the now-rudimentary provisions of civil service system legislation. This multitude of complex labor protection, labor relations, procedural mandates, etc., have made civil service provisions and systems redundant, unnecessary, more costly and in some cases legally conflicting.

In Michigan, provisions negotiated and adopted as part of the collective bargaining process pre-empt civil service provisions. As such, the collective bargaining agreements for City of Monroe police officers comprehensively and more thoroughly outline and mandate the administration of promotions, qualifications, discipline, compensation (including benefits), discipline, suspension, discharge, reinstatement and grievance-appeals. Public Act (P.A.) 312 of 1969 "Compulsory Arbitration of Labor Disputes in Police and Fire Departments" also provides for mandatory "binding arbitration" of individual and union-wide disputes and contract-terms settlement by a third-party, state approved arbitrator.

There are additional incremental costs to the tax-payer associated with maintaining and supporting a separate civil service system. These include the payment of attorney fees for the services of the separate attorney retained and used by the Civil Service Commission. Attorney fees and costs have varied over the past few years, and probably have been somewhat lower than average because the City has not hired a new fire fighter in about five-six years nor a new police officer in about four years. Over the past eight years, the average annual expenditure for Civil Service attorney fees has been about \$4,000/yr., with a low of no expenditures one year to a high of \$10,332 last year. Other real, but difficult to measure, additional costs include the many hours provided each year for the necessary staff support, to the Commission, from the Human Resources, Clerk, and Finance Departments. Both the City Attorney and Labor Attorney also spend time dealing with some of the issues and conflicts that occasionally arise between the Commission, employees and management.

The principal, actual function of the current City of Monroe, Civil Service System and Commission is the oversight of the testing and assessment process and procedures for hiring and promoting fire fighters and police officers. However, most of those functions are actually administered by City of Monroe, Human Resource Department staff. In most other Michigan cities, oversight and administration are provided by their HR staff.

Finally, the civil service system dictates and promotes a narrow and somewhat closed environment for fostering self-initiative, achievement and accountability. The system's severe limitations on the candidates who can compete can also stifle the community's ability to better develop the best internal candidates or attract best external candidates for management and leadership positions. Even the most mediocre performance by a Chief or Deputy Chief, who now has protection under the Civil Service System, would not likely be sufficient enough grounds for implementing effective discipline and/or discharge of the individual who displays poor judgment, management or leadership capabilities.

In summary, some of the reasons for asking City of Monroe voters to consider rescission of the Fire Department Civil Service System under the provisions of P.A. 78 of 1935 are:

- Constitutional, statutory and court case-law provisions have more than adequately addressed the employment and labor relations issues that justified the adoption of P.A. 78 fire civil service provisions.
- Civil service provisions are both redundant and inadequate to meet the needs of contemporary employee relations needs and issues.
- The Civil Service System adds extra, unnecessary costs to taxpayers and work for City staff that could be addressing other customer-service needs.

- The Civil Service System stifles flexibility for public-safety management reorganization and can limit the community's ability to appoint the best Department managers and leaders.

Considering all of the above, I am requesting that the Mayor and Council approve the attached resolution that would place rescission of the Fire Department Civil Service provisions under P.A. 78 of 1935 on the November 2, 2010 general election ballot, for consideration by City of Monroe voters.

CITY MANAGER RECOMMENDATION:

- For
- For, with revisions or conditions
- Against
- No Action Taken/Recommended

APPROVAL DEADLINE: August 2, 2010

REASON FOR DEADLINE: To provide for adequate time to meet statutory deadlines for placement on the November 2, 2010 general election ballot.

STAFF RECOMMENDATION: X For Against

REASON AGAINST: N/A

INITIATED BY: City Manager

PROGRAMS, DEPARTMENTS, OR GROUPS AFFECTED: Police and Human Resources Departments, ongoing General Fund budget reductions if approved by voters.

