

1 CITY OF PONTIAC
2 RECEIVERSHIP TRANSITION ADVISORY BOARD MEETING
3 AUGUST 24, 2016
4 1:00 p.m.
5
6 Meeting before the RTAB
7 Board at 47450 Woodward Avenue, Pontiac, Michigan, on
8 Wednesday, August 24, 2016.
9
10 BOARD MEMBERS PRESENT:
11 Keith Sawdon - The Chairperson
12 Robert Burgess
13 Douglas Bernstein
14
15 ABSENT: Edward Koryzno
16
17 OTHERS PRESENT:
18 Mayor Deirdre Waterman
19 Deputy Mayor, Jane Bais-Disessa
20 Patrick Dostine
21 Nevrus Nazarko
22 Brother El
23 Lionel Hicks El
24 Sean Preston
25 Denise Cobb
26 Kathy McInally
27 Kathalee James
28 Kevin Smith
29 Mark E. Holland
30 Linda Hasson
31 Kermit Williams
32 Larry Hill
33 Joseph Sinclair
34 Norbert Burrows
35 Pastor Kevin Sanders
36 Billie Swazer
37
38 REPORTED BY: Mona Storm, CSR# 4460

1	MOTION INDEX	
2	MOTION	PAGE
3	Roll Call	3
4	Approval of Agenda	4
5	Approval of 6-28-16 minutes	5
6	OLD BUSINESS	5
7	None	
8	NEW BUSINESS:	
9	Approval of Resolution 16-214	12
10	Approval of Resolution 16-193 with modification	16
11	Approval of EM Order 325 Amendment	17
12	June 24, 2014, approved	12
13	July 31, 2014, approved	13
14	August 7, 2014, approved	14
15	August 14, 2014, approved	17
16	NON ACTION ITEMS	
17	Budget to Actual and Cash Flow Reports, June 2016	17
18	Mayor's Report	40
19	Public Comment	18
20	Board Comment	40
21	Adjournment	48
22		
23		
24		
25		

1 Pontiac, Michigan

2 Wednesday, August 24, 2016

3 1:20 p.m.

4 THE CHAIRPERSON: Good afternoon, everyone.
5 Thank you for waiting. We still have not heard word
6 from our recording secretary but we're going to go
7 ahead and get started.

8 Thank you for coming to our meeting today.
9 And with that, I'd like to go ahead and open up the
10 City of Pontiac Receivership Transition Advisory Board
11 for its August 24th meeting, starting at 1:20.

12 With that, Patrick, will you take roll call,
13 please.

14 MR. DOSTINE: Sure, Ed Koryzno has been asked
15 to be excused.

16 Douglas Bernstein?

17 MR. BERNSTEIN: Here.

18 MR. DOSTINE: Robert Burgess?

19 MR. BURGESS: Here.

20 MR. DOSTINE: Keith Sawdon?

21 THE CHAIRPERSON: Here.

22 MR. DOSTINE: You have a quorum, Mr. Chair.

23 THE CHAIRPERSON: Just a reminder to the
24 public: If you wish to speak before the Transition
25 Advisory Board, we have a sign-up sheet in the back.

1 And we will call your name during the public comment
2 section if you wish to speak at that time.

3 With that, we'll move on to the agenda. I
4 have no changes to the agenda presented. Does any
5 other board members have a change?

6 MR. BURGESS: No.

7 MR. BERNSTEIN: No.

8 THE CHAIRPERSON: Seeing none, I would
9 entertain a motion to approve the agenda as presented.

10 MR. BURGESS: I'll make that motion.

11 MR. BERNSTEIN: I'll second.

12 THE CHAIRPERSON: Motioned by Burgess,
13 seconded by Bernstein that the agenda be approved as
14 presented. All in favor, say "aye".

