

Council Agenda

October 5, 2015 6:30 p.m.
Council Chamber

PRAYER AND PLEDGE OF ALLEGIANCE:

ROLL CALL:

ANNOUNCEMENTS:

1. Proclamation presented to Jane O'Dell, Executive Director, and John Stark, Mediation Coordinator, from the Saginaw Community Resolution Center designating October 15, 2015 as "Conflict Resolution Day."
2. Proclamation presented to the Saginaw Fire Department designating October 4 - 10, 2015 as "Fire Prevention Week."

PUBLIC HEARINGS:

PERSONAL APPEARANCES:

(A list will be provided following submittal deadline.)

REMARKS OF COUNCIL:

REPORTS FROM MANAGER:

Management Update:

CONSENT AGENDA:

1. Approve the September 28, 2015 regular council meeting minutes.
2. Approve the Municipal Employees' Retirement System Participation Agreement to provide the administration of a default investment vehicle for COAM members that elect the Deferred Retirement Option Plan.
3. Approve the Saginaw County Community Mental Health Authority/Mid-State Health Network Treatment and Prevention Services Grant in the total amount of \$85,000, to be divided between FY 2016 in the amount of \$63,750 and FY 2017 in the amount of \$21,250. Further, approve a budget adjustment for FY 2016 to recognize these funds.
4. Approve the Personal Services Agreement with Bridget Isquierdo Smith for a total amount not to exceed \$1,949 to provide recreational and open space planning support for the Facilities Division through April 1, 2016.

Council Agenda

October 5, 2015 6:30 p.m.

Council Chamber

5. Adopt the Resolution authorizing the use of amplifying equipment on Van Buren Street between South Hamilton Street and Niagara Street during the "1st Annual Beat the Block" event on October 17, 2015 from 3:00 to 8:00 p.m.

REPORTS FROM BOARDS AND COMMISSIONS AND COMMITTEES AND APPOINTMENT OF BOARD AND COMMISSION MEMBERS:

INTRODUCTION OF ORDINANCES:

1. An Ordinance to amend paragraph (B), "Dishonored Checks," of §13.10, "Payment of Monies," of Chapter 13, "Administrative Policy and Procedure," of Title I, "Administrative Code," of the City of Saginaw Code of Ordinances, O-1.

CONSIDERATION AND PASSING OF ORDINANCES:

RESOLUTIONS:

1. Adopt the Resolution to support the SVRC Marketplace in the City of Saginaw.
2. Adopt the Resolution to approve the Municipal Employees' Retirement System 457 Supplemental Retirement Program and Trust Master Plan.

UNFINISHED BUSINESS:

MOTIONS AND MISCELLANEOUS BUSINESS:

1. Consideration of motion to go into closed session to discuss pending litigation per MCL 15.268 Section 8.

ADJOURN:

Timothy Morales
City Manager

IF YOU ARE DISABLED AND NEED ACCOMMODATION TO PROVIDE YOU WITH AN OPPORTUNITY TO PARTICIPATE OR OBSERVE IN PROGRAMS, SERVICES, OR ACTIVITIES, PLEASE CALL THE SAGINAW CITY CLERK, 1315 S. WASHINGTON AVE., 989.759.1480.

PROCLAMATION

WHEREAS, conflict resolution is a way of people solving individual disputes, as well as a means toward creating a more peaceful community; and

WHEREAS, the conflict resolution process empowers all individuals, families, communities, schools, businesses, and organizations to foster communication and devise solutions that are acceptable to the needs and interests of all the parties involved; and

WHEREAS, Michigan Public Act 260 of 1988, known as the Community Dispute Resolution Act, authorized the establishment of Community Dispute Resolution Program Centers throughout the state of Michigan; and

WHEREAS, community based volunteers and professional partners, trained in conflict resolution, are the backbones of this program. These trained mediators provide mediation, facilitation, and conciliation when asked by their peers or ordered by the court; and

WHEREAS, these volunteers and professionals, serving as mediators, provide low-cost, quality services that can strengthen and restore relationships by relieving parties and courts of costly litigation, resulting in less time involved to reach a mutually satisfactory solution rather than an order imposed on them by a third party; and

WHEREAS, the third Thursday in October is set aside as National Conflict Resolution Day in recognition of the mediation process and to increase public awareness of constructive ways to resolve interpersonal and intergroup conflicts of any type.