FINANCES

| | | |
|--------------------------------------|---------------------------------|--------|
| COST AND REVENUE PROJECTIONS: | Cost of Total Project | \$ N/A |
| | Cost of This Project Approval | \$ N/A |
| | Related Annual Operating Cost | \$ N/A |
| | Increased Revenue Expected/Year | \$ N/A |

| SOURCE OF FUNDS: | City | Account Number | Amount |
|-------------------------|--------------------|----------------|--------|
| | | | \$ N/A |
| | <u>Other Funds</u> | | \$ N/A |
| | | | \$ N/A |
| | | | \$ N/A |
| | | | \$ N/A |

Budget Approval: _____

FACT SHEET PREPARED BY: George A. Brown, City Manager

DATE: July 29, 2010

REVIEWED BY: N/A

DATE:

COUNCIL MEETING DATE: 8/2/10



CITY COUNCIL AGENDA FACT SHEET

RELATING TO: Ballot proposal for voter consideration of the repeal of City Charter sections: C-48 “Corporate Powers Vested in Council”, C-49 “Departments Enumerated”, C-50 “Department Superintendents”, C-228 “Board of Health; Establishment”, C-229 “Board of Health; Officers and Duties”, C-230 “Board of Health; Qualifications of Officers; Powers”.

DISCUSSION: Ninety-seven (97) years ago City of Monroe voters adopted a City Charter that included provisions for some Departments of the City and elected officials as Superintendents, which have now been obsolete for several years. Charter section 48, vests all corporate powers of the City with the Mayor and two (2) other Councilpersons. Section 49 mandates the formation of the Department of Public Affairs and Finance, Department of Public Utilities, Health, Welfare and Charities, and a Department of Public Works, none of which have existed for decades. Section 50 designates the Mayor and two (2) Councilpersons as the Superintendents of the three Departments mandated in section 49. And sections 228-230 establish a City Board of Health, its officers and its duties. The Charter has since had amendments establishing a Mayor and a six (6) member City Council and the Michigan Home Rule City Act and Charter vests the entire body with all corporate powers. Through Charter, ordinances and State mandates, the City has also established an organizational structure that no longer includes the departments listed in charter section 49. And, during the ensuing years since the City Charter was first adopted, State and County public health agencies have been established that supplanted the need for a City Board of Health.

Considering all of the above, I am requesting that the Mayor and Council approve the attached resolution that would place repeal of sections 48, 49, 50, 228, 229 and 230 on the November 2, 2010 general election ballot, for consideration by City of Monroe voters.

CITY MANAGER RECOMMENDATION:

- For
- For, with revisions or conditions
- Against
- No Action Taken/Recommended

APPROVAL DEADLINE: August 2, 2010

REASON FOR DEADLINE: To provide for adequate time to meet statutory deadlines for placement on the November 2, 2010 general election ballot.

STAFF RECOMMENDATION: X For Against

REASON AGAINST: N/A

INITIATED BY: City Manager

PROGRAMS, DEPARTMENTS, OR GROUPS AFFECTED: None. Would remove obsolete and unnecessary language from the City Charter.

FINANCES

| | | |
|--------------------------------------|---------------------------------|--------|
| COST AND REVENUE PROJECTIONS: | Cost of Total Project | \$ N/A |
| | Cost of This Project Approval | \$ N/A |
| | Related Annual Operating Cost | \$ N/A |
| | Increased Revenue Expected/Year | \$ N/A |

| SOURCE OF FUNDS: | City | Account Number | Amount |
|-------------------------|--------------------|----------------|--------|
| | | | \$ N/A |
| | <u>Other Funds</u> | | \$ N/A |
| | | | \$ N/A |
| | | | \$ N/A |
| | | | \$ N/A |

Budget Approval: _____

FACT SHEET PREPARED BY: George A. Brown, City Manager

DATE: July 29, 2010

REVIEWED BY: N/A

DATE:

COUNCIL MEETING DATE: August 2, 2010

RESOLUTION

1 **BE IT RESOLVED**, by the City Council of the City of Monroe, Michigan as follows:

2 1. By a 3/5 vote of its members-elect, pursuant to the authority granted by Public Act 279 of
3 1909, as amended, it is proposed that Sections 48, 49, 50 and 228 through 230 of the Charter of
4 the City of Monroe be repealed.

5 Provisions of existing Sections 48, 49, 50 and 228 through 230 of the Charter of the City of
6 Monroe to be altered or abrogated by such proposal, if adopted, now read as follows:

7 **§ C-48. Corporate Powers Vested in Council.**

8 All the corporate powers of the City are hereby vested in a Council, consisting of a
9 Mayor and two (2) other Councilpersons, elected as provided in this Charter.