15 BOARD MEMBERS: Aye.

16 THE CHAIRPERSON: All opposed, say "nay".

17 Item is passed. Thank you.

18 Approval of minutes of our June 28th, 2016
19 meeting. I'll entertain a motion to approve or
20 discussion, if wish. Changes necessary?

21 MR. BERNSTEIN: I'll make the motion to
22 approve.

23 MR. BURGESS: Support.

24 THE CHAIRPERSON: All those in favor, say
25 "aye".

1 BOARD MEMBERS: Aye.

2 THE CHAIRPERSON: All opposed, "nay".

3 With that, it passes. Thank you.

4 We have no Old Business in front of us today.

5 But we do have some New Business.

6 The first item in our New Business is the
7 approval of Resolution 16-214, the recreational millage
8 proposal. And, with that, I just want to remind the
9 audience -- or I'm sorry -- the public, in this case,
10 that, based on the State Treasurer has recommended --
11 based on a recommendation of this Board that control be
12 returned to the City Council and the Mayor with some
13 certain exceptions, those exceptions require RTAB
14 approval and those exceptions include approval of an
15 annual budget and expenditures that may happen in
16 excess of 500,000, which brings this item to our table,
17 I believe.

18 And, with that, Mayor Waterman -- oh, okay,
19 Jane, if you'd like to give us some background on the
20 item.

21 MS. BAIS-DISESSA: Good afternoon, everyone.
22 I'm Jane Disessa, Deputy Mayor for the City of Pontiac.
23 The only thing that I wanted to, at least, bring to
24 your attention, at this time, is -- I don't have a mic
25 here. Am I speaking loud enough for everybody to hear?

1 No? The only item that I wanted to bring to
2 the Board's attention is that there was some
3 clarification under the language of the resolution.
4 And I wanted just to make sure that it was correct. We
5 found out about a certain statement that was not
6 included in the resolution. We did correct that matter
7 and I wanted to provide you with a copy of that
8 resolution. And, basically, the only item that was
9 left out was the issue --

10 Okay. Here we go. Thank you, everybody. I
11 don't have to scream here. Let me start again. Good
12 afternoon and welcome. My name is Jane Disessa. I am
13 the Deputy Mayor for the City of Pontiac. The only
14 thing that I wanted to bring to the attention before we
15 began this discussion was to simply inform them that
16 there was a statement or a few words that were missing
17 from the original resolution.

18 Now, this -- please know that the resolution,
19 as passed by the City Council, did include this
20 statement. It's just, for whatever reason, when we
21 sent it to the State for placement on the ballot, it
22 was missing a portion of it.

23 And, basically, the sentence was, "The
24 issuance, pursuant to Public Act 179 of 1967." So
25 that's what was missing. I do have a copy of it here

1 for you. It has been corrected. It has also been
2 reviewed by our City Attorney as well. And this is
3 exactly what the City Council did pass at that meeting.
4 Okay?

5 THE CHAIRPERSON: Okay. Thank you.

6 MS. BAIS-DISESSA: Thank you, sir. I'll pass
7 it to you now. And I know that our Mayor wishes to
8 have a few comments. I'll turn it over.

9 Mayor Waterman?

10 MAYOR WATERMAN: Yes. Gentlemen and the
11 audience, I'm happy to address you on this particular
12 agenda item today. You see many people are here to
13 speak and many people probably are here to speak on
14 behalf of this particular agenda item. Because, when I
15 saw last week that it was going to be on your agenda, I
16 did alert them to the fact that this matter would be
17 before you. Although, in the last few days we've had a
18 chance to clarify what the intent was that you have
19 explained here, that it is on the agenda because this
20 is a budgetary matter over a half million dollars.

21 So because public comment, as many of these
22 people have signed up to speak, won't occur until after
23 the vote is taken, I wanted to come to the microphone
24 and speak on their behalf in terms of this issue.
25 Because it is something that concerns the whole

1 community, particularly the young children, and we see
2 a number of them sitting right there in the front row.

