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**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, MI 48161, (734) 384-9138. The City of Monroe website address is [www.monroeml.gov](http://www.monroeml.gov).

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**AGENDA - CITY COUNCIL REGULAR MEETING  
MONDAY, NOVEMBER 21, 2011  
7:30 P.M.**

**I. CALL TO ORDER.**

**II. ROLL CALL.**

**III. INVOCATION/PLEDGE OF ALLEGIANCE.**

**IV. 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 Special Meeting held on Monday, November 7, 2011 and the minutes of the Special Meeting to Canvass the Vote held on Thursday, November 10, 2011.

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

237 Retiree Health Care Plan Actuarial Valuation.

1. Communication from the Finance Director, submitting a proposal for an Actuarial Valuation to calculate the annual required contribution and the total liability related to the Retiree Health Care Plan, and recommending that Council approve the proposal submitted by Gabriel, Roeder, Smith & Company for the performance of an actuarial valuation of the Retiree Health Care Plan for the City of Monroe as of December 31, 2010 in the amount of \$15,000.
2. Supporting documents.
3. Accept, place on file and the resolution be adopted.

238 Public Safety Officer Training for Firefighter I & II.

1. Communication from the Deputy Director of Public Safety, submitting a request to provide Firefighter I & II Certification Training to 12 Patrol Officers and 2 Command Officers, and recommending that Council approve this request for training in the amount of \$14,000.
2. Supporting documents.
3. Accept, place on file and the recommendation be carried out.

239 City of Monroe Emergency Operations Plan Update and Resolution.

1. Communication from the Deputy Director of Public Safety, submitting a proposed resolution and the City of Monroe Emergency Operations Plan that provides a framework for the City of Monroe to use during a natural disaster, technological incident or a hostile attack, and recommending that Council approve the resolution and this Emergency Operations Plan.
2. Supporting documents.
3. Accept, place on file and the recommendation be carried out.

240 COMEA I Ratification.

1. Communication from the Director of Human Resources, submitting the tentative agreement between the City of Monroe and COMEA Unit I/TPOAM, and recommending that Council approve the attached Collective Bargaining Agreement.
2. Supporting documents.
3. Accept, place on file and the recommendation be carried out.

241 Attorney Service Policy.

1. Communication from the City Manager, submitting a proposed Attorney Service Policy to provide Council and the members of the City boards and commissions better clarity and defined criteria for the provision of legal services, and recommending that Council approve the attached "Attorney Service Policy".
2. Supporting documents.
3. Accept, place on file and the recommendation be carried out.

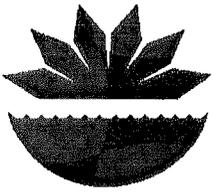
**V. MAYOR'S COMMENTS.**

**VI. CITY MANAGER COMMUNICATION.**

**VII. COUNCIL COMMENTS.**

**VIII. CITIZEN COMMENTS**

**IX. ADJOURNMENT.**



# CITY COUNCIL AGENDA FACT SHEET

**RELATING TO:** Retiree Health Care Plan Actuarial Valuation

**DISCUSSION:** In June 2004, the Governmental Accounting Standards Board (GASB) issued statement number 45 entitled Accounting and Financial Reporting by Employers for Postemployment Benefits Other Than Pensions. The liability that is required to be measured by this statement is commonly referred to as the OPEB (Other post-employment benefit) liability. For many years, pension systems have been required to annually have an actuarial valuation completed to measure the funded status of the plan and to develop employer contributions to the plan. This requirement has essentially now been placed on retirement benefits other than pensions. The most common benefit that it applies to is retiree health benefits. Beginning in fiscal year 2009, the City of Monroe was required to measure and disclose an amount for annual OPEB cost related to the retiree health care plan that is provided by the City. Annual OPEB cost is equal to the employer's annual required contribution to the plan (ARC), with certain adjustments if the employer has a net OPEB obligation for past under- or overcontributions. To calculate the ARC and the total liability related to the retiree health care plan, an actuarial valuation needs to be completed at least biennially. A valuation was completed as of December 31, 2006 and December 31, 2008. These valuations covered our reporting requirements through fiscal year 2012. The December 31, 2008 report can be viewed on the City of Monroe website. A new valuation is now required as of December 31, 2010. The accounting standard does not require a specific contribution to the retiree health care system. It simply requires the calculation and disclosure of the city's liability.