NOW, THEREFORE, BE IT RESOLVED, I, Dennis D. Browning, Mayor of the City of Saginaw, do hereby proclaim October 15, 2015 as

“CONFLICT RESOLUTION DAY”

in the City of Saginaw. Further, I urge all citizens to acknowledge the value of conflict resolution and to get involved in and support their local Community Dispute Resolution Program Centers.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Saginaw to be affixed this 5th day of October in the year of our Lord two thousand fifteen.



Dennis D. Browning, Mayor

Councilpersons

*Amos O'Neal, Mayor Pro Tem
Michael D. Balls, Annie Boensch,
Larry Coulouris, Daniel Fitzpatrick,
Floyd Kloc, Brenda F. Moore,
and Demond L. Tibbs*

October 5, 2015

Timothy Morales, City Manager

PROCLAMATION

WHEREAS, the City of Saginaw is committed to ensuring the safety and security of all those living in and visiting our city. Members of the Saginaw Fire Department are dedicated to reducing the occurrence of home fires and home fire injuries through prevention and protection education; and

WHEREAS, fire is a serious public safety concern both locally and nationally. Homes are the locations where people are at the greatest risk for a fire. According to the National Fire Protection Association, half of all home fire deaths were reported between the hours of 11 p.m. and 7 a.m. when most people are asleep. One quarter of all home fire deaths resulted from fires that started in the bedroom; and

WHEREAS, three out of five home fire deaths resulted from fires in properties without working smoke alarms. Statistics show that working smoke alarms cut the risk of death in home fires by fifty percent; and

WHEREAS, the National Fire Protection Association has established "Fire Prevention Week" to create greater awareness and innovation in fire protection and prevention. As a result, countless lives have been saved each year; and

WHEREAS, the 2015 Fire Prevention Week theme, "Hear the Beep Where You Sleep: Every Bedroom Needs a Working Smoke Alarm" effectively serves to remind us all of the importance of installing smoke alarms throughout our homes and testing these devices every month;

NOW, THEREFORE, BE IT RESOLVED, I, Dennis D. Browning, Mayor of the City of Saginaw, do hereby proclaim the week of October 4-10, 2015 as

"FIRE PREVENTION WEEK"

throughout the City of Saginaw, and I urge all residents of this city to protect their homes and families by heeding the important safety messages of Fire Prevention Week 2015, and to support the many public safety activities and efforts of the City of Saginaw Fire Department.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Saginaw to be affixed this 5th day of October in the year of our Lord two thousand fifteen.



October 5, 2015

Dennis D. Browning, Mayor

Councilpersons

*Amos O'Neal, Mayor Pro Tem
Michael D. Balls, Annie Boensch,
Larry Coulouris, Daniel Fitzpatrick,
Floyd Kloc, Brenda F. Moore,
and Demond L. Tibbs*

Timothy Morales, City Manager

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF SAGINAW, MICHIGAN, HELD MONDAY, SEPTEMBER 28, 2015, AT 6:30 P.M. IN THE COUNCIL CHAMBER AT CITY HALL, 1315 S. WASHINGTON AVENUE, SAGINAW, MICHIGAN.

PRAYER AND PLEDGE OF ALLEGIANCE

Mayor Browning offered a prayer and led the pledge of allegiance of the United States of America.

ROLL CALL

Mayor Browning called the meeting to order. Council Members present: Dan Fitzpatrick, Demond Tibbs, Annie Boensch, Larry Coulouris, Brenda Moore, Michael Balls, Floyd Kloc, and Mayor Dennis Browning - 8. Council Members absent: Mayor Pro Tem Amos O'Neal - 1.