10 **§ C-49. Departments Enumerated.**

11 The executive and administrative powers, authority and duties shall be distributed
12 among the three (3) departments, as follows:

13 (1) Department of Public Affairs and Finance.

14 (2) Department of Public Utilities, Health, Welfare and Charities.

15 (3) Department of Public Works.

16 **§ C-50. Department Superintendents.**

17 The Mayor shall be Superintendent of the Department of Public Affairs and Finance.

18 The Council shall, at the first regular meeting after the election of its members,
19 designate by a majority vote one Councilperson to be Superintendent of the
20 Department of Public Utilities, Health, Welfare and Charities, and one to be
21 Superintendent of the Department of Public Works. But such designation may be
22 changed whenever it appears that the public service would be benefited thereby.

23 **§ C-228. Board of Health; Establishment.**

24 There is hereby established in and for the City of Monroe a department to be known
25 as the Board of Health, consisting of the City Physician and the City Council.

26 **§ C-229. Board of Health; Officers and Duties.**

27 The Mayor shall be President and the health officer Secretary of the Board. The
28 Health Officer shall be the executive officer of the Board, and it shall be his duty to
29 enforce the rules and regulations of the Board of Health. He shall receive all
30 complaints of the violations of all ordinances in respect to the public health and
31 investigate the same, and report thereon to said Board.

32 **§ C-230. Board of Health; Qualifications of Officers; Powers.**

33 The Health Officer shall be a legally licensed physician resident within the City of
34 Monroe. The Board of Health shall adopt rules and regulations for their own
35 government, and shall within the limits prescribed by the State law, Charter and
36 ordinances, have general supervision of all matters relating to the sanitary condition
37 of the City and the preservation of the life and health of the people within their
38 jurisdiction, and make such rules and regulations as they may deem advisable for the
39 prevention of disease and for the protection of the health of the public.

40
41 2. The purpose of the proposed amendment shall be designated on the ballot as follows:

42 To repeal these sections as obsolete.

43 3. The City Clerk shall transmit a copy of the proposed amendment to the Governor of the
44 State of Michigan for approval, and transmit a copy of the foregoing statement of purpose of

45 such proposed amendment to the Attorney General of the State of Michigan for approval, as
46 required by law.

47 4. The proposed charter amendment shall be submitted to the qualified electors of the City
48 at the general election to be held on November 2, 2010, and the City Clerk is directed to give
49 notice of the election and notice of registration in the manner prescribed by law.

50 5. The proposed amendment shall be submitted to the electors in the following format:

51 PROPOSED AMENDMENT TO REPEAL SECTION 48, 49, 50 AND 228
52 THROUGH 230 OF THE CHARTER OF THE CITY OF MONROE AS
53 OBSOLETE.

54 A City charter amendment proposed by the City Council to repeal Sections 48, 49, 50 and
55 228 through 230 of the Charter as obsolete.

56 Shall Sections 48, 49, 50 and 228 through 230 of the Charter of the City of Monroe
57 be repealed as obsolete?

58 IN FAVOR _____ YES

59 OPPOSED _____ NO

60 6. The proposed amendment shall be published in full together with the existing charter
61 provision altered or abrogated by the amendment as part of the notice of election.

62 7. The canvass and determination of the votes of said question shall be made in accordance
63 with the laws of the State of Michigan and the Charter of the City of Monroe.



CITY COUNCIL AGENDA FACT SHEET

RELATING TO: User rates and fees for the Monroe Multi-Sports Complex

DISCUSSION: As you know, Canlan Sports Management was directed by the Mayor, Council and City management to develop and implement a Multi-Sports Complex operating budget that would not require a tax-payer, General Fund subsidy for net operating overhead in the 2010-2011 fiscal year. Subsequently, Canlan management did submit an operating budget that was balanced and does not anticipate a General Fund subsidy. Some of the significant measures that their management implemented included the reduction of full and part time staff, the continued practice of maintaining only one sheet of ice and other cost cutting measures. Canlan is also requesting that the City Council approve changes to user rates and fees. Appropriate City staff have reviewed the proposed rate schedule, have found that rates proposed are within market ranges and reasonable, and are recommending Council approval

I am respectfully requesting that the Mayor and Council approve the attached Monroe Multi-Sports Complex 2010-2011 rate schedule submitted by Canlan Management.