The proposal you are being asked to approve is from the same actuary that the pension system uses. The price proposed is \$15,000 and is the same cost as the last two valuations. The actuary will be able to use much of the same data that is provided for the retirement system valuation and they have also performed all of the valuations of the retiree health care plan to date. The valuation will be done as of December 31, 2010 and the ARC that it calculates will be payable by the City during the 2013 and 2014 fiscal year.

The cost of the actuarial valuation will be paid by the Retiree Health Care Fund. The Retiree Health Care Fund was set up so that the Finance Director pays all the claims and other costs from the contributions made by the City. Any excess contributions that are not needed to pay those costs are transferred to the account managed by the Retiree Health Care Board for investment. This cost would be paid from the funds managed by the Finance Director. For that reason, the City Council is being asked to approve this proposal, instead of the Retiree Health Care Board.

It is recommended that the Mayor and City Council approve the proposal submitted by Gabriel Roeder Smith & Company for the performance of an actuarial valuation of the Retiree Health Care Plan for the City of Monroe as of December 31, 2010 in the amount of \$15,000.

**CITY MANAGER RECOMMENDATION:**

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

**APPROVAL DEADLINE:** None

**REASON FOR DEADLINE:** None

**STAFF RECOMMENDATION:**  For  Against

**REASON AGAINST:** N/A

**INITIATED BY:** Edward Sell, Finance Director

**PROGRAMS, DEPARTMENTS, OR GROUPS AFFECTED:** All City Departments

## FINANCES

**COST AND REVENUE PROJECTIONS:**

Cost of Total Project	\$ 15,000
Cost of This Project Approval	\$ 15,000
Related Annual Operating Cost	\$ N/A
Increased Revenue Expected/Year	\$ N/A

**SOURCE OF FUNDS:**

City

Account Number  
675-30.223-818.020

Amount  
\$15,000  
\$ N/A  
\$ N/A  
\$ N/A

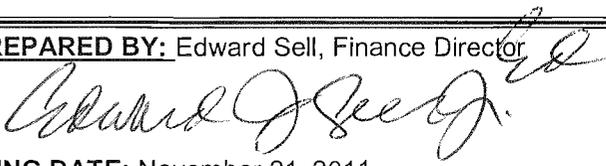
Other Funds

\$ N/A  
\$ N/A  
\$ N/A  
\$ N/A

Budget Approval: 

**FACT SHEET PREPARED BY:** Edward Sell, Finance Director

**DATE:** 11/15/2011

**REVIEWED BY:** 

**DATE:** 11-15-11

**COUNCIL MEETING DATE:** November 21, 2011



November 2, 2011

Mr. Ed Sell  
City of Monroe  
120 E. First Street  
Monroe, MI 48161

**Re: Proposed Fees for the Actuarial Valuation of the Retiree Health Care Plan  
for the City of Monroe**

Dear Ed:

Gabriel, Roeder, Smith & Company (GRS) would be pleased to provide actuarial and consulting services for the Retiree Health Care Plan provided by the City of Monroe. The engagement letter describes the scope of services and fees for preparing an actuarial valuation of these benefits. Also included is a list of data items that will be needed to complete this project.

**GRS' BACKGROUND IN RETIREE HEALTH CONSULTING**

GRS specializes in assessing complex health care and benefit issues. GRS has extensive experience in the design, evaluation, pricing, financing, and implementation of retiree health care benefit programs, particularly retiree health care plans sponsored by state and local governments. We have a thorough, hands-on understanding and experience with the health care marketplace, both nationally and regionally. Our expertise and insight into public employee retirement systems are highlighted by the fact that our consultants and actuaries have experience in benefit design, managed care strategies, plan administration, and legislative issues, as well as valuation related services.

**SCOPE OF SERVICES**

We will prepare an actuarial valuation of the retiree health care benefits provided by the City of Monroe as of December 31, 2010. The actuarial valuation encompasses three phases indicated on the following page.

