

**APPROVED - 8/12/14**

**City of Ecorse  
Receivership Transition Advisory Board Minutes  
Tuesday, July 8, 2014  
9:00 a.m.**

Ecorse City Hall  
Council Chambers  
Albert B. Buday Civic Center  
3869 West Jefferson  
Ecorse, MI 48229

Members Present

Edward Koryzno  
Robert Bovitz  
Joyce Parker

Staff Present

D. Van de Grift  
C. Wycoff  
L. D'Onofrio

**I. CALL TO ORDER**

A. Roll Call - Mr. Koryzno called the meeting to order at 9:00 a.m. Let the record show that all Board Members are present.

B. Approval of Agenda - By motion made (Bovitz) and supported by (Parker), the Board unanimously approved the agenda.

C. Approval of Minutes - Approval of June 10, 2014 TAB minutes - Mr. Koryzno addressed typographical errors noticed in the TAB minutes of June 10, 2014. Mr. Bovitz noticed on the last page, page 68, the date of certification is June 17, 2013 and should be corrected to 2014.

By motion made (Bovitz) and supported (Parker), the Board unanimously approved the June 10, 2014 TAB Regular Board meeting minutes as amended.

**II. OLD BUSINESS**

A. TAB requested additional information.

1. Previous Meeting Approvals

Koryzno - During the June 4th meeting, official resolutions to approve the minutes for the April 29, 2014 and May 13, 2014 Council meetings were not made. I'll entertain a motion to approve the April 29th and May 13th, 2014 City Council minutes with the exception of the noted last meeting. Any discussion?

By motion made (Bovitz) and supported (Parker), the Board unanimously approved the minutes for the April 29, 2014 and May 13, 2014 City Council minutes.

Van de Grift - There was a discussion and there was a vote for the exempted items but we did miss the minimal vote and we let the resolution pass. I saw that in the minutes.

Koryzno - Any further discussion?

By motion made (Bovitz) and supported (Parker), the Board unanimously approved the motion.

## 2. Five-Year Budget Status.

Koryzno - Previously, the Board had asked the City for its five-year budget and requested a resubmission. Mr. Strand, please update the Board on these projects during the last month.

Strand - Since the last meeting I had written to the City Controller and asked that they schedule a meeting with Mr. Dube. That did occur and ~~met~~ on July 1st and went over the five-year budget and methodology. I had asked that once that draft is completed that I have an opportunity to look at it and review and then I'll review it with Mr. Dube before I present it to the Mayor and Council. So that's the plan that we have right now.

~~Bovitz~~ <sup>Koryzno</sup> - Do you anticipate next month that you will have an updated five-year budget?

Strand - Yes. I think that would be a reasonable goal.

~~Bovitz~~ <sup>Koryzno</sup> - Any questions for Mr. Strand?

Parker - Just a question in terms of the process. As far as making any changes or re-evaluating the budget, is that a process where departments are involved or is it just meeting with the State in reference to making changes? What is the process for that?

Strand - For the five-year plan I did not add that, but I know that Mr. Morgan requested an opportunity to look at it and to make sure that he is comfortable and that he has an implementation plan of the Public Safety Departments and Fire and Police. We're also looking at bringing in more part-time people. My normal process is to involve the department heads throughout the budgetary process so I think that's a good suggestion so I'll incorporate that into the five-year budget.

Koryzno - Mr. Strand, in your most recent communication to the Board you indicated that until last Thursday you had been operating upon or responding to Board questions with the incorrect budget documents.

Strand - I will replace the budget that is on the website to the new budget that will reflect the 2014-2015 fiscal year budget.

3. RTAB Evaluation ~~Exit~~ Criteria.

Koryzno - The Treasury Staff is finalizing the evaluation and ~~exit~~ criteria format. I will entertain a motion to authorize this Governor-mandated evaluation and to report the findings to this Board. Further discussion?

