

**City of Swartz Creek
AGENDA**

**Regular Council Meeting, Monday, February 22, 2016, 7:00 P.M.
City Hall Building, 8083 Civic Drive Swartz Creek, Michigan 48473**

1. **CALL TO ORDER:**
2. **INVOCATION AND PLEDGE OF ALLEGIANCE:**
3. **ROLL CALL:**
4. **MOTION TO APPROVE MINUTES:**
 - 4A. Council Meeting of February 8, 2016 MOTION Pg. 16
5. **APPROVE AGENDA:**
 - 5A. Proposed / Amended Agenda MOTION Pg. 1
6. **REPORTS & COMMUNICATIONS:**
 - 6A. City Manager's Report MOTION Pg. 2
 - 6B. Mowing Proposal (Business Item) Pg. 23
 - 6C. Handbook Excerpts (Business Item) Pg. 44
 - 6D. Consumers Energy Hearing Notice Pg. 71
 - 6E. Budget Amendments (Business Item) Pg. 73
 - 6F. MML PA 269 Statement Pg. 89
 - 6G. MML Revenue Sharing Literature Pg. 92
7. **MEETING OPENED TO THE PUBLIC:**
 - 7A. General Public Comments
8. **COUNCIL BUSINESS:**
 - 8A. Mr. Conklin – Genesee District Library Presentation
 - 8B. Plante Moran Presentation
 - 8C. Mid-Year Budget Amendments RESO Pg. 12
 - 8D. 2016 Mowing Contract Proposal RESO Pg. 13
 - 8E. Handbook Amendments RESO Pg. 14
 - 8F. Master Plan Public Hearing Date Change RESO Pg. 14
10. **MEETING OPENED TO THE PUBLIC:**
11. **REMARKS BY COUNCILMEMBERS:**
12. **ADJOURNMENT:** MOTION

February & March Calendar

Police Board:	Wednesday, February 24, 2016, 10:00 a.m., Mundy Township Hall
Planning Commission:	Tuesday, March 1, 2016, 7:00 p.m., PDBMB
Park Board:	Wednesday, March 2, 2016, 6:00 p.m., PDBMB
Downtown Development Authority:	Thursday, March 10, 2016, 6:00 p.m., PDBMB
City Council:	Monday, March 14, 2016, 7:00 p.m., PDBMB
Zoning Board of Appeals:	Wednesday, March 16, 2016, 6:00 p.m., PDBMB
Fire Board:	Monday, March 21, 2016, 7:00 p.m., PDBMB
City Council:	Monday, March 28, 2016, 7:00 p.m., PDBMB
Police Board:	Wednesday, March 23, 2016, 7:00 p.m., PDBMB

City of Swartz Creek
CITY MANAGER'S REPORT
Regular Council Meeting of Monday, February 22, 2016 - 7:00 P.M.

TO: *Honorable Mayor, Mayor Pro-Tem & Council Members*
FROM: Adam Zettel, City Manager
DATE: February 17, 2016

ROUTINE BUSINESS – REVISITED ISSUES / PROJECTS

✓ **OUTSTANDING APPEALS (Update)**

The only time sensitive and pressing case for now is the golf course. This appraisal is expected to cost about \$7,500. We expect to sign a proposal to perform an audit of the golf course in the month of March unless other terms are reached. At this point, an appraisal is the only solution since the owner's claim on value is pure ridiculousness.

For now, our assessor recommends we hold position on the raceway and mini-storage while we manage the other cases. Staff has settled negotiated appeals for El Portrero and the Carriage Plaza that the assessor found reasonable upon submission of a privately funded appeal. A complete listing of outstanding appeals is as follows:

Year	Parcel #	Docket #	Owner	Petitioner's Representative	Current Assessed	Current Taxable	Proposed Assessed	Proposed Taxable	Status	Notes
2015	58-32-100-004	15-002500	Shkreli Investments	Fred Gordon	286,600	286,600	50,000	50,000	answered 6/16/15	Gen Valley Golf
										Assessment appears fair - recommend getting an appraisal
2015	58-35-576-039	15-002131	CenterpiecePlaza	Laura Hallahan	182,600	181,762	110,000	110,000	answered 6/9/15	8048 Miller
2015	58-35-576-040	15-002131	CenterpiecePlaza	Laura Hallahan	21,900	19,778	15,000	15,000	answered 6/9/15	8048 Miller
										Assessment appears fair - attorney to file interrogatories to get leases, income and expenses statements for potential appraisal
2015	58-35-400-001	15-001904	Sports Creek	Michael Shapiro	1,207,400	918,667	500,000	500,000	answered 6/9/15	Raceway
										Hold for now - Assessor to acquire more information
2015	58-02-200-033	15-002502	Nemer Enterprises	Kal Nemer	293,400	196,940	190,000	190,000	answered 6/16/15	Morrish Rd office
										Attorney to file interrogatories to get leases, income and expenses statements for potential appraisal
2015	58-02-200-029	15-002787	S.C. Mini Storage	Steve Johnson	765,300	765,300	550,000	550,000	answered 8/4/15	Storage (Morrish)
										Assessment appears fair - pending further deliberation

✓ **STREETS (See Individual Category)**

✓ **MORRISH AND BRISTOL SIGNAL (No Change of Status)**

It appears the Genesee County Road Commission is working on the proposed cost sharing agreement that would enable installation of a basic signal at this intersection. I informally discussed the matter with Clayton Township leadership, and the concept seems to have much support. Furthermore, Meijer has quickly responded to our request to engage in the participation for this signal AND a future upgrade. They appear willing to do both.

✓ **2017-2020 TRAFFIC IMPROVEMENT PROGRAM (TIP) (Update)**

The three year plan for street funding has been drafted by the county, and the city has committed to a 20% match for those streets that were awarded funding.

Please note that the area of Worchester that is tentatively funded is only the section between Winston and Cappy Lane. While this is a small section only, the extra funds will doubtless help with the planned reconstruction. Unfortunately, if we desire the federal funds, we must wait until next year, at the soonest, to commence work.

Listed below are the portions selected for federal funding, includes:

<u>Road</u>	<u>Point of Beginning</u>	<u>Point of End</u>	<u>Length (Miles)</u>	<u>Lanes</u>	<u>Lane Feet</u>	<u>Width (Feet)</u>	<u>ADT</u>	<u>Total Cost</u>	<u>Federal Match</u>	<u>Local Match</u>
Worchester	Cappy	Winston	0.1	2	1056	28	691	\$172,474	\$137,979	\$34,495
Fairchild	Cappy	Miller	0.28	2	2956.8	44	2456	\$305,104	\$244,084	\$61,021
Cost										
Totals:								\$477,578	\$382,063	\$95,516

- ✓ **MORRISH ROAD CLASSIFICATION-BRIDGE CAPACITY** *(No Change of Status)*
Morrish Road has been submitted for classification as a “minor arterial” from a “major collector”. The MDOT approved the change. Now we await review by the Federal Highway Administration sometime this calendar year.

- ✓ **MILLER ROAD RESURFACING PROJECT** *(No Change of Status)*
The city now has a report/change order on the estimated costs for this project, and the news is good. It appears that the savings sought by the city were realized, with a reduction of \$121,355.39. Note that this is not savings under the resolution. This reflects savings under the bid amount of \$1,918,020.56. Since this was beyond our original estimate, the savings were desired to match budgeted amounts. In short, we are right on target.

Also, the noted weeds on Miller have been sprayed, cut, and hydro seeded.

- ✓ **SIGNAL PHASING STUDY FOR MILLER AND MORRISH** *(No Change of Status)*
OHM has completed a draft of the intersection section study. At this point, they recommended altering the timing for signal phasing throughout the day. This will enable a tailored pattern of timing to better accommodate the various needs observed. Though it is possible to place a dedicated left, it would require well over \$100,000 to do so due to new requirements for “box-span” configurations. Furthermore, this configuration would likely result in a decrease to the service level for certain through-traffic movements.

We are working with Genesee County to implement the timing recommendations so that we can assess the effectiveness. If the council chooses to, we can revisit the other options mentioned.

- ✓ **20 YEAR STREET PLAN – ROAD FUNDING** *(No Change of Status)*
The ballot question for the street initiative is as follows:

SWARTZ CREEK STREET INITIATIVE BALLOT PROPOSAL

Shall the City of Swartz Creek be authorized to levy a millage of up to a maximum of 4.220 mills (\$4.22 Per \$1,000 of taxable value) for twenty (20) years, 2016-2035, inclusive, for the purpose of funding construction and interest costs for the replacement, rehabilitation, repair, and maintenance of public streets and include pavement, sidewalk, curb, gutter, shoulders, and related drainage work within the City of Swartz Creek, the estimated revenues that will be collected during the first year of this millage as authorized and levied to be \$616,000?

The impact and revenues of a levy of 4.220 mills is estimated as follows:

Levy Impacts on Homes	4.220 mil (\$616k/year)	
	Month	Year
Home Value \$70,000 (\$35,000 taxable)	\$12.31	\$147.70
Home Value \$100,000 (\$50,000 taxable)	\$17.58	\$211.70
Home Value \$150,000 (\$75,000 taxable)	\$26.38	\$316.50

At this point, the committee is not expected to meet again until directed by the city council or otherwise called to follow up on existing matters.

- ✓ **2016 STREET BIDS-SCRAP TIRE GRANT** *(No Change of Status)*
Kennedy has been chosen as the contractor to repair the intersections of Fairchild-Miller and Winston-Miller, including the Winston watermain. The contract has not been executed. We expect the work to start after school lets out.
- ✓ **WATER – SEWER ISSUES PENDING** *(See Individual Category)*
 - ✓ **SEWER REHABILITATION PROGRAM** *(No Change of Status)*
Liqui-Force has just completed the 2015 projects in the Village. We did not encounter any major issues or change orders. Tom will await a final debriefing before final billing. If all goes well, we will look to begin the next phase of televising very soon.
 - ✓ **KWA** *(No Change of Status)*
For the most part, the KWA is still ahead of schedule and under budget. However, there is talk about whether or not Flint will be a part of it. The most recent estimates put the authority in operation by the end of 2016 on a limited basis, serving Flint. It was expected to be serving all authority customers by fall of 2017. Now, some believe Flint may stay with Detroit. This would cause the KWA to lose many customers and a big partner in the endeavor. Obviously, this creates some concerns for the economies of scale everyone was hoping to achieve.
 - ✓ **WATER** *(No Change of Status)*
We continue to make progress. However, we are unable to read the master meters coming into the city due to technical issues. These are county meters, and the county still has the ability to read them. As such, I am not questioning the usage at this point in time, though it is tough for us to track. In the meantime, we continue to update key meters.

✓ **PERSONNEL: POLICIES & PROCEDURES** (*Update-Business Item*)

I received a review of the document from the city's labor attorney. We are in good shape, but there are some updates needed in order to comply with the latest statues and best practices. I have included ALL pages with changes, even if they are minor. There are some blanket and reference changes related to the final Family Medical Leave Act, Genetic Information Nondiscrimination Act, Michigan Wage and Fringe Benefit Act, and the Internet Privacy Protection Act.

With changes noted, I am requesting a resolution to adopt these changes so we can formalize the handbook with distribution to the employees.

✓ **CIVIC CAMPUS TREES** (*No Change of Status*)

I noted last summer that there may be critters and blights affecting the three main species of pine that are planted around the civic campus. This area includes the library/senior center, city hall, the theater, and the public safety building. Dozens and dozens of trees are likely affected to an extent that could result in a mass die-off. I will learn more about the specific maladies and ascertain if we can treat them or if we need to begin cutting. Cost is always an issue in any event. I will have the arborist in around March.

✓ **SHARED SERVICES, POLICE DEPARTMENTS** (*No Change of Status*)

A meeting was held on Wednesday, January 27, 2016 at 10:00 a.m. at the Paul D. Bueche Municipal Building. I will distribute minutes when they are available. I was happy to see more folks attend in the audience, including other council members and residents.

The board discussed evening meetings, of which at least one is scheduled. They also introduced Mr. Vane King (the seventh mutual member), outlined a finance review process, and updated the board on facilities, personnel, and other housekeeping matters.

The next meeting is scheduled for 10:00 a.m., February 24, 2016 at the Mundy Township Hall.

✓ **SPRINGBROOK EAST & HERITAGE VACANT LOTS** (*Update*)

The lighting plan has been approved and funds received by the developer to support this. The developer has also placed funds into escrow to fund the remaining items on the punch list, including curb backfill on Russell and sidewalk work. As such, the escrow requirement has been deemed fulfilled on the remaining lots.

Nine of the twelve lots in Springbrook East have sold. I expect the other three to sell in the coming months so we can put this whole matter behind us.

The city still owns four lots in Heritage Village. We have no plan for these at this time. Perhaps an auction of these lots is in order. In this case, I am not sure if there was an intention to share additional revenues with the association or not. The city sold one lot in 2014 "at cost." Purchase agreements with other buyers fell through.

✓ **MEIJER COMMUNITY DONATION** (*No Change of Status*)

We have a recommendation to honor the Meijer donation for the Fortino Drive sidewalk at a Tuesday night concert. This appeared to be well received by the council. Any additional thoughts?

✓ **WINCHESTER WOODS LOTS** (*No Change of Status*)

I have reached out to Gaines Township on this matter, informally. Since they have platted lots that lack necessary infrastructure adjacent to the city, it makes sense to work together on drainage and related matters. The previous report on the matter follows:

The planning commission considered this issue as a component of the current master plan amendment. Their initial recommendation is to make the area conducive on the construction of single family homes in accordance with the original plat. To do so will require engineered drainage, a section of new sanitary sewer, and some fill/grading to the roads. Future deliberation of the planning commission and city council will determine whether or not this course is followed.

Obviously, the biggest concern is funding of the improvements. Public workshops are recommended to gauge owner interest in participating and to what degree improvements should be done and assessed. Note that the city's lots in this area could be used for storm water storage and/or sales to recoup costs.

✓ **NEWSLETTER** (*Update*)

Though the legislative "gag order" has had an injunction placed against it in a federal court, this issue has not been permanently resolved. However, as noted below, we will place our newsletter back on its regular schedule for an early April publication. If you have any content, please get ideas or articles to me in early March. As of writing, I plan to have articles contributed from the police department and fire department, as well as information on the Zika virus and streets.

✓ **MEDICAL MARIJUANA MORATORIUM** (*Update*)

The moratorium is in place through April. Legislative action looks no more certain at this point, and now we have added concerns related to home grow operations. Given these concerns and the timeline, I will look to have the matter before the planning commission in March. I have been working with the attorney on options for residential growing operations.

✓ **CAPPY LANE LIFT STATION** (*Update*)

Rowe Professional Services Company has been working the design and bidding for the lift station. The bid opening is scheduled for 10:00 a.m. on March 8th. As noted previously, the scope of the bid has changed, with some additional features being proposed. These features, the procurement and installation of which will be subject to approval by the city council, include a generator, potential chopper pumps (for large debris), and an upgraded protective casing for the control panel.

In addition, the engineer recommends salvaging two of the existing pumps for current and future usage as high-flow/emergency pumps. These changes, with contingency, are expected to bring the total construction cost to about \$300,000. The result will be a

much more reliable system with two separate pumping facilities and two separate power sources.

In addition to the generator, which I recommend the city acquire in any case, Tom is working with Consumers to feed the site from a different power district, providing additional redundancy in the system.

✓ **SUNOCO (Update)**

I submitted a grant from the state seeking \$22,000 to assist with the demolition of the building, canopy, and tank removal. We should have a response by the end of February.

We also had a follow-up call with Exxon on February 12th. Exxon appears pretty committed to excavating soils and closing the site with the Department of Environmental Quality. At this point, everyone is awaiting the results of the grant. If we are awarded funds, we may, MAY be able to get the work done before Hometown Days. That is probably wishful thinking. If the grant is not awarded, we have a pretty substantial financial obstacle in the way prior to site remediation, being the demolition of the building and removal of the tanks (both the technical responsibility of the city).

What can the city expect? I think we should plan to demolish the above ground features this spring. If we don't get the grant, we can look at other options. Exxon might chose to assist us since they need to get beneath the tanks.

Since we are dealing with a contaminated/blighted property and a large oil company, we should also expect the unexpected. By that, I mean that we may end up incurring additional legal fees and ancillary costs of demolition. I don't think this will come as a surprise to anyone, but I just want to affirm that, while this cleanup is worth it, it won't be free.

✓ **ELMS PARK GRANT (No Change of Status)**

The grant agreement has been executed by the city. We cannot begin and bid preparation or other work related to the grant until the state executes the agreement as well. We await their signatures.

✓ **FINANCE DIRECTOR DUTIES (Update)**

Ms. Aguilar has not further specified a retirement date, though she indicated it would be in late 2016. We are moving forward with structuring the office duties with this knowledge.

✓ **OTHER COMMUNICATIONS & HAPPENINGS (Update)**

✓ **CONSUMERS ENERGY (Update)**

They are having some natural gas contracts reviewed and invite comment.

✓ **MML STATEMENT (Update)**

I have included a statement from the Michigan Municipal League regarding the injunction against the PA 269 "Gag Order" legislation. Based upon this, we will issue our newsletter during April as usual, including any ballot initiative facts.

✓ **MML REVENUE SHARING LITERATURE (Update)**

I have included some publications about the state budgeting of revenue sharing over the last decade. This is probably old news for most folks, but it is good to keep the knowledge close so communities do not remain complacent with state spending.

✓ **BOARDS & COMMISSIONS (See Individual Category)**

✓ **PLANNING COMMISSION (Update)**

The commission held their annual meeting on February 2, 2016. They retained the same slate of officers: Mr. Stephens as Chairperson, Mr. Pinkston as Vice Chair, and Mr. Florine as the Secretary. They also approved the annual report that covers activities of the planning commission and zoning board of appeals. A resident also attended the meeting and advocated for the housing of chickens and ducks in the city. The commission requested a draft ordinance to look at.

They will be meeting on March 1st to review the site plan for the Springdale Assisted Living, an expansion of the Aardvark Mini-Storage, and to discuss medical marijuana. Depending on the scope of the agenda items and reviews, I may even look to have a draft chicken ordinance presented. However, I expect this will hold on until April.

Lastly, as discussed below, the commission will be hosting the master plan review public hearing on May 3, 2016.

✓ **DOWNTOWN DEVELOPMENT AUTHORITY (Update)**

The DDA met on February 11th. Connie King was sworn in and introduced. Due to the resignation of Mr. Nemer, the DDA had need of a new Chair. They selected Mr. Krueger, the Vice-Chair. The DDA then selected Mr. Beedy to be the Vice-Chair.

The board was given an additional presentation by Mr. Arens from Intrigue Studios regarding the concept planning for Fortino Drive. He went over the most recent versions of the site layout and also showed illustrations of potential housing, both detached single family and attached single family (townhomes). At this point, the board is moving forward with a concept that is to include much open space, a turn lane for Paul Fortino, parking on the south side, and upscale housing. The housing parameters include the need for single family dwellings with two car garages. The layouts, as presented, would be 3-4 bedroom homes with ~1,800 square feet.

The DDA maintains that the current concepts are defined enough to gather some preliminary feedback from builders. This feedback is expected to provide insight on the practicality of the product and pricing. Based upon this information, the board could then bounce well refined concepts off of the public and move forward.

I expect the DDA to meet again on March 10, 2016.

✓ **ZONING BOARD OF APPEALS (No Change of Status)**

The zoning board of appeals will have their annual meeting on March 16th, 2016, in which they will select officers. There are no other appeals, variances, or interpretations scheduled.

✓ **PARKS AND RECREATION COMMISSION** *(No Change of Status)*

The board met on February 3, 2016 to discuss fundraising for the tot-lot. They will be working with Mr. Johns to raise at least \$25,000. Preliminary steps were decided upon that will enable the fundraising to go live in March, including a webpage, social media strategy, online payment platform, paper media, and methods of distribution.

The board also discussed the dog park, which was previously approved by the board but has yet to be reviewed by the city council. We await final presentation from the Eagle Scout candidate.

Their next meeting is planned for Wednesday, March 2nd, 2016, at 6:00 p.m.

✓ **BOARD OF REVIEW** *(No Change of Status)*

Board of Review will hold an organizational meeting on March 8th. The hearings for appeals will be held in the council chambers and large conference room on Monday March 21st from 9:00 a.m. – 12:00 p.m. and 6:00 p.m. – 9:00 p.m., Tuesday and Wednesday 22nd & 23rd 9:00 a.m. – 12:00 p.m.

NEW BUSINESS / PROJECTED ISSUES & PROJECTS

✓ **MID-YEAR BUDGET ADJUSTMENTS** *(Business Item)*

We continue to look at some mid-year budget amendments. Again, we have a detailed narrative finance report by Juanita and Deanna. The positions of the Local Street and Sewer funds will improve from a cash flow standpoint. The Water fund is losing some ground due to unanticipated maintenance costs and greater depreciation. I will save time and space by not further reiterating what the staff report includes. A resolution is included to make these changes.

✓ **2016 MOWING CONTRACT PROPOSAL** *(Update-Business Item)*

The city conducted sealed bids to select the city's mowing contractor for the 2013-2015 seasons. Lawn Kings was found to be the low bid by a margin of 20% from the next closest bidder and about 40% from the average bid. Though there were some issues with this contractor's performance during the spring of 2014, they appeared to address these issues and were retained for the remainder of the three year contract. During 2015, they performed much better.

The owner of the company just sent us an offer to extend the contract for another two years at the 2013 prices. Given the margin by which they out-bid competitors three years ago, I suspect the price is one we cannot beat. Now that our reservations on their abilities have been lifted, I don't see any reason not to continue our contractual relationship.

We still have plenty of time to seek sealed bids for 2016 mowing services if the city council chooses to go that way. At this time, I am comfortable going with Lawn Kings for ONE year and have included a resolution to do so. The council also has the option to add the extra year as proposed by Lawn Kings.

I have included the original rate sheet and the most recent rate sheet. There are differences relating to the addition and deletion of properties from the city's asset list.

✓ **MASTER PLAN HEARING DATE AND VENUE CHANGE (Update-Business Item)**

At the February 8, 2016 meeting, I asked the city council to set a master plan public hearing date for the regular city council meeting that is to be held on April 25, 2016, and this resolution passed. However, I made a mistake in thinking the city council was responsible for the hearing. I went back and reviewed the statute and discovered that the hearing is to be held by the planning commission. This requires a new resolution to change the public hearing date and responsible public body to Tuesday, May 3, 2016, said hearing to be held by the planning commission at their regular meeting. I know this is an election day, but the election does not conflict with operations at city hall, and this is a regularly scheduled meeting for the planning commission.

✓ **FEBRUARY 22, 2016 PRESENTATIONS (Update-Presentations)**

Mr. Conklin, of the Genesee District Library, will be present at our meeting and give an update on the happenings of the Library.

Plante Moran will also be present. They will be doing a short educational session for the public and city council regarding functions of Michigan property tax law and the future of budgeting in a world heavy with Other Post-Employment Benefits (the dreaded OPEB rules).

✓ **WATER AND SEWER CONNECTIONS - ORDINANCE (Update)**

The City of Swartz Creek does not allow new or replacement wells for potable water use anywhere in the city. Likewise, there are very few circumstance in which a septic system can be installed. When our ordinances were approved, this seemed to be in the best interest of all private land owners and the general welfare of the community since we were operating with the understanding that all parcels were served with reasonable access to said utilities.

It came to my attention last year that this was not necessarily the case. I was contacted by a landowner that desired to build a home in a location that is about a quarter mile from the nearest connection. My first response is that they would need to connect, regardless of the cost, private system reliability, and related circumstances. After unsuccessfully listing the property for sale, the owner has returned to plead their case again. After learning more about the costs involved to connect utilities, including a lift station for a single family home, I reconsidered the request. I also contacted experts in the field to assess the impact of such a request.

At this point, I am requesting permission to bring a pair of ordinance amendments to the city council that could enable the drilling of a well and/or use of a septic system for single family residences under a VERY LIMITED set of circumstances. As it stands now, there are still a few parcels that are not even served by public utilities, for which such a solution is necessary. For another limited few, there are parcel depth, parcel size, and grade considerations that could be taken into account.

I would like to hear the thoughts of councilmembers on this matter. If there is no objection, I will work with Mr. Svrcek and the county health department to come up with

a relief valve for well and septic use in the city. My thoughts are that this might enable use of about a half dozen parcels that currently have no practical building options.

Council Questions, Inquiries, Requests, Comments, and Notes

Verizon Pole on Miller Road: We are still working on this. Tom believes it is not a hazard and reaches out to Verizon often. If we believe the pole becomes a risk, we will block off pedestrian and vehicle traffic in the estimated fall zone and force the issue.

Newspaper Accumulation: I took a look at the city's littering ordinance. Aside from the obvious provisions on littering, there is a section on newspaper delivery. Most provisions require the owner to notify the provider to cease or alter delivery in order to be enforceable. However, there is one provision that enables automatic enforcement. I will speak to the police about this matter and how best to approach it. The excerpt is as follows:

(d) It is unlawful for a person to deliver to private property or disseminate in a public place any handbill, newspaper, magazine or other publication if any of the following should occur:

(4) If the handbill, newspaper, magazine or other publication is (1) placed in a receptacle when the appropriate receptacle is filled and cannot reasonably be expected to hold the current delivery or (2) previously delivered documents by the same publisher or publishing corporation or company remains unclaimed from previous deliveries or are lying upon the street, ground, driveway or sidewalk within 15 feet of the usual point of delivery.

February & March Calendar

Police Board:	Wednesday, February 24, 2016, 10:00 a.m., Mundy Township Hall
Planning Commission:	Tuesday, March 1, 2016, 7:00 p.m., PDBMB
Park Board:	Wednesday, March 2, 2016, 6:00 p.m., PDBMB
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**City of Swartz Creek
RESOLUTIONS
Regular Council Meeting, Monday, February 22, 2016, 7:00 P.M.**

Resolution No. 160222-4A MINUTES – February 8, 2016

Motion by Councilmember: _____

I Move the Swartz Creek City Council approve the Minutes of the Regular Council Meeting held Monday, February 8, 2016, to be circulated and placed on file.

Second by Councilmember: _____

Voting For: _____

Voting Against: _____

Resolution No. 160222-5A AGENDA APPROVAL

Motion by Councilmember: _____

I Move the Swartz Creek City Council approve the Agenda as presented / printed / amended for the Regular Council Meeting of February 22, 2016, to be circulated and placed on file.

Second by Councilmember: _____

Voting For: _____

Voting Against: _____

Resolution No. 160222-6A CITY MANAGER’S REPORT

Motion by Councilmember: _____

I Move the Swartz Creek City Council accept the City Manager’s Report of February 22, 2016, including reports and communications, to be circulated and placed on file.