3 One of the things that Pontiac has lost under
4 emergency manager and the crisis we went through was
5 the loss of all four recreation centers; that has been
6 a severe loss for our community, in terms of having
7 activities and wholesome lifestyles for our children to
8 engage in.

9 There has been a movement now to get these --
10 at least some of those activities to restore, we've
11 done that through some ad hoc activities through
12 various groups, some of whom are here. But we want
13 some of the same kind of activities I want for the rest
14 of our children, City Council wants for our children,
15 as a whole, to restore some of those more organized
16 activities and to have a facility to do so.

17 I want them because my children had them
18 growing in. Sean and Toussaint, many of you knew, who
19 grew up playing T-ball right in our own fields. We
20 have 28 beautiful, beautiful fields and parks that are
21 restored and maintained by our DPW Department which
22 does a wonderful job, in terms of our baseball fields
23 and our soccer field, our new soccer field, and some of
24 the other facilities we want restored.

25 So four months ago, you know, as we began to

1 consider this matter with Council, I advised getting a
2 taskforce together of community people so that we could
3 talk about having a facility and finding a way to
4 restore, in a facility, recreational activity for our
5 children. We weren't quite ready, in terms of Council,
6 to start then. But, again, we realize in order to get
7 on the ballot Council did meet the deadline to get on
8 the ballot for November to vote this issue.

9 So we are here to say that this should be
10 something that the people of the community should be
11 allowed to decide. We're here for this important
12 matter. So I think some of them may express themselves
13 in public comment after the vote but I'm here to assure
14 them that there is concerted effort to make sure that
15 we have some wholesome activities restored, and that
16 now that this is on the ballot and it is voted by the
17 people as a recreation millage, that it be my
18 responsibility, the executive office's responsibility,
19 to implement these budgetary changes.

20 And they have set forth to be able to find a
21 facility to be able to -- at least, one, to be able to
22 house this because money that you passed -- and people
23 understand this, I think -- the millage would only
24 cover operations and programs, that it does not cover
25 capital improvements or buying a facility. So I think

1 that's clearly understood and we want to make sure
2 people understand that, as they vote on that in
3 November -- and we do ask you for aberrance and
4 understanding. I'm here to explain that on behalf of
5 others, who may put it in their own words, that at
6 least I would get that to you as you decide on this
7 agenda item. Thank you.

8 THE CHAIRPERSON: Thank you.

9 Any questions from the Board?

10 MR. BERNSTEIN: Mayor, the question, if
11 passed, is there funding for staffing?

12 MAYOR WATERMAN: Well, the 1.5 mills could
13 cover any operating expenses. The 1.5 mills would
14 bring about \$900,000 minus what would be taken from
15 TIFA funds. We know, by looking at past budgets,
16 whereas we've studied this issue, we've looked at
17 budgets for recreation over the past -- well, eight
18 years prior to this, for the last ten years. And we
19 see that, to run the recreational centers was about
20 1.5 million. So 900,000 covers a part of that. And,
21 in today's funds, maybe it's even more than that.

22 But the operational part of it is something
23 that we'll have to factor in. And it is good that we
24 can have some City funds and recreational funds. We
25 had a Parks and Recreation Department before. But

1 That motion carries unanimously. Thank you.

2 Moving on to our second New Business item,
3 approval of Resolution 16-193, Approval of Ordinance
4 2337, OPEB.

5 Mayor Waterman, do you have any comments
6 related to that item?

7 MAYOR WATERMAN: No additional comments.
8 This is a repeat of the time you have passed this two
9 other times. It is done with the timeliness and the
10 fact that getting this notice to the OPEB, the GERS
11 Administration will allow them to continue the checks
12 that the retirees receive uninterrupted.

13 THE CHAIRPERSON: Thank you. I do have one
14 question while you're at the podium. I know that we've
15 been moving forward with a resolution of the situation
16 for OPEB. And one thing that raises some questions for
17 my mind is, should we not have a safety valve in that
18 resolution so, if we were to reach a conclusion to the
19 OPEB question, that we have a mechanism to make an
20 adjustment one way or the other related to the
21 supplemental payment for healthcare?