Parker - I wasn't clear on that process whether the form was to be completed by the City and then submitted to the TAB. What is the process?

Van De Grift - I have a meeting with George Strand and Comptroller Tim McCurley after this meeting. We are going to go through the Evaluation ~~Exit~~ Criteria. I imagine there may be some things that will require further inquiry. This will then be presented back to the Board for your ultimate approval. We are certainly open to any suggestions that the Board Members might have for how to better effectuate this evaluation.

Parker - I may have some comments.

Van De Grift - We will welcome them.

By motion made (Bovitz ) and supported (Parker), the Board unanimously approved the motion for the RTAB Evaluation ~~Exit~~ Criteria.

### III. NEW BUSINESS

#### A. Approval of Resolutions & Ordinances for City Council Meetings.

##### 1. Resolutions from Regular City Council meeting of May 27, 2014.

Koryzno - I'll entertain a motion to approve the resolutions from the May 27, 2014 regular City Council

meeting except for ~~the~~ Resolution ~~#170.14~~<sup>TwoThreeFive</sup> ~~235~~ contract, and Resolution ~~#173.14~~, the Assistant Clerk position, and then a discussion Mr. Strand had with me prior to our meeting I'm going to add the Mars Towing Contract Resolution ~~#168.14~~. Any discussion?

Parker - I have a question regarding the ~~#173.14~~<sup>#</sup>. I don't know if you deleted that item or not, but it states 28 hours for the Assistant Clerk position.

Koryzno - Yes.

Parker - At our last meeting we discussed the position and I thought it was left out.

Bovitz - There's been some action taken by the City Council that it appears that it's more hours so that's why it has been removed so that we can get a clarification from them.

Parker - Thank you.

By motion made (Bovitz) and supported (Parker), the Board unanimously approved the motion.

Koryzno - Now we'll take up the three resolutions that were deleted from the approval process. That's Resolution ~~#170.14~~<sup>#</sup> of the ~~235~~ Project. <sup>TwoThreeFive</sup> Mr. Strand, the Board did not receive your disclosure on the contract for this matter. Would you please explain to the Board why this contract is in the best interest to the City?

Strand - The ~~235~~<sup>TwoThreeFive</sup> Project was initiated before I arrived, but has been very enthusiastically embraced by the Mayor and Council and the City. At this time, there is no monetary requirements of the City. The person proposing to do a reality show here would be looking for a producer and some other things and so we're taking it at a step at a time. They think that if this works that the positive image of the City of Ecorse can be developed into a more economic and community-developed image. I did contact the Michigan Film Agency, and they said that they had not been contacted by them yet, but I know the latest State budget, at least I think the State of Michigan has a budget about \$50 million that ~~is~~ credits for the film industry to come to Michigan. So my intent is to get in touch with that State agency to see if we meet that criteria.

Koryzno - Any other questions for Mr. Strand by the Board?

Parker - What's the time frame for this project?

Strand - I've been told by them they anticipate to be in touch with us probably any day now.

Parker - Is there a contract?

Strand - There is a contract. I sent a copy to Mr. Van de Grift on Friday.

~~Bovitz~~ <sup>Koryzno</sup> - I'll entertain a motion for those to approve Resolution #170.14. (TwoThreeFive Contract)

By motion made (~~Koryzno~~ <sup>Bovitz</sup>) and supported (Parker), the Board unanimously approved the motion.

Koryzno - The next item is Resolution #173.14 the Assistant Clerk position. At the last meeting the position was approved provided that the position only worked 24 hours a week. The Resolution adopted by the City clearly violates this direction by mandating that the position work 28 hours a week. Mr. Strand, could you explain why the Board's resolution was not followed?

Strand - I spoke to the City Attorney about the differences in the approval and asked if there was anything we needed to do at this point in time for the RTAB Board. His memo which I had provided to the Mayor and Council who meet tonight I think to discuss the position was that if it were occasionally more than 24 hours that he thought that would be okay because of elections and other things but not if it was on a routine basis. That information has been provided to the Mayor and Council. I'm anticipating some direction from the Mayor and Council this evening about that.