Second by Councilmember: _____

Voting For: _____

Voting Against: _____

Resolution No. 160222-8C 2015-2016 MID-YEAR BUDGET ADJUSTMENTS

Motion by Councilmember: _____

WHEREAS, Act 621 of P.A. 1978 provides for a uniform budgeting system for local units of government; and

WHEREAS, Act 275 of P.A. of 1980 further prohibits deficit spending by local units of government; and

WHEREAS, the City Council has reviewed the City's 2015 – 2016 Revenue and Expenditure Report through January 2016, and finds that it is not in deficit; however, certain department activity line items may be in deficit; and

WHEREAS, the City Council has received a Budget Amendment Summary and Revenue and Expenditure Reports reflecting proposed changes in budgeted items; and

WHEREAS, new budget amounts necessitate adjustments to the original adopted budget; and

WHEREAS, said supplemental documentation shows the new proposed revenue and expenditures by fund.

THEREFORE BE IT RESOLVED, the Swartz Creek City Council hereby authorizes and directs the city manager to make all necessary mid-year budget adjustment amendments to Fund 203 (Local Streets), Fund 590 (Water), and Fund 591 (Sewer), in accordance with the supplemental documentation (pages 75 to 88) attached.

Second by Councilmember: _____

Voting For: _____

Voting Against: _____

Resolution No. 160222-8D 2016 MOWING CONTRACT AWARD

Motion by Councilmember: _____

WHEREAS, the City of Swartz Creek sought sealed bids for the mowing of city-owned properties in 2013, for services to be provided through January 2016; and

WHEREAS, Lawn Kings was found to be the responsible low bidder and was thereby awarded the work on April 22, 2013; and

WHEREAS, the time frame for the existing contract has expired and the contractor has offered to extend the bid unit pricing for an additional two years; and

WHEREAS, the city council finds the service adequate and the price competitive and in compliance with the city's bidding policy,

NOW, THEREFORE, BE IT RESOLVED, the Swartz Creek City Council hereby extends the contract for lawn care services to the low bidder, Lawn Kings, as per the specifications set forth in the bid documents and subsequently modified to reflect the addition of vacant land on Fortino Drive, said property negotiated to cost \$20 per cut, a copy of such specifications is attached hereto, and further, appropriate an amount sufficient to meet the payment of the award, and further, direct the City Manager to prepare and execute a contractor's agreement.

Second by Councilmember: _____

Voting For: _____

Voting Against: _____

Resolution No. 160222-8E HANDBOOK AMENDMENTS

Motion by Councilmember: _____

WHEREAS, the City of Swartz Creek desires to develop and maintain a qualified and motivated workforce of professional staff, as well as to uphold the highest standards of ethics and excellence for all such staff, elected officials, and other officials; and

WHEREAS, Section 7.2(c) of the City Charter enables the administrative service to further promulgate rules related to the administration and establishment of policy for city staff; and,

WHEREAS, the City Council finds that a complete set of personnel policies, including a code of ethics, as established by resolution, is a necessary component of achieving the noted goals; and,

WHEREAS, city staff, the city attorney, and a temporary committee of the city council have drafted, revised, and recommended approval of the Personnel Policy, also known as the Employee Handbook, as included and approved in the city council packet of November 23, 2015; and,

WHEREAS, the city’s labor attorney has updated the manual, prior to employee distribution, to include new statutes and case law updated through 2015; and,

NOW, THEREFORE, BE IT RESOLVED THAT the Swartz Creek City Council approves the amendments to the Personnel Policy of the City of Swartz Creek and directs city staff to update the manual with the amended pages and to circulate the handbook to all city staff, elected officials, and other applicable officials of the city.

Second by Councilmember: _____

Voting For: _____

Voting Against: _____

Resolution No. 160222-8F MASTER PLAN PUBLIC HEARING DATE CHANGE

Motion by Councilmember: _____

WHEREAS, the City of Swartz Creek approved distribution of the city’s master plan, including the establishment of a public hearing in front of the city council on April 25, 2016; and

WHEREAS, the Michigan Planning Enabling Act requires the planning commission to hold said public hearing.

NOW, THEREFORE, BE IT RESOLVED, the Swartz Creek City Council hereby cancels the master plan public hearing for April 25, 2016 and establishes a master plan public hearing for May 3, 2016, to be held before the Planning Commission.

BE IT FURTHER RESOLVED, the City Council directs the city manager to amend notices and postings as necessary to effect this change.

Second by Councilmember: _____

Voting For: _____

Voting Against: _____

**CITY OF SWARTZ CREEK
SWARTZ CREEK, MICHIGAN
MINUTES OF THE REGULAR COUNCIL MEETING
DATE 02/08/2016**

The meeting was called to order at 7:00 p.m. by Mayor Krueger in the Swartz Creek City Council Chambers, 8083 Civic Drive.

Invocation and Pledge of Allegiance.

Councilmembers Present: Abrams, Gilbert, Hicks, Krueger, Pinkston, Porath, Shumaker.

Councilmembers Absent: None.

Staff Present: City Manager Adam Zettel, Finance Director Juanita Aguilar, City Clerk Connie Eskew, City Attorney Charles Boike.

Others Present: Bob Plumb, Tommy Butler, Jim Barclay, Steve Shumaker, Sharon Shumaker, Dennis Cramer, Jim Florence, George Trundle, Steven Long, Jan Elde, Dave Donaldson, Peggy Donaldson, Dave Arceo, Dave Alexander, George Zelenbaba.

APPROVAL OF MINUTES

Resolution No. 160208-01

(Carried)

Motion by Councilmember Porath
Second by Councilmember Gilbert

I Move the Swartz Creek City Council hereby approve the Minutes of the Regular Council Meeting held Monday January 25, 2016 to be circulated and placed on file.

YES: Gilbert, Hicks, Krueger, Pinkston, Porath, Shumaker, Abrams.
NO: None. Motion Declared Carried.

APPROVAL OF AGENDA

Resolution No. 160208-02

(Carried)

Motion by Mayor Pro Tem Abrams
Second by Councilmember Gilbert

I Move the Swartz Creek City Council approve the Agenda as presented and printed for the Regular Council Meeting of February 8, 2016, to be circulated and placed on file.

YES: Hicks, Krueger, Pinkston, Porath, Shumaker, Abrams, Gilbert.
NO: None. Motion Declared Carried.

City Manager's Report

Resolution No. 160208-03

(Carried)

Motion by Councilmember Shumaker
Second by Mayor Pro Tem Abrams

I Move the Swartz Creek City Council accept the City Manager's Report of February 8, 2016, including reports and communications, to be circulated and placed on file.

Discussion Ensued.

YES: Krueger, Pinkston, Porath, Shumaker, Abrams, Gilbert, Hicks.
NO: None. Motion Declared Carried.

Adam Zettel, City Manager introduced Charles Boike, City Attorney, it is his first time meeting with the city and filling in for Mike Gildner. He also introduced Ms. Eskew, the new City Clerk.

MEETING OPENED TO THE PUBLIC

Jan Elde, resident at 3435 Heritage Blvd, representing a group of concerned residents of Heritage Village in regards to their concerns about two medical marijuana grow houses in their community. They have serious concerns about these grow houses: zoning, property values, crime potential, explosion/fires and environmental hazards. She respectfully requested that Swartz Creek City government seriously consider zoning and/ or ordinances which would regulate where these grow houses are established. They would also greatly appreciate regulations prohibiting these grow houses in residential neighborhoods. She asked any or all assistance the city can provide would be greatly appreciated. She also thanked Rae Lynn Hicks, friend and councilmember for her support and encouragement.

City Manager Adam Zettel encouraged residents to call the police if anything appears suspicious, and as far as from a zoning standpoint he doesn't believe we can do much more than what we already have in progress.

City Attorney Charles Boike commended Mrs. Elde for her presentation and agreed with Mr. Zettel statements. He also stated that if an ordinance was adopted it could be challenged, especially with our current moratorium in place.

Peggy Donaldson, resident at 6290 Arlington Dr. spoke with the Building/Zoning Administrator in Fenton with regards to their new ordinances adopted because of medical marijuana houses and how things are improving there because of these changes.

George Zelenbaba, resident at 6291 Arlington Dr. responded that both grow houses are rentals through Mr. Nemer.

City Manager Adam Zettel, remarked that the city will look into some things and see what can be done. He also suggested that the association should look and see if they can make changes as an association.

Mayor Krueger suggested that the association contact FANG, Flint Area Narcotics Group.

Councilmember Hicks commented in regards to environmental issues, fire codes and health codes, and suggested that they keep complaining.

Councilmember Porath suggested the association go and talk to Mr. Nemer about the issue.

George Trundle, resident at 6292 Augusta Dr., questioned if there could be an inspection done.

City Manager Adam Zettel responded that the city may need to consider offering an industrial area that can be used for medical marijuana grow houses, along with looking into an ordinance similar to what Fenton has in place.

Dennis Cramer resides at 5299 Worchester Dr., commented on some of his own personal circumstances. He also wanted to know what the progress was with the KWA.

City Manager Adam Zettel responded that it's ahead of schedule and on budget, but there is some concern that Flint City may not be participating in the KWA.

COUNCIL BUSINESS

MASTER PLAN DRAFT DISTRIBUTION APPROVAL

Resolution No. 160208-04

(Carried)

Motion by Councilmember Hicks
Second Councilmember Gilbert

WHEREAS, the City of Swartz Creek master plan was last revised on February 10, 2010; and

WHEREAS, the Michigan Planning Enabling Act requires a plan to be reviewed every five years in order to maintain its applicability and maximum legal integrity; and

WHEREAS, the City Council directed the planning commission to review and potentially revise the master plan; and

WHEREAS, the planning commission, after hosting workshops, public meetings, and reviewing the existing plan, revised the master plan to include considerations for the following:

1. The closure of Sports Creek Raceway
 2. The construction of Meijer
 3. The continued decrease in taxable values and state revenue sharing
 4. Changes in city staffing levels/services
 5. Changes in demographics and economics
 6. Related changes to the city's land uses and expectations
- ;and,

WHEREAS, the planning commission finalized updates and recommended distribution of the draft plan at their regular meeting on January 5, 2016.

NOW, THEREFORE, BE IT RESOLVED, the Swartz Creek City Council hereby directs the staff to post and distribute notice of a public hearing to review the master plan, said hearing to be held on April 25, 2016 during the course of business at the regular city council meeting.

BE IT FURTHER RESOLVED, the City Council directs the city manager to distribute the draft master plan prior to said public hearing in accordance with state law.

Discussion Ensued.

YES: Pinkston, Porath, Shumaker, Abrams, Gilbert, Hicks, Krueger.

NO: None. Motion Declared Carried.

CONSUMERS ENERGY LIGHTING CONTRACT ADDITION

Resolution No. 160208-05

(Carried)

Motion by Councilmember Gilbert
Second by Councilmember Hicks

WHEREAS, the street lights in the city are owned and operated by Consumers Energy Company (CE), a Michigan utility with principle offices located at One Energy Plaza, Jackson MI, 49201; and

WHEREAS, CE is the sole provider of street lights, electrical delivery, and maintenance on said lights in the County of Genesee, including Swartz Creek City; and

WHEREAS, the operations and terms, including pricing, under which such services are delivered are regulated by the Michigan Public Service Commission; and

WHEREAS, CE supplies street lighting services to the city under a current standard street lighting contract which outlines specific fixture counts and types; and

WHEREAS, this contract has been revised and approved by the city as recently as April 13, 2015; and

WHEREAS, a need for additional street lighting has been identified for the public streets within the Springbrook East Condominium Association; and

WHEREAS, CE is proposing to install ten (10) lights for a cost of \$1,000, plus monthly fees related to ongoing operation and maintenance; and

WHEREAS, as a component of the residential development, the installation fees are the responsibility of the developer; and

WHEREAS, the developer has deposited a sufficient sum in an escrow account maintained by the city for this purpose; and

WHEREAS, an addition to the contract is required to effect this change.

NOW THEREFORE, BE IT RESOLVED, the City of Swartz Creek City Council hereby agrees to the proposed addition to the CE street lighting contract, as included in the city council packet for February 8, 2016, and further directs the Mayor to execute said contract.

BE IT FURTHER RESOLVED, the cost for installation shall be appropriated from the Springbrook East lot sale escrow account, with any unforeseen costs to be withdrawn from the same account or billed to the developer.

Discussion Ensued.

YES: Porath, Shumaker, Abrams, Gilbert, Hicks, Krueger, Pinkston.
NO: None. Motion Declared Carried.

TRANSPORTATION IMPROVEMENT PROGRAM FUND

Resolution No. 160208-06

(Carried)

Motion by Councilmember Pinkston
Second by Mayor Pro Tem Abrams

WHEREAS, the City of Swartz Creek is eligible for Federal Aid funds distributed through the Federal Highway Administration and the Michigan Department of Transportation; and

WHEREAS, the City of Swartz Creek has submitted an application for said funds to support hot mix asphalt roadway rehabilitation on Worchester Drive, from Cappy to Winston at an estimated cost of one hundred seventy-two thousand four hundred seventy-four dollars (\$172,474); and

WHEREAS, the City of Swartz Creek has submitted an application for said funds to support hot mix asphalt roadway rehabilitation on Fairchild Street, from Miller Road to Cappy Lane at an estimated cost of three hundred five thousand one hundred five dollars \$305,105; and

WHEREAS, a local match of no less than 20% is required to obtain federal funding.

NOW, THEREFORE, BE IT RESOLVED the City of Swartz Creek City Council, of the County of Genesee hereby certifies it will provide the estimated thirty-four thousand four hundred ninety-five dollars (\$34,495) for Worchester and sixty-one thousand twenty-one dollars (\$61,021) for Fairchild Street as matching funds for these respective street rehabilitation projects.

Discussion Ensued.

YES: Shumaker, Abrams, Gilbert, Hicks, Krueger, Pinkston, Porath.
NO: None. Motion Declared Carried.

MEETING OPEN TO THE PUBLIC:

None.

REMARKS BY COUNCILMEMBERS:

Councilmember Shumaker commented a resident on Worchester Drive wanted to call attention on the free weekly newspaper thrown in driveways and if there are any ordinances regarding this. Councilmember Porath responded that the resident is to call and request that they stop delivery. Councilmember Shumaker appreciates the Heritage Village residents coming in.

Councilmember Hicks wanted to let Jan Elde know she did a good job and commented that nobody would know there was any problem unless someone says something so always say something. She requested at end of minutes if we could put a brief note of pending meetings. She also commented on sign ordinances in regards to these new bright lights used at commercial properties. She mentioned speaking with Officer Paul and he commented that both dogs are doing well.

Councilmember Pinkston mentioned he read an article that NYC council makes \$148,000 a year and wanted everyone to know that a lot of committee's members are working for free.

Mayor Pro Tem Abrams, commented he has served 32 years and wanted to mention about a letter a resident received in regards to water lead line insurance. He commented about open trash burning and calling 911 for non-emergencies.

Mayor Krueger stated that the analysis of the vote on the legalization of medical marijuana found the places that pushed for it were Ann Arbor, Mt. Pleasant and East Lansing. He

also mentioned on the water lead line insurance, that it is legal but he would check on cost for replacement versus paying a monthly insurance cost.

City Manager Adam Zettel wanted to update everyone that a federal judge found that a portion of the GAG order law to be unconstitutional.

Adjournment

Resolution No. 160208-07

(Carried)

Motion by Councilmember Gilbert
Second by Councilmember Shumaker

I Move the Swartz Creek City Council adjourn the regular meeting at 8:45 pm.

Unanimous Voice Vote.

David A. Krueger, Mayor

Connie Eskew, City Clerk

To: Mr. Adam Zettel
Mr. Tom Svrcek

CC: Jose Mireles

Subject: Lawn Care Season 2016

Our company has provided the great city of Swartz Creek with our lawn care services for the past three seasons.

Although our contract has ended, we ask for an opportunity to extend the contract for the upcoming 2016 season and the 2017 season also. We would keep the price for the itemized sections mowed exactly the same for all locations.

Our services to you have always been prompt and professional. We have made it our policy to provide you with no more than a 24 hour turn around on request and work orders. Over the past 3 seasons we have come to terms of how you like things done and have made it our mission to do it right.

We love working for the city of Swartz Creek and hope to be the company to keep it manicured and looking beautiful for the community.

Jose Mireles
Owner
Lawn Kings lawn care & landscape
(810)-357-6084

QUOTE SHEET



CITY PROPERTIES—MOW & TRIM

Property	Location	Price Per Mowing
1. City Admin Bldg	8083 Civic	\$ <u>20</u>
2. Veteran's Memorial	8059 Fortino	\$ <u>10</u>
3. Blacksmith/Warehouse	South Morrish Rd	\$ <u>15</u>
4. Water Tower	S of Miller, W of Winston	\$ <u>15</u>
5. Amphitheater (Monday 5/01-8/01)	Civic Dr	\$ <u>20</u>
6. Senior Center/Library	Civic Dr	\$ <u>20</u>
7. Public Safety Bldg	Civic Dr	\$ <u>15</u>
8. Vacant Lot	8068 Fortino	\$ <u>10</u>
9. Drain Easement- (Non Fenced Area)	Elms, S of Miller, at Creek	\$ <u>10</u>
10. City Sign (Clear Vision)	Miller & Seymour, S Leg- SE	\$ <u>10</u>
11. Cemetery	Morrish & Fortino	\$ <u>20</u>
12. Bicentennial Park Areas	Morrish, East Side, Wade to Morrish	\$ <u>10</u>
13. Cappy Lane Sewer (Lift Station)	8331 Cappy	\$ <u>15</u>
14. Vacant Lot-Fortino Dr	N side off Morrish Rd	\$ <u>5</u>
15. Elms Rd Park (Approx 35 Acres)	Elms Rd Park	\$ <u>325</u>
16. Winshall Park. (Approx 12 Acres)	Winshall Dr, Durwood to N Daval	\$ <u>200</u>
17. Raubinger Rd (To Back of Houses)	S of Miller, N of Creek	\$ <u>10</u>
18. 9217 Hill (empty Lot)	SW Corner of Seymour & Hill	\$ <u>10</u>
19. 5492 Miller	Lot E of RR Tracks	\$ <u>10</u>
20. Park & Ride	6425 Miller	\$ <u>15</u>
21. 3350 Dye—50' off ROW	S of RR Tracks	\$ <u>10</u>
22. 3386 Dye Rd—50' off ROW	S of RR Tracks	\$ <u>5</u>
23. Residential lots per City Ord. # 364- (lots to be determined by City and sent to contractor for processing)		\$ <u>10</u>
TOTAL FOR CITY PROPERTIES		\$ <u>790.00</u>

Company Name Lawn Kings Lawn & Landscape

Address 1322 Pettibone Ave Flint MI 48507

Phone 810-775-9154 / 810-357-6099 Office / cell Contact Name Joe Mireles

QUOTE SHEET

CITY PROPERTIES—MOW & TRIM

Property	Location	Price Per Mowing
1. City Admin Bldg	8083 Civic	\$ <u>20.00</u>
2. Veteran's Memorial	8059 Fortino	\$ <u>20.00</u>
3. Blacksmith/Warehouse	South Morrish Rd	\$ <u>15.00</u>
4. Water Tower	S of Miller, W of Winston	\$ <u>20.00</u>
5. Amphitheater (Monday 5/01-8/01)	Civic Dr	\$ <u>20.00</u>
6. Senior Center/Library	Civic Dr	\$ <u>20.00</u>
7. Public Safety Bldg	Civic Dr	\$ <u>25.00</u>
8. Vacant Lot	8068 Fortino	\$ <u>15.00</u>
9. Drain Easement- (Non Fenced Area)	Elms, S of Miller, at Creek	\$ <u>20.00</u>
10. City Sign (Clear Vision)	Miller & Seymour, S Leg- SE	\$ <u>20.00</u>
11. Cemetery	Morrish & Fortino	\$ <u>30.00</u>
12. Bicentennial Park Areas	Morrish, East Side, Wade to Morrish	\$ <u>15.00</u>
13. Cappy Lane Sewer (Lift Station)	8331 Cappy	\$ <u>15.00</u>
14. Vacant Lot-Fortino Dr	N side off Morrish Rd	\$ <u>20.00</u>
15. Elms Rd Park (Approx 35 Acres)	Elms Rd Park	\$ <u>275.00</u>
16. Winshall Park (Approx 12 Acres)	Winshall Dr, Durwood to N Daval	\$ <u>170.00</u>
17. Raubinger Rd (To Back of Houses)	S of Miller, N of Creek	\$ <u>20.00</u>
18. 9217 Hill (empty Lot)	SW Corner of Seymour & Hill	\$ <u>20.00</u>
19. 5492 Miller	Lot E of RR Tracks	\$ <u>25.00</u>
20. Park & Ride	6425 Miller	\$ <u>20.00</u>
21. 3350 Dye—50' off ROW	S of RR Tracks	\$ <u>20.00</u>
22. 3386 Dye Rd—50' off ROW	S of RR Tracks	\$ <u>20.00</u>
23. Residential lots per City Ord. # 364- (lots to be determined by City and sent to contractor for processing)		\$ <u>50.00</u>
TOTAL FOR CITY PROPERTIES		\$ <u>945.00</u>

Company Name ROYALTY SERVICES INC.
 Address 11339 SILVER LK Rd BYRON ME
 Phone 810-266-6866 Contact Name MATT MOWSER

ADVERTISEMENT FOR BIDS

CITY OF SWARTZ CREEK

The City of Swartz Creek will be accepting sealed mowing bids for the two mowing seasons beginning May 2013 through January 2016 at the City offices located at 8083 Civic Dr., Swartz Creek, MI until 11:00 am Monday, April 15, 2013, with bids being opened to the public at that time. Complete bid packets can be picked up at the City offices Monday through Friday between 8:00am and 4:30 pm.

Publish: Thursday, February 28, 2013
Swartz Creek View

PROOF REQUIRED

Please Bill the: City of Swartz Creek
8083 Civic Dr.
Swartz Creek, MI 48473

**City of Swartz Creek
Department of Public Services
8083 Civic Drive
Swartz Creek, MI 48473
(810)635-4464**

Sealed bids will be accepted for the two mowing seasons beginning May 2013 through January 2016, by the City of Swartz Creek located at 8083 Civic Drive, Swartz Creek, MI 48473 until 11:00 am, Monday, April 15, 2013, with bids being opened to the public at that time.

If you have questions or wish to visit the site(s) with us, please call and arrange for an employee to escort you.

All bids must be made on City of Swartz Creek forms. All envelopes containing bids must be plainly marked "**Mowing Bid.**"

We are asking for a price submission on each individual area. The City will inform the contractor at the beginning of the season what areas need to be mowed and how often. No area shall be mowed more than once per week. Any price for mowing less than the total area will be based on a percentage of the total area. As the season progresses all areas might be mowed less frequently, at the City's discretion.

As a requirement of the bid being accepted by the City of Swartz Creek, the successful contractor will submit to the City Clerk a policy of liability insurance covering the activities of the company submitting the bid, showing coverage in the amount of \$1,000,000-\$3,000,000. The successful contractor will have adequate and appropriate equipment to perform all of the work for which this bid is submitted.

The City shall not be liable under any circumstances, including termination of this agreement, for costs of any equipment purchased by the contractor for the purpose of performing any of the work provided for in this bid.

Payment will be on a "per mowing" basis with the billing submitted on invoices at least once per month, payment to be net 30 days.

This mowing contract will be awarded to the lowest qualified bidder.

The City reserves the right to reject any and all bids.

Complete Bid packets can be picked up at the City of Swartz Creek offices Monday through Friday between 8:00am and 4:30 pm.