### **CALCULATE PER CAPITA RETIREE CLAIM COST**

Calculations of current per capita retiree claim costs for a large group are usually based entirely on the group's own experience. Data is obtained from the vendor, including claims, premium, enrollment data, and administrative expenses. The data is separated for each subgroup for which rates are required. We review the data for completeness and reasonableness. Claim completion factors are determined and applied and incurred monthly claim costs per member or per risk unit are determined. Appropriate trend rates are applied to trend the claim costs to the appropriate time period. Administrative expenses are added and any other adjustments are made as appropriate.

### **PREPARE THE VALUATION**

We will prepare an actuarial valuation of the retiree health care benefits. Liabilities will be developed for present and future retirees and will reflect retiree contribution rates, if any. The valuation will provide:

- A measurement of the actuarial liability as of the valuation date.
- The estimated accounting expense for the fiscal year beginning July 30, 2010 and July 30, 2011.

The valuation will be based on assumptions and methods that are consistent with GASB Statement No. 43 and No. 45 for Other PostEmployment Benefit (OPEB) plans.

### **WORK PLAN**

Our recommended work plan to complete the actuarial valuation would include the following steps:

- 1) Define data requirements and request information. Also, provide any preliminary recommendations relating to health care assumptions or methods.
- 2) Collect census and asset information and review for reasonableness.
- 3) Review the current substantive plan and most current actuarial valuation. Specifically, review the assumptions, methods, funding policy and accounting policy.
- 4) Gather information required to determine the per capita health care rates. Some required information would include premium rates for actives pre age 65 and post age 65 retirees and a distribution by family type (i.e., single, couple, family) of those covered by the medical plan. Also needed, is a brief description of all the health plans (e.g., deductible, co-insurance, co-pay, etc.).
- 5) Select other economic and demographic long-term assumptions.
- 6) Select actuarial funding or asset smoothing methods.
- 7) Perform an actuarial valuation of the retiree health plan.
- 8) Prepare a report of the actuarial valuation of the retiree health care plan.
- 9) Serve as technical advisor on matters of an actuarial nature regarding retiree health care.

**PROFESSIONAL CONSULTING STAFF**

The GRS team assigned to the actuarial valuation of the retiree health care benefits for the City of Monroe has extensive experience and expertise in retirement plans, health care benefits, and their associated costs.

**CONSULTING FEES**

Gabriel, Roeder, Smith & Company’s professional consulting fees are based on the time spent by our associates in performing these services for you. The following tables show our proposed fees for a valuation of the retiree health care plan:

<b>Valuation Project Element</b>	<b>Fee Schedule for December 31, 2010 Valuation</b>
Actuarial Valuation:	\$15,000

It is our understanding that the actuarial valuation will include the following:

- Six OPEB Benefit Groups (groups with differing retirement eligibility or benefits) as follows:
  - General Units I & II, Water Units I & II, Sewage Units I & II
  - General, Water, Sewage Teamsters
  - Police and Fire
  - Appointed/Confidential
  - Elected
  - Hybrid
- The Annual Required Contribution (ARC) will be calculated for the following subgroups:
  - All non-Hybrid General employees
  - Police
  - Fire
  - Hybrid employees
- Up to 17 (Medical/Rx) Premium Rate Schedules valued using an “intermediate” health care trend assumption.
- We will use a 7.0% interest rate assumption in our calculations. This interest rate will need to be approved by your auditors.
- The retiree health plan is self-insured with Blue Cross/Blue Shield as the provider.

Mr. Ed Sell  
November 2, 2011  
Page 4

Determining OPEB Benefits Groups is an important step, as an understanding of “who gets what” is integral to producing appropriate liabilities and costs. Categorizing plan membership correctly initially would save costly time and expenses from having to redo the valuation should it later be determined that an incorrect set of benefits had been used. If the number of OPEB Benefit Groups changes, the fee quote will need to be recalculated.

<b>Additional Valuation Services Available</b>	<b>Fee Schedule for December 31, 2010 Valuation</b>
Twenty year Benefit Projection for:  Intermediate Medical Inflation Assumptions:	\$1,500
Sensitivity Analysis (sensitivity to increases in health inflation):	\$2,000

**PROJECT TIMING**

We are prepared to initiate the valuation upon approval of the proposal and receipt of clean and complete data. We project that a valuation will be delivered 10 to 12 weeks after receipt of clean and complete data.

Please do not hesitate to contact us at 1-248-799-9000 should you need additional information or clarification. We look forward to assisting the City in the valuation of its retiree health care benefits.