Koryzno - Is Mr. Wycoff here?

Wycoff - I am.

Koryzno - Is that a correct interpretation of your memo, Mr. Wycoff? Would you please approach the podium?

Wycoff - There was a discussion that took place at the

last meeting. The issue was 26 versus 28 hours. When this issue came up, I reviewed the collective bargaining agreement between the clerical staff and the City of Ecorse. Under the collective bargaining agreement there is a provision for exclusion from the union for a person who would be performing clerical functions so as long as they do not work 28 hours per week. If they're working 28 hours per week, they qualify for part-time employment with the City but within the union. The motion that was made at the last meeting was for 26 hours so that it would not be a union position. This person is roughly going to be serving as the Deputy Clerk even though that title has not been given to the person and, therefore, would not be a union position. She would perform the duties of the Clerk when the Clerk is not present.

The issue then arose as during an election year there are times when that person has to work more than 26 hours, and that's because during election time the Clerk's office is very busy and they have to get out the absentee ballots, they have to check the voter list, and they have to make all of the arrangements for the election and so forth.

It was my opinion to Mr. Strand that that kind of work on an isolated basis was not going to violate the terms of the contract because it's work that needs to be done, and that person was hired specifically for that purpose and so that is my opinion.

Koryzno - Any questions?

Parker - Just in reference to the minutes that reflect the 28 hours, I guess the Assistant to the City Clerk worked more than the 28 hours during the election process, and I'm thinking that the City Clerk would have some flexibility with how those hours are structured so that there isn't any type of issue related to the contract.

I guess my question is whether we have to make any change in the number of hours or that it will remain the 26?

Wycoff - Well, Mr. Strand as I understand it did go to the City Council with the concept of the 28 hours. It's his intention I believe that they would be included within the bargaining unit. I can't say that for certain but that appears to be the case.

Parker - So they would be a part of the bargaining

unit?

Wycoff - Yes. Then the question becomes whether or not that person can serve in the position of the City Clerk when the City Clerk is not available. So that was the issue and that's the way it was resolved.

Parker - I guess given the fact that the position would not have the same level of flexibility, I would lean more toward leaving it at the 26 hours and at some point re-evaluate the need.

Strand - I thought it was 24 hours that was approved by the Board.

Van de Grift - Yes, 24 hours.

Koryzno - We have 24 hours approved by the Board and 26 hours proposed by the City. So what is the pleasure of the Board?

Parker - I would move that we table the item if at all possible.

Koryzno - I'll entertain a motion.

By motion made (Parker) and supported (Bovitz), the Board unanimously approved the motion to table Resolution ~~173.14~~ until the September RTAB meeting.

FURTHER DISCUSSION:

Van de Grift - The Resolution by the Board, the City may not be able to employ an Assistant Clerk as an Election Specialist.

Parker - Would you explain that?

Van de Grift - There is a position that the City Council had pursued to hire a Assistant Clerk or an Election Specialist. The question then came to the Board last month whether it would be 24-hour a week job governed by the City's policies or whether it be a 28-hour a week job that would be under the auspices by the collective bargaining agreement. The Board approved with the proviso of 24 hours a week last month. It resurfaced this week because of a conflict being of a City Council Resolution stipulating 28 hours a week. So now the question is, is it 24 or 28? If it is tabled there will not be a Resolution approved on

either, and so by my understanding there will not be an approved position probably moving forward.

Parker - The position has not been filled?

Strand - Yes, it has.

Parker - So the person is working?

Strand - Yes.

Van de Grift - And requires Board approval.

Parker - Passing approval?

Van de Grift - Yes, ma'am.

Parker - And you're saying we cannot approve the position for the 24 hours or should be for one or the other? Is that the question?