Tom. R. Svrcek
Director of Public Services

QUOTE SHEET

CITY PROPERTIES—MOW & TRIM

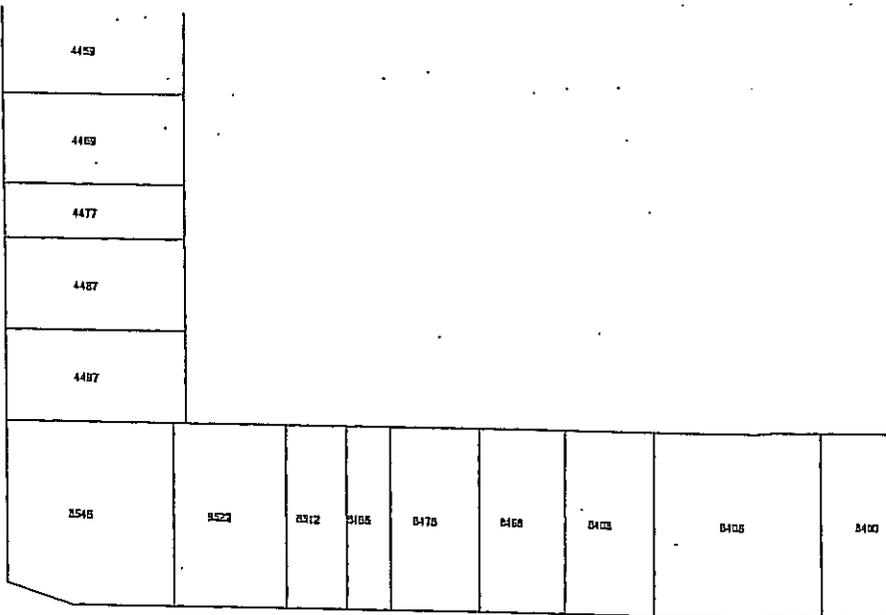
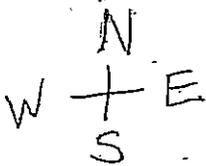
	Property	Location	Price Per Mowing
1.	City Admin Bldg	8083 Civic	\$ _____
2.	Veteran's Memorial	8059 Fortino	\$ _____
3.	Blacksmith/Warehouse	South Morrish Rd	\$ _____
4.	Water Tower	S of Miller, W of Winston	\$ _____
5.	Amphitheater (Monday 5/01-8/01)	Civic Dr	\$ _____
6.	Senior Center/Library	Civic Dr	\$ _____
7.	Public Safety Bldg	Civic Dr	\$ _____
8.	Vacant Lot	8068 Fortino	\$ _____
9.	Drain Easement- (Non Fenced Area)	Elms, S of Miller, at Creek	\$ _____
10.	City Sign (Clear Vision)	Miller & Seymour, S Leg- SE	\$ _____
11.	Cemetery	Morrish & Fortino	\$ _____
12.	Bicentennial Park Areas	Morrish, East Side, Wade to Morrish	\$ _____
13.	Cappy Lane Sewer (Lift Station)	8331 Cappy	\$ _____
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15.	Elms Rd Park (Approx 35 Acres)	Elms Rd Park	\$ _____
16.	Winshall Park (Approx 12 Acres)	Winshall Dr, Durwood to N Daval	\$ _____
17.	Raubinger Rd (To Back of Houses)	S of Miller, N of Creek	\$ _____
18.	9217 Hill (empty Lot)	SW Corner of Seymour & Hill	\$ _____
19.	5492 Miller	Lot E of RR Tracks	\$ _____
20.	Park & Ride	6425 Miller	\$ _____
21.	3350 Dye—50' off ROW	S of RR Tracks	\$ _____
22.	3386 Dye Rd—50' off ROW	S of RR Tracks	\$ _____
23.	Residential lots per City Ord. # 364-	(lots to be determined by City and sent to contractor for processing)	\$ _____
TOTAL FOR CITY PROPERTIES			\$ _____

Company Name _____

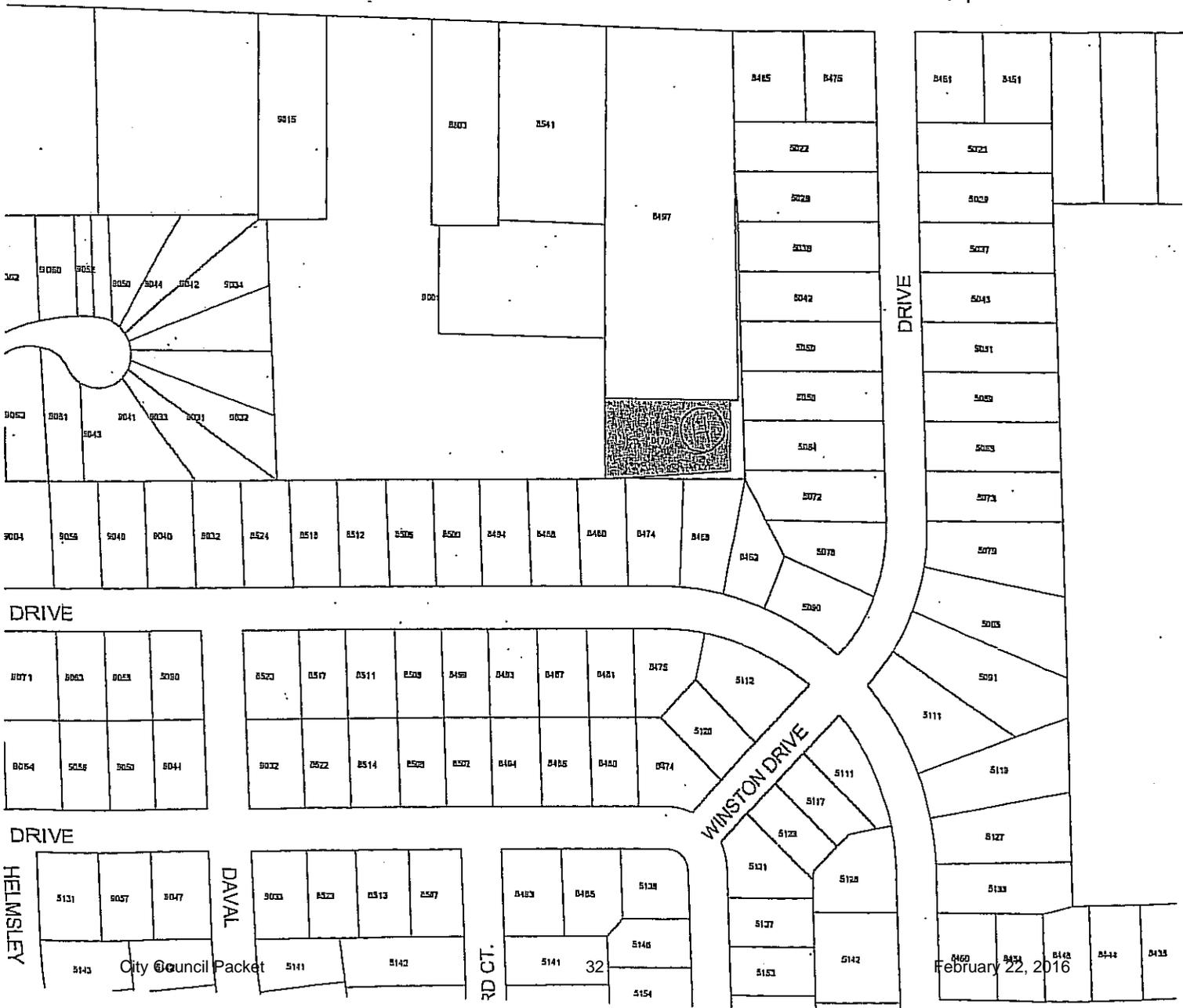
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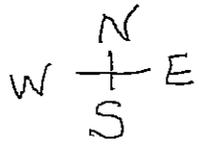
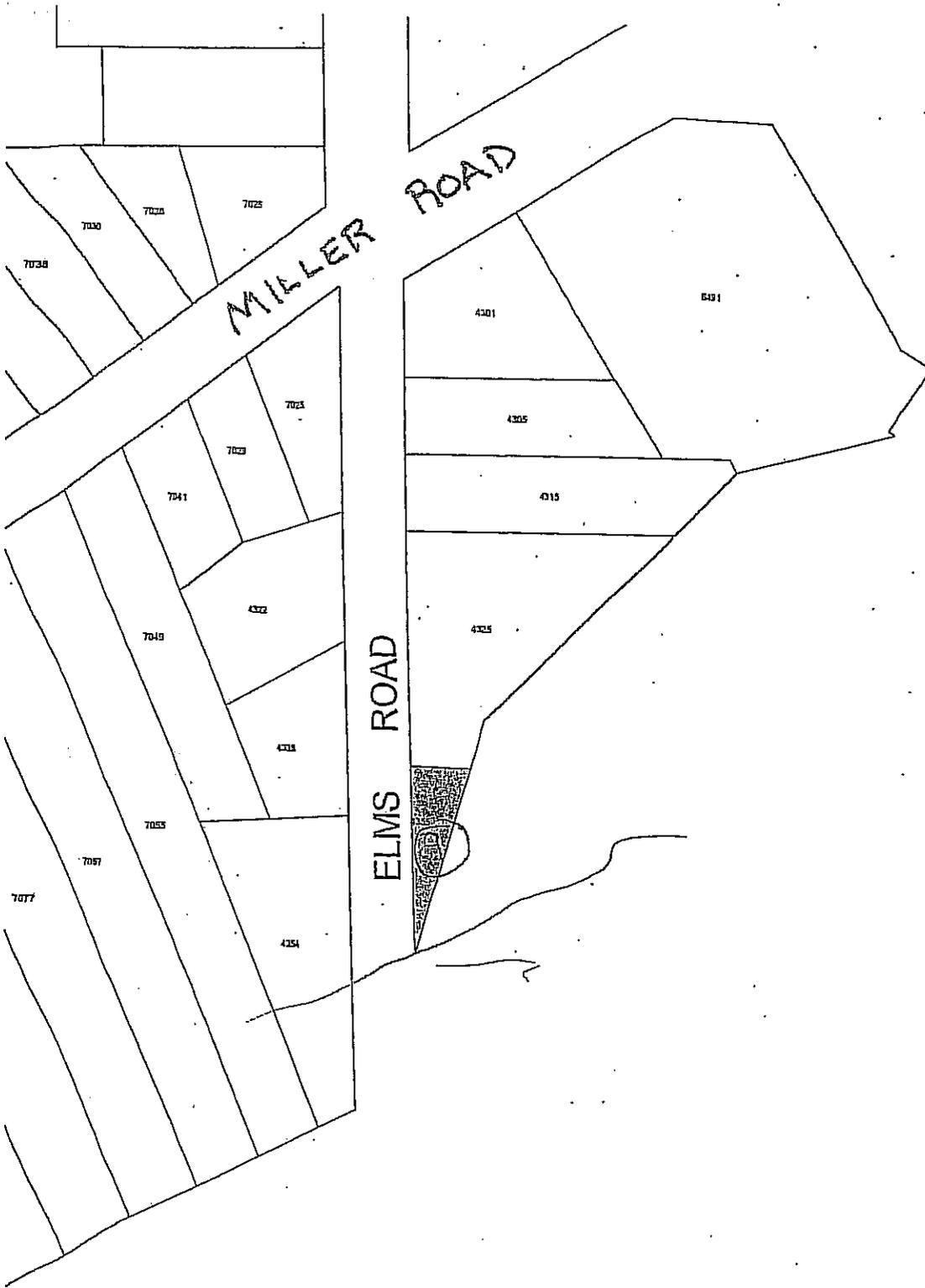
Phone _____ Contact Name _____



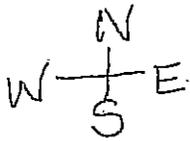


MILLER ROAD

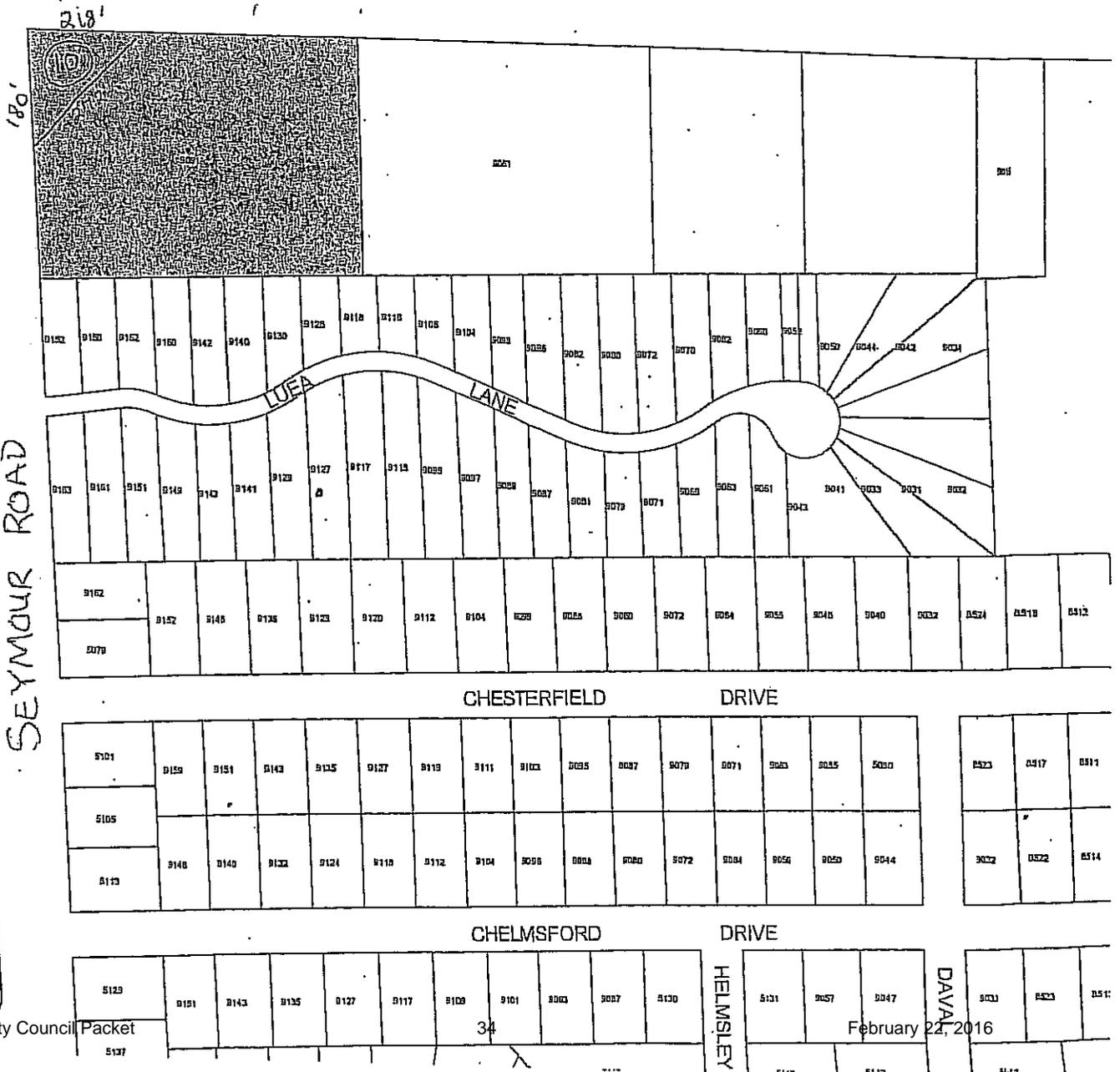




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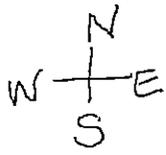


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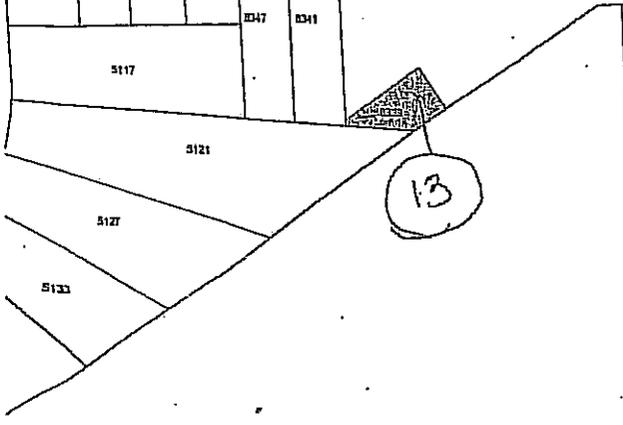
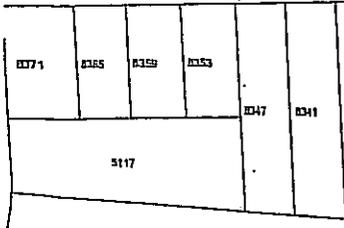
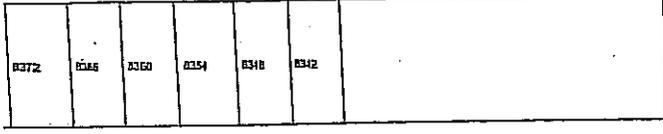
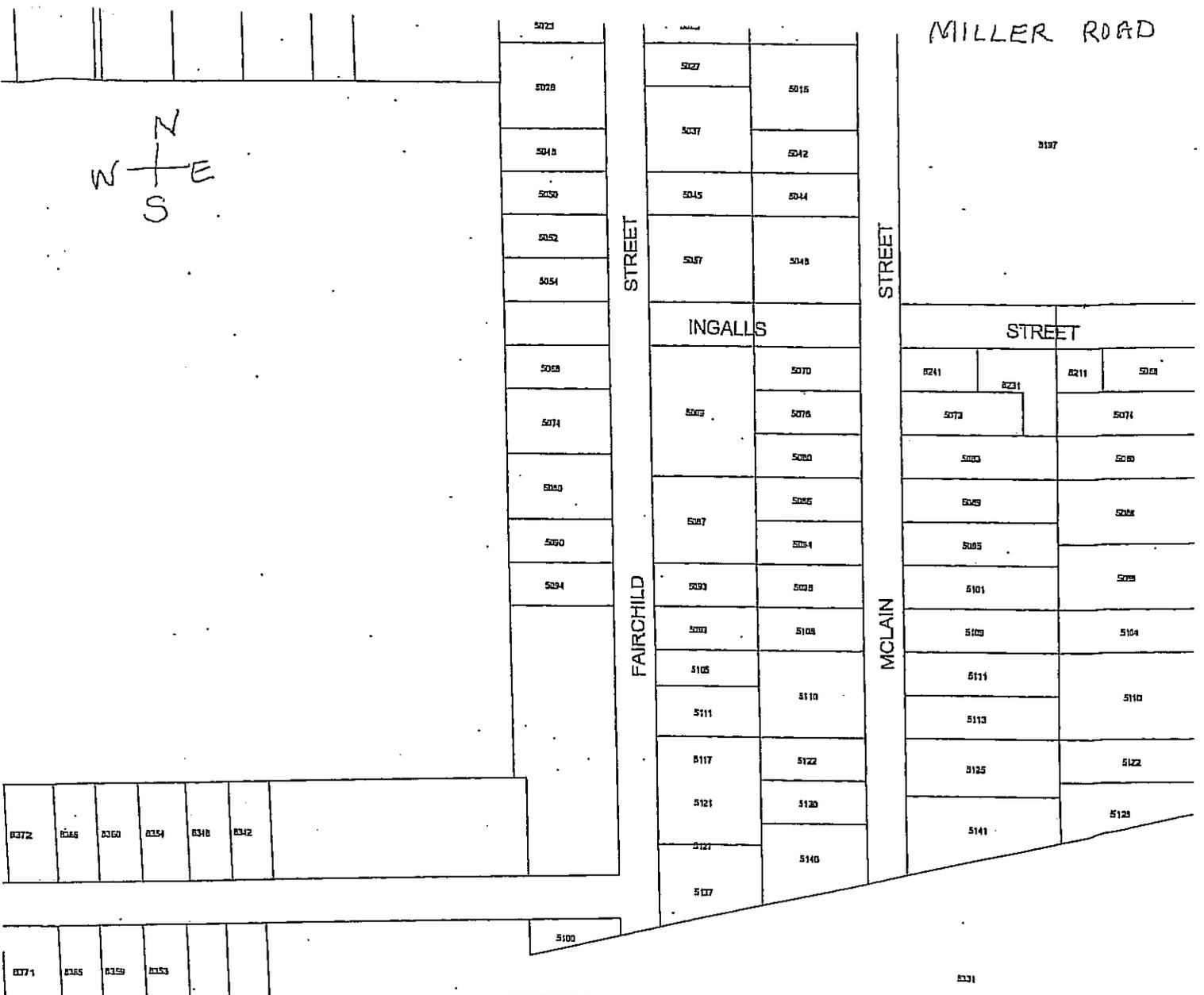


City Council Packet

February 22, 2016



MILLER ROAD

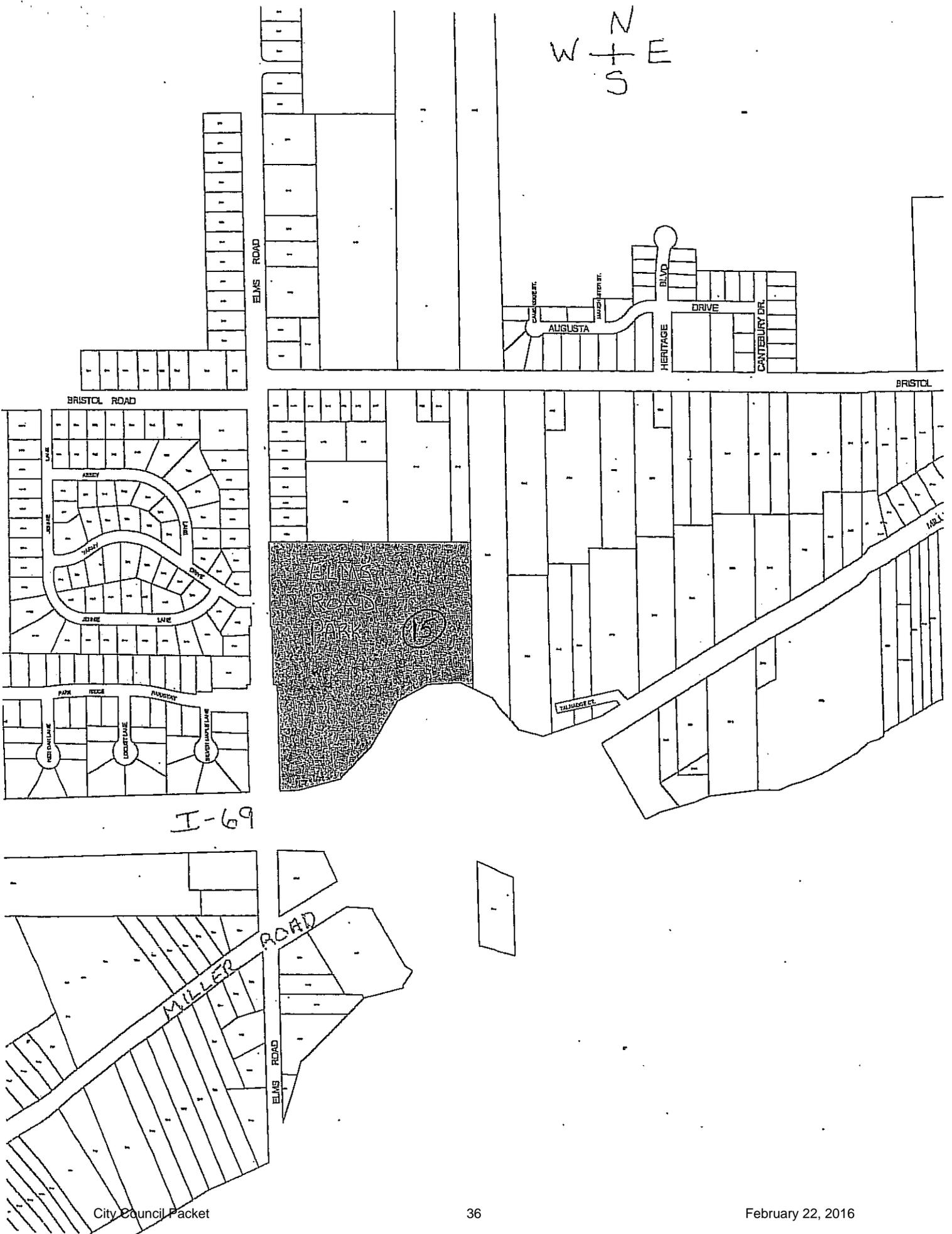
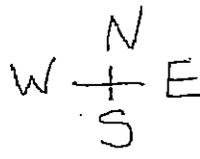