ANNOUNCEMENTS

There were no announcements.

PERSONAL APPEARANCES

The following personal appearances addressed City Council: John Acklin, and Patrice Boulware.

REMARKS OF COUNCIL

Remarks were heard from the following Council Members: Tibbs, Fitzpatrick, Kloc, Moore, Boensch and Mayor Browning.

REPORTS FROM CITY MANAGER

Management Update

City Manager Tim Morales provided informational updates on meetings, projects and events.

Consent Agenda

1. Approve the September 14, 2015 regular council meeting minutes.
2. Approve a purchase order to Answer Heating and Cooling for \$3,723 for the emergency purchase of an air conditioning condenser unit for the computer server room.
3. Approve a purchase order to Stanley Steamer for \$2,790 for carpet cleaning in City Hall.
4. Approve a blanket purchase order to Lansing Sanitary Supply for \$8,250 for general janitorial supplies for the City's buildings and facilities for FY 2016
5. Approve blanket purchase orders to various vendors for a total of \$24,499.08 for various motor vehicle fluids for garage inventory for the Motor Pool Operations Garage Division for FY 2016.
6. Approve a purchase order to Detroit Salt Company for \$60,740 for salt for FY 2016 for the Streets Section of the Right of Way Division.

7. Approve the Municipal Consent for Right of Entry form with the United States Department of the Interior, Office of Surface Mining Reclamation and Enforcement for mine shaft reclamation work in the right of way of Hampshire Street, Treanor Street and Livingston Drive.
8. Approve the Municipal Consent for Right of Entry form with the United States Department of the Interior, Office of Surface Mining Reclamation and Enforcement for abandoned mine shaft reclamation work at Wickes Park.
9. Adopt the Resolution to approve the Amendment Agreement No. 15-5467 to MDOT Cost Agreement No. 15-5332 with the Michigan Department of Transportation for the reconstruction of Gabriel Road from Maple Street to the Green Point Nature Center entrance and Maple Street from Gabriel Road to Beacon Drive.
10. Approve a purchase order to Environmental Resource Associates for \$2,625 for Bacterial Standards for the Water Treatment Division for FY 2016.
11. Approve a purchase order to Safety Services, Inc. for \$2,223.25 for a chlorine gas detection unit and a replacement sensor for the Wastewater Treatment Division.

Moved by Council Member Coulouris, seconded by Council Member Moore to approve consent agenda items 1 through 11 as presented. 8 ayes, 0 nays, 1 absent. Motion approved.

REPORTS FROM BOARDS, COMMISSIONS AND COMMITTEES; AND
APPOINTMENT OF BOARD AND COMMISSION MEMBERS

Moved by Council Member Boensch, seconded by Council Member Moore to approve the Council reappointment of Daniel LaPan to the Saginaw Transit Authority Regional Services with a term to expire September 26, 2018. 8 ayes, 0 nays, 1 absent. Motion approved.

RESOLUTIONS

Moved by Council Member Balls, seconded by Council Member Moore to adopt the resolution to establish the City of Saginaw's Credit Card Policy. 8 ayes, 0 nays, 1 absent. Motion approved.

ADJOURNMENT

Moved by Council Member Boensch, seconded by Council Member Fitzpatrick to adjourn the meeting at 7:06 p.m. 8 ayes, 0 nays, 1 absent. Motion approved.

Janet Santos, CMMC/CMC/MMC
City Clerk

From: Timothy Morales, City Manager
Subject: MERS 457 Participation Agreement
Prepared by: Dennis Jordan, Director of Human Resources

Manager's Recommendation:

I recommend approval of the Municipal Employees' Retirement System (MERS) 457 Participation Agreement. This agreement has been approved by me as to substance and the City Attorney as to form. It is also recommended that the City Council authorize the City Manager or his designee to sign all documents related to the agreement.