CITY MANAGER RECOMMENDATION:

- For
 For, with revisions or conditions
 Against
 No Action Taken/Recommended

APPROVAL DEADLINE: August 2, 2010

REASON FOR DEADLINE: To provide for adequate time to meet statutory deadlines for placement on the November 2, 2010 general election ballot.

STAFF RECOMMENDATION: X For Against

REASON AGAINST: N/A

INITIATED BY: City Manager

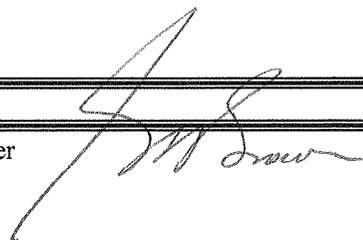
PROGRAMS, DEPARTMENTS, OR GROUPS AFFECTED: None. Would remove obsolete and unnecessary language from the City Charter.

FINANCES

| | | |
|--------------------------------------|---------------------------------|--------|
| COST AND REVENUE PROJECTIONS: | Cost of Total Project | \$ N/A |
| | Cost of This Project Approval | \$ N/A |
| | Related Annual Operating Cost | \$ N/A |
| | Increased Revenue Expected/Year | \$ N/A |

| SOURCE OF FUNDS: | <u>City</u> | Account Number | Amount |
|-------------------------|--------------------|----------------|--------|
| | | | \$ N/A |
| | <u>Other Funds</u> | | \$ N/A |
| | | | \$ N/A |
| | | | \$ N/A |
| | | | \$ N/A |

Budget Approval: _____



FACT SHEET PREPARED BY: George A. Brown, City Manager

DATE: July 29, 2010

REVIEWED BY: N/A

DATE:

COUNCIL MEETING DATE: August 2, 2010

PROPOSED RATES FOR 2010-2011 (EFFECTIVE 9/1/10)
 **=2009-2010 RATES

ICE RATES:

MONDAY-FRIDAY

| | | | |
|-----------------|-------------------|----------------|--------------------------------|
| NON-PRIME RATE: | \$100.00 PER HOUR | 6:00am-3:00pm | **\$100.00 PER HOUR |
| SUB-PRIME RATE: | \$150.00 PER HOUR | 3:00pm-5:30pm | **\$150.00 - \$215.00 PER HOUR |
| PRIME RATE: | \$220.00 PER HOUR | 5:30pm-11:00pm | **\$215.00 PER HOUR |

SATURDAY-SUNDAY

| | | | |
|-----------------|-------------------|----------------|---------------------|
| NON-PRIME RATE: | \$100.00 PER HOUR | 6:00am-8:00am | **\$100.00 PER HOUR |
| PRIME RATE: | \$220.00 PER HOUR | 8:00am-11:00pm | **\$215.00 PER HOUR |

EXCEPTIONS TO 2009-2010 RATES:

- **\$210.00 PER HOUR MONROE HOCKEY ASSOCIATION**
- **\$75.00 PER HOUR MONROE FIGURE SKATING CLUB**

MONDAY-SUNDAY

| | | |
|---|-------------------|---------------------|
| LAST MINUTE ICE (BOOKED 7 DAYS OR LESS) | \$100.00 PER HOUR | **\$100.00 PER HOUR |
|---|-------------------|---------------------|

PUBLIC PROGRAMS: **NO CHANGE IN RATES FROM 2009/2010

PUBLIC SKATING

| | | |
|-------------------|--|--|
| NOON SKATE: | \$2.00 ADMISSION | \$2.00 SKATE RENTAL |
| FRIDAY NIGHT: | \$2.00 ADMISSION | \$2.00 SKATE RENTAL (FRUGAL FRIDAYS-ALL) |
| SATURDAY NIGHT: | \$4.00 ADMISSION | \$2.00 SKATE RENTAL (STUDENTS AND SENIORS) |
| SATURDAY NIGHT: | \$5.00 ADMISSION | \$2.00 SKATE RENTAL (ADULTS) |
| SUNDAY AFTERNOON: | \$4.00 ADMISSION | \$2.00 SKATE RENTAL (STUDENTS AND SENIORS) |
| | \$5.00 ADMISSION | \$2.00 SKATE RENTAL (ADULTS) |
| | (SUNDAYS ONLY AS ICE IS AVAILABLE-SPRING/SUMMER) | |

| | |
|----------------|-----------------------------|
| STICK AND PUCK | \$2.00 ADMISSION (STUDENTS) |
| STICK AND PUCK | \$4.00 ADMISSION (ADULTS) |