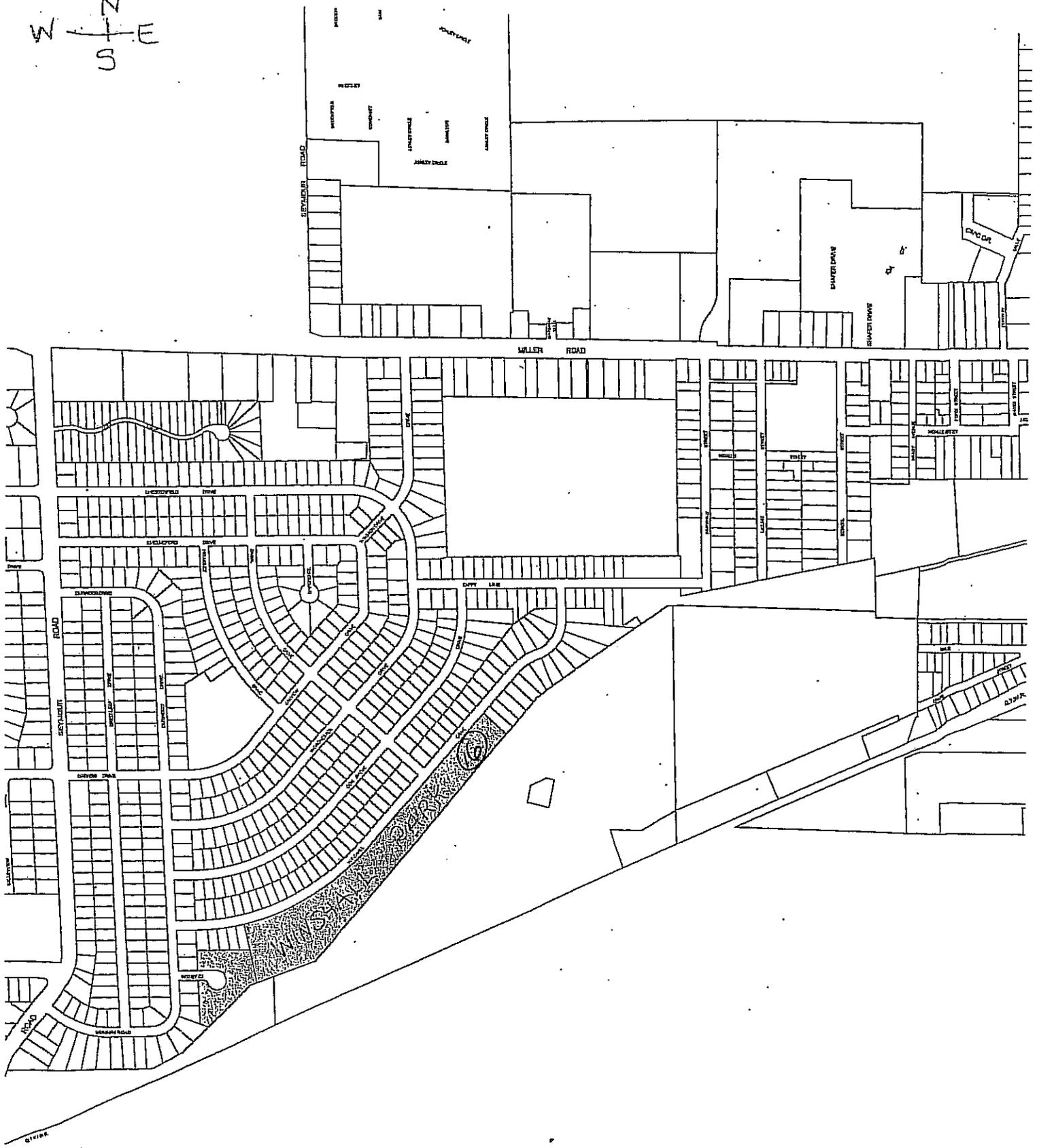
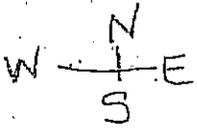
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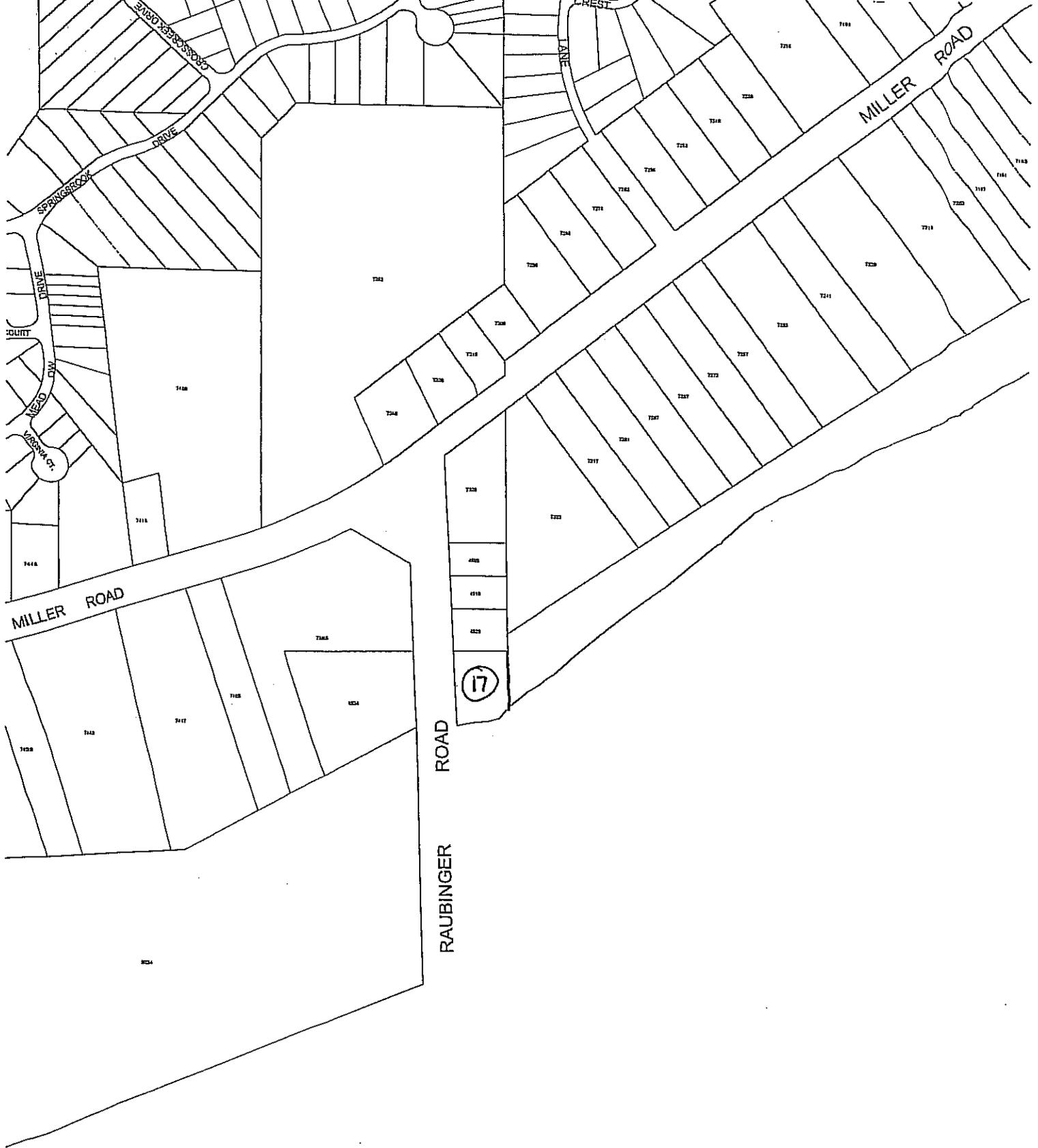
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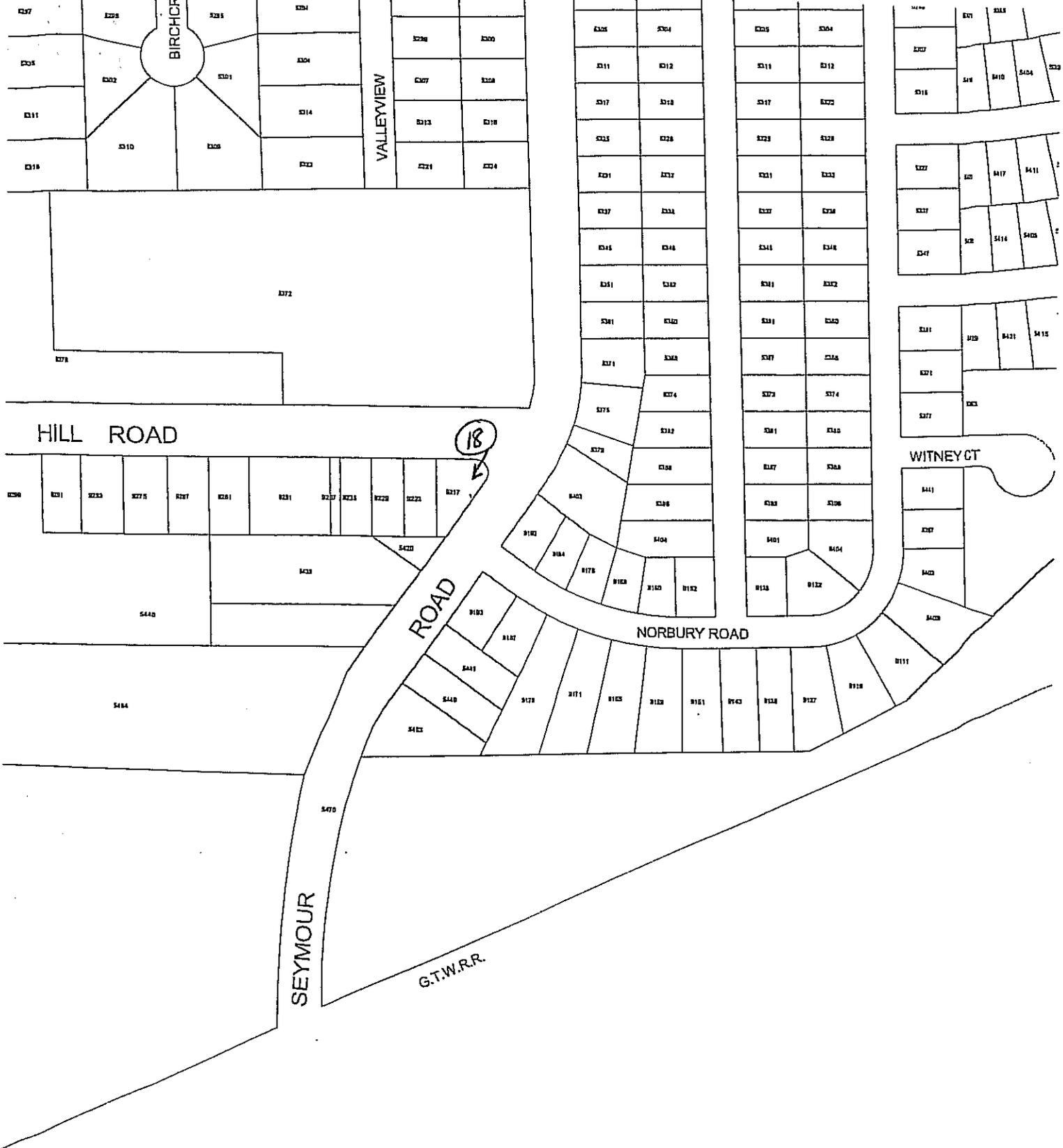
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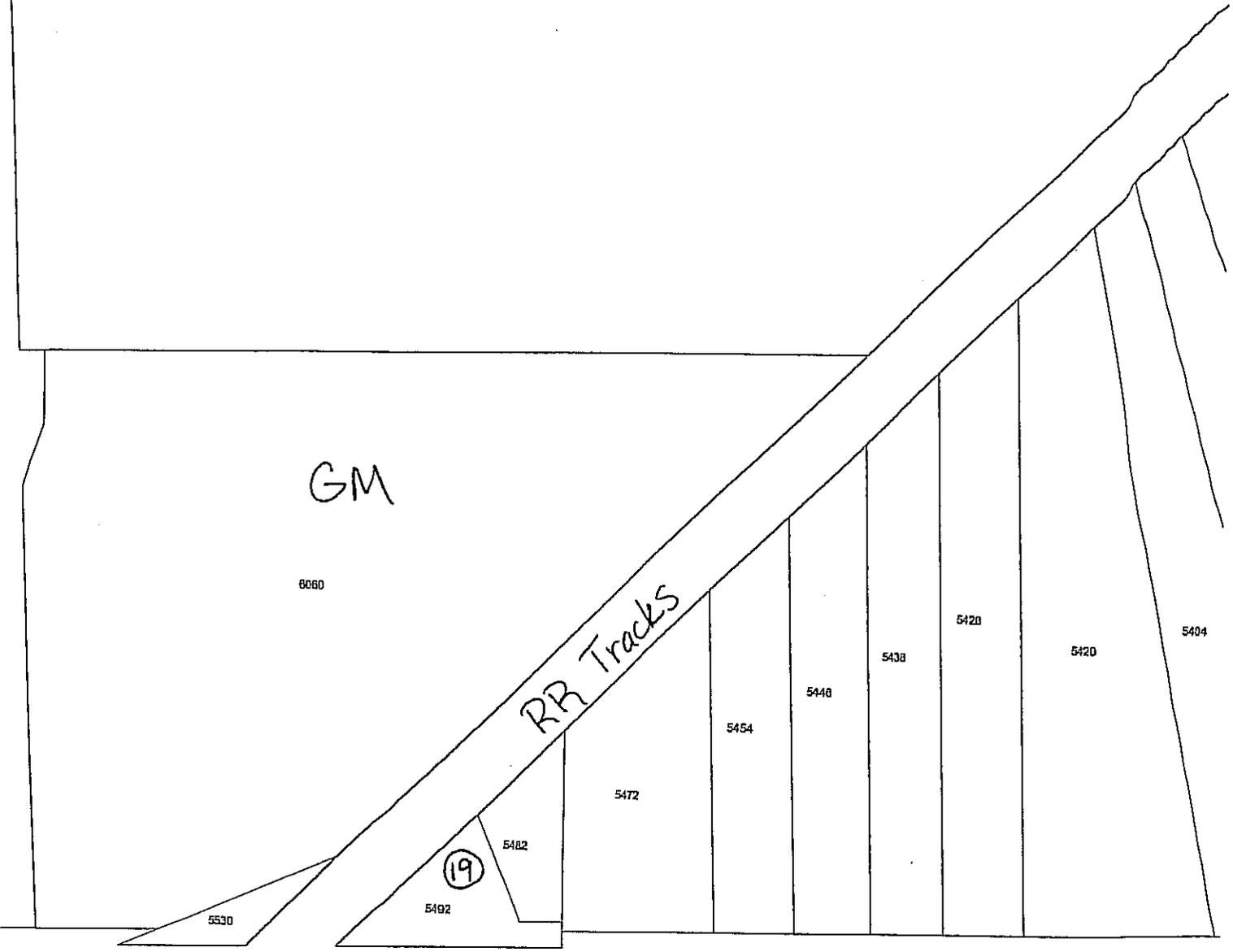
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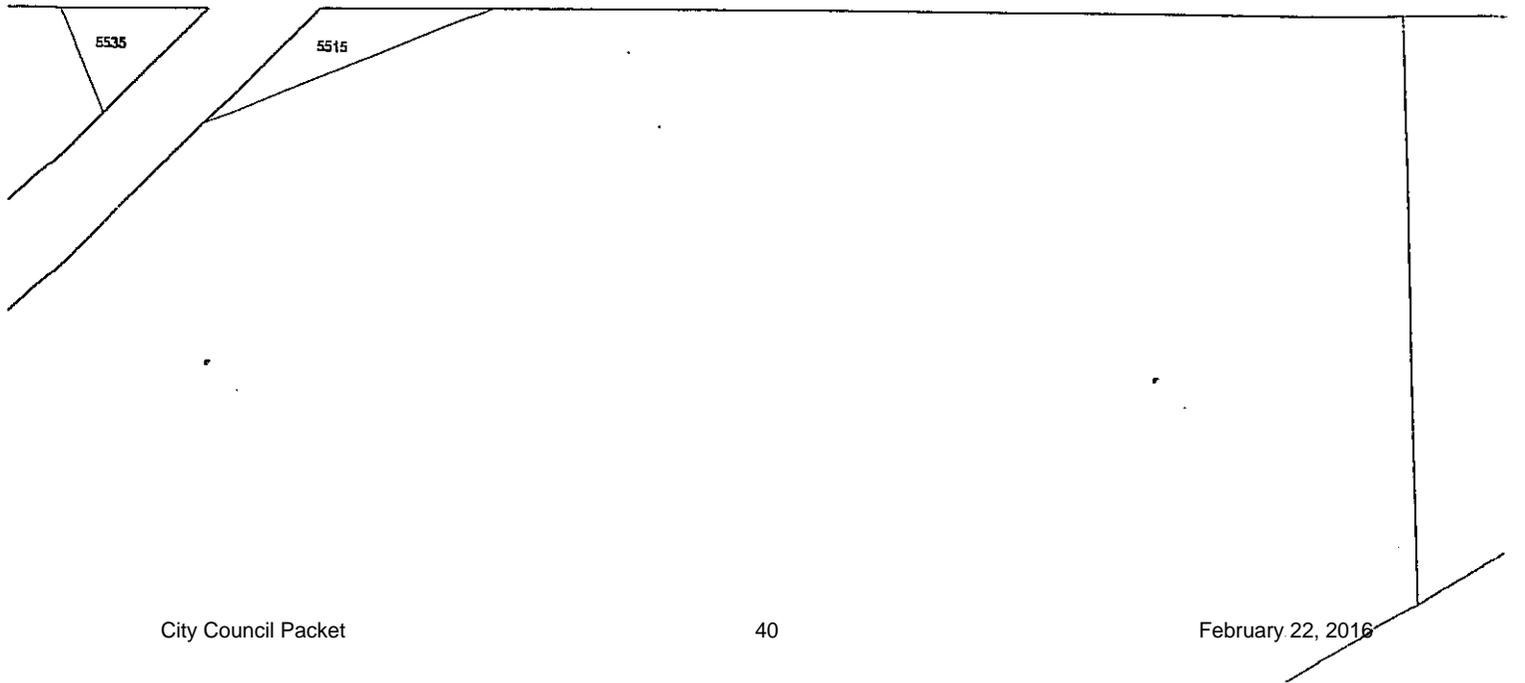








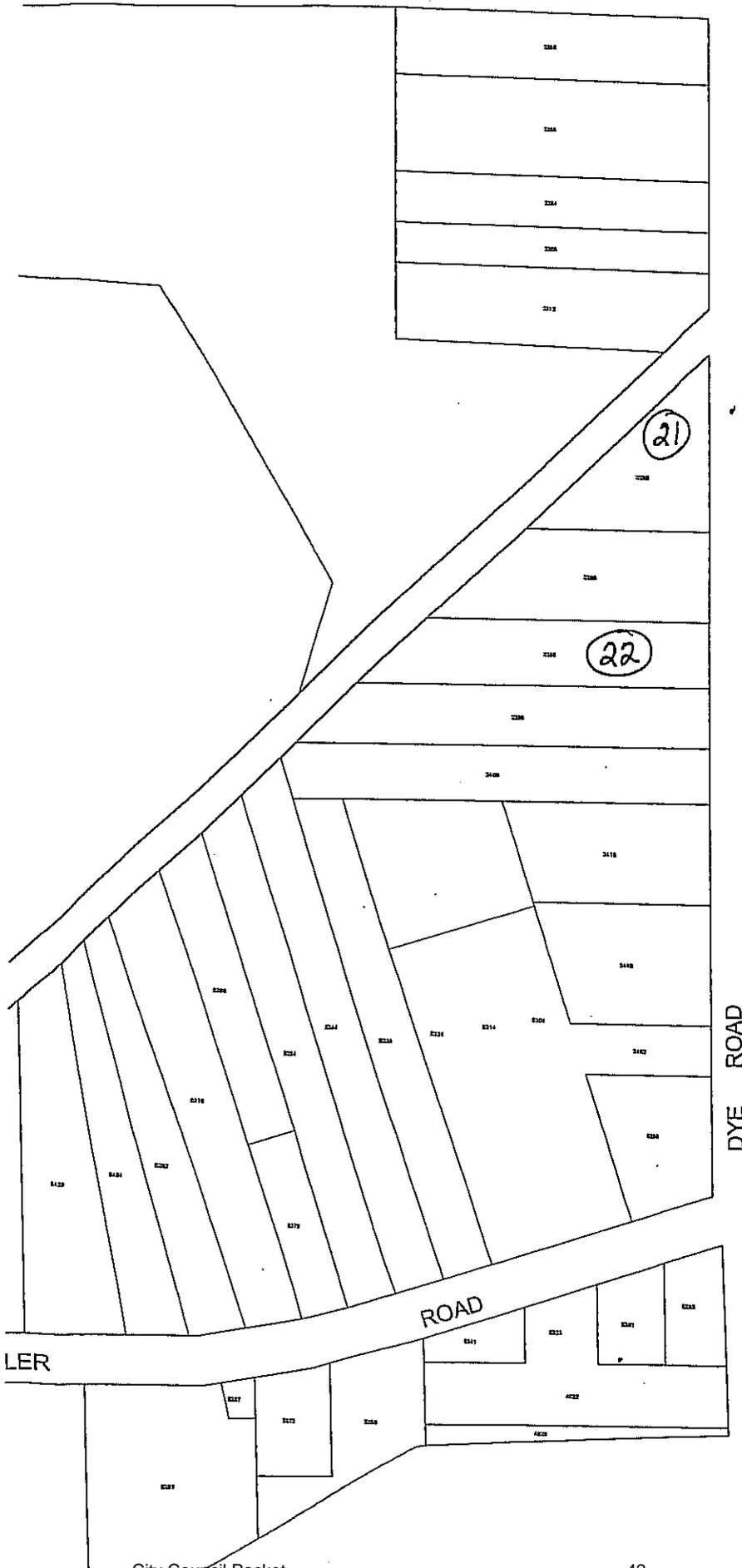
MILLER







 STATE
 PARK RIDE



LAWN KINGS LAWN & LANDSCAPE
5187 Seymour Rd, Swartz Creek, MI 48473

INVOICE

Mow and Trim

RECEIVED
 NOV 18 2015
 BY _____

DATE 11/18/15

INVOICE NUMBER _____

PAID

	Property	Location		Price per	Invoice
1	Public Safety Bldg	Civic Dr	101-345-930	\$15.00	\$15.00
2	Amphitheater (Monday 5/01-8/01)	Civic Dr	101-781-930	\$20.00	\$20.00
3	Winshall Park (approx. 12 acres)	Winshall Dr, Durwood to N Daval	101-782-930	\$200.00	\$200.00
4	Elms Rd Park (approx. 35 acres)	Elms Road Park	101-783-930	\$325.00	\$325.00
5	Bicentennial Park Areas	Morrish, East side, Wade to Morrish	101-784-930	\$10.00	\$10.00
6	Veteran's Memorial	8059 Fortino	101-787-930	\$10.00	\$10.00
7	Senior Center/Library	Civic Dr	101-790-930	\$20.00	\$20.00
8	City Admin Bldg	8083 Civic	101-793-930	\$20.00	\$20.00
9	Vacant Lot-Fortino Dr	8068 Fortino Dr, Fortino Dr S side curve	101-794-930	\$10.00	\$10.00
10	Drain Easement	Elms, S of Miller, at Creek	101-794-930	\$10.00	\$10.00
11	City Sign (Clear Vision)	Miller & Seymour, S Leg-SE	101-794-930	\$10.00	\$10.00
12	Vacant Lot-Fortino Dr	N side off Morrish Rd	101-794-930	\$5.00	\$5.00
13	Raubinger Rd (to back of houses)	S of Miller, N of Creek	101-794-930	\$10.00	\$10.00
14	9217 Hill (empty lot)	SW Corner of Seymour & Hill	101-794-930	\$10.00	\$10.00
15	3350 Dye -50' off ROW	S of RR Tracks	101-794-930	\$10.00	\$10.00
16	3386 Dye-50' off ROW	S of RR Tracks	101-794-930	\$5.00	\$5.00
17	Empty lot Fortino Dr	between Cemetary & Post Office	101-794-930	\$20.00	\$20.00
18	Cemetary	Morrish & Fortino	101-796-930	\$20.00	\$20.00
19	6425 Miller	Park & Ride	202-441-930	\$15.00	\$15.00
20	5492 Miller	Lot E of RR Tracks	202-463-801	\$10.00	\$10.00
21	Water Tower	S of Miller, W of Winston	590-540-930	\$15.00	\$15.00
22	Cappy Lane Sewer Lift Station	8331 Cappy	591-537-930	\$15.00	\$15.00
23	Blacksmith/Warehouse	South Morrish Rd	661-795-930	\$15.00	\$15.00
23	Residential lots	Residential lots	866-000-801	\$10.00	
	TOTAL				\$800.00

CITY OF SWARTZ CREEK
PERSONNEL POLICIES MANUAL

City Council Approved: November 23, 2015 (Attorney Comment Edition)

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**CITY OF SWARTZ CREEK
PERSONNEL POLICIES MANUAL**

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1.06 Severability

If one or more provisions of this policies manual are superseded by or become in conflict with state or federal laws, or if they are determined by a court of competent jurisdiction to be inappropriate and voided, then the balance of the manual shall remain in effect.

2. WORKFORCE

2.01 Public Servant Responsibilities

Public Servants are expected to use good judgment in their actions, especially regarding the impact of his/her actions upon peers and the public image of the City.

To accomplish this, it shall be the responsibility of each public servant to:

- Treat other servants and the general public in a courteous manner.
- Act in accordance with the highest ethical standards in all dealings with public officials, employees, volunteers, residents, consultants and contractors.
- Understand that discrimination based on race, color, religion, national origin, sex, marital status, sexual orientation, age, handicap, genetic information, political affiliation or other protected classes is unacceptable.
- Perform job duties in a proper, efficient and safe manner and to the best of his/her ability.
- Observe at all times, all applicable work rules, policies and procedures.

2.02 Employee Types

The City's workforce is comprised of different types of employees, depending upon employment arrangements. Unless specified otherwise or addressed by a collective bargaining agreement, all employees are subject to the conditions outlined in this personnel policies manual and are subordinate to the City Manager and his/her respective department heads. The various employee types are described below.

Full-Time Employees: Full-time employees are scheduled to work forty (40) hours per week. The majority of full-time employees are members of a recognized labor organization or association and work under the provisions of a collective bargaining agreement. Such employees may also be subject to individual contracts.

Part-time Regular Employees: Part-time regular employees work for the City year-round and are regularly scheduled to work less than forty (40) hours per week, except in cases of filling in for absent co-workers or when operational needs dictate. Employees in this category are not eligible for employee benefits.

Irregular Part-time, Seasonal and Temporary Employees: Irregular part-time, seasonal and temporary employees are limited-term employees assigned to work on an as-needed

basis on a part-time or full-time basis. The City Manager shall determine the hourly rate of pay for all such employees in consultation with the appropriate department head. Employees in this category are not eligible for employee benefits.

Volunteers & Interns: Individuals doing volunteer work for the City are unpaid and do not receive fringe benefits. The City may grant such individuals monetary or non-monetary awards, including job training, as determined by the City Manager. Depending upon the work expected to be performed, the city may require pre-qualification testing, including a background check or physical. Waivers may also be required.

Probationary Employees: Some employees of the City are subject to a probationary period. Specifics regarding probation are included in in Section 3 and applicable labor agreements.

3. EMPLOYEE SELECTION AND RELATED REQUIREMENTS

3.01 Equal Employment Opportunity

It is the policy of the City of Swartz Creek to provide equal opportunity to all qualified individuals in its recruitment, hiring and employment practices and to assure that there will be no discrimination against any person on the grounds of race, color, religion, sex, age, sexual orientation, national origin, political affiliation, marital status, handicap, genetic information, or other protected classes.

3.02 Accommodation of Handicaps

Michigan law requires employers to make accommodations to handicapped applicants and employees where the accommodation does not impose an undue hardship on the employer. Handicapped employees and applicants may request an accommodation of his/her handicap by notifying the City in writing of the need for accommodation within one hundred and eighty-two (182) days of the date the individual knows or should know that an accommodation is needed. Failure to properly notify the City will preclude any claim that the City failed to accommodate the individual.

3.03 Employment Postings

Position openings for full-time positions are posted, and in some cases advertised in news print. Applications for employment are available through the City Clerk's office.

In some cases, outside experts or consultants are used to assist the City in recruiting, testing and evaluating applicants.

3.04 Application for Position Opening

All applicants seeking employment with the City must complete a job application form. Additionally, a résumé may be required depending on the particular position. The purpose of the application is to obtain pertinent information related to the applicant's education, training and qualifications. Collective bargaining agreements may specify application and posting procedures for vacant union positions and the Police Department's Policy and Procedure Manual specifies the process for application and

The appearance and demeanor of our public servants is important to demonstrating the professionalism of our organization and commitment to public service. For this reason, each individual is expected to report for work each day with appropriate appearance and attire for his or her position.

Attire should be consistent with job responsibilities and should not jeopardize the safety of the individual or distract others. Anyone reporting to work in inappropriate clothing will be sent home to change. While it is not possible to describe or define every possible combination of attire, clothing should be in keeping with the image of a professional organization. The City Manager and/or department supervisor may determine whether or not attire is acceptable.

4.06 Personal Hygiene

Cleanliness is a must for all City employees. Appropriate personal hygiene provides for the individual's comfort and also for the protection and safety of fellow employees. Body odors, strong perfume, or smoke may all be particularly offensive to the public and co-workers. Employees should take pride in his/her personal appearance and assure cleanliness and neatness of hair, shoes, clothing and uniforms.

4.07 Drug-Free Workplace

The City of Swartz Creek is dedicated to maintaining a safe and drug-free workplace. To do so, employees must comply with the following rules:

- ~~Public servants may not possess or use any controlled substance, except when legally prescribed by a doctor for the treatment of the employees. When controlled substances are prescribed, the public servant is required to inform his/her immediate supervisor of any restrictions pertaining to equipment or vehicle use.~~
- ~~All other controlled substances or alcohol are not permitted on the City's property with the exception of items held in evidence by the Police Department. Police Officers under special assignment from the Police Chief may also be exempted from this policy.~~
- ~~Public servants may not use, distribute, manufacture, dispense, or possess controlled substances or alcohol while on work time or in the workplace.~~
- ~~Public Servants may not come to work under the influence of any controlled substances or alcohol. While on call, public servants are expected to remain free from the influence of controlled substances or alcohol.~~
- ~~The City encourages any public servants with a chemical dependence problem or concern about chemical dependence to seek professional treatment before the problem becomes a deterrent to job performance.~~

- Possession, use or being under the influence of alcohol or a controlled substance while on work time or in the workplace is grounds for disciplinary action up to and including immediate termination. Appendix A.

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The City's Drug-Free Workplace policy, contained in Appendix A of this manual, provides further detail related to the City's drug-free workplace policies. Additionally, specific rules and guidelines for random drug testing apply to those employees with a Commercial Driver's License (CDL), and provisions for drug testing based on "reasonable suspicion" are contained in collective bargaining agreements and CDL publications. Consult those documents for details.

4.08 Use of the City's Resources

Vehicles, materials, facilities and equipment owned by the City shall be used for City business only. Further, City employees shall only perform work related to City business while on work time. Specific applications include the following:

- Mail – Public servants may not use the City's postage for personal mail. Additionally, public servants should not receive personal mail or package deliveries while at work. City letterhead is to be used for official City business only.
- Vehicles – City-owned vehicles are to be used for official City business only, unless otherwise approved by the City Council or City Manager, or specified in an employment or union contract. Exceptions exist for the procurement of lunch or break services during work hours when the City-owned vehicle is the only practical vehicle option.
- Equipment, Facilities and Supplies - Equipment, facilities and supplies are to be used for City business only, including but not limited to tools, machinery, computers, copiers and other office machines.
- Personnel – City personnel are only to perform work related to City business and/or projects while on work time.

Exceptions to these policies can be made and directed only by the City Manager or, in the city manager's case, the City Council.