Respectfully submitted,



Mark Buis, FSA  
Consulting Actuary

MB:sc  
Enclosures



## CITY COUNCIL AGENDA FACT SHEET

**RELATING TO:** Public Safety Officer training for Firefighter I & II.

**DISCUSSION:** The City has entered into a collective bargaining agreement with the POAM and COAM (Police Officers / Command Officers) unions to provide Firefighter I & II certification training. 12 Patrol Officers and 2 Command Officers have volunteered for this training which started on November 7, 2011 and concludes on April 1, 2012. The cost of this training is \$1,000 per student with a total cost of \$14,000 for this request. This training is conducted under the authority of the Michigan Firefighters Training Council and is held locally here in Monroe County.

This investment in training will enhance the City's response capabilities to fire and other hazardous related incidents.

It is therefore my recommendation that City Council approve this request for training in the amount of \$14,000.

**CITY MANAGER RECOMMENDATION:**

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

**APPROVAL DEADLINE:**

**REASON FOR DEADLINE:**

**STAFF RECOMMENDATION:**            X For             Against

**REASON AGAINST:** N/A

**INITIATED BY:** Joseph R. Mominee, Deputy Director of Public Safety

**PROGRAMS, DEPARTMENTS, OR GROUPS AFFECTED:** Fire and Police Departments

## FINANCES

<b>COST AND REVENUE PROJECTIONS:</b>	Cost of Total Project	\$14,000
	Cost of This Project Approval	\$ N/A
	Related Annual Operating Cost	\$ N/A
	Increased Revenue Expected/Year	\$ N/A

<b>SOURCE OF FUNDS:</b>	<u>City</u>	<u>Account</u>	<u>Number</u>
	\$14,000.00	101-55-336-818.020	\$14,000.00
			\$ N/A
	<u>Other Funds</u>		\$ N/A
			\$ N/A
			\$ N/A
			\$N/A

Budget Approval: \_\_\_\_\_

**FACT SHEET PREPARED BY:** Joseph R. Mominee, Deputy Director of Public Safety

**DATE:** 11/14/11

**REVIEWED BY:**

**DATE:** 11/14/11

**COUNCIL MEETING DATE:** November 21, 2011



# CITY COUNCIL AGENDA FACT SHEET

**RELATING TO:** City of Monroe Emergency Operations Plan update.

**DISCUSSION:** The City of Monroe's Emergency Operations Plan is in support of the Monroe County Emergency Operations Plan. This plan provides a framework for the City of Monroe to use in performing emergency functions before, during, and after a natural disaster, technological incident or a hostile attack.

I recommend the Monroe City Council approve this Emergency Operations Plan.

**CITY MANAGER RECOMMENDATION:**

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

**APPROVAL DEADLINE:** N/A

**REASON FOR DEADLINE:** N/A

**STAFF RECOMMENDATION:**  For  Against

**REASON AGAINST:** N/A

**INITIATED BY:** Joseph R. Mominee

**PROGRAMS, DEPARTMENTS, OR GROUPS AFFECTED:** City of Monroe

## 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

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

Budget Approval: \_\_\_\_\_

**FACT SHEET PREPARED BY:** Joseph R. Mominee

**REVIEWED BY:** Joseph R. Mominee, Deputy Director of Public Safety

**DATE:** 11/14/11

**COUNCIL MEETING DATE:** November 21, 2011



# CITY COUNCIL AGENDA FACT SHEET

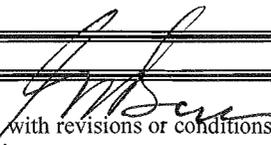
**RELATING TO:** COMEA UNIT I (GENERAL EMPLOYEE GROUP)

**DISCUSSION:** The City of Monroe and COMEA UNIT I/TPOAM (representing the general employees) have reached a tentative agreement.

For your review and consideration the major highlights of the tentative agreement are attached and will be incorporated into the final agreement.

I respectfully recommend City Council's approval of the COMEA UNIT I/TPOAM, 2011 - 2014 Collective Bargaining Agreement.