Van de Grift - Just by history, the City had expressed a need for this position, and the Board must approve either a 24-hour a week position or the 28 CBA position in order ~~the~~ for the City to have a Board approved position moving forward.

Parker - So given that the Board approved the 24-hour position at the last meeting, and we're tabling this item related to the City Council agenda, does our action from the last meeting stand?

Van de Grift - Yes, ma'am. If the City Council were to adopt a 24-hour a week position, then that would be in accordance with the Board's approval.

Parker - So it would have to go back to the City Council.

Koryzno - So there is an approval for the City to hire a person. Our consideration of this would be to table the item until September for this issue to come back up.

By motion made (Bovitz) and supported (Parker) to tabling Resolution 173.14 until the September RTAB meeting.

*Asst. City Clerk position*

Strand - Are we allowed then to continue to use the employee until September when we clarify their number of hours?



Koryzno - Yes.

2. Resolutions from Work Study/Special meeting of June 2, 2014.

Koryzno - I entertain a motion to approve all the Resolutions from the June 2nd, 2014 Work/Study Special Council meeting.

By motion made (Bovitz) and supported (Parker), the Board unanimously approved the motion.

Koryzno - Any discussion?

Parker - I notice that Mr. Williams is present. Is Mr. Williams serving as the City Attorney? I'm just trying to get some clarity on this.

Strand - Mr. Williams in my experience has attended all of the Council meetings so he is the City Attorney at those meetings and has been looked upon for legal advice and guidance in the meetings.

By motion made (Bovitz) and supported (Parker), the Board unanimously approved the Resolution of the Meeting of June 2, 2014.

3. Resolutions from Regular City Council Meeting of June 20, 2014.

Koryzno - I will entertain a motion to approve the Resolutions from the June 10, 2014 regular City Council meeting?

By motion made (Parker) and supported (Bovitz), the Board unanimously approved the motion.

Koryzno - Any discussion?

Parker - Yes. I have a question regarding updating the City Charter? Could someone clarify what that process is and the purpose?

Strand - As part of the process for the City of Ecorse and the Mayor and Council to regain completely home rule, the Board of Governors is that they had to adopt a new charter. The Council reviewed a proposal with an

attorney who specializes in doing city charters, and they decided that they could do it a more cost-effective way at least at that particular meeting. I think they actually tabled that action so they're still evaluating how they want to proceed with that.

Parker - In some cases when you update a charter or make amendments it requires a charter commission, and I didn't know if that was part of the overall process.

Koryzno - Any other discussions?

By motion made (Botivz) and supported (Parker), the Board unanimously approved the Resolutions from the June 10, 2014 meeting.

B. Update of Vendor Preapproval List.

Koryzno - I'll entertain a motion to approve the preapproval list.

By motion made (Bovitz) and supported (Parker), the Board unanimously voted to approve the updated preapproval list.

C. Termination of Plante Moran as City Comptroller.

Koryzno - Plante Moran has sent a letter notifying terminating their services as comptroller with the City of Ecorse. Should it go through, the City will contract with a similarly qualified firm.

Parker - Regarding Plante Moran being involved with the City as the comptroller, this was a contract that was negotiated. It was negotiated in such a manner where the costs associated with the position is less than what it would cost the City if the City advertised and filled the position including benefits and other expenses. The costs may seem somewhat higher but it's not when you look at the total cost for the position. I wanted to state that for the record.

D. Letter from City Administrator dated June 27, 2014.

1. Approval of City Council minutes addressed in new business.
2. May 2014 monthly Budget-to-Actual Financial Report.

Koryzno - I will entertain a motion to approve the May 2014 Budget-to-Actual Financial Report.

By motion made (Bovitz) and supported (Parker), the Board unanimously voted to approve the agenda.