4.09 Electronic Communications

Personal communication and entertainment devices should be limited in use to break times only or otherwise limited so as not to interfere with the conduct of business or the perception of the proper conduct of business. Supervisors retain the right to prohibit personal communication or other device use if it is found to inhibit or appear to inhibit official duties, save for during a bona fide emergency.

The City also provides and utilizes a variety of electronic communications equipment and systems to serve the residents of the community, including electronic mail (e-mail), Internet, smart phones, computer systems, facsimile equipment and telephone systems. To safeguard against electronic viruses and prevent the inappropriate uses of communications equipment and systems, the City has adopted certain electronic communications policies. These policies are specified in his/her entirety in the

Electronics Communications Policy contained in Appendix B. It is required that all employees review Appendix B and are familiar with its content.

As stipulated in Appendix B, employees are to limit his/her use of electronic communications equipment, while on work time, to City-related business with the exception of incidental Internet or phone use. In all instances, public servants using the City's communications equipment and systems should not:

- Infringe on copyrights
- Retrieve, store or communicate material or information of a defamatory, fraudulent, illicit, sexual, profane or otherwise abusive nature
- Communicate materials of a harassing, discriminatory, illegal, wrongful or malicious nature
- Engage in political or religious promotions or activities while on city time Solicit for any purpose when either the employee solicited or the employee soliciting is on working time. Working time means any time when an employee is scheduled to be on duty, but does not include time when the employee solicit and the employee solicited are at lunch or on an authorized break.
- Knowingly disseminate electronic viruses or other interference that in any way interferes with the City's or a recipient's work or electronic systems
- Hide the identity of the sender or misrepresent the sender
- Invade the privacy of others
- Copy or forward City-owned or licensed information or software for personal use or for use by another party without authorization of the City
- Allow unauthorized persons to use City-owned communication equipment or systems.
- Engage in other unauthorized activities as specified in Appendix B.

All City communications systems, equipment and data are the property of the City. All messages, images or other data created, sent or retrieved using the City's communications resources are the property of the City. Employees' electronic files, messages and usage are subject to review or monitoring by the City to ensure compliance with the City's communications policy. Employees should not expect privacy when using the City's communications resources.

Information created or stored in e-mail systems is considered a public record. Confidential information, as provided by the Michigan Freedom of Information Act, should not be transmitted by e-mail.

Public servants using private communication resources to conduct city business should expect that those specific transactions may be subject to FOIA. For example, an employee or city council member that is contacted for official business on his/her private cell phone, social media, or email by call or message may be required to make that specific transaction/communication a public record.

Employees failing to follow communications policies are subject to disciplinary action up to and including discharge.

E-mail messages and the transfer of information through the Internet cannot always be guaranteed as secure. Any employee preparing to transmit information must include the following disclaimer or use the traditional paper mail system:

“This communication, along with any documents, files or attachments, is intended only for the use of the addressee and may contain legally privileged and confidential information. If you are not the intended recipient, you are hereby notified that any dissemination, distribution or copying of any information contained in or attached to this communication is strictly prohibited. If you have received this message in error, please notify the sender immediately and destroy the original communication and its attachments without reading, printing or saving in any manner. This communication does not form any contractual obligation on behalf of the sender or the City of Swartz Creek and, when applicable, the opinions expressed here are my own and do not necessarily represent those of the City.”

4.10 Visitors

Visitors to City buildings or facilities or those seeking access to City property should be greeted and assisted in a courteous manner. Access should be limited to public areas unless otherwise authorized by a supervisor. Visitors within the work areas of the building(s) should be closely monitored. Employees should refrain from personal visits while working. Visitors shall not be allowed in areas of operating machinery or equipment, such as excavation sites or the DPW garage area, except during recognized breaks. Exceptions can be made for special events, bring your child to work day, and similar occurrences with prior approval of the city manager.

4.11 Care of Equipment

The City of Swartz Creek possesses and maintains a wide array of costly equipment and rolling stock. Public servants are expected to follow prescribed procedures for equipment and vehicle usage, refrain from equipment abuse and guard against equipment loss.

Should a public servant encounter equipment malfunction or be involved in an accident, the incident should be immediately reported to the appropriate supervisor or department head. Intentional equipment abuse, reckless or careless use of equipment, or habitual loss of equipment may result in disciplinary action, up to and including discharge.

4.12 Expense Advances and Reimbursements

The City will advance funds and reimburse certain expenses incurred on behalf of the City. Out-of-state or overnight business travel must be approved in advance by the City Manager. To obtain an advance, the proper form must be completed and submitted to the City Manager or his/her designee. To support an advance or to obtain reimbursements, the proper voucher must also be completed and submitted to the City Manager or designee with supporting receipts.

Meals reimbursements, including tax and tip, are subject to maximums, unless otherwise approved by the City Manager. Please refer to the City’s travel policy, contained in Appendix C, for additional information on meals reimbursement and other reimbursement and authorization policies.

The City of Swartz Creek will not tolerate harassment based on protected class in the workplace; each public servant has a right to work in an environment free from intimidation. This policy applies equally to all unlawful forms of harassment in the workplace including sexual, ethnic, racial, religious, age, sexual orientation, handicap, or other protected classes.

Harassment consists of unwelcome or discriminatory conduct, whether verbal, physical or visual that:

- Affects tangible job benefits
- Interferes unreasonably with a public servant's work performance
- Creates an intimidating, hostile or offensive working environment.

Any public servant or applicant who believes that he or she has suffered harassment should report the incident(s) directly to his/her department head, the City Manager, Mayor, or to a City Council member. The City will not tolerate retaliation against any individual reporting a violation of this policy. Violation reports should progress through immediate supervision unless the supervisor is engaged in or compromised by said harassment or if there are other extenuating circumstances.

In determining whether the alleged conduct constitutes harassment, the totality of the circumstances, the nature of the harassment, and the context in which the alleged incident(s) occurred will be investigated.

The City considers harassment to be a serious offense, which will result in disciplinary action up to and including dismissal of the offender, regardless of the offender's position with the City.

Please review the City's formal sexual harassment and unwanted conduct policy, contained in Appendix D, for greater detail on this particular type of harassment, and the guidelines and procedures to be followed for allegations and investigation of issues of harassment more generally. The Police Department's Personnel Policy Manual also contains particular procedures for that department.

4.16 Workplace Violence

The City of Swartz Creek is committed to reducing the potential for workplace violence. In this regard, it is the policy of the City to prohibit acts or threats of violence by any party, directed toward employees, citizens, elected officials, visitors to the City's facilities or others.

Related to this policy, the City is committed to the following:

- Providing a safe and healthful work environment, consistent with health and safety rules. To assure this outcome, any person making threats, exhibiting threatening behavior or engaging in violent acts will be removed from City property.
- Taking prompt remedial action, up to and including discharge or criminal prosecution against any public servant who engages in threatening behavior or acts of violence.

An employee who leaves or has left the City service to enter the active service of the armed forces of the United States will be reinstated after completion of military duty in accordance with state and federal laws applicable to the particular situation.

5.06 Overtime for Non-Exempt Employees

Union employees will find language governing overtime in his/her union contracts. Other non-union employees who are defined as non-exempt by the Fair Labor Standards Act (FLSA) will be compensated for overtime work at the rate of time and one-half (1.5) for all time worked over forty (40) hours in a week.

5.07 FLSA Exempt Employees

Employees who are defined as exempt by the FLSA may be required to work more than forty (40) hours in a particular workweek to satisfy work demands. Overtime pay is not provided to exempt positions. See designations in contracts or labor agreements.

FLSA exempt positions, including, though not limited to, supervisory positions represented by the Supervisor's Association may request flex schedules and/or ~~compensatory-additional time off~~ in cases in which work hours have exceeded reasonable limits, as defined by the City Manager. The City Manager will review such requests and grant or deny such schedules or ~~compensatory-additional time off using standard leave forms or, in the case of a flex schedule, in writing~~. The City has full discretion regarding ~~flex schedules and additional time off compensatory time~~ – there is no vested right to this benefit for FLSA exempt employees. ~~Such Additional time off~~ shall not be banked, accrued, or carried over in any form for monetary payout or to offset the use of other forms of time off.

5.08 Unexcused Weather-related Absence

The city manager shall have the ability to close non-essential offices and functions of the city due to weather conditions or incidents of a similar nature. Management shall attempt to ascertain conditions as soon as possible and disseminate notification via phone, text, or other means as quickly as possible. For closures prior to the scheduled start of a shift, the employer shall attempt to notify impacted staff 30 minutes prior to the beginning of said shift. Employees scheduled to work during the affected time period need not report to work in such instances and may still receive pay for time not served due to closure. Employees who are found absent due to snow, other acts of nature or weather when City offices remain open to the public will be charged vacation time. If the employee does not have vacation time, absent time may be used. If no such time remains, the time will be Approved Leave Without Pay as defined by this manual.

5.09 Transfers

A transfer is an assignment to a position with comparable duties, responsibilities, authority, and compensation. Transfers between departments require the approval of the City Manager.

Union employees should consult their contract for provisions governing transfers.

5.10 Promotions

A promotion is a change in work assignment that results in an expanded or intensified scope of job duties and responsibilities. An employee can be promoted to fill an existing, vacant classification; or an employee's position can be reclassified if duties and responsibilities have been expanded over time. Management may grant promotions based upon education, performance, experience, disciplinary record, and related attributes. Such promotions may result in an increase in pay.

Union employees seeking promotions within a bargaining unit should consult their contract for provisions governing promotions.

5.11 Performance Evaluations

An evaluation system may be used to conduct annual performance evaluations at the City's discretion. At the conclusion of the appraisal process, evaluation forms will be filed in the employee's personnel file. Employees have the right to read and discuss his/her evaluation, and submit a statement covering points of disagreement to his/her official personnel file. Should the City employ performance evaluations, guidelines will be established and articulated to employees.

5.12 Personnel Files

Personnel files containing job performance records, benefits data, and related employment information are maintained on each employee. The files are considered strictly confidential with access allowed for very limited reasons as specified by federal or state law. The files are maintained by the City Manager.

Employees are legally entitled to review his/her file's contents upon reasonable notice. The City Manager, or his/her designee, will at all times, observe the review of personnel files to protect against tampering. Copies of file contents may be obtained for a reasonable copy fee.

5.13 Pay Periods and Paychecks

Pay periods cover two (2) weeks, beginning every other Saturday and concluding every other Friday. Pay shall not be released to anyone other than the employee unless a written note, signed by the employee, is provided. Direct deposit shall be the method of payment for all employees unless a special waiver is granted by the City Manager due to extenuating circumstances.

Lost or destroyed checks should be reported immediately to the City Clerk. It is the responsibility of the employee to notify the city for overpayments or underpayments as soon as possible. Lost or destroyed checks, overpayments, and underpayments to employees will be made up in the next check run, with payment arrangements extending multiple pay periods possible with the approval of the City Manager.

6. TERMINATION OF EMPLOYMENT

6.01 Voluntary Termination

The City desires written notification to the City Manager of an employee's resignation at least two (2) weeks prior to the effective date of resignation, or as designated within particular contracts or labor agreements. Advance notice will allow the City to process paperwork and payments due the employee. Employees resigning will be paid for actual time worked. Employees providing a minimum of two weeks notification of separation will also be paid for earned, unused absent leave and vacation days.

In the case of retirement, it is recommended that an employee provide the City Manager with as much notice as possible; a minimum of thirty (30) days is requested. This advance notice will ensure that retirement issues are satisfactorily addressed prior to the actual date of retirement.

6.02 Involuntary Termination

Some employees of the City are at-will employees. An employee classified as at-will can be dismissed at any time, with or without notice and with or without cause. Conversely, employees are free to separate from employment at any time, with or without notice and with or without reason.

Employees subject to collective bargaining agreements or employment contracts should consult those documents for layoff provisions and alternative processes of discipline and separation which may apply.

6.03 Exit Interview

In the event of separation, voluntary or involuntary, the employee is encouraged to engage in an exit interview with the City Manager or his/her designee. It is the responsibility of the applicable supervisor to ascertain an employee's desire to participate in the exit interview, and to schedule the interview.

6.04 Return of Property

A public servant or city affiliate separating from employment or otherwise terminating his/her relationship with the City shall return all City-owned equipment, uniforms, property, City identification badges, and all building and equipment keys. Payment for services rendered by contract or accumulated cash-equivalent benefits due employees upon termination of employment with the City is conditioned upon full compliance by the employee of all requirements for the return of all City-owned and issued property and equipment as certified in writing by the employee's department head and approved by the City Manager. The employee may provide written consent for such deduction upon distribution of such property in order to assure security of such items. The City may take appropriate action including legal prosecution for such City-owned items that are not returned by a separating employee.

7. EMPLOYEE DISCIPLINE

check to the City Clerk for deposit and reconciliation of payroll in order to receive the difference in pay.

8.05 Funeral Leave

Employees shall be allowed up to four (4) working days with pay as funeral leave days for the death of a member of the immediate family. "Immediate Family" is defined as the employee's mother, father, brother, sister, spouse, son, daughter, step-daughter, step-son, daughter-in-law, son-in-law, brother-in-law, sister-in-law, grandparents, granddaughter, grandson, grandparents of employee's spouse, mother-in-law, father-in-law, stepmother or step-father.

Employees shall be allowed up to a maximum of eight (8) hours paid funeral leave to attend the funeral of an uncle, aunt, spouse's aunt and uncle, niece or nephew. The City Manager may also authorize funeral leave of up to eight (8) hours for the attendance of an employee at the funeral for a deceased or retired City employee or official.

Funeral leave must be used within 20 calendar days unless prior arrangements are made with the City Manager for extenuating circumstances.

In the event of a funeral for persons not listed above, an employee may be authorized to use absent or vacation leave for the purpose of attending the funeral.

Employees should consult the applicable labor agreement for additional information regarding funeral leave.

8.06 Personal or Educational Leave

The City's labor agreements contain stipulations for personal and educational leave. However, these are unique to different bargaining units and employee groups. Employees should consult his/her contracts to determine what is, and is not allowable for their particular group.

8.07 Military Leave for National Guard or other Reserve Units

Employees who participate in the National Guard or other reserve units of the United States Armed Forces will be provided time off for military exercises or service in accordance with applicable state and federal laws. The City will pay the difference between the employee's reserve/military pay and regular wage, provided that proof of service and pay is submitted. The limit for this pay subsidization is a maximum of two (2) weeks per year.

8.08 Family and Medical Leave Policy

As a governmental entity, The City of Swartz Creek complies with all statutory requirements of the Family and Medical Leave Act of 1993. The Act provides for up to twelve (12) weeks of unpaid leave for "eligible" employees requiring time away from work due to serious personal illness, to care for a seriously ill family member, ~~or~~ following the birth or adoption of a child, or other statutorily permitted purposes.

Eligibility for FMLA is subject to certain criteria included in the Act, including the requirement that the employee work at a location in the United States or in any territory or possession of the United States where at least fifty (50) employees are employed by the employer within seventy-five (75) miles. Because the City of Swartz Creek meets this threshold, City employees are eligible for FMLA leave.

See Appendix E for further information regarding the benefits, requirements and limitations of the Act.

8.09 Approved Leave Without Pay

Approved absences of any length of time during which an employee receives no pay will require the employee to be responsible for the cost of all fringe benefits for the employee and any dependents during this period, excluding medical benefits for those under FMLA qualified leave. The cost to the employee will be calculated as follows: the rate that was in effect on the first day of the employee's absence will be used to calculate the employee's cost for this period. Each fringe benefit amount will be pro-rated based on the number of work days in that month excluding all Saturdays and Sundays. The pro-rated amount will be multiplied by the number of days the employee is absent. This amount will be deducted from his/her next payroll check

8.10 Unapproved Leave

Unapproved absences of any length of time ~~are detrimental to city operations and~~ are subject to disciplinary action, and will not be paid, ~~including all fringe benefits for the employee and any dependents. During this time period the cost to the employee will be calculated as follows, the rate that was in effect on the first day of the employee's absence will be used to calculate the employee's cost. Each fringe benefit amount will be pro-rated based on the number of work days in that month excluding all Saturdays and Sundays. The pro-rated amount will be multiplied by the number of days the employee is absent. This amount will be deducted from his/her next payroll check.~~ Unapproved absences of more than three (3) consecutive days may be considered a resignation.

9. HEALTH AND WELFARE BENEFITS

9.01 Coverage and Eligibility

Full-time regular employees are eligible for health and welfare benefits per the specifics of their labor contract or employment agreement. Collective bargaining agreements contain provisions related to health and welfare benefits, and procedures for modifying coverages, benefit offerings, or benefit levels. Reference your contract for specifics.

9.02 Health Insurance

The City of Swartz Creek maintains medical, dental, vision, short-term disability and long-term disability insurance for full-time employees, and his/her dependents, where applicable. Plan documents which detail policies, coverages, limitations and other important information are available in the City Manager's office.

APPENDIX A
CITY SWARTZ CREEK
DRUG FREE WORKPLACE POLICY

1. Purpose

- 1.01 The purpose of this policy is to eliminate substance abuse and its effects in the workplace.
- 1.02 Involvement with drugs and alcohol can take its toll on job performance and safety. The City's concern is that servants are in a condition to perform his/her duties safely and efficiently, in the interests of his/her fellow workers and the public, as well as themselves.
- 1.03 This policy provides guidelines for the detection and deterrence of alcohol and drug abuse. It also outlines the responsibilities of the City Manager, department heads and other employees. Briefly stated, the City will act to eliminate any substance abuse, which increases the potential for accidents, absenteeism, substandard performance, poor employee morale or damage to City or private property, or to the City's reputation. Employees violating this policy will be subject to discipline, up to and including discharge.

2. Policy

- 2.01 It is the policy of the City that employees shall not be under the influence of alcohol or illegal drugs while subject to being called to work, nor report for work following the use of alcohol or drugs.
- 2.02 The possession and/or use of illegal substances while on duty or while on City property is strictly prohibited and will not be tolerated, with the exception of the possession of those substances held in evidence or confiscation by the police department. Possession alone is grounds for discipline up to and including discharge.
- 2.03 The use of medically prescribed medications and drugs is not a violation of this policy. However, it is the responsibility of the employee, including volunteers, to notify his/her supervisor, prior to beginning work, of any substance, which to the employee's knowledge, might interfere with the safe and effective performance of duties or operation of City equipment. Failure to do so can result in discipline, up to and including discharge. In the event there is a question regarding an employee's ability to perform safely and effectively the duties of his/her job or operation of City equipment as a result of medications or drugs, clearance from a qualified physician may be required.
- 2.04 The City reserves the right to search, without employee consent, all areas and property in which the City maintains control or joint control with the employee. The City may also notify the appropriate law enforcement agency that an employee may have illegal drugs in his or her possession.
- 2.05 An employee, including volunteer, reasonably believed to be impaired and under the influence of alcohol or drugs shall be prevented from engaging in further work and shall

- 4.03 **In the workplace** refers to entry upon or presence on City property, including the parking lot, driveway or any other City premises or work sites such as City vehicles or private vehicles parked on City premises - or when on City business in any location.
- 4.04 **Drug free** means the prohibition of the manufacture, distribution, dispensing, possession or use of controlled substances (including alcohol) and associated paraphernalia. This also includes the misuse or abuse of prescription drugs, as well as attempting to enter or being in the workplace under the influence of alcohol, drugs or controlled substances.
- 4.05 **“Reasonable suspicion”** is a belief, based on objective facts, sufficient to lead a reasonably prudent supervisor to suspect that an employee is under the influence of drugs or alcohol to the extent that the employee’s ability to safely perform the functions of the job is impaired.

Any of the following (but not limited to the following), alone or in combination, may constitute reasonable suspicion:

- Slurred speech
- Alcohol and/or other odors on breath
- Unsteady walking and movement
- An accident involving City or private property, while on duty where alcohol or controlled substances may be involved
- Physical altercation
- Verbal altercation
- Unusual behavior
- Possession of alcohol or drugs
- Information obtained from a reliable person with personal knowledge.
- Glassy eyes: dilated or diminished pupils

5. Procedures

5.01 Reasonable Suspicion

- Department heads and supervisors shall notify the City Manager when they have reasonable suspicion to believe that an employee may have alcohol and/or illegal drugs in his or her possession or in an area jointly or fully controlled by the City.

APPENDIX B
CITY OF SWARTZ CREEK
ELECTRONIC COMMUNICATION POLICIES

1. Purposes of Policy

The City of Swartz Creek aims to provide public servants with accessible, up-to-date and reliable information to support them in his/her work. This goal requires us to provide access to the vast information resources of the Internet, Computer Systems, Facsimile Systems, and Telephone Systems to assist with the execution of job duties. Users must understand that this access is for the purpose of increasing productivity and not for non-business activities. Users must also understand that any connection to the Internet offers an opportunity for non-authorized users to view or access municipal information. The City's communications resources are to comply with acceptable use standards established herein and applicable federal and state laws.

2. Privacy

Communications systems are the property of the City of Swartz Creek. All messages created, sent, or retrieved using the City's communications systems are the property of the City. The City reserves the right to review any employee's electronic files, messages and usage to the extent necessary to ensure that electronic media and services are being used in compliance with the law, this policy and other City policies and regulations. Employees shall consent to this policy before utilizing the City's Internet communications equipment. The City Manager and department heads are authorized to monitor the use of communications equipment and to monitor Internet and e-mail transmissions for compliance with the City's communications policy. Random audits may be used under the direction of the City Manager to monitor Internet use.

3. Authorized Use

The City of Swartz Creek's internet connection is intended primarily for business use. That means we expect users to access the internet primarily for business-related purposes, i.e., to communicate with customers and suppliers, to research relevant topics, and to obtain useful business information.

Users may use the City of Swartz Creek's internet services for personal improvement during breaks, outside of scheduled hours of work, and as incidental to normal business provided such use is consistent with professional conduct.

4. Appropriate Uses

Communication network, equipment or facilities are to be used at all times in a responsible and acceptable manner. Applicable standards in the use of City communication systems include ethical behavior, honesty and restraint in the consumption of shared resources. Acceptable uses of communications systems include:

- A. Access to the internet is primarily for the exchange of information and research consistent with the goals and activities of the City of Swartz Creek and of the employee's assigned duties.

B. Personal communication using City communication systems should be severely limited during working hours. Local phone calls of a short duration are permitted. Employees should avoid using City telephone equipment for making long distance calls. Employees shall reimburse the City for long distance charges. Employees of the City may use City Internet only incidentally. Incidental internet communication is permissible during the working hours of an employee under the following conditions, with limits defined by the supervisor:

1. It does not overload the network with excessive data or wastes the municipalities other technical resources.
2. It does not interfere with the employee's or other employees' productivity.
3. It minimizes unnecessary network traffic that may interfere with the ability of others to make effective use of the municipality's resources.
4. It does not involve the solicitation ~~for business, buying or selling products or services or otherwise involve commercial activity for any purpose when either the employee solicited or the employee soliciting is on working time. Working time means any time when an employee is scheduled to be on duty, but does not include time when the employee solicit and the employee solicited are at lunch or on an authorized break.~~
5. It does not involve locating, storing, or transmitting data or information ~~that is or has the potential to be considered offensive in nature~~ is in violation of the City's Electronic Communications Policy.

5. Inappropriate Uses

Unacceptable uses of the City's communication systems by any public servant at any time include the following:

- A. Infringement on the copyrights or other intellectual or proprietary rights of third parties (third parties are anyone other than the sender and the recipient).
- B. Engaging in any illegal, wrongful or malicious conduct.
- C. Efforts to gain unlawful access to information or computer and communications resources.
- D. Offensive content of any kind, including pornographic material.
- E. E-mail or other electronic communication which hides the identity of the sender or represents the sender as someone else. All messages communicated with City equipment shall contain the name of the sender.
- F. Propagate a virus, worm, Trojan horse, or trap-door program code.
- G. Copying City-owned or licensed information to another computer system for personal use, external use or use by another party without authorization.
- H. Attempting to modify, damage, or disrupt City-owned or licensed equipment, software, data or communication lines.

APPENDIX D
CITY OF SWARTZ CREEK
SEXUAL CONDUCT AND UNWANTED CONDUCT POLICY

PURPOSE: To establish prevention in a working environment against sexual harassment and unwanted conduct.

DEFINITIONS:

1. "Employee", for this section, includes all City public servants, elected, appointed, or employed.
2. "Sexual Harassment" includes any unwanted or repeated verbal or physical sexual advances, sexually explicit, provocative, or suggestive statements, innuendo, or comments, or sexually oriented conduct or physical conduct, made by another employee which are reasonably offensive or objectionable to the recipient or which reasonably causes the recipient discomfort or humiliation, or which reasonably interferes with the recipient's work performance.
3. "Unwanted Conduct" includes any conduct, verbal or physical, which is based on race, color, religion, national origin, sex, marital status, sexual orientation, age, handicap, genetic information, political affiliation or other protected classes of an ethnic, racial or religious nature, which reasonably causes the recipient discomfort or humiliation, or which reasonably interferes with the recipient's work performance.
4. "Shall" is mandatory, not permissive.

POLICY:

It shall be the policy of the City of Swartz Creek that as an employee you have the right to expect a working environment free of unwelcome sexual advances, requests for sexual favors, communication of a sexual nature and/or other unwanted verbal or physical conduct which is of an ethnic, racial, or religious nature.

This policy shall be followed at all times including but not limited to the following:

1. When submission to such conduct or communication is made an express or implied condition of obtaining employment.
2. When submission to or rejection of such conduct is used as a basis of or a factor in decisions affecting the employment of any personnel.
3. When such conduct or communication has the purpose or effect of interfering with an employee's duty assignment or work performance or creating an intimidating, hostile or offensive environment.

PROCEDURE:

APPENDIX E
CITY OF SWARTZ CREEK
FAMILY AND MEDICAL LEAVE ACT*

YOUR RIGHTS UNDER THE FAMILY AND MEDICAL LEAVE ACT OF 1993

*Note that the rights provided under the FMLA are placed here for reference and the statute and supporting regulations are subject to change without notice. Employees should consult the Department of Labor webpage for the most up-to-date information.

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FMLA requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to "eligible" employees for certain family and medical reasons. Employees are eligible if they have worked for a covered employer for at least one year, and for 1,250 hours over the previous 12 months.

REASONS FOR TAKING LEAVE:

Unpaid leave must be granted for *any* of the following reasons:

- for incapacity due to pregnancy, prenatal medical care or child birth;
- to care for the employee's child after birth, or placement for adoption or foster care;
- to care for the employee's spouse, son, daughter or parent, who has a serious health condition; or
- for a serious health condition that makes the employee unable to perform the employee's job.
- ~~to care for a new child after birth or placement by adoption or foster care;~~
- ~~to care for the employee's spouse, son or daughter, or parent, who has a serious health condition;~~
- ~~for a serious health condition that makes the employee unable to perform the employee's job.~~

At the employee's or employer's option, certain kinds of *paid* leave may be substituted for unpaid leave.