Justification:

On May 11, 2015 Council approved the collective bargaining agreement (CBA) between the City of Saginaw and the Saginaw Command Officers Association of Michigan (COAM). The CBA included a Deferred Retirement Option Plan (DROP) for the Command Officers, which is administered by MERS. To complete the set up with MERS for the DROP, the City will need to approve the Participation Agreement that will provide the administration of a default investment vehicle for COAM members that elect the DROP. The default investment vehicle for the DROP would come into play in the event the DROP member does not affirmatively elect to move their balance when the DROP is completed.

Setting up the 457 with MERS for the primary purpose to use as the default vehicle for the COAM DROP will not create any additional cost to the City.

Council Action:

Moved by Council Member _____, seconded by Council Member _____ to approve the recommendation from the City Manager.

From: Timothy Morales, City Manager

Subject: Saginaw County Treatment and Prevention Services (TAPS) Grant and Budget Adjustment

Prepared by: Sienna Rendon, Community Public Safety – Police

Manager’s Recommendation:

I recommend the City Council approve the Saginaw County Community Mental Health Authority (SCCMHA) / Mid-State Health Network (MSHN) Treatment and Prevention Services (TAPS) Grant in the amount of \$85,000. In addition, these funds will be allocated 75% in FY 2016 and 25% in FY 2017, which is \$63,750 and \$21,250, respectively. This grant agreement has been approved by the City Manager as to substance and the City Attorney as to form. Further, it is recommended that the Mayor or his designee be authorized to sign the agreement.

It is also recommended that a budget adjustment be completed to increase the Saginaw (TAPS) Fund’s Saginaw County Revenue Account No (265-0000-674.003) from \$29,020 to \$92,700, which is a \$63,750 increase. To offset this increase in revenues will be an increase to the Saginaw TAPS Salaries Account No (265-3325-702.000) by \$57,832 and the Overtime Account No. (265-3325-704.000) by \$5,918.

Justification:

This agreement between the City of Saginaw, on behalf of the Saginaw Police Department, and SCCMHA/MSHN to receive funds under the Treatment and Prevention Services Grant will be used to cover the salary, benefits, and overtime costs of one Youth Prevention Officer and to provide educational and outreach activities that prevent and reduce substance abuse in high risk and underserved populations. Overtime costs will also be paid for any additional officers that are qualified in Prevention Services who partake in outreach activities. The total amount of the agreement is for \$85,000 in which \$63,750 will be designated and effective for FY 2016 (October 1, 2015 through June 30, 2016) and the remaining \$21,250 for FY 2017 (July 1, 2016 through September 30, 2016).

Council Action:

Moved by Council Member _____, seconded by Council Member _____ to approve the recommendation from the City Manager.

From: Timothy Morales, City Manager
Subject: Bridget Smith Personal Services Agreement
Prepared by: Phillip Karwat, Public Service Department

Manager's Recommendation:

I recommend approval of the Personal Services Agreement ("Agreement") between the City of Saginaw ("City) and Bridget Isquierdo Smith. The total amount of the Agreement will not exceed One Thousand Nine Hundred and Forty-Nine Dollars and 00/100 (\$1,949). The Agreement has been approved by the City Manager as to substance and the City Attorney as to form. It is further recommended that City Manager and/or his designee be authorized to sign the Agreement.

Justification:

The City of Saginaw's existing recreation plan was approved by City Council on March 21, 2011 and expires on December 31, 2016. In order to be eligible for future Michigan Department of Natural Resource ("MDNR") grant opportunities after December 31, 2016, the plan needs to be updated. The City must submit an updated Recreation Plan to the MDNR prior to March 1, 2016. Ms. Smith is a Planner and has extensive experience in the field of recreational and open space planning. Moreover, she has experience drafting recreation plans for municipalities and drafted the recent approved plan for the City of Saginaw. The agreement will expire April 1, 2016.