**CITY MANAGER RECOMMENDATION:**

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

**APPROVAL DEADLINE:** November 21, 2011

**REASON FOR DEADLINE:** Expired Collective Bargaining Agreement

**STAFF RECOMMENDATION:** X For  Against

**REASON AGAINST:** N/A

**INITIATED BY:** Peggy A. Howard, Human Resources Director

**PROGRAMS, DEPARTMENTS, OR GROUPS AFFECTED:** COMEA UNIT 1 - TPOAM

## FINANCES

**COST AND REVENUE PROJECTIONS:**

Cost of Total Project

(SEE ATTACHED COST ANALYSIS)

Cost of This Project Approval \$ N/A

Related Annual Operating Cost \$ N/A

Increased Revenue Expected/Year \$ N/A

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

Budget Approval: \_\_\_\_\_

**FACT SHEET PREPARED BY:** Peggy A. Howard, Human Resources Director



**DATE:** 11/15/11

**REVIEWED BY:**

**DATE:**

**COUNCIL MEETING DATE:** 11/21/11

Highlights of Tentative Agreement  
between the City of Monroe and  
COMECA Unit I (TPOAM)  
November 21, 2011

1. Duration: 11/21/11 through 12/31/14

2. Wage Increases:

11/21/11 – 12/31/11 – 0%

1/01/12 – 12/31/12 – 0%

1/01/13 – 12/31/13 – 0%

1/01/14 – 06/30/14 – 0%

7/01/14 – 12/31/14 – 2%

3. Hours of Work and Overtime: Certain designated positions identified as supervising other employees who already work a 40 hour workweek and/or those who are required to work excessive amounts of overtime have been moved to a standard 40 hour workweek. See attached Letter of Understanding.

4. Health Insurance:

Effective January 1, 2012, all employees hired prior to 9/26/11 shall be offered three (3) Michigan Blue Cross-Blue Shield PPO Options.

- **Flexible Blue PPO High Deductible Health Care Plan with a Health Savings Account** - \$2,000 employee/\$4,000 family in network annual deductible with a Rx \$10/\$60 co-pay after the yearly deductible has been met. The City will pay for this plan and contribute an annual amount to each participating employee's health savings account (up to a maximum of \$350 for single coverage, \$800 for employee/spouse or employee/children coverage, and \$1,000 for those selecting family coverage) or pay the maximum amount permissible under Section 3 (the "hard cap" option) of the Publicly Funded Health Insurance Contribution Act (Act No. 152 of the Michigan Public Act of 2011) (hereinafter "Act 152"), whichever is less. The employee will pay all costs in excess of the City's contribution.
- **PPO (90/10) Plan** - \$250 employee/\$500 family deductible and \$1,000 employee/\$2,000 family annual co-pay maximums with a Rx \$10/\$60 co-pay. The City will pay the cost of this plan or the maximum amount the City is permitted to pay under Section 3 of Act No. 152, whichever is less. The employee will pay all costs in excess of the City's contribution.

- **PPO (80/20) Plan** - \$500 employee/\$1,000 family deductible and \$1,500 employee/\$3,000 family annual co-pay maximums with a Rx \$10/\$60 co-pay. The Employer will pay the cost of this plan or the maximum amount the City is permitted to pay under Section 3 of Act No. 152, whichever is less. The employee will pay all costs in excess of the City's contribution.

Employees hired after 9/26/11 will be provided the PPO (80/20) Plan or the PPO Flexible Blue High Deductible Health Care Plan. Employees choosing the PPO (80/20) Plan will be required to pay 20% of the illustrated premium cost of such Plan or pay the difference between the total cost of such coverage and the maximum annual amount the City is permitted to pay under Section 3 of Act No. 152, whichever results in the greater employee payment. Employees choosing the Flexible Blue PPO High Deductible Health Care Plan with a Health Savings Account will be required to pay the full amount of the annual deductible and all amounts in excess of the maximum annual amount the City is permitted to pay under Section 3 of 152. (The City will not make any contributions to employees' HSA accounts)

5. Retirement:

From the beginning of the new Agreement through December 30, 2014, the City will continue to include base salary, longevity pay, unused sick leave bonus payments, payoffs for unused vacation benefits, and overtime in the calculation of final average compensation for retirement purposes.

Effective December 31, 2014, the calculation of final average compensation will not include overtime or payoffs for unused vacation benefits in excess of 240 hours.

Final average compensation for employees hired after 9/26/11 will include base salary only.