ADVANCE NOTICE AND MEDICAL CERTIFICATION:

The employee may be required to provide advance leave notice and medical certification. Taking of leave may be denied if requirements are not met.

- The employee ordinarily must provide 30 days advance notice when the leave is "foreseeable."
- An employer may require medical certification to support a request for leave because of a serious health condition, and may require second or third opinions (at the employer's expense) and a fitness for duty report to return to work.

JOB BENEFITS AND PROTECTION:

For the duration of FMLA leave, the employer must maintain the employee's health coverage under any "group health plan." Employees must continue to provide any previously required contributions toward premiums to maintain benefits while on leave.

The law contains provisions on employer coverage; employee eligibility for the law's benefits; entitlement to leave, maintenance of health benefits during leave, and job restoration after leave; notice and certification of the need for FMLA leave; and, protection for employees who request or take FMLA leave. The law also requires employers to keep certain records.

EMPLOYER COVERAGE:

FMLA applies to all:

- public agencies, including state, local and federal employers, local education agencies (schools), and
- private sector employees who employed 50 or more employees in 20 or more workweeks in the current or preceding calendar year **and** who are engaged in commerce or in any industry or activity affecting commerce — including joint employers and successors of covered employers.

EMPLOYEE ELIGIBILITY:

To be eligible for FMLA benefits, an employee must:

- work for a covered employer (see above);
- have worked for the employer for a total of 12 months; have worked at least 1,250 hours over the previous 12 months; and
- work at a location in the United States or in any territory or possession of the United States where at least 50 employees are employed by the employer within 75 miles.

LEAVE ENTITLEMENT:

A covered employer must grant an eligible employee up to a total of 12 workweeks of unpaid leave during any 12-month period for one or more of the following reasons:

- for incapacity due to pregnancy, prenatal medical care or child birth;
- to care for the employee's child after birth, or placement for adoption or foster care;
- to care for the employee's spouse, son, daughter or parent, who has a serious health condition; or
- for a serious health condition that makes the employee unable to perform the employee's job.
- ~~• for the birth and care of the newborn child of the employee;~~
- ~~• for placement of a child with the employee by adoption or foster care;~~
- ~~• to care for an immediate family member (spouse, child, or parent) with a serious health condition;~~
- ~~or~~
- ~~• to take medical leave when the employee is unable to work because of a serious health condition.~~

Spouses employed by the same employer are jointly entitled to a combined total of 12 work-weeks of family leave for the birth and care of the newborn child, for placement of a child by adoption or foster care, and to care for a family member who has a serious health condition.

Leave for birth and care, or adoption or foster care placement must conclude within 12 months of the birth or placement.

- medical certification supporting the need for leave due to a serious health condition affecting the employee or an immediate family member;
- second or third medical opinions (at the employer's expense) and periodic recertification; **and**
- periodic reports during FMLA leave regarding the employee's status and intent to return to work.

When intermittent leave is needed to care for an immediate family member or the employee's own illness, and is for planned medical treatment, the employee must try to schedule treatment so as not to unduly disrupt the employer's operation.

Covered employers must post a notice approved by the Secretary of Labor explaining rights and responsibilities under FMLA. An employer that willfully violates this posting requirement may be subject to a fine of up to \$100 for each separate offense.

Also, covered employers must inform employees of his/her rights and responsibilities under FMLA, including giving specific written information on what is required of the employee and what might happen in certain circumstances, such as if the employee fails to return to work after FMLA leave.

OTHER PROVISIONS:

~~Special rules apply to employees of local education agencies. Generally, these rules provide for FMLA leave to be taken in blocks of time when intermittent leave is needed or the leave is required near the end of a school term.~~

Salaried executive, administrative, and professional employees of covered employers who meet the Fair Labor Standards Act (FLSA) criteria for exemption from minimum wage and overtime under Regulations, 29 CFR Part 541, do not lose their FLSA-exempt status by using any unpaid FMLA leave. This special exception to the "salary basis" requirements for FLSA's exemption extends only to "eligible" employees' use of leave required by FMLA.

The FMLA does not affect any other federal or state law which prohibits discrimination, nor supersede any state or local law which provides greater family or medical leave protection. Nor does it affect an employer's obligation to provide greater leave rights under a collective bargaining agreement or employment benefit plan. The FMLA also encourages employers to provide more generous leave rights.

Swartz Creek City recognizes the calendar year for purposes of tracking FMLA leave.

FURTHER INFORMATION:

~~The final rule implementing FMLA is contained in the January 6, 1995, Federal Register. (An interim final rule was published in the Federal Register on June 4, 1993.) For more information, please contact the nearest office of the Wage and Hour Division, listed in most telephone directories under U.S. Government, Department of Labor, Employment Standards Administration. More information is available at the Wage and Hour Divisions' FMLA Final Rule Website (February 23, 2015) <http://www.dol.gov/whd/fmla/spouse/index.htm>~~

Appendix F Use of Social Media

I. Purpose

To establish parameters for employee and official use of social media to protect the city assets, reputation, procedures, investigations, and the safety of the public and employees. Online activities must comply with court rulings, federal and state regulations and laws of privacy and adhere to the department expectations, policies, rules and directives.

II. Rules

- A. Public Servants shall not use city computers, cell phones, electronic devices, any department electronic e-mail address, or other identifier, including social media or social networking, for illegal or unauthorized purposes.
- B. Employees shall not use any social media or social networking platform while on duty, unless the city manager or a designee grants permission (breaks and lunches are excluded).
- C. Unless granted permission by the city manager or a designee, or are otherwise permitted by law, employees shall not represent themselves as a city spokesperson nor post the following on any social media or networking platform, either on their own sites or any other site, news media pages, or other forums:
 1. Text, photograph, audio, video, or any other multimedia file related to any current or past police investigation or activities of this city and/or its employees that will result in any of the following:
 - Interfere with law enforcement or other legal proceedings.
 - Deprive a person of the right to a fair trial or impartial administrative adjudication.
 - Constitute an unwarranted invasion of personal privacy.
 - Disclose the identity of a confidential source, or if the record is compiled by a law enforcement agency in the course of a criminal investigation, disclose confidential information furnished only by a confidential source.
 - Disclose law enforcement investigative techniques or procedures.
 - Endanger the life or physical safety of city personnel.
 - Prejudice a public body's ability to maintain the physical security of custodial or penal institutions occupied by persons arrested or convicted of a crime or admitted because of a mental disability.

- Disclose records or information specifically described and exempted from disclosure by statute.
 - Identify or provide a means of identifying an informant.
 - Identify or provide a means of identifying a law enforcement undercover officer or agent or a plain-clothes officer as a law enforcement officer or agent.
 - Disclose the personal address or telephone number of active or retired law enforcement officers or agents or a special skill that they may have, except when explicit permission is obtained directly from the person impacted.
 - Disclose the name, address, or telephone numbers of family members, relatives, children, or parents of active or retired law enforcement officers or agents except when explicit permission is obtained directly from the person impacted.
 - Disclose operational instructions or contents of staff manuals for law enforcement officers or agents.
 - Endanger the life or safety of law enforcement officers or agents or their families, relatives, children, parents, or those who furnish information to law enforcement departments or agencies.
 - Identify or provide a means of identifying a person as a law enforcement officer, agent, or informant.
 - Identify or provide a means of identifying residences that law enforcement agencies are requested to check in the absence of his/her owners or tenants.
2. Unless granted permission by the city manager or designee any logos, badges, seals, uniforms, vehicles, or issued equipment with this department.
 3. Electronic addresses or passwords, likeness, or material that is identifiable as associated with the city.
 4. Text, photograph, audio, video, or any other multimedia file that is related to ~~any occurrence~~the employee's employment with the city.
- D. Employees who choose to maintain or participate in social media or social networking platforms while off duty shall conduct themselves in a manner that will not reflect damagingly upon the city or its mission. In the course of operating or participating in such venues, the following rules shall apply:
1. Identifying one's self as a member of the municipal entity is acceptable, but it is important to evaluate the potential risk involved.
 2. Employees are responsible for the content that appears on his/her maintained social media or social networking sites. All postings should be evaluated to ensure they do not place the

employees or his/her families at risk.

3. Any social media post or display of comments about coworkers or supervisors or the employer that are knowingly untruthful, libelous, vulgar, obscene, threatening, intimidating, harassing, or are a violation of the employer's workplace policies against violence, discrimination, harassment, on account of age, race, religion, sex, ethnicity, nationality, disability, genetic information, or other protected class, status, or characteristic is prohibited.
4. Employees in law enforcement shall not post, or permit anyone else to post on his/her site, materials that ~~are sexually graphic or explicit, disparaging of any race, religion, gender, sexual orientation, weight, disability or national origin, otherwise promoting~~ promote legal or illegal substance abuse of any kind or the ~~promotion~~ or depiction of gratuitous violence.
5. Employees shall treat social media in the same manner as traditional media and refrain from acting as a spokesperson for the city unless given prior authorization. Release of statements pertaining to city business, policies, and events must be authorized prior to posting or dissemination.

E. To the extent permitted by the Internet Privacy Protection Act, the employer may order employees to ~~provide cooperate with~~ the city, or its designated investigator, ~~opportunity to view disclose~~ any social media and social networking platforms they maintain or in which they participate if the employer reasonably believes that: ~~the person's social media activity is relevant to an administrative or internal investigation~~

a. ~~There is specific information about activity on an employee's personal internet account, for purpose of ensuring compliance with applicable laws, regulatory requirements or prohibitions against work-related misconduct~~

E-b. ~~the employer has specific information about an unauthorized transfer of the employer's confidential information or financial data to an employee's personal internet account.~~

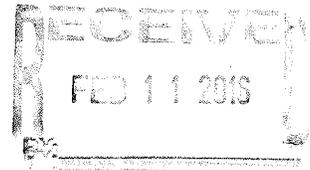
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III. Complaint or Grievance

Procedures are available to report mistreatment or displeasure with the operation of the city, a practice, an issued directive or any illegal activity so the matter may be investigated and acted upon. These procedures do not preclude reporting suspected illegal activity to a federal or state agency or inhibit discussions among employees to facilitate the reporting of a complaint or grievance.

Terms Used In Relation To This Subject

1. Avatar: A computer user's representation of himself/herself, or an alter ego.
2. Blog: A series of entries, written by either one person or a group of people, in an online journal, usually posted in chronological order, like a diary. Blogs can allow comments on entries or not.
3. Commenting: The act of creating and posting a response to a blog post, news article, social media entry or other social networking post. Commenting can also entail the act of posting an original composition to an unrelated post or article.
4. Forum: An online discussion site.



**STATE OF MICHIGAN
BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION**

**NOTICE OF HEARING
CONSUMERS ENERGY COMPANY
CASE NO. U-18010**

- Consumers Energy Company is requesting Michigan Public Service Commission approval of amendments to its natural gas transportation contracts pursuant to 1929 Public Act 9, as amended, between Consumers Energy Company and the Midland Cogeneration Venture Limited Partnership.
- The information below describes how a person may participate in this case.
- You may contact Consumers Energy Company, One Energy Plaza, Jackson, Michigan 49201, (800) 477-5050 for a free copy of its application. Any person may review the documents at the offices of Consumers Energy Company.
- A public hearing will be held:

DATE/TIME: **Tuesday, February 23, 2016, at 9:00 a.m.**
This hearing will be a prehearing conference to set future hearing dates and decide other procedural matters.

BEFORE: Administrative Law Judge **Sharon L. Feldman**

LOCATION: Michigan Public Service Commission
7109 West Saginaw Highway
Lansing, Michigan

PARTICIPATION: Any interested person may attend and participate. The hearing site is accessible, including handicapped parking. Persons needing any accommodation to participate should contact the Commission's Executive Secretary at (517) 284-8090 in advance to request mobility, visual, hearing or other assistance.

The Michigan Public Service Commission (Commission) will hold a public hearing to consider Consumers Energy Company's (Consumers Energy) December 21, 2015 application, which seeks Commission approval of amendments to its natural gas transportation contracts pursuant to 1929 Public Act 9, as amended, between Consumers Energy and the Midland Cogeneration Venture Limited Partnership (MCV) to reflect updated costs of providing gas transportation service to MCV. Consumers Energy is seeking amendments to both its Firm Gas Exchange Agreement and Interruptible Gas Exchange Agreement to reflect the current conditions of providing natural gas transportation service to MCV and to clarify delivery obligations and rights, as described in its filing.

All documents filed in this case shall be submitted electronically through the Commission's E-Dockets website at: michigan.gov/mpscedockets. Requirements and instructions for filing can be found in the User Manual on the E-Dockets help page. Documents may also be submitted, in Word or PDF format, as an attachment to an email sent to: mpscedockets@michigan.gov. If you require assistance prior to e-filing, contact Commission staff at (517) 284-8090 or by email at mpscedockets@michigan.gov.

Any person wishing to intervene and become a party to the case shall electronically file a petition to intervene with this Commission by February 16, 2016. (Interested persons may elect to file using the traditional paper format.) The proof of service shall indicate service upon Consumers Energy's Legal Department – Regulatory Group, One Energy Plaza, Jackson, Michigan 49201.

Any person wishing to appear at the hearing to make a statement of position without becoming a party to the case may participate by filing an appearance. To file an appearance, the individual must attend the hearing and advise the presiding administrative law judge of his or her wish to make a statement of position. All information submitted to the Commission in this matter becomes public information, thus available on the Michigan Public Service Commission's website, and subject to disclosure. Please do not include information you wish to remain private.

Requests for adjournment must be made pursuant to the Michigan Administrative Hearing System's Administrative Hearing Rules R 792.10422 and R 792.10432. Requests for further information on adjournment should be directed to (517) 284-8130.

A copy of Consumers Energy's application may be reviewed on the Commission's website at: michigan.gov/mpscedockets, and at the office of Consumers Energy Company. For more information on how to participate in a case, you may contact the Commission at the above address or by telephone at (517) 284-8090.

Jurisdiction is pursuant to 1929 PA 9, as amended, MCL 483.101 et seq.; 1919 PA 419, as amended, MCL 460.54 et seq.; 1939 PA 3, as amended, MCL 460.1 et seq.; 1969 PA 165, as amended, MCL 483.151 et seq.; 1969 PA 306, as amended, MCL 24.201 et seq.; and the Michigan Administrative Hearing System's Administrative Hearing Rules, 2015 AC, R 792.10401 et seq.

THE MICHIGAN PUBLIC SERVICE COMMISSION MAY APPROVE, REJECT, OR AMEND PROPOSALS MADE BY CONSUMERS ENERGY.

Finance Report - Budget Adjustments

Mid-year adjustments are being made in effort to reduce year end adjustments. Included in this council packet are the following funds **203 Local Street Fund, 590 Water Fund and 591 Sewer Fund**. For this group we are only dealing with adjustments for this current fiscal year due to the fact that some of the data that is needed to calculate revenues and expenses for next fiscal year is not yet available.

203 Local Street Fund

Local Streets Revenues increased due to the appropriation of an additional one-time payment that the State of Michigan is providing to Counties, Cities and Townships. The City of Swartz Creek should receive \$60,000 which can be used in either Major or Local Street Funds. The City has decided to apply the entire amount to the Local Street Fund to offset current year expenses.

On the expenditures side adjustments were made based on July – January actual expenditures. At this time there are no projects budgeted for Local Streets, other than routine maintenance.

590 Water Fund

Adjustments have been made to revenues and expenditures based on the July - January actual expenditures. We are projecting a slight increase in our revenues. City Hall Debt of \$25,750 is reclassified based on the prior fiscal year end recommendations of our auditors. All future City Hall debt payments will be charged to General Fund and will include reimbursements received from funds 226, 590, & 591. Final payment for City Hall Debt will be in fiscal year 2021.

On the expense side we have a few additions. The majority of the increases are in the Water System Department and can be attributed to the water system general plan, water main breaks, and bulk water treatment fees. Second an additional amount of \$96,000 has been added to depreciation expense due to the transfer of water lines to the City last year.

The Water Fund will contribute \$122,000 to the tire grant for the Winston Drive Water Main. The Water Fund's contribution will be approximately \$134,000 which includes a 10% contingency. An adjustment for this project has been not been added to the budget at this time as we are not sure how much of this project will be completed before year end.

At the end of the report you will find two totals, the first does not include depreciation expense and results in an \$85,615 deficit. The second shows the effect of the depreciation expense which results in a \$274,615 deficit.

591 Sewer Fund

Adjustments have been made to revenues and expenditures based on the July - January actual expenditures. We are projecting a slight increase for our revenues. City Hall Debt of \$25,750 is reclassified based on the prior fiscal year end recommendations of our auditors. All future City Hall debt payments will be charged to General Fund and will include reimbursements received from funds 226, 590, & 591. Final payment for City Hall Debt will be in fiscal year 2021.

An additional amount has been added to depreciation expense due to the transfer of sewer lines to the City last year. This amounted to an increase of \$164,000.

At the end of the report you will find two totals, the first does not include depreciation expense and results in a \$21,332 surplus. The second shows the effect of the depreciation expense which results in a \$220,668 deficit.

Below is a summary of the Funds.

FUND		CURRENT YEAR		
203	Local Street Fund	Changes in both Revenues and Expenditures		
590	Water Fund	Changes in both Revenues and Expenditures		
591	Sewer Fund	Changes in both Revenues and Expenditures		
	Fund Balance as June 30, 2015	Revenues FY 2015-2016	Expenditures FY 2015-2016	Projected Fund Balance June 30, 2016
203	\$170,046.33	\$219,360.00	\$188,295.80	\$201,110.53
590*	\$2,955,548.18	\$1,830,676.06	\$2,104,892.14	\$2,681,332.10
591*	\$5,507,448.55	\$1,292,580.25	\$1,513,248.07	\$5,286,780.73

* The Fund Balance increased significantly due to the contributed capital for the water and sewer lines that were transfer to the City.

FUND 203 LOCAL STREETS

GL NUMBER	DESCRIPTION	CURRENT BUDGET	PROPOSED BUDGET ADJUSTMENT 2015-2016	AMENDED BUDGET 2015-2016 1-25-2016
Fund 203 - Local Street Fund				
Revenues				
Dept 000.000-General				
203-000.000-569.000	Act 51 Revenues	88,916.00		88,916.00
203-000.000-569.100	Other State Revenue	8,364.00	+ 60,000.00	68,364.00
203-000.000-664.000	Interest Income	85.00		85.00
Total Dept 000.000-General		97,365.00		157,365.00
Dept 449.000-Right of Way Telecomm				
203-449.000-546.000	Right of Way Telecomm	16,000.00		16,000.00
Total Dept 449.000-Right of Way Telecomm		16,000.00		16,000.00
Dept 478.000-Snow & Ice Removal				
203-478.000-677.000	Reimbursements	1,800.00		1,800.00
Total Dept 478.000-Snow & Ice Removal		1,800.00		1,800.00
Dept 931.000-Transfers IN				
203-931.000-699.101	Transfer In from Genl Fund	44,195.00		44,195.00
Total Dept 931.000-Transfers IN		44,195.00		44,195.00
TOTAL Revenues		159,360.00		219,360.00
Expenditures				
Dept 228.000-Information Technology				
203-228.000-726.000	Supplies	100.00		100.00
203-228.000-801.000	Contractual Services	250.00		250.00
203-228.000-976.000	Equipment	100.00		100.00
Total Dept 228.000-Information Technology		450.00		450.00
Dept 429.000-Occupational Safety				
203-429.000-702.000	Wages	0.00	+ 179.12	179.12
203-429.000-704.100	FICA - Employer's Share	0.00	+ 11.12	11.12
203-429.000-704.200	Medicare - Employer's Share	0.00	+ 2.56	2.56
Total Dept 429.000-Occupational Safety		0.00		192.80
Dept 449.000-Right of Way Telecomm				
203-449.000-801.000	Contractual Services	2,000.00		2,000.00
203-449.000-930.000	Repairs and Maintenance	4,000.00		4,000.00
Total Dept 449.000-Right of Way Telecomm		6,000.00		6,000.00
Dept 449.500-Right of Way - General				
203-449.500-801.000	Contractual Services	4,000.00	+ 2,500.00	6,500.00
203-449.500-930.000	Repairs and Maintenance	2,000.00	- (500.00)	1,500.00

GL NUMBER	DESCRIPTION	CURRENT BUDGET	PROPOSED BUDGET ADJUSTMENT 2015-2016	AMENDED BUDGET 2015-2016 1-25-2016
Total Dept 449.500-Right of Way - General		6,000.00		8,000.00
Dept 449.501-Right of Way - Storms				
203-449.501-930.000	Repairs and Maintenance	4,000.00		4,000.00
Total Dept 449.501-Right of Way - Storms		4,000.00		4,000.00
Dept 463.000-Routine Maint - Streets				
203-463.000-702.000	Wages	22,076.00		22,076.00
203-463.000-704.100	FICA - Employer's Share	1,369.00		1,369.00
203-463.000-704.200	Medicare - Employer's Share	320.00		320.00
203-463.000-705.000	Medical Insurance - ER	4,476.00		4,476.00
203-463.000-705.100	Vision Benefits	35.00		35.00
203-463.000-705.200	Dental Benefits	431.00		431.00
203-463.000-706.000	Life Insurance - ER cost	47.00		47.00
203-463.000-707.000	Retirement Contributions-ER	2,332.00	+ 3,314.00	5,646.00
203-463.000-708.000	Sick & Accident Premiums-EF	329.00	+ 200.00	529.00
203-463.000-726.000	Supplies	1,800.00		1,800.00
203-463.000-801.000	Contractual Services	1,000.00	+ 1,500.00	2,500.00
203-463.000-910.500	Workers Comp Insurance	2,500.00		2,500.00
203-463.000-930.000	Repairs and Maintenance	21,798.80		21,798.80
203-463.000-941.000	Equipment Rental	14,000.00	+ 12,000.00	26,000.00
203-463.000-960.000	Education and Training	300.00		300.00
Total Dept 463.000-Routine Maint - Streets		72,813.80		89,827.80
Dept 474.000-Traffic Services				
203-474.000-702.000	Wages	1,507.00	+ 3,500.00	5,007.00
203-474.000-704.100	FICA - Employer's Share	93.00	+ 217.00	310.00
203-474.000-704.200	Medicare - Employer's Share	22.00	+ 52.00	74.00
203-474.000-705.000	Medical Insurance - ER	435.00		435.00
203-474.000-705.100	Vision Benefits	3.00		3.00
203-474.000-705.200	Dental Benefits	41.00		41.00
203-474.000-706.000	Life Insurance - ER cost	4.00		4.00
203-474.000-707.000	Retirement Contributions-ER	230.00		230.00
203-474.000-708.000	Sick & Accident Premiums-EF	26.00		26.00
203-474.000-726.000	Supplies	1,500.00	+ 3,500.00	5,000.00
203-474.000-801.000	Contractual Services	60.00	+ 180.00	240.00
203-474.000-941.000	Equipment Rental	700.00	+ 2,200.00	2,900.00
Total Dept 474.000-Traffic Services		4,621.00		14,270.00
Dept 478.000-Snow & Ice Removal				
203-478.000-702.000	Wages	13,257.00		13,257.00
203-478.000-704.100	FICA - Employer's Share	822.00		822.00
203-478.000-704.200	Medicare - Employer's Share	192.00		192.00
203-478.000-705.000	Medical Insurance - ER	3,511.00		3,511.00
203-478.000-705.100	Vision Benefits	25.00		25.00
203-478.000-705.200	Dental Benefits	335.00		335.00

GL NUMBER	DESCRIPTION	CURRENT BUDGET	PROPOSED BUDGET ADJUSTMENT 2015-2016	AMENDED BUDGET 2015-2016 1-25-2016
203-478.000-706.000	Life Insurance - ER cost	32.00		32.00
203-478.000-707.000	Retirement Contributions-ER	1,824.00		1,824.00
203-478.000-708.000	Sick & Accident Premiums-EF	232.00		232.00
203-478.000-726.000	Supplies	26,325.20		26,325.20
203-478.000-801.000	Contractual Services	1,000.00		1,000.00
203-478.000-941.000	Equipment Rental	12,500.00		12,500.00
Total Dept 478.000-Snow & Ice Removal		60,055.20		60,055.20
Dept 482.000-Administrative				
203-482.000-702.000	Wages	1,550.00		1,550.00
203-482.000-704.100	FICA - Employer's Share	96.00		96.00
203-482.000-704.200	Medicare - Employer's Share	22.00		22.00
203-482.000-705.000	Medical Insurance - ER	634.00		634.00
203-482.000-705.100	Vision Benefits	2.00		2.00
203-482.000-705.200	Dental Benefits	24.00		24.00
203-482.000-706.000	Life Insurance - ER cost	7.00		7.00
203-482.000-707.000	Retirement Contributions-ER	108.00		108.00
203-482.000-708.000	Sick & Accident Premiums-EF	27.00		27.00
203-482.000-801.000	Contractual Services	0.00	+ 80.00	80.00
203-482.000-941.000	Equipment Rental	700.00		700.00
Total Dept 482.000-Administrative		3,170.00		3,250.00
Dept 538.500-Intercommunity storm drains				
203-538.500-801.700	Storm/Wtr Shed Permit Fees	2,000.00		2,000.00
203-538.500-803.000	Drain Repairs	250.00		250.00
Total Dept 538.500-Intercommunity storm drains		2,250.00		2,250.00
TOTAL Expenditures		159,360.00		188,295.80
Fund 203 - Local Street Fund:				
TOTAL REVENUES		159,360.00		219,360.00
TOTAL EXPENDITURES		159,360.00		188,295.80
NET OF REVENUES & EXPENDITURES		0.00		31,064.20