Pursuant to the terms of the Agreement, Ms. Smith will perform the following duties:

- a. Work with City staff to update the existing park inventory;
- b. Update the City's Recreation Plan with staff assistance and direction in order to complete a plan that meets the published standards from the Department of Natural Resources;
- c. Assist City with staffing and facilitating a public hearing and public review of the Recreation Plan; and
- d. Assist City with the adoption of the Recreation Plan, final distribution and its submittal to the Michigan Department of Natural Resources.

Funds for this purpose are available in the General Fund - Public Services Department, Facilities Division's, Professional Services Account No. 101-7575-801.000.

Council Action:

Moved by Council Member _____, seconded by Council Member _____ to approve the recommendation from the City Manager.

**RESOLUTION TO AUTHORIZE
MILES OF STYLES
TO USE AMPLIFYING EQUIPMENT
OCTOBER 17, 2015**

LOCATION – VAN BUREN STREET BETWEEN S. HAMILTON ST. & NIAGARA ST.

Moved by Council Member _____, seconded by Council Member _____ to adopt the following resolution:

WHEREAS: Miles of Styles plans to have an event and the “1st Annual Beat the Block” free community block party fundraiser to help fight against breast cancer on October 17, 2015; and

WHEREAS: Miles of Styles has requested permission to use amplifying equipment between the hours of 3:00 p.m. and 8:00 p.m.; and

WHEREAS: City Council can provide authorization for the use of amplifying equipment on public property;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Saginaw hereby authorizes the use of amplifying equipment during the “1st Annual Beat the Block” event to be held on October 17, 2015 between the hours of 3:00 p.m. and 8:00 p.m. located on Van Buren Street between South Hamilton Street and Niagara Street.

Ayes:
Nays:
Absent:
Abstain:

RESOLUTION DECLARED ADOPTED

I, Janet Santos, City Clerk of the City of Saginaw, Michigan, do hereby certify that the foregoing is a true and complete copy of the resolution adopted by the City of Saginaw, Saginaw County, State of Michigan, at a public meeting held on October 5, 2015; the original thereof is on file in the records of my office; the meeting was conducted and public notice of said meeting was given pursuant to Act No. 267, Public Acts of Michigan, 1976, as amended, and minutes of this meeting were kept and will be made available as required.

Janet Santos, CMMC/CMC/MMC
City Clerk

From: Timothy Morales, City Manager
Subject: Dishonored Checks Ordinance Amendment
Prepared by: Janice Zuhlke, Deputy Treasurer

Manager's Recommendation:

I recommend that Council approve the ordinance amendment of paragraph (B), "Dishonored Checks," of §13.10, "Payment of Monies," of Chapter 13, "Administrative Policy and Procedure," of title I, "Administrative Code," of the City of Saginaw Code of Ordinances, O-1. This ordinance amendment has been approved by me as to substance and the City Attorney as to form.

Justification:

Under the City's Administrative Policy and Procedure §13.10, the current wording provides for dishonored checks only. We are asking that the language be changed to include all types of payments that the City receives in the normal course of business. This language change will cover all payment transactions so any returned payment can be processed in a timely and efficient manner.

Council Action:

This council communication is for explanation purposes only of the ordinance to be introduced.

Moved by Council Member _____, seconded by Council Member _____ to introduce an ordinance entitled and reading as follows:

AN ORDINANCE TO AMEND PARAGRAPH (B), "DISHONORED CHECKS," OF §13.10, "PAYMENT OF MONIES," OF CHAPTER 13, "ADMINISTRATIVE POLICY AND PROCEDURE," OF TITLE I, "ADMINISTRATIVE CODE," OF THE CITY OF SAGINAW CODE OF ORDINANCES, O-1.

Laid over under the Charter provision.