3. Amendment to City Administrator's comments at the June 10, 2014 RTAB meeting. *Correspondence received and filed.*

4. Towing Contract - Mars Towing.  
This item was added and so we'll have a discussion about the Mars Towing.

Mr. Strand, would you share with the Board the meeting you had regarding the contract?

Strand - Subsequent to the contract being approved by the Mayor and the Council, the public safety director and the vendor discussed the administrative process and that a \$100 administrative fee would be collected. Mr. Morg had indicated an interest in receiving the administrative fee for those vehicles that weren't picked up by the owner of the vehicle. The question came up should the contract reflect that modification in order to make sure that everything is completely incorporated in the contract. Perhaps Mr. Wycoff could explain that.

Wycoff - Charles Wycoff on behalf of the City Attorney's office.

We did have some concerns. There seems to be on occasion incidents where the Board of this City Council approves resolutions and contracts and after the fact they get altered. So until we are absolutely certain that the contract truly reflects what the City Council approved, my office will not approve a contract.

I believe with respect to Mars Towing the Council initially approved it. I believe my office gave approval to the contract, maybe even more than once, and then after that occurred there was another modification relative to these fees and where they were going to be paid. I know my office has not approved it since that modification because I don't believe it went to the Council.

Parker - Is this something that has to go back to the City Council?

Koryzno - It was removed from the approval of the resolutions approved by the City Council at the May 27, 2014 meeting. So I would entertain a motion to deny

resolution #168.14. (Mars Towing Contract)  
 By motion made (Parker) and supported (Bovitz), the Board unanimously voted to deny the Mars Towing Contract.

Koryzno - It's been moved and supported that this would come back to us once the City Council amends the contract for the negotiations that have taken place and the City Attorney's office has approved it.

5. Miller Canfield and Bond Counsel was addressed in new business.
6. Baird & Co. as Financial Advisor was addressed in new business.
7. SRF Ordinance was addressed in new business.
8. Notice of Intent was addressed in new business.
9. Master Plan Contract was also addressed in new business.
10. Status Report on Vendor Payments.

Koryzno - Mr. Strand, would you please address the Board that the City is doing everything in its power to pay bills on time? I would entertain a motion to allow the drafted City Council minutes to be reviewed by the Board exclusively for the purpose of approving claims. In exchange for this unusual allowance the City must obtain a monthly report that details all late fees and accrued interest resulting from late fees.

Parker - Just one comment, I'm certain this may not occur very often but if there's a change in the minutes after the Council approves the minutes we would like to know what the changes are.

Koryzno - ~~Motion~~ motion to allow drafted Council minutes to be reviewed by the Board exclusively for the purpose of approving claims and accounts. The Board unanimously supported the motion.

11. Replacement of DPS Assistant was addressed in new business.

#### IV. PUBLIC COMMENT

Mr. Barlow, Ecorse, MI - stated that for expediency the monies set up in escrow for the Ryan Project shouldn't have to go through the extra steps of the City Council and TAB.

John Miller, Mayor Pro-Tem, Ecorse, MI - stated that he had no problem working with Mr. Strand on the Assistant

Clerk position at 24 hours.

**V. BOARD COMMENT**

Koryzno - Mr. Barlow, we just approved this morning, and one of our actions was preapproved so that should address your concerns.

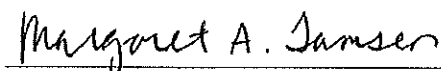
Koryzno - Mr. Strand, the City has been submitting additional affirmation modifications and requests for agenda items well past the ten-day cutoff period. Any late admissions will not be processed until the next Board meeting unless there are very extenuating circumstances.

**VI. ADJOURNMENT**

Koryzno -- I will entertain a motion for adjournment.

By motion made (Parker) and supported (Bovitz), the Board unanimously approved the motion of adjournment at 9:42 a.m.

There being no further business the meeting adjourned at 9:42 a.m.

  
\_\_\_\_\_  
Margaret A. Tamsen