FUND 590 WATER

GL NUMBER	DESCRIPTION	2015-16 CURRENT BUDGET	PROPOSED BUDGET ADJUSTMENT	AMENDED BUDGET 2015-2016
Fund 590 - Water Supply Fund				
Revenues				
Dept 000.000-General				
590-000.000-664.000	Interest Income	1,400.00		1,400.00
590-000.000-675.000	Misc.	0.00	+ 37.50	37.50
Total Dept 000.000-General		1,400.00		1,437.50
Dept 540.000-Water System				
590-540.000-600.000	Water Fees	600,000.00		600,000.00
590-540.000-601.000	Metered Services	1,160,000.00	+ 40,000.00	1,200,000.00
590-540.000-602.000	Hydrant Rental	950.00		950.00
590-540.000-603.000	Service Fees	2,500.00	+ 400.00	2,900.00
590-540.000-607.000	Tap Fees	1,500.00	+ 9,750.00	11,250.00
590-540.000-627.000	Charges for Services	500.00	+ 888.56	1,388.56
590-540.000-658.000	Penalty - Late Fee	11,500.00		11,500.00
590-540.000-677.000	Reimbursements	350.00	+ 900.00	1,250.00
Total Dept 540.000-Water System		1,777,300.00		1,829,238.56
TOTAL Revenues		1,778,700.00		1,830,676.06
Expenditures				
Dept 000.000-General				
590-000.000-744.900	Bad Debt Expense	2,500.00		2,500.00
590-000.000-961.350	Other Expense-Debt Service	0.00	+ 25,750.00	25,750.00
Total Dept 000.000-General		2,500.00		28,250.00
Dept 101.000-Council				
590-101.000-702.000	Wages	2,873.00		2,873.00
590-101.000-704.100	FICA - Employer's Share	178.00		178.00
590-101.000-704.200	Medicare - Employer's Share	42.00		42.00
590-101.000-726.000	Supplies	250.00		250.00
590-101.000-801.000	Contractual Services	250.00		250.00
590-101.000-910.200	General Liability Insurance	3,013.00	- (667.32)	2,345.68
590-101.000-910.500	Workers Comp Insurance	6.32	+ 0.76	7.08
590-101.000-960.000	Education and Training	2,000.00		2,000.00
590-101.000-961.000	Miscellaneous	150.00		150.00
Total Dept 101.000-Council		8,762.32		8,095.76
Dept 172.000-Executive				
590-172.000-702.000	Wages	18,600.00	+ 600.00	19,200.00
590-172.000-704.100	FICA - Employer's Share	1,153.00	+ 40.00	1,193.00
590-172.000-704.200	Medicare - Employer's Share	270.00	+ 10.00	280.00
590-172.000-705.000	Medical Insurance - ER	3,817.00	- (750.00)	3,067.00
590-172.000-705.100	Vision Benefits	22.00		22.00

GL NUMBER	DESCRIPTION	2015-16	PROPOSED	AMENDED
		CURRENT BUDGET	BUDGET ADJUSTMENT	BUDGET 2015-2016
590-172.000-705.200	Dental Benefits	320.00 -	(50.00)	270.00
590-172.000-706.000	Life Insurance - ER cost	60.00 +	(10.00)	50.00
590-172.000-707.000	Retirement Contributions-ER	1,302.00 +	15.00	1,317.00
590-172.000-708.000	Sick & Accident Premiums-ER	326.00		326.00
590-172.000-726.000	Supplies	100.00		100.00
590-172.000-801.000	Contractual Services	1,000.00		1,000.00
590-172.000-910.200	General Liability Insurance	3,078.00 -	(577.34)	2,500.66
590-172.000-910.500	Workers Comp Insurance	400.00 -	(162.44)	237.56
590-172.000-940.000	Vehicle and Travel Expense	1,005.00 -	(200.00)	805.00
590-172.000-960.000	Education and Training	200.00		200.00
590-172.000-961.000	Miscellaneous	200.00		200.00
Total Dept 172.000-Executive		31,853.00		30,768.22
Dept 201.000-Finance,Budgeting,Accounting				
590-201.000-702.000	Wages	17,820.00 +	3,480.00	21,300.00
590-201.000-704.100	FICA - Employer's Share	1,105.00 +	215.00	1,320.00
590-201.000-704.200	Medicare - Employer's Share	258.00 +	50.00	308.00
590-201.000-705.000	Medical Insurance - ER	3,363.00 -	(750.00)	2,613.00
590-201.000-705.100	Vision Benefits	18.00		18.00
590-201.000-705.200	Dental Benefits	241.00 -	(40.00)	201.00
590-201.000-706.000	Life Insurance - ER cost	73.00 +	2.00	75.00
590-201.000-707.000	Retirement Contributions-ER	1,183.00		1,183.00
590-201.000-708.000	Sick & Accident Premiums-ER	312.00		312.00
590-201.000-726.000	Supplies	1,000.00		1,000.00
590-201.000-801.000	Contractual Services	8,125.00		8,125.00
590-201.000-805.000	Bank Fees	363.00 -	(200.00)	163.00
590-201.000-900.000	Printing and Publishing	50.00		50.00
590-201.000-960.000	Education and Training	350.00		350.00
590-201.000-961.000	Miscellaneous	200.00		200.00
Total Dept 201.000-Finance,Budgeting,Accounting		34,461.00		37,218.00
Dept 215.000-Aministration and Clerk				
590-215.000-702.000	Wages	10,247.00		10,247.00
590-215.000-704.100	FICA - Employer's Share	635.00		635.00
590-215.000-704.200	Medicare - Employer's Share	149.00		149.00
590-215.000-705.000	Medical Insurance - ER	2,067.00		2,067.00
590-215.000-705.100	Vision Benefits	11.00		11.00
590-215.000-705.200	Dental Benefits	152.00		152.00
590-215.000-706.000	Life Insurance - ER cost	38.00		38.00
590-215.000-707.000	Retirement Contributions-ER	664.00		664.00
590-215.000-708.000	Sick & Accident Premiums-ER	179.00		179.00
590-215.000-726.000	Supplies	1,000.00		1,000.00
590-215.000-745.000	Postage	1,100.00		1,100.00
590-215.000-801.000	Contractual Services	605.00		605.00
590-215.000-850.000	Communications	123.00		123.00
590-215.000-900.000	Printing and Publishing	500.00		500.00
590-215.000-960.000	Education and Training	500.00		500.00

GL NUMBER	DESCRIPTION	2015-16 CURRENT BUDGET		PROPOSED BUDGET ADJUSTMENT	AMENDED BUDGET 2015-2016
590-215.000-961.000	Miscellaneous	250.00			250.00
Total Dept 215.000-Aministration and Clerk		18,220.00			18,220.00
Dept 228.000-Information Technology					
590-228.000-726.000	Supplies	875.00	-	(275.00)	600.00
590-228.000-801.000	Contractual Services	3,940.00	+	550.00	4,490.00
590-228.000-976.000	Equipment	875.00	-	(275.00)	600.00
Total Dept 228.000-Information Technology		5,690.00			5,690.00
Dept 253.000-Treasurer					
590-253.000-702.000	Wages	22,318.00	+	250.00	22,568.00
590-253.000-704.100	FICA - Employer's Share	1,384.00	+	15.00	1,399.00
590-253.000-704.200	Medicare - Employer's Share	324.00	+	5.00	329.00
590-253.000-705.000	Medical Insurance - ER	4,970.00	-	(750.00)	4,220.00
590-253.000-705.100	Vision Benefits	32.00			32.00
590-253.000-705.200	Dental Benefits	424.00	-	(20.00)	404.00
590-253.000-706.000	Life Insurance - ER cost	78.00			78.00
590-253.000-707.000	Retirement Contributions-ER	1,125.00			1,125.00
590-253.000-708.000	Sick & Accident Premiums-ER	324.00			324.00
590-253.000-726.000	Supplies	30.00			30.00
590-253.000-745.000	Postage	450.00			450.00
590-253.000-801.000	Contractual Services	250.00			250.00
590-253.000-900.000	Printing and Publishing	20.00			20.00
590-253.000-910.300	Insurance and Bonds	25.00	+	15.00	40.00
590-253.000-940.000	Vehicle and Travel Expense	30.00			30.00
590-253.000-960.000	Education and Training	200.00			200.00
590-253.000-961.000	Miscellaneous	25.00			25.00
Total Dept 253.000-Treasurer		32,009.00			31,524.00
Dept 540.000-Water System					
590-540.000-702.000	Wages	37,451.00	+	25,500.00	62,951.00
590-540.000-704.100	FICA - Employer's Share	2,322.00	+	1,580.00	3,902.00
590-540.000-704.200	Medicare - Employer's Share	543.00	+	370.00	913.00
590-540.000-705.000	Medical Insurance - ER	12,336.00	+	7,400.00	19,736.00
590-540.000-705.100	Vision Benefits	60.00	+	50.00	110.00
590-540.000-705.200	Dental Benefits	837.00	+	650.00	1,487.00
590-540.000-706.000	Life Insurance - ER cost	136.00	+	70.00	206.00
590-540.000-707.000	Retirement Contributions-ER	4,026.00	+	6,250.00	10,276.00
590-540.000-708.000	Sick & Accident Premiums-ER	656.00	+	400.00	1,056.00
590-540.000-726.000	Supplies	12,000.00	+	900.00	12,900.00
590-540.000-726.200	Uniforms	1,800.00			1,800.00
590-540.000-801.000	Contractual Services	10,000.00	+	18,000.00	28,000.00
590-540.000-850.000	Communications	1,050.00	+	600.00	1,650.00
590-540.000-900.000	Printing and Publishing	200.00			200.00
590-540.000-910.100	Property Insurance	1,036.00			1,036.00
590-540.000-910.500	Workers Comp Insurance	2,230.00	-	(633.49)	1,596.51
590-540.000-920.000	Utilities	300.00			300.00

GL NUMBER	DESCRIPTION	2015-16 CURRENT BUDGET		PROPOSED BUDGET ADJUSTMENT	AMENDED BUDGET 2015-2016
590-540.000-924.000	Bulk Treatment Fees/Bulk Wate	1,330,000.00	+	110,000.00	1,440,000.00
590-540.000-930.000	Repairs and Maintenance	30,024.00	+	24,000.00	54,024.00
590-540.000-941.000	Equipment Rental	18,500.00	+	8,000.00	26,500.00
590-540.000-960.000	Education and Training	1,700.00			1,700.00
590-540.000-965.000	Claims	1,000.00			1,000.00
590-540.000-968.000	Depreciation Expense	93,000.00	+	96,000.00	189,000.00
590-540.000-976.000	Equipment	4,000.00			4,000.00
Total Dept 540.000-Water System		1,565,207.00			1,864,343.51
Dept 542.000-Read and Bill					
590-542.000-702.000	Wages	28,189.00			28,189.00
590-542.000-704.100	FICA - Employer's Share	1,748.00			1,748.00
590-542.000-704.200	Medicare - Employer's Share	409.00			409.00
590-542.000-705.000	Medical Insurance - ER	7,485.00	+	845.00	8,330.00
590-542.000-705.100	Vision Benefits	57.00	+	30.00	87.00
590-542.000-705.200	Dental Benefits	748.00	+	200.00	948.00
590-542.000-706.000	Life Insurance - ER cost	83.00	+	10.00	93.00
590-542.000-707.000	Retirement Contributions-ER	2,238.00	+	100.00	2,338.00
590-542.000-708.000	Sick & Accident Premiums-ER	486.00			486.00
590-542.000-726.000	Supplies	1,500.00			1,500.00
590-542.000-745.000	Postage	2,500.00			2,500.00
590-542.000-801.000	Contractual Services	1,000.00			1,000.00
590-542.000-930.000	Repairs and Maintenance	5,000.00	-	(500.00)	4,500.00
590-542.000-941.000	Equipment Rental	2,300.00			2,300.00
590-542.000-960.000	Education and Training	200.00	-	(200.00)	0.00
Total Dept 542.000-Read and Bill		53,943.00			54,428.00
Dept 793.000-Facilities - New City Hall					
590-793.000-702.000	Wages	1,507.00	+	250.00	1,757.00
590-793.000-704.100	FICA - Employer's Share	93.00	+	20.00	113.00
590-793.000-704.200	Medicare - Employer's Share	22.00	+	5.00	27.00
590-793.000-705.000	Medical Insurance - ER	435.00	-	(300.00)	135.00
590-793.000-705.100	Vision Benefits	3.00			3.00
590-793.000-705.200	Dental Benefits	41.00	-	(15.00)	26.00
590-793.000-706.000	Life Insurance - ER cost	4.00			4.00
590-793.000-707.000	Retirement Contributions-ER	230.00	-	(140.00)	90.00
590-793.000-708.000	Sick & Accident Premiums-ER	26.00	-	(5.00)	21.00
590-793.000-726.000	Supplies	2,500.00			2,500.00
590-793.000-726.500	Supplies - Mats	180.00			180.00
590-793.000-801.000	Contractual Services	250.00			250.00
590-793.000-850.000	Communications	950.00			950.00
590-793.000-910.100	Property Insurance	430.00	-	(60.08)	369.92
590-793.000-910.500	Workers Comp Insurance	60.00	+	18.73	78.73
590-793.000-920.000	Utilities	3,750.00			3,750.00
590-793.000-930.000	Repairs and Maintenance	2,500.00			2,500.00
590-793.000-941.000	Equipment Rental	600.00	+	500.00	1,100.00
590-793.000-961.000	Miscellaneous	500.00			500.00

GL NUMBER	DESCRIPTION	2015-16 CURRENT BUDGET	PROPOSED BUDGET ADJUSTMENT	AMENDED BUDGET 2015-2016
Total Dept 793.000-Facilities - New City Hall		14,081.00		14,354.65
Dept 850.000-Other Functions				
590-850.000-955.000	OPEB Expense	12,000.00		12,000.00
Total Dept 850.000-Other Functions		12,000.00		12,000.00
Dept 965.000-Transfers Out				
590-965.000-998.350	Transfer Out to City Hall Debt	25,750.00	(25,750.00)	0.00
Total Dept 965.000-Transfers Out		25,750.00		0.00
TOTAL Expenditures		1,804,476.32		2,104,892.14
Fund 590 - Water Supply Fund:				
TOTAL REVENUES		1,778,700.00		1,830,676.06
TOTAL EXPENDITURES		1,804,476.32		2,104,892.14
NET OF REVENUES & EXPENDITURES		(25,776.32)		(274,216.08)

Excluding the amount for Depreciation Expense of 189,000.00

Net of Revenues & Expenses (85,216.08)

FUND 591 SEWER FUND

GL NUMBER	DESCRIPTION	CURRENT BUDGET	PROPOSED BUDGET ADJUSTMENT 2015-2016	AMENDED BUDGET 2015-2016 1-25-2016
Fund 591 - Sanitary Sewer Fund				
Revenues				
Dept 000.000-General				
591-000.000-664.000	Interest Income	1,200.00		1,200.00
591-000.000-675.000	Misc.	0.00	+ 80.00	80.00
Total Dept 000.000-General		1,200.00	80.00	1,280.00
Dept 536.000-Sewer System				
591-536.000-601.000	Metered Services	390,000.00	+ 8,000.00	398,000.00
591-536.000-605.000	Sewer Fees	865,000.00	+ 10,000.00	875,000.00
591-536.000-606.000	Sewer Inspection Fees	500.00		500.00
591-536.000-607.000	Tap Fees	1,500.00	+ 3,100.00	4,600.00
591-536.000-658.000	Penalty - Late Fee	9,000.00		9,000.00
591-536.000-677.000	Reimbursements	300.00	+ 250.00	550.00
Total Dept 536.000-Sewer System		1,266,300.00		1,287,650.00
Dept 931.000-Transfers IN				
591-931-000-699.871				3,650.25
Total Dept 931-Transfers IN				3,650.25
TOTAL Revenues		1,267,500.00		1,292,580.25
Expenditures				
Dept 000.000-General				
591-000.000-744.900	Bad Debt Expense	5,000.00		5,000.00
591-000.000-961.350	Other Expense-Debt Service	0.00	+ 25,750.00	25,750.00
Total Dept 000.000-General		5,000.00		30,750.00
Dept 101.000-Council				
591-101.000-702.000	Wages	2,873.00		2,873.00
591-101.000-704.100	FICA - Employer's Share	178.00		178.00
591-101.000-704.200	Medicare - Employer's Share	42.00		42.00
591-101.000-726.000	Supplies	250.00		250.00
591-101.000-801.000	Contractual Services	250.00		250.00
591-101.000-910.200	General Liability Insurance	3,013.00	- (667.22)	2,345.78
591-101.000-910.500	Workers Comp Insurance	7.00	+ 8.00	15.00
591-101.000-960.000	Education and Training	2,000.00		2,000.00
591-101.000-961.000	Miscellaneous	150.00		150.00
Total Dept 101.000-Council		8,763.00		8,103.78
Dept 172.000-Executive				
591-172.000-702.000	Wages	18,600.00	+ 600.00	19,200.00

GL NUMBER	DESCRIPTION	CURRENT BUDGET		PROPOSED	AMENDED
				BUDGET	BUDGET
				2015-2016	2015-2016
				ADJUSTMENT	1-25-2016
				2015-2016	
591-172.000-704.100	FICA - Employer's Share	1,153.00	+	40.00	1,193.00
591-172.000-704.200	Medicare - Employer's Share	270.00	+	10.00	280.00
591-172.000-705.000	Medical Insurance - ER	3,817.00	-	(750.00)	3,067.00
591-172.000-705.100	Vision Benefits	22.00			22.00
591-172.000-705.200	Dental Benefits	320.00	-	(50.00)	270.00
591-172.000-706.000	Life Insurance - ER cost	60.00	-	(10.00)	50.00
591-172.000-707.000	Retirement Contributions-Ef	1,302.00	+	15.00	1,317.00
591-172.000-708.000	Sick & Accident Premiums-E	326.00	-	(100.00)	226.00
591-172.000-726.000	Supplies	200.00			200.00
591-172.000-801.000	Contractual Services	1,000.00			1,000.00
591-172.000-910.200	General Liability Insurance	3,078.00	-	(577.34)	2,500.66
591-172.000-910.500	Workers Comp Insurance	400.00	-	(162.44)	237.56
591-172.000-940.000	Vehicle and Travel Expense	1,005.00	-	(200.00)	805.00
591-172.000-960.000	Education and Training	200.00			200.00
591-172.000-961.000	Miscellaneous	200.00			200.00
Total Dept 172.000-Executive		31,953.00			30,768.22
Dept 201.000-Finance,Budgeting,Accounting					
591-201.000-702.000	Wages	17,820.00	+	3,480.00	21,300.00
591-201.000-704.100	FICA - Employer's Share	1,105.00	+	215.00	1,320.00
591-201.000-704.200	Medicare - Employer's Share	258.00	+	50.00	308.00
591-201.000-705.000	Medical Insurance - ER	3,363.00	-	(750.00)	2,613.00
591-201.000-705.100	Vision Benefits	18.00			18.00
591-201.000-705.200	Dental Benefits	241.00	-	(40.00)	201.00
591-201.000-706.000	Life Insurance - ER cost	73.00	+	2.00	75.00
591-201.000-707.000	Retirement Contributions-Ef	1,183.00			1,183.00
591-201.000-708.000	Sick & Accident Premiums-E	312.00			312.00
591-201.000-726.000	Supplies	1,000.00			1,000.00
591-201.000-801.000	Contractual Services	8,125.00			8,125.00
591-201.000-805.000	Bank Fees	363.00	-	(200.00)	163.00
591-201.000-900.000	Printing and Publishing	50.00			50.00
591-201.000-960.000	Education and Training	350.00			350.00
591-201.000-961.000	Miscellaneous	200.00			200.00
Total Dept 201.000-Finance,Budgeting,Accounting		34,461.00			37,218.00
Dept 215.000-Aministration and Clerk					
591-215.000-702.000	Wages	10,247.00			10,247.00
591-215.000-704.100	FICA - Employer's Share	635.00			635.00
591-215.000-704.200	Medicare - Employer's Share	149.00			149.00
591-215.000-705.000	Medical Insurance - ER	2,067.00			2,067.00
591-215.000-705.100	Vision Benefits	11.00			11.00
591-215.000-705.200	Dental Benefits	152.00			152.00
591-215.000-706.000	Life Insurance - ER cost	38.00			38.00
591-215.000-707.000	Retirement Contributions-Ef	664.00			664.00
591-215.000-708.000	Sick & Accident Premiums-E	179.00			179.00
591-215.000-726.000	Supplies	1,000.00			1,000.00
591-215.000-745.000	Postage	1,100.00			1,100.00

GL NUMBER	DESCRIPTION	CURRENT BUDGET	PROPOSED BUDGET ADJUSTMENT 2015-2016	AMENDED BUDGET 2015-2016
591-215.000-801.000	Contractual Services	605.00		605.00
591-215.000-850.000	Communications	123.00		123.00
591-215.000-900.000	Printing and Publishing	500.00		500.00
591-215.000-960.000	Education and Training	400.00		400.00
591-215.000-961.000	Miscellaneous	250.00		250.00
Total Dept 215.000-Aministration and Clerk		18,120.00		18,120.00
Dept 228.000-Information Technology				
591-228.000-726.000	Supplies	875.00	(275.00)	600.00
591-228.000-801.000	Contractual Services	3,940.00	550.00	4,490.00
591-228.000-976.000	Equipment	875.00	(275.00)	600.00
Total Dept 228.000-Information Technology		5,690.00		5,690.00
Dept 253.000-Treasurer				
591-253.000-702.000	Wages	22,318.00	250.00	22,568.00
591-253.000-704.100	FICA - Employer's Share	1,384.00	15.00	1,399.00
591-253.000-704.200	Medicare - Employer's Share	324.00	5.00	329.00
591-253.000-705.000	Medical Insurance - ER	4,970.00	(750.00)	4,220.00
591-253.000-705.100	Vision Benefits	32.00		32.00
591-253.000-705.200	Dental Benefits	424.00	(20.00)	404.00
591-253.000-706.000	Life Insurance - ER cost	78.00		78.00
591-253.000-707.000	Retirement Contributions-EF	1,125.00		1,125.00
591-253.000-708.000	Sick & Accident Premiums-E	324.00		324.00
591-253.000-726.000	Supplies	30.00		30.00
591-253.000-745.000	Postage	450.00		450.00
591-253.000-801.000	Contractual Services	250.00		250.00
591-253.000-900.000	Printing and Publishing	20.00		20.00
591-253.000-910.300	Insurance and Bonds	25.00	15.00	40.00
591-253.000-940.000	Vehicle and Travel Expense	30.00		30.00
591-253.000-960.000	Education and Training	200.00		200.00
591-253.000-961.000	Miscellaneous	25.00		25.00
Total Dept 253.000-Treasurer		32,009.00		31,524.00
Dept 536.000-Sewer System				
591-536.000-702.000	Wages	24,628.00		24,628.00
591-536.000-704.100	FICA - Employer's Share	1,527.00		1,527.00
591-536.000-704.200	Medicare - Employer's Share	357.00		357.00
591-536.000-705.000	Medical Insurance - ER	9,351.00	(1,400.00)	7,951.00
591-536.000-705.100	Vision Benefits	34.00		34.00
591-536.000-705.200	Dental Benefits	448.00	(15.00)	433.00
591-536.000-706.000	Life Insurance - ER cost	104.00		104.00
591-536.000-707.000	Retirement Contributions-EF	2,223.00		2,223.00
591-536.000-708.000	Sick & Accident Premiums-E	431.00	(40.00)	391.00
591-536.000-726.000	Supplies	9,500.00		9,500.00
591-536.000-726.200	Uniforms	1,200.00	350.00	1,550.00
591-536.000-801.000	Contractual Services	2,000.00		2,000.00
591-536.000-850.000	Communications	1,050.00	600.00	1,650.00

GL NUMBER	DESCRIPTION	CURRENT BUDGET	PROPOSED BUDGET ADJUSTMENT	AMENDED BUDGET 2015-2016
			2015-2016	1-25-2016
591-536.000-900.000	Printing and Publishing	200.00		200.00
591-536.000-910.100	Property Insurance	144.00	- (19.32)	124.68
591-536.000-910.500	Workers Comp Insurance	1,520.00	- (643.26)	876.74
591-536.000-924.000	Bulk Treatment Fees/Bulk W	656,000.00		656,000.00
591-536.000-930.000	Repairs and Maintenance	17,500.00		17,500.00
591-536.000-941.000	Equipment Rental	13,750.00		13,750.00
591-536.000-960.000	Education and Training	250.00		250.00
591-536.000-965.000	Claims	5,000.00		5,000.00
591-536.000-968.000	Depreciation Expense	78,000.00	+ 164,000.00	242,000.00
591-536.000-976.000	Equipment	4,000.00		4,000.00
Total Dept 536.000-Sewer System		829,217.00		992,049.42
Dept 537.000-Sewer Lift Stations				
591-537.000-702.000	Wages	3,552.00	+ 1,500.00	5,052.00
591-537.000-704.100	FICA - Employer's Share	220.00	+ 93.00	313.00
591-537.000-704.200	Medicare - Employer's Share	51.00	+ 22.00	73.00
591-537.000-705.000	Medical Insurance - ER	1,126.00	+ 200.00	1,326.00
591-537.000-705.100	Vision Benefits	7.00	+ 5.00	12.00
591-537.000-705.200	Dental Benefits	92.00	+ 40.00	132.00
591-537.000-706.000	Life Insurance - ER cost	8.00	+ 5.00	13.00
591-537.000-707.000	Retirement Contributions-EF	565.00	+ 200.00	765.00
591-537.000-708.000	Sick & Accident Premiums-E	62.00	+ 15.00	77.00
591-537.000-726.000	Supplies	1,000.00		1,000.00
591-537.000-801.000	Contractual Services	2,500.00	+ 14,670.00	17,170.00
591-537.000-920.000	Utilities	4,200.00	- (1,200.00)	3,000.00
591-537.000-930.000	Repairs and Maintenance	20,000.00	- (5,600.00)	14,400.00
591-537.000-941.000	Equipment Rental	1,200.00	+ 200.00	1,400.00
Total Dept 537.000-Sewer Lift Stations		34,583.00		44,733.00
Dept 542.000-Read and Bill				
591-542.000-702.000	Wages	27,755.00		27,755.00
591-542.000-704.100	FICA - Employer's Share	1,721.00		1,721.00
591-542.000-704.200	Medicare - Employer's Share	402.00		402.00
591-542.000-705.000	Medical Insurance - ER	7,461.00	+ 800.00	8,261.00
591-542.000-705.100	Vision Benefits	56.00	+ 30.00	86.00
591-542.000-705.200	Dental Benefits	732.00	+ 200.00	932.00
591-542.000-706.000	Life Insurance - ER cost	82.00	+ 10.00	92.00
591-542.000-707.000	Retirement Contributions-EF	2,217.00	+ 6,500.00	8,717.00
591-542.000-708.000	Sick & Accident Premiums-E	478.00		478.00
591-542.000-726.000	Supplies	850.00		850.00
591-542.000-745.000	Postage	2,500.00		2,500.00
591-542.000-801.000	Contractual Services	1,000.00		1,000.00
591-542.000-930.000	Repairs and Maintenance	5,000.00	- (500.00)	4,500.00
591-542.000-941.000	Equipment Rental	2,000.00	+ 1,500.00	3,500.00
591-542.000-960.000	Education and Training	500.00	- (200.00)	300.00
Total Dept 542.000-Read and Bill		52,754.00		61,094.00

GL NUMBER	DESCRIPTION	CURRENT BUDGET	PROPOSED BUDGET ADJUSTMENT 2015-2016	AMENDED BUDGET 2015-2016 1-25-2016
Dept 543.401-Flush & TV Sewers				
591-543.401-930.000-543.401	Repairs and Maintenance	22,530.00		22,530.00
Total Dept 543.401-Flush & TV Sewers		22,530.00		22,530.00
Dept 543.405-Sewer Rehab - Phase 4				
591-543.405-930.000	Repairs and Maintenance	143,720.00	+ 2,280.00	146,000.00
Total Dept 543.405-Sewer Rehab - Phase 4		143,720.00		146,000.00
Dept 793.000-Facilities - New City Hall				
591-793.000-702.000	Wages	1,507.00	+ 250.00	1,757.00
591-793.000-704.100	FICA - Employer's Share	93.00	+ 20.00	113.00
591-793.000-704.200	Medicare - Employer's Share	22.00	+ 5.00	27.00
591-793.000-705.000	Medical Insurance - ER	435.00	- (300.00)	135.00
591-793.000-705.100	Vision Benefits	3.00		3.00
591-793.000-705.200	Dental Benefits	41.00	- (15.00)	26.00
591-793.000-706.000	Life Insurance - ER cost	4.00		4.00
591-793.000-707.000	Retirement Contributions-Ef	230.00	- (140.00)	90.00
591-793.000-708.000	Sick & Accident Premiums-E	26.00	- (5.00)	21.00
591-793.000-726.000	Supplies	2,500.00		2,500.00
591-793.000-726.500	Supplies - Mats	180.00		180.00
591-793.000-801.000	Contractual Services	250.00		250.00
591-793.000-850.000	Communications	950.00		950.00
591-793.000-910.100	Property Insurance	430.00	- (60.08)	369.92
591-793.000-910.500	Workers Comp Insurance	60.00	+ 18.73	78.73
591-793.000-920.000	Utilities	3,750.00		3,750.00
591-793.000-930.000	Repairs and Maintenance	2,500.00		2,500.00
591-793.000-941.000	Equipment Rental	600.00	+ 500.00	1,100.00
591-793.000-961.000	Miscellaneous	500.00		500.00
Total Dept 793.000-Facilities - New City Hall		14,081.00		14,354.65
Dept 850.000-Other Functions				
591-850.000-955.000	OPEB Expense	10,000.00		10,000.00
Total Dept 850.000-Other Functions		10,000.00		10,000.00
Dept 905.000-Debt Service				
591-905.000-991.000	Bond Principal Payments	37,000.00		37,000.00
591-905.000-995.000	Bond Interest Payments	22,938.00		22,938.00
591-905.000-996.000	Agent Fees	300.00	+ 75.00	375.00
Total Dept 905.000-Debt Service		60,238.00		60,313.00
Dept 965.000-Transfers Out				
591-965.000-998.350	Transfer Out to City Hall Det	25,750.00	- (25,750.00)	0.00
Total Dept 965.000-Transfers Out		25,750.00		0.00
TOTAL Expenditures		1,328,869.00		1,513,248.07

GL NUMBER	DESCRIPTION	CURRENT BUDGET	PROPOSED BUDGET ADJUSTMENT 2015-2016	AMENDED BUDGET 2015-2016 1-25-2016
	TOTAL REVENUES	1,267,500.00		1,292,580.25
	TOTAL EXPENDITURES	1,328,869.00		1,513,248.07
	NET OF REVENUES & EXPENDITURES	(61,369.00)		(220,667.82)

Excluding the amount for Depreciation Expense of 242,000.00

Net of Revenues & Expenses 21,332.18

MICHIGAN COMMUNITIES’ LEGAL CHALLENGE TO PA 269 “GAG ORDER” LAW:
FEDERAL COURT DECISION

PROCEED WITH CAUTION

Following enactment of PA 269 restricting your ability to inform your citizens about local ballot proposals, the Michigan Municipal League’s Board of Trustees responded immediately by approving participation in a coalition of local government and school associations to challenge the law in Federal District Court. League staff have simultaneously coordinated the coalition’s court challenge and worked to address the frantic attempts by the Legislature to “fix” the act. League President and Dearborn Mayor Jack O’Reilly and other Trustees have been prominent in voicing our collective opposition to this unneeded, ill-advised and illegal restriction on local governance and citizens’ right to be informed. Additionally, the League’s Legal Defense Fund approved filing an amicus brief in the Federal Court to support the coalition’s suit. Joining the League in the amicus brief were the Michigan Townships Association, Michigan Association of Counties, and the Conference of Western Wayne. With March elections looming, quick and decisive action was needed – which the Court recognized.