Moved by Council Member _____, seconded by Council Member _____ that an ordinance introduced October 5, 2015, entitled and reading as follows, be taken up and enacted:

O-_____

AN ORDINANCE TO AMEND PARAGRAPH (B), "DISHONORED CHECKS," OF § 13.10, "PAYMENT OF MONIES," OF CHAPTER 13, "ADMINISTRATIVE POLICY AND PROCEDURE," OF TITLE I, "ADMINISTRATIVE CODE," OF THE CITY OF SAGINAW CODE OF ORDINANCES, O-1.

The City of Saginaw ordains:

Section 1. Paragraph (B), "Dishonored Checks," of § 13.10, "Payment of Monies," of Chapter 13, "Administrative Policy and Procedure," of Title I, "Administrative Code," of the City of Saginaw Code of Ordinances, O-1, is hereby amended to read as follows:

§ 13.10 PAYMENT OF MONIES.

(B) *Dishonored ~~checks~~ payments.* Acceptance of any payment by check **or other means, including electronic transfer,** is upon the condition that if the **check payment** is for any reason dishonored after being duly presented for payment, there shall be an added service charge of up to thirty-five dollars (\$35.00) for any and all dishonored **checks payments** made payable to the City and other remedies as allowed by law.

This ordinance shall become effective October 29, 2015.

Enacted: October 19, 2015.

Yeas:

Nays:

Absent:

Abstain:

Dennis D. Browning
Mayor

Janet Santos, CMMC/CMC/MMC
City Clerk

ORDINANCE DECLARED ADOPTED

I, Janet Santos, City Clerk of the City of Saginaw, Michigan, do hereby certify that the foregoing is a true and complete copy of the ordinance adopted by the City of Saginaw, Saginaw County, State of Michigan, at a public meeting held on October 19, 2015; the original thereof is on file in the records of my office; the meeting was conducted and public notice of said meeting was given pursuant to Act No. 267, Public Acts of Michigan, 1976, as amended, and minutes of this meeting were kept and will be made available as required.

Janet Santos, CMMC/CMC/MMC
City Clerk

DEVELOPMENT OF THE SVRC MARKETPLACE

Moved by Council Member _____, seconded by Council Member _____ to adopt the following resolution:

WHEREAS: it is the mission of SVRC “to create and sustain opportunities and support systems for persons with barriers to employment and community access;” and

WHEREAS: SVRC Industries is undertaking the transformative redevelopment of the former Saginaw News building, a 100,000 square foot building with three floors, basement, and mechanical penthouse; and

WHEREAS: this building will be transitioned into a mixed-use facility supporting an indoor/outdoor farmer’s market, food processing hub, small business incubator space, culinary arts training center, offices, and retail spaces.

WHEREAS: the development of the SVRC Marketplace will be instrumental in creating temporary construction jobs, new permanent jobs in downtown, and employment opportunities for persons with disabilities; and

WHEREAS: the development of the SVRC Marketplace will increase community access to fresh and local fruits and vegetables sold by local vendors and growers; and

WHEREAS: the SVRC Marketplace will serve as a hub for business incubation through our partnerships with local colleges, universities and local businesses;

NOW, THEREFORE, BE IT RESOLVED, the Saginaw City Council fully supports the development of the SVRC Marketplace.

Ayes:
Nays:
Absent:
Abstain:

RESOLUTION DECLARED ADOPTED

I, Janet Santos, City Clerk of the City of Saginaw, Michigan, do hereby certify that the foregoing is a true and complete copy of the resolution adopted by the City of Saginaw, Saginaw County, State of Michigan, at a public meeting held on October 5, 2015; the original thereof is on file in the records of my office; the meeting was conducted and public notice of said meeting was given pursuant to Act No. 267, Public Acts of Michigan, 1976, as amended, and minutes of this meeting were kept and will be made available as required.

Janet Santos, CMMC/CMC/MMC
City Clerk

From: Timothy Morales, City Manager
Subject: MERS 457 Resolution
Prepared by: Dennis Jordan, Director of Human Resources

Manager's Recommendation:

I recommend for adoption the Municipal Employees' Retirement System (MERS) 457 Resolution. This Resolution has been approved by me as to substance and the City Attorney as to form.