22 MAYOR WATERMAN: Absolutely; that should be
23 automatically considered.

24 THE CHAIRPERSON: Okay.

25 MAYOR WATERMAN: Because that would

1 discontinue if there were a settlement to be reached by
2 that time. I do have a further reporting on that
3 particular litigation during my Mayor's report.

4 THE CHAIRPERSON: Okay.

5 MAYOR WATERMAN: Okay.

6 THE CHAIRPERSON: Okay. Thank you.

7 MAYOR WATERMAN: All right.

8 THE CHAIRPERSON: Any other comments from the
9 Board members?

10 With that said, I do have a sample motion
11 that I'd like to present to the Board that provides a
12 safety valve if we should happen to reach some
13 settlement prior to the lapse of this timeframe.

14 MAYOR WATERMAN: All right.

15 THE CHAIRPERSON: And, if you'll bear with
16 me, I'd like to go ahead and read it.

17 In effect, I would like to entertain a motion
18 to approve Resolution 16-193, contingent on language
19 being added to Ordinance 2337, Section 17-6, which
20 states, should the City of Pontiac as a result of
21 litigation or settlement thereto, provide a
22 compensation that is understood as an alternative
23 healthcare benefit, the monthly allowance of \$400 per
24 month ends or at least it is adjusted.

25 And I would suggest that the board members

1 consider that safety valve within that resolution so
2 that, if a settlement is reached, we have an adjustment
3 ability to that stipend.

4 MAYOR WATERMAN: I do concur. I like the
5 spirit of optimism that the resolution is rendered in
6 as well.

7 THE CHAIRPERSON: Thank you.

8 This would also allow the Board to act timely
9 so that there is no disruption of payments to the
10 retirees. And so, with that stipulation that,
11 eventually, that 2337 be adjusted to reflect that
12 potential for settlement, that I'm -- I think we can
13 move forward with this and not -- not disrupt those
14 payments.

15 MAYOR WATERMAN: All right.

16 MR. BERNSTEIN: I would say just so along as
17 it's clear that it's the sooner of a resolution, a
18 settlement or the one-year expiration, I think.

19 THE CHAIRPERSON: Oh, I see what you're
20 saying.

21 MR. BERNSTEIN: So it would be the sooner of
22 one of the two events, either the expiration in 2017 or
23 the settlement that -- or resolution of the litigation.

24 MAYOR WATERMAN: Right, a settlement that is
25 approved by both the CPREA plaintiff as well as the

1 City.

2 MR. BERNSTEIN: Yeah.

3 MAYOR WATERMAN: As well as the TAB.

4 MR. BERNSTEIN: I would want to make that
5 clear.

6 MAYOR WATERMAN: Right.

7 THE CHAIRPERSON: With that said, do we have
8 a motion?

9 MR. BURGESS: I'll make that motion.

10 MR. BERNSTEIN: Second.

11 MR. DOSTINE: Mr. Chair, may I ask a
12 question?

13 THE CHAIRPERSON: Yes.

14 MR. DOSTINE: So you anticipate that the City
15 Council will take -- take this back and vote on --

16 THE CHAIRPERSON: Yes. And make a
17 modification.

18 MR. DOSTINE: -- revising --

19 THE CHAIRPERSON: -- to that --

20 MR. DOSTINE: -- the ordinance?

21 THE CHAIRPERSON: -- resolution.

22 MR. DOSTINE: Okay.

23 THE CHAIRPERSON: And, as long as that
24 resolution contains the modification, we can move
25 forward.

1 MR. DOSTINE: Thank you.

2 THE CHAIRPERSON: With that said, would you
3 like me to read that motion again or are you okay
4 with --

5 MR. BERNSTEIN: I'm fine. It's a question of
6 whether or not anybody else wants it --

7 MR. BURGESS: I'm fine.

8 MR. BERNSTEIN: -- for clarification.

9 THE CHAIRPERSON: Okay. With that said, I'll
10 entertain a motion to approve the motion, as read. And
11 all in favor, say "aye".