DROP-IN HOCKEY \$10.00 ADMISSION (ADULTS) 1.5 HOURS

| | |
|------------|---|
| FREESTYLE: | \$10.00 ADMISSION (ALL) 1.5-3 HOUR SESSION (COACHES ARE FREE) |
| FREESTYLE: | \$140.00 PUNCH CARD (20 SESSIONS) \$60 SAVINGS ON 20 SESSIONS |
| FREESTYLE: | \$100.00 PUNCH CARD (20 SESSIONS) \$100 SAVINGS ON 20 SESSIONS* |
| | *(AVAILABLE TO MONROE FIGURE SKATING CLUB MEMBERS ONLY) |
| | ALL SAVINGS ARE BASED ON 20 \$10 SINGLE SESSIONS |

| | |
|---------------|--|
| BIRTHDAYS: | \$150.00 PER PACKAGE (BOUNCE OR SKATING PARTY) |
| BOUNCE MANIA: | \$5.00 PER ADMISSION (ADULTS FREE) |
| BOUNCE MANIA: | \$3.00 PER ADMISSION DURING TOT TIME (ADULTS FREE) |

| | | | |
|--------------------------|---|--|---|
| Dry Floor Rental: | \$1200.00 (no turf to remove) Daily fee | \$1800.00 (turf needs to be removed) Daily fee | Proposed fee is new for "with turf removal" |
|--------------------------|---|--|---|

MOUNT CLEMENS (MOUNT CLEMENS) (OUT OF MARKET EXAMPLE)

\$180-\$265 CONTRACT AND NON-CONTRACT ICE

FREESTYLE \$12 FOR 50 MINUTES

YACK (WYANDOTTE)

\$200 CONTRACT ICE FOR FIGURE SKATING CLUB AND HOCKEY ASSOC

\$200 CONTRACT ICE FOR ADULT RUN DROP-IN LEAGUE

\$210 NON-CONTRACT ICE RENTAL

OPEN SEPTEMBER-APRIL

SOUTHGATE (SOUTHGATE)

\$200 CONTRACT ICE FOR FIGURE SKATING CLUB AND HOCKEY ASSOC

\$210 NON-CONTRACT ICE RENTAL

ICE BOX (BROWNSTOWN)

\$200 CONTRACT ICE

FREESTYLE \$10 FOR 50 MINUTES OR \$8 PREPAID

TAMO SHANTER (SYLVANIA, OH)

\$200 CONTRACT ICE (ONLY GOES UP BASED ON KEEPING BILLS PAID)

FREESTYLE \$8 FOR 50 MINUTES (7AM OR 8AM ONLY)

TAYLOR SPORTSPLEX (TAYLOR)

\$225 CONTRACT ICE

\$225 CLUB ICE (CLUB TAKES ADVANTAGE MOSTLY OF FREESTYLE ICE)

FREESTYLE: \$6 FOR ½ HOUR, \$10 FOR 1 HOUR

VIKING ARENA (HAZEL PARK)

\$280 CONTRACT ICE M-F

\$250 CONTRACT ICE SA-SU

\$180-\$200 ICE RENTAL BEFORE 6PM

FREESTYLE NONE

KENNEDY (TRENTON)

\$220 CONTRACT ICE (PRIMETIME)

\$150 CONTRACT ICE 6AM

\$150-\$200 VARIOUS NON-PRIME HOURS

FREESTYLE: \$10 FOR 1 HOUR OR \$8 PREPAID FOR 1 HOUR

ICE HOUSE (TOLEDO, OH)

\$235 CONTRACT ICE

ALL OFFER PUBLIC SKATING WITH ADMISSIONS OF \$3-\$5 WITH \$2 SKATE RENTAL
SOME OFFER STICK AND PUCK WITH ADMISSIONS OF \$6-\$10 PER HOUR

DEFINITIONS: CONTRACT ICE = rental of ice for a committed amount of hours
ICE RENTALS/NON CONTRACT ICE = one time ice rental
FREESTYLE = ice time dedicated to figure skating
CLUB ICE = ice contracted by a figure skating club