6. Retiree Health Care:

Effective July 1, 2014, employees hired prior to July 1, 2008 will be required to contribute 1.5% of the City's average base wage to the City's Retiree Health Care Fund. Effective December 31, 2014, employees hired prior to July 1, 2008 will be required to contribute an additional 1.5% (i.e. a total of 3%) of the City's average base wage to the City's Retiree Health Care Fund.

APPENDIX C  
LETTER OF UNDERSTANDING

RE: HOURS OF WORK – DEPARTMENT OF PUBLIC SERVICE, WATER  
 FILTRATION, WATER METER SHOP, ENGINEERING AND WASTEWATER  
 DEPARTMENT

It is hereby agreed that notwithstanding the provisions of Article XI, Hours of Work, effective January 1, 2012, the normal work day for the following classifications (and such other classifications as the City Manager may approve), shall consist of eight (8) hours in a twenty-four (24) hour period beginning at the regular starting time of an employee's shift; the normal work week shall consist of forty (40) hours.

- Assistant Water Distribution Supervisor/Water Meter Shop
- City Electrician/DPS
- Collection System Superintendent/Wastewater
- Engineering Aide/Engineering
- Maintenance Supervisor/Wastewater
- Operations Supervisor/Water
- Stores & Equipment Coordinator/DPS
- Survey Crew Leader/Engineering
- Water Distribution Supervisor/Water Meter Shop

All regular full-time employees hired on or before June 30, 2008 and assigned to a normal eight (8) hour work day and forty (40) hour work week shall be entitled to the vacation time, with pay, set forth in the following schedule:

<u>Completed</u> <sup>1</sup>	<u>Vacation Hours</u>	<u>Years of Service</u> <u>Maximum (2 yr.) Carry Over</u>
1-5 years	80.0	160.0
6	88.0	176.0
7	96.0	192.0
8	104.0	208.0
9	112.0	224.0
10	120.0	240.0
11	128.0	256.0
12	136.0	272.0
13	144.0	288.0
14	152.0	304.0
15	160.0	320.0
16	164.0	328.0

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<sup>1</sup> Determined on an employee's anniversary date of hire.

17	168.0	336.0
18	172.0	344.0
19	176.0	352.0
20	180.0	360.0
21	184.0	368.0
22	188.0	376.0
23	192.0	384.0
24	196.0	392.0
25	200.0	400.0
26	204.0	408.0
27	208.0	416.0
28	212.0	424.0
29	216.0	432.0

All regular full-time employees hired on or after July 1, 2008 shall be entitled to the vacation time, with pay, set forth in the following schedule:

- 1-7 years of completed service<sup>2</sup>: 80 hours
- 8-15 years of completed service<sup>2</sup>: 120 hours
- 16+ years of completed service<sup>2</sup>: 160 hours

In all other respects, said employee's vacation entitlements shall be governed by the applicable provisions of the parties' collective bargaining agreement.

Signed this \_\_\_\_ day of \_\_\_\_\_, 2011.

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<sup>2</sup> Determined on an employee's anniversary date of hire.



# CITY COUNCIL AGENDA FACT SHEET

## **RELATING TO: ATTORNEY SERVICE POLICY**

**DISCUSSION:** Research and outcomes related to litigation that the City was recently involved in, has revealed that the retention of outside attorney services by some of the City's boards and commissions is not authorized unless specifically authorized and approved by the City Council. In particular, the ability of the City Council to authorize the retention of attorney services other than those of the City Attorney, especially for some City boards and commissions, should be better clarified and governed under terms that are in compliance with the City Charter, State statutes, Michigan Attorney General opinions and case-law.

The proposed "Attorney Services Policy" attached is meant to provide the City Council, and the members of the City boards and commissions that it would apply to, with more clarity and clearer criteria for the provision of legal services. The proposed policy further confirms the intent of the City Charter that the City Attorney is the legal advisor and representative in legal matters for the City and most of its boards and commissions. However, the policy also contains language and criteria under which the City Council may consider the retention of outside attorney services when it determines that the complexities of certain matters are best addressed by an attorney specializing in those matters. The proposed policy would permit the City Council to approve the retention of an outside attorney when it determines that a conflict of interest exists for a specific legal matter or issue, if the City Attorney were to represent both the City Council and one of the City's boards or commissions for the issue or matter. The proposed policy also includes language that requires that budgeting be taken into consideration when attorney services are contracted for. If adopted, this policy would not apply for those City boards and commissions which are organized under certain State statutes, such as the Downtown Development Authority, Port and Brownfield Redevelopment Authority, which have been determined to provide those bodies with independent authority to directly retain attorney service and enter into other contractual arrangements, without first obtaining City Council approval.