12 BOARD MEMBERS: Aye.

13 THE CHAIRPERSON: All against, "nay".

14 Again, there were no "nays". That approved
15 unanimously.

16 Next item before the Board is approval of
17 EM Order 325 Amendment.

18 Mayor Waterman -- oh, I'm sorry. Jane, in
19 this case.

20 MS. BAIS-DISESSA: That's okay.

21 THE CHAIRPERSON: A comment about the item?

22 MS. BAIS-DISESSA: This is something very
23 simple. It's an administrative item. We're just
24 simply asking to remove the administrators title from
25 there and add the Deputy Mayor and the Treasurer

1 to that language.

2 THE CHAIRPERSON: So the updates are banking
3 signatories, if you will, to the current staffing --

4 MS. BAIS-DIESSA: Right.

5 THE CHAIRPERSON: -- at City Hall?

6 MS. BAIS-DIESSA: Correct.

7 THE CHAIRPERSON: Thank you.

8 MS. BAIS-DIESSA: Thank you, sir.

9 THE CHAIRPERSON: With that said, I'll
10 entertain a motion to approve, deny or postpone.

11 MR. BERNSTEIN: I'll so move.

12 MR. BURGESS: I'll support.

13 THE CHAIRPERSON: All in favor, say "aye".

14 BOARD MEMBERS: Aye.

15 THE CHAIRPERSON: All against, say "nay".

16 That item passes. Thank you.

17 The next items are really nonaction items.

18 The first one is a Budget to Actual Report from the
19 Finance Director. Do you have any additional comments
20 you'd like to add to the report?

21 MR. NAZARKO: No. Other than what's
22 presented on the reports, I do not have any additional
23 comments.

24 THE CHAIRPERSON: I do have one comment. I
25 want to just tell you that I think the report looks

1 really great and I think we're moving in a very strong
2 position and I -- I've been here since the beginning
3 and I've seen a lot of great progress and thank you.

4 MR. NAZARKO: Thank you.

5 THE CHAIRPERSON: With that said, we're at
6 the section, Patrick, for public comment. Do we have
7 public comments?

8 MR. DOSTINE: Mr. Chair, we have several
9 requests for public comment.

10 THE CHAIRPERSON: Okay. If you would like to
11 go ahead and call the first up.

12 MR. DOSTINE: Sure. Brother El.

13 Okay. Moving along, Lionel Hicks.

14 UNIDENTIFIED MALE: Here you go, there's
15 Brother El.

16 THE CHAIRPERSON: Public comments are limited
17 to two minutes, just so you're -- and we have a clock.

18 BROTHER EL: Well, that's fine. I'm not
19 going to be that long, anyway. Good afternoon,
20 everybody. It's a pleasure being here in front of the
21 people. It's a pleasure feeling the power in the
22 presence of the people. So let me get that out first.

23 I just want to say you guys made a great
24 decision today. The people made a great decision in
25 coming out and supporting the millage. This is the

1 first battle of many. And so we got to come out,
2 continue to come out and pay attention to what's going
3 on. We're going to hold everybody accountable. Excuse
4 me.

5 I talked to one of the residents earlier and
6 she talked about a plan. So we have a plan in place.
7 We have a short-term plan and a long-term plan in
8 regards to the Pontiac Youth Recreational Center and --
9 and, in that piece, it would reveal some form of
10 indication that we have the ability to create
11 sustainability, so that we won't have to repeatedly
12 come to the people, needing to levy taxes.