Justification:

On May 11, 2015 Council approved the collective bargaining agreement (CBA) between the City of Saginaw and the Saginaw Command Officers Association of Michigan (COAM). The CBA included a Deferred Retirement Option Plan (DROP) for the Command Officers, which is administered by MERS. To complete the set up with MERS for the DROP, the City will need to approve the Resolution that will adopt the plan as a default investment vehicle for COAM members that elect the DROP. The default investment vehicle for the DROP would come into play in the event the DROP member does not affirmatively elect to move their balance when the DROP is completed.

Council Action:

This Council Communication is for information purposes of the resolution which is to be adopted.

MERS Uniform 457 Supplemental Retirement Program

Moved by Council Member _____, seconded by Council Member _____ to adopt the following resolution:

WHEREAS: this Resolution, together with the MERS 457 Supplemental Retirement Program and Trust Master Plan Document and the MERS 457 Supplemental Retirement Program Participation Agreement and any Addendum thereto, constitute the entire MERS 457 Deferred Compensation Plan Document; and

WHEREAS: the Municipal Employees Retirement Act of 1984, Section 36(2)(a), MCL 38.1536(2)(a) (MERS Plan Document (Section 36(2)(a)) authorizes the Municipal Employees' Retirement Board (the "Board") to "establish additional programs including but not limited to defined benefit, defined contribution, ancillary benefits, health and welfare benefits, and other postemployment benefit programs," and on November 8, 2011, the Municipal Employees' Retirement Board adopted the MERS 457 Deferred Compensation Plan; and

WHEREAS: this Uniform Resolution has been approved by the Board under the authority of Section 36(2)(a), and the Board has authorized the MERS 457 Deferred Compensation Plan, which shall not be implemented unless in strict compliance with the terms and conditions of this Resolution; and

WHEREAS: the City of Saginaw, a participating "municipality" (as defined in Section 2b(2) in the Municipal Employees Retirement Act of 1984; MCL 38.1502b(2); Plan Document Section 2b(4)) or participating "court" (circuit, district or probate court as defined in Section 2a(4) – (6) of the Act, MCL 38.1502a(4) – (6); Plan Document Section 2a(4) – (6)) within the State of Michigan has determined that in the interest of attracting and retaining qualified employees, it wishes to offer a deferred compensation plan; and

WHEREAS: the City of Saginaw has also determined that it wishes to encourage employees' saving for retirement by offering salary reduction contributions; and

WHEREAS: the City of Saginaw has reviewed the MERS 457 Supplemental Retirement Program ("Plan"); and

WHEREAS: the City of Saginaw wishes to participate in the Plan to provide certain benefits to its employees, reduce overall administrative costs, and afford attractive investment opportunities; and

WHEREAS: the City of Saginaw is an Employer as defined in the Plan; and

WHEREAS: concurrent with this Resolution, and as a continuing obligation, this City Council has completed and approved, and submitted to MERS and the Board documents necessary for adoption and implementation of the Plan; and

WHEREAS: the City Council for and on behalf of the City of Saginaw is authorized by law to adopt this Resolution approving the Participation Agreement on behalf of the City of Saginaw. In the event any alteration of the terms or conditions stated in this Resolution is made or occurs, it is expressly recognized that MERS and the Retirement Board, as sole trustee and fiduciary of the Plan and its trust reserves, and whose authority is non-delegable, shall have no obligation or duty to continue to administer (or to have administered) the MERS 457 Supplemental Retirement Program for the City of Saginaw;

NOW, THEREFORE, BE IT RESOLVED that the City Council adopts the MERS 457 Supplemental Retirement Program as provided below.