What the Court did: On February 5th United States District Court Judge John Corbett O’Meara issued an Opinion and Order. Because the Court determined that the Plaintiffs (the municipal and other public officials of our coalition) were likely to suffer irreparable harm and also likely to succeed in the ultimate case, the Court issued a Preliminary Injunction, which temporarily enjoins enforcement of Section 57(3) of the Michigan Campaign Finance Act.

What the Court did not do: The Court did not declare Section 57(3) unconstitutional under the 1st or 14th Amendments, but found that, because Section 57(3) likely violates the U.S. Constitution, enforcement of that provision is enjoined while the court evaluates the issue further. If the Legislature does not repeal/replace Section 57(3), there likely will be further proceedings in this case to decide whether to grant a permanent injunction and/or declare the law unconstitutional.

Where that leaves the statute: The state cannot enforce Section 57(3), but all other provisions of the Michigan Campaign Finance Act, including those passed in the same bill, remain intact and enforceable. That means government units must still comply with the statute’s express advocacy prohibition as they have done prior to PA 269.

Caution advised: The Court’s issuance of a Preliminary Injunction is very significant. However, while the provisions of PA 269 regarding Section 57(3) may not be enforced by the State...municipal officials should be aware that the restrictions that were already in place within the Michigan Campaign Finance Act, remain and must be adhered to in conveying information regarding local ballot proposals. As an additional cautionary note, you should assume that those groups that were proponents of PA 269 will be especially focused on the conduct of local ballot elections and information distribution going forward.

Guidelines: Municipal officials should consult their municipal attorneys and other specialized legal counsel in regard to expenditure of funds, use of resources, and conveying information regarding upcoming ballot proposals. Please review and share with your municipal attorney the Michigan Secretary of State interpretations of the existing law, accessible via the links below. They are considered to be the best guidance available.

The particular circumstances in your community are most important, however, generally, public officials may convey objectively neutral, factual information about local ballot proposals, as permitted by the

Campaign Finance Act existing prior to the adoption of PA 269. It is generally permissible to express your views in your policy-making capacity, or for your governing body to adopt a resolution on a ballot proposal related to your municipality, but the use of funds to distribute the resolution shouldn't differ from the way you'd use funds to distribute any other resolution.

You may not use public funds and resources to engage in express advocacy, or its functional equivalent, such as to expressly advocate a vote for ("vote yes") or against ("vote no") on a ballot proposal. Please note that avoiding "action words" alone is not sufficient. It is possible to skew or slant a communication to be impermissible even without saying "vote yes" for instance. This is especially important to keep in mind in what will be a period of time when there will be exacting scrutiny by proponents of PA 269 of local ballot proposals.

The Act also recognizes certain exceptions regarding campaign prohibitions:

- "The production or dissemination of factual information concerning issues relevant to the functioning of the public body."
- "The production or dissemination of debates, interviews, commentary, or information by a broadcasting station, newspaper, magazine, or other periodical or publication in the regular course of broadcasting or publication."
- "The use of a public facility owned or leased by, or on behalf of, a public body if any candidate or committee has an equal opportunity to use the public facility."

The Michigan Attorney General has also provided opinions regarding local government activity within the Campaign Finance Act. "It has been the consistent position of this office that...public boards and commissions lack statutory authority to expend public funds to influence the electorate in support of, or in opposition to, a particular ballot proposal or candidate." (OAG 1987-88, No. 6423) However, the Attorney General has approved of the expenditure by public bodies to "objectively inform the people" on issues related to the function of the public body. (OAG 1965-66, No. 4421; OAG 1979-80, No. 5591)

One interpretation, from a law review article, of the Daunt advisory is as follows: "As a basic rule of thumb, an employee or official speaking out on his or her own time is fine, but when public resources or staff time are being used, the action should be limited to producing and disseminating factual information. It is acceptable to produce and distribute factual information on a millage (what the total revenue raised will be, the tax impact on a homeowner, how and where the money will be spent, etc.) and to describe the effects a proposed ordinance, law or state constitution change might have." The article goes on to state "When a public body chooses to speak on a ballot issue, it must constrain itself to factual information. This means, of course, avoiding 'action words' like requesting that the electorate 'vote for' or 'support' a particular measure." [Note the paragraph above which begins "You may not...".] "Where the public body is not doing the speaking, but is simply allowing its facilities to be used in a way that does not show [favoritism], it does not violate the Michigan Campaign Finance Act. Local meeting hall use for debates or cable access station candidate interviews do not constitute violations."

The article concludes with this advice: "Public bodies must stay out of ballot fights while still sufficiently informing the electorate..... When the issue is local and has been the subject of little or no media coverage or political debate, then the public body's desire (or even its duty) to speak out and explain the issue should be greatest. By being cognizant of the need for balance, attorneys can help public bodies to walk this fine line."

Resources:

Secretary of State - Michigan Campaign Finance Act Summary and Full Text of Rulings

http://www.michigan.gov/sos/0,4670,7-127-1633_8723_66116-310251--,00.html

Murley (2005):

http://www.michigan.gov/documents/sos/Murley_2005_428421_7.pdf

Bourgin (2014):

http://www.michigan.gov/documents/sos/Bourgin_IS_472351_7.pdf

Daunt (2000):

http://www.michigan.gov/documents/2000_126235_7.pdf

BOE decision and the supporting evidence behind the complaint. Shows how BOE will view complaints beyond strict express advocacy:

<http://www.mml.org/pdf/advocacy/TFA-Final-Decision.pdf>

<http://www.mml.org/pdf/advocacy/NO-SLATE-ad.pdf>

For additional information regarding interpretation of the Campaign Finance Act, and the Michigan Municipal League and the Legal Defense Fund (LDF) filings in Federal Court, you may wish to contact Gary Gordon who wrote the LDF amicus brief (Dykema, Lansing office; GGordon@dykema.com, 517/374-9133) or Scott Eldridge who was counsel for our coalition (Miller Canfield, Lansing office; eldridge@millercanfield.com, 517/483-4918).



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The Great Revenue Sharing Heist

By Anthony Minghine

An article posted from the League's March/April 2014 Review Magazine

There have been a lot of high profile robberies over the years. The Lufthansa robbery, D.B. Cooper highjacking, the Antwerp Diamond Caper...but these crimes look amateurish compared to the state of Michigan's Great Revenue Sharing Heist. The state has managed to pinch over \$6 billion in revenue sharing from local government over the last several years. Those numbers would even get Bernie Madoff's attention.



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Michigan's broken municipal financing model is almost a cliché. Talking about budget numbers and deficits in the *billions* of dollars can cause us to lose perspective. The fact is, there are a record number of local governments that find themselves in the midst of a financial crisis. Is it the result of mismanagement, neglect, or incompetence? Or is it the result of a dramatic disinvestment by the state in local government? I suggest the latter.

In my view, there are three major factors that have led communities to the financial brink: **post retirement costs**; **a steep decline in property values**; and **a dramatic reduction in state revenue sharing**. The third factor will be the focus of this article.

Post retirement costs are a huge issue that locals are grappling with. Change here is difficult at best; local governments are hamstrung with contracts and laws that make transformation slow. The property tax declines local governments have experienced could not have been anticipated to the degree they occurred, and are certainly out of the control of anyone in this state. Statutory revenue sharing, on the other hand, has been unilaterally taken by the state to solve its budget issues. It's a fact. Revenue sharing is paid from sales tax revenues, which have been a remarkably stable source of income, and have in recent years experienced significant growth.

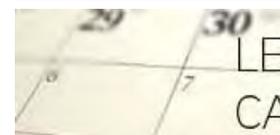
Breaking Down the Numbers

Hopefully you'll stick with me, as I'm about to drop the "b" word. From 2003-2013, sales tax revenues went from \$6.6 *billion* to \$7.72 *billion*. Over that same period, statutory revenue sharing declined from over \$900 million annually to around \$250 million. The state is now in an enviable position—revenues that exceeded expectations. It is posting large surpluses but has failed to take steps to restore local funding.

In fact, the state is trumpeting its sound fiscal management and admonishing local governments for not being as efficient. What the state fails to mention is that it balanced its own budget on the backs of local communities. This would be like me taking your money to pay my bills, and then telling you that you need to be more responsible with your house-hold budget. In fairness, the state did experience revenue declines out of its control, much like locals experienced with property tax declines. It is different, though, in one important way—local communities couldn't take money from others and push those tough decisions down to someone else.

What is most shocking is the difference these revenue sharing dollars would have made at the local level. As I stated at the onset of this article, we now have a record number of communities facing financial emergencies. It's easy to blame local leaders, but you must consider all the facts. In most cases, communities that currently face large deficits would in contrast have general fund surpluses.

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Let's Get Specific: Four Cities' Cuts

So what does it mean to specific communities? For Allen Park, an \$857,000 deficit in 2012 becomes a surplus of over \$5 million and would grow to a projected surplus of \$7.3 million by 2014. Hamtramck's deficit of \$580,000 would have been a surplus of \$8.7 million. Flint will have lost \$54.9 million dollars by the end of 2014. The deficit in its 2012 financial statements is \$19.2 million. Flint could eliminate the deficit and pay off all \$30 million of bonded indebtedness and still have over \$5 million in surplus. In Detroit, a city facing the largest municipal bankruptcy in history, the state took over \$700 million to balance the state's books.

This data begs the question: did municipalities ignore their duty to manage or did someone else change the rules of the game and then throw a penalty flag at them? I see yellow flags all over the playing field. Post-retirement benefits are a huge expense and burden to local government, but we must not ignore the reality—the promises were made with a different expectation from the state as it relates to sharing sales tax revenue with local government. It's a fact that the state has broken that promise. State leaders excused themselves from making tough choices, instead using local money to pay their bills. In the process, they have created most, if not all, of the financial emergencies at the local level.

PROJECTED REVENUE TAKEN 2003-2014	
Allen Park	\$8,440,088
Alpena	\$4,371,700
Dearborn	\$31,320,463
Detroit	\$732,235,683
Farmington Hills	\$20,488,283
Ferndale	\$9,772,967
Flint	\$54,868,096
Grand Rapids	\$72,854,201
Hamtramck	\$13,301,632
Lincoln Park	\$17,147,092
Marquette	\$6,907,445
Melvindale	\$5,865,221
Pontiac	\$40,533,681
Saginaw	\$30,329,283
Southfield	\$21,904,790
Traverse City	\$4,307,187
Warren	\$45,961,823

The numbers don't lie. Revenue sharing is the only factor that anyone has had direct control over during these difficult financial times. It is time for the state to shift gears and start investing in local government again. Hardships at the local level weren't created by a lack of cooperation or collaboration. I would humbly submit that local governments invented the concept and the state is very late to the table. Local government officials have done, and will continue to do, their part to be prudent managers, but the goal cannot be to hang on and survive. Our goal must be to ensure that our cities are vibrant places that people will choose to live in, and that can only happen if the state fulfills its promise and responsibility to invest where the rubber meets the road, and that is at the local level.

Anthony Minghine is the associate director of the League. You may reach him at 734-669-6360 or aminghine@mml.org.

Michigan Municipal League

REVENUE SHARING FACTSHEET

Michigan's cities and villages are the **CENTERS OF OUR ECONOMY**. They maintain the infrastructure and services that support the vast majority of our state's jobs. A recent study found that **MICHIGAN'S METROPOLITAN AREAS ACCOUNT FOR 89% OF THE STATE'S JOBS** and 88% of its gross domestic product.¹ The revenue sharing distribution formula was designed to appropriately compensate the communities that support us all and the higher costs they bear. Therefore, when that formula is underfunded, Michigan's entire economy suffers.

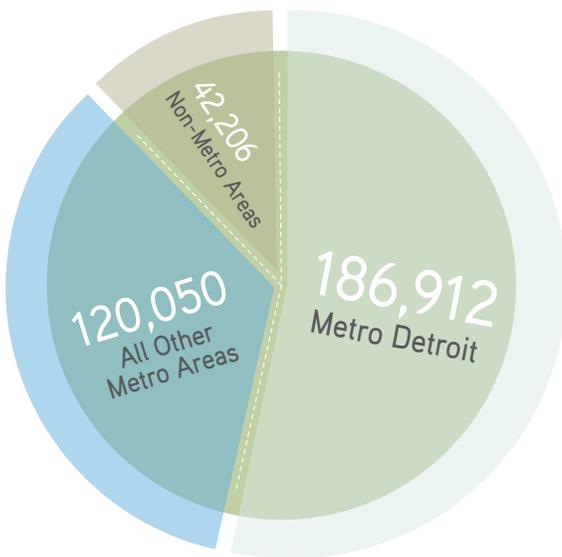


michigan municipal league
Better Communities. Better Michigan.

REVENUE SHARING KEEPS OUR ECONOMIC ENGINES RUNNING

A Michigan Municipal League survey found cuts in revenue sharing have negatively impacted basic community services across Michigan. Capital projects such as street and sidewalk repairs and sewer and water improvements have been postponed; recreation and library programs have been curtailed or eliminated. Perhaps even more startling is that, according to the Michigan Commission on Law Enforcement Standards, there are nearly 2,315 fewer police officers and 1,800 fewer firefighters on the streets of Michigan since the tragedy of September 11, 2001.²

MICHIGAN GDP (in millions of dollars)



Michigan's metropolitan areas account for 88% of the state's Gross Domestic Product (GDP). The Detroit region alone accounts for almost 54% of Michigan's GDP. In addition, the real GDP per capita in Michigan's metropolitan areas is \$37,560, compared to \$24,949 in the rest of the state.

Source: RW Ventures, "Michigan's Metropolitan Areas Fact Sheet"

FORMULA FUNDING

Revenue sharing consists of both constitutional and statutory payments. The constitutional portion consists of 15% of gross collections from the 4% sales tax³ distributed to cities, villages, and townships based on their population. This amount is set by the state constitution. The Legislature must appropriate whatever is calculated. It cannot reduce or increase the constitutional portion.

The statutory portion of revenue sharing has traditionally been distributed by a formula, rather than on a per capita basis, to compensate for the significant variation in local governments' service delivery needs, infrastructure maintenance requirements, and fiscal capacity to generate local tax revenue. Today, the program calls for 21.3% of the 4% sales tax collections to be distributed in accordance with a formula set in Public Act 532 of 1998.

Since state law sets the statutory portion, the governor and Legislature have the ability to adjust the distributed amount. They have increasingly used this ability to cover state budget shortfalls to the detriment of communities, especially during the recent recession when local budgets are already strained by drops in property value. The 1998 formula was designed to be

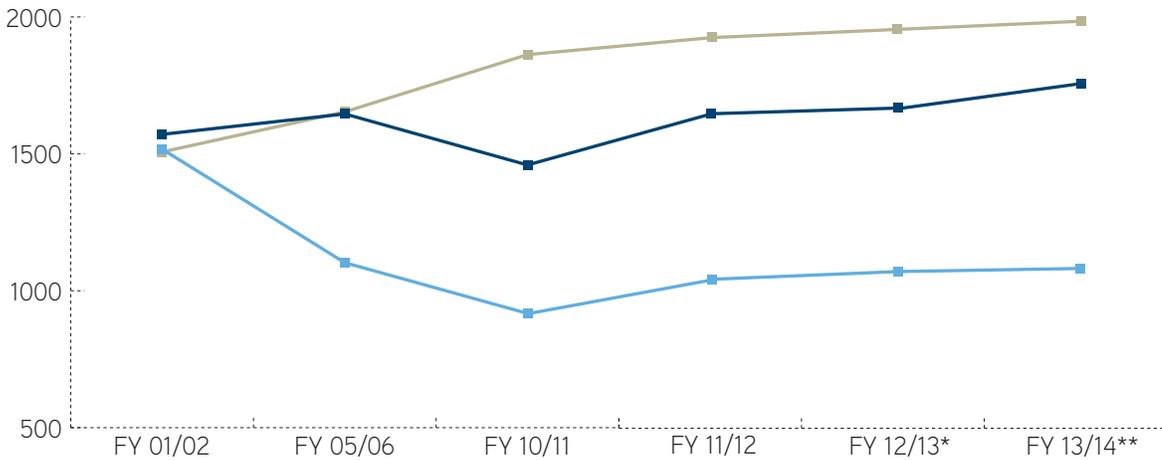
phased in, but due to funding cuts it has never been fully implemented. If fully funded, statutory revenue sharing payments to local governments, including counties, in fiscal year 2014 would have totaled approximately \$1.8 billion. Instead, the state kept \$689 million, appropriating \$1.1 billion to communities. This shortfall is part of a trend totaling nearly \$6.2 billion in revenue sharing reductions during the last twelve fiscal years.⁴

In 2011, the State added requirements for local governments to obtain their statutory revenue sharing payments. Entitled the Economic Vitality Incentive Program (EVIP), locals must now comply with three categories to receive payments. The categories include accountability and transparency, consolidation of services, and unfunded accrued liability plan.

DID YOU KNOW 140 CITIES AND VILLAGES IN MICHIGAN SUPPORT A LARGER DAYTIME POPULATION THAN RESIDENT BASE? (THINK JOBS!) 42 OF THOSE SEE THEIR DAYTIME POPULATION SWELL BY OVER 50 PERCENT!

TOTAL STATE SHARED REVENUE— CITIES, VILLAGES, TOWNSHIPS, & COUNTIES

Source: The House Fiscal Agency and Plante & Moran



• Estimated FY 12/13 based on 1/13 Consensus; Projected FY 13/14 based on 1/13 Consensus and Proposed Budget
 ** Inflation applied to FY 97/98 total state shared revenue based on Proposal A inflation factor
 1.6% (98/99), 1.9% (99/00), 3.2% (00/01), 3.2% (01/02), 1.5% (02/03), 2.3% (03/04), 2.3% (04/05),
 3.3% (05/06), 3.7% (06/07), 2.3% (07/08), 4.4% (08/09), -.3% (09/10), 1.7% (10/11), 2.7% (11/12),
 2.4% (12/13), estimated 2% (13/14)

— Inflation**
 — Actual
 — Full Funding

ANNUAL DIVERTED REVENUE SHARING

\$54 M
2001/02

\$147 M
2002/03

\$276 M
2003/04

\$506 M
2004/05

\$543 M
2005/06

\$541 M
2006/07

\$590 M
2007/08

\$531 M
2008/09

\$529 M
2009/10

\$517 M
2010/11

\$680 M
2011/12

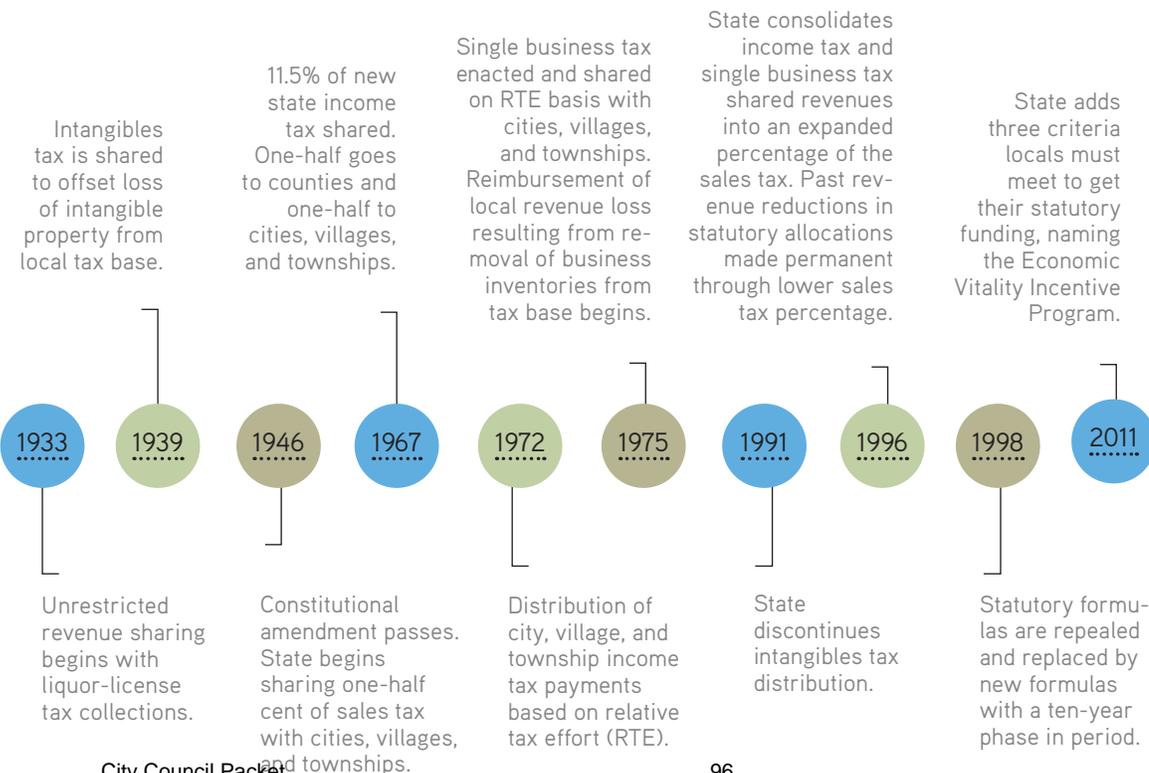
\$657 M
2012/13

\$689 M
2013/14

**TOTAL
\$6.2
BILLION**

MILESTONES IN MICHIGAN'S UNRESTRICTED REVENUE SHARING PROGRAM

Source: Citizens Research Council of Michigan



HISTORY OF SHARED REVENUE

Michigan cities, villages, and townships receive revenue earmarked by the state constitution and statute to help pay for core governmental services such as police protection, fire service, roads, water and sewer service, and garbage collection. Known as “revenue sharing,” these funds have been tied to restrictions on local taxes. In 1939, an early instance of revenue sharing occurred when a state law removed intangible property from the local property tax base. A state intangibles tax was created and a method put in place to return funds to locals to help with lost revenues. Since that time, additional state taxes such as the sales, income and single business tax have been enacted, while the levy of local taxes has been pre-empted or eliminated. This has been done with a pledge from state officials that a portion of revenues raised from state taxes would be returned to locals—shared—for the provision of essential services.

¹Source: RW Ventures, “Michigan’s Metropolitan Areas Fact Sheet”

²Source: Michigan Commission on Law Enforcement Standards and Michigan Professional Firefighters Union

³The additional 2% sales tax created in 1994 is earmarked specifically for schools.

⁴Source: House Fiscal Agency

REVENUE SHARING LOST SINCE 2001

\$6.2
BILLION

REVENUE SHARING LOST IN FY 13/14

\$689
MILLION

Created by the Michigan Municipal League, February 2014. For more on the Michigan Municipal League, please visit mml.org.



Better Communities. Better Michigan.

The Michigan Municipal League is the one clear voice for Michigan communities. Through advocacy at the state and federal level, we proactively represent municipalities to help them sustain highly livable, desirable, and unique places within the state. We create and offer our members services and events that range from traditional to cutting edge, in order to help educate and inspire them to remain focused on their passion for the area they represent. We are a nonprofit, but we act with the fervor of entrepreneurs; our people are dynamic, energetic and highly approachable, passionately and aggressively pushing change for better communities.

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