In order to provide for better clarity and better defined criteria for the City Council to consider and potentially approve the retention of outside attorney services when it determines that doing so is in the best interest of the City, I am respectfully recommending that the City Council approve the attached "Attorney Services Policy"

### **CITY MANAGER RECOMMENDATION:**

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

**APPROVAL DEADLINE:** November 21, 2011

**REASON FOR DEADLINE:** To provide for more timely and defined legal counsel for certain boards and commissions

**STAFF RECOMMENDATION:**  For  Against

**REASON AGAINST:**

**INITIATED BY:** George A. Brown, City Manager

**PROGRAMS, DEPARTMENTS, OR GROUPS AFFECTED:** The City Council and most City boards and commissions

## FINANCES

**COST AND REVENUE PROJECTIONS:**

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

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

Budget Approval: \_\_\_\_\_

**FACT SHEET PREPARED BY:** George A. Brown

**DATE:** 11/18/11

**REVIEWED BY:**

**DATE:**

**COUNCIL MEETING DATE:** 11/21/11

## **City of Monroe**

### ***Attorney Services Policy***

#### **Intent**

The City of Monroe Attorney Services Policy is meant to provide more clarity and guidance for the criteria under which attorney services may be provided for various City boards and commissions. This policy is intended to comply with and not supersede the provisions of the Monroe City Charter, Michigan State statutes, applicable legal case law and applicable City ordinances.

#### **City Attorney**

Section 106 of the Monroe City Charter governs and generally describes the duties of the City Attorney. That section reads:

*The City Attorney shall be the legal advisor of the Council and of all officers of the City, and shall act as the attorney and solicitor for the corporation in all legal proceedings in which the corporation is interested, and he shall make investigation of and prosecute all offenses against the ordinance of the City, and shall be a member of the Board of Review. He shall attend all sessions of the Council unless excused by the Council, and shall render his opinion in writing when requested.*

In compliance with the City Charter, the City Attorney shall serve as the legal advisor and representative for the City Council and all City boards and commissions, unless Michigan State statutes, the City Charter, City Ordinances or applicable case law provides otherwise and except as provided below. However, with the concurrence of the City Manager, the City Attorney may appoint special counsel in the prosecution of an individual for violations of laws and/or ordinances, when the City Attorney determines that he/she has a conflict of interest related to the prosecution of the individual.

#### **Retention of Outside or Special Legal Counsel**

The City Council may consider and approve the retention of specialty or outside attorney services, separate from the City Attorney, for the purpose of obtaining legal advice and legal representation for matters, when the City Council determines that it is in the best interest of the City. Factors that the City Council shall consider when making a determination of whether or not to retain special or outside attorney services include:

- The input and advice of the City Attorney

- The complexity of the associated legal matters or issues, which would warrant the retention of an attorney specializing in those matters
- The regularity of Council-determined need for specialty attorney services
- A conflict of interest, as determined by the City Council, related to a particular legal issue or matter

Under the responsibilities and authority granted in sections 51 and 56 of the City Charter and upon determination of the City Council that the retention of an outside or special attorney is in the best interests of the City, the City Council may, in compliance with section 63 of the City Charter, approve the retention of specialty or outside attorney services under a retention agreement or contract that includes at least the following:

- A description of the attorney and associated services to be provided
- The amount and basis to be charged for attorney and other associated charges
- The term of representation under the agreement stated in a period of time or the particular matter the representation is related to
- Provisions for termination of the agreement

If the City Council approves an attorney services agreement or contract, the anticipated costs for that service is subject to municipal budgeting requirements and constraints. The City Council shall not approve an attorney services agreement with a fixed-term that is longer than two (2) years in duration. Generally and where practical, fixed-term attorney services agreements should be scheduled to terminate no later than June 30<sup>th</sup> of the year following the regular election of the mayor and city council members.

Policy adopted by the Monroe City Council at a \_\_\_\_\_ meeting held on \_\_\_\_\_, 201\_.