I. The City of Saginaw adopts the Plan for its Employees.

II. The City of Saginaw hereby adopts the terms of the Participation Agreement. The Participation Agreement sets forth the Employees to be covered by the Plan, the benefits to be provided by the City of Saginaw under the Plan, and any conditions imposed by the City of Saginaw with respect to, but not inconsistent with, the Plan. The City of Saginaw reserves the right to amend its elections under the Participation Agreement, so long as the amendment is not inconsistent with the Plan or the Internal Revenue Code or other applicable law and is approved by the Board.

III. The City of Saginaw shall abide by the terms of the Plan, including amendments to the Plan made by the Board, all investment, administrative, and other service agreements of the Plan and the Trust, and all applicable provisions of the Internal Revenue Code and other applicable law.

IV. The City of Saginaw acknowledges that the Board is only responsible for the Plan and any other plans of the Employer administered by MERS and that the Board has no responsibility for other employee benefit plans maintained by the Employer that are not part of MERS.

V. The City of Saginaw accepts the administrative services to be provided by MERS and any services provided by a Service Manager as delegated by the Board. The City of Saginaw acknowledges that fees will be imposed with respect to the services provided and that such fees may be deducted from the Participants' accounts.

VII. The City of Saginaw acknowledges that the Plan contains provisions for involuntary Plan termination.

VIII. The City of Saginaw acknowledges that all assets held in connection with the Plan, including all contributions to the Plan, all property and rights acquired or purchased with such amounts and all income attributable to such amounts, property or rights shall be held in trust for the exclusive benefit of Participants and their Beneficiaries under the Plan. No part of the assets and income of the Plan shall be used for, or diverted to, purposes other than for the exclusive benefit of Participants and their Beneficiaries and for defraying reasonable expenses of the Plan. All amounts of compensation deferred pursuant to the Plan, all property and rights acquired or purchased with such amounts and all income attributable to such amounts, property or rights held as part of the Plan, shall be transferred to the Board to be held, managed, invested and distributed as part of the Trust Fund in accordance with the provisions of the Plan.

All contributions to the Plan must be transferred by the City of Saginaw to the Trust Fund. All benefits under the Plan shall be distributed solely from the Trust Fund pursuant to the Plan.

IX. This Resolution and the Participation Agreement shall be submitted to the Board for its approval. The Board shall determine whether the Resolution complies with the Plan, and, if it does, shall provide appropriate forms to the City of Saginaw to implement participation in the Plan. The Board may refuse to approve a Participation Agreement by an Employer that does not possess State statutory authority to participate in the Plan. The City Council hereby acknowledges that it is responsible to assure that this Resolution and the Participation Agreement are adopted and executed in accordance with the requirements of applicable law.

BE IT FINALLY RESOLVED that this Resolution shall have no legal effect under the Plan until a certified copy of this adopting Resolution is filed with MERS, and MERS determines that all necessary requirements under the 457 Supplemental Retirement Program Plan and Trust, the Participation Agreement, and this Resolution have been met. All dates for implementation of the Plan shall be determined by MERS from the date of filing with MERS of this Resolution in proper form and content. Upon MERS determination that all necessary documents have been submitted to MERS, MERS shall record its formal approval upon this Resolution, and return a copy to the Employer. In the event an amendatory Resolution or other action by the municipality is required, such Resolution or action shall be deemed effective as of the date of the initial Resolution or action where concurred by this City Council and MERS (and a third-party administrator, if applicable and necessary). The terms and conditions of this Resolution supersede and stand in place of any prior resolution, and its terms are controlling.

Ayes:
Nays:
Absent:
Abstain:

RESOLUTION DECLARED ADOPTED

I, Janet Santos, City Clerk of the City of Saginaw, Michigan, do hereby certify that the foregoing is a true and complete copy of the resolution adopted by the City of Saginaw, Saginaw County, State of Michigan, at a public meeting held on October 5, 2015; the original thereof is on file in the records of my office; the meeting was conducted and public notice of said meeting was given pursuant to Act No. 267, Public Acts of Michigan, 1976, as amended, and minutes of this meeting were kept and will be made available as required.

Janet Santos, CMMC/CMC/MMC
City Clerk