13 However, we know how important it is at this
14 point in time in our community that we have something
15 constructive for the children to do every day. I'm one
16 of the people that creates those youth services for our
17 children in the City of Pontiac. I have one of the
18 only programs in the community that takes babies all
19 over the country for ten months out of a year.

20 Imagine what we can do with this collective
21 effort here today. We can do so much more. And so my
22 message is to the people, stay together, work together,
23 let's solve problems, let's not dwell on it because you
24 are, in fact, the government. Everybody else is the
25 representative government.

1 So let's take this relevant, political issue
2 and let's galvanize, let's continue to organize, let's
3 continue to plan and strategize. Let's fix our own
4 problems. And, with that being said, I'm going to say
5 peace. Thank you.

6 MR. DOSTINE: I'm assuming that was
7 Brother El. Okay. Sorry.

8 Lionel Hicks.

9 MR. HICKS EL: I'm sorry, sir, your name
10 is -- oh, hi. How are you all doing, everybody?

11 Your name is Patrick?

12 MR. DOSTINE: Patrick Dostine.

13 MR. HICKS EL: Okay. My name is Lionel Hicks
14 El. I just wanted to let you know that's my last name.

15 MR. DOSTINE: My apologies.

16 MR. HICKS EL: I want to thank everybody for
17 coming out here today also. And, to piggy-back on what
18 Brother El said, I want to address you guys because I
19 know a lot of people have complaints about councilmen
20 and agendas that they push but they wouldn't push any
21 agenda if we didn't put those guys in office, along
22 with this young lady right here, the Mayor.

23 We put these people in office. So, when they
24 get there, we can't complain about things that they do
25 when we put them there.

1 Just like Brother El said we got to take our
2 community back because we are the government and they
3 are representatives. So everything that happens from
4 here on should be on us because we should -- we should
5 want to get involved in community efforts and come out
6 here and vote these people in.

7 And councilmen, future councilmen, you guys
8 need to get out here and get to these community events
9 in the community. Because there's places where you can
10 go and reach a large number of residents in the City.

11 I'm in a basketball league called the MBS,
12 it's an Oakland league right behind Red Lobster. It's
13 at least between 3- to 500 residents of Pontiac there
14 every Sunday. I've never seen a councilman there. I'm
15 close with Kermit Williams. I've never seen Kerm
16 nowhere, any of these Councilmen. I'm not familiar
17 with you guys, I'm not familiar with this mayor or you
18 guys. You guys aren't out in the community. And I
19 don't blame you, I blame us because we put you there.

20 So put somebody in office who has a
21 connection with you in this community. If they don't
22 live here, they ain't from here, how can they relate to
23 us? We got to put people in office that relate to us
24 and got the same problems as we have for our kids and
25 for the youth because that's who this is for; they're

1 our future. But I just really wanted to tell
2 everybody, put who you want in office so they can make
3 the decisions for us and not them.

4 THE CHAIRPERSON: Thank you.

5 MR. HICKS EL: Thank you.

6 MR. DOSTINE: Mr. Chair, the next request
7 comes from Sean Preston.

8 MR. PRESTON: Just wanted to piggy-back on
9 what my brother was saying. Now that everything has
10 been settled, Pontiac, we got to get out and we got to
11 vote. So I want to encourage everybody to get
12 registered to vote. If you know any young people
13 that's over the age of 18, get them registered to vote.
14 I love you all. God bless.

15 THE CHAIRPERSON: Thank you.

16 MR. DOSTINE: Adrian Bass or is it Boss?

17 UNIDENTIFIED MALE: I think he's gone.

18 MR. DOSTINE: Okay. Thank you.

19 Denise Cobb.

20 MS. COBB: Good afternoon, everybody.

21 THE CHAIRPERSON: Good afternoon.

22 MS. COBB: Panel. I'd like to say, great
23 news, having that we're going to have a center for the
24 children in the City of Pontiac. I'd also like to say
25 that other concerns, I hope other concerns can be

1 brought to the center for the community relating to
2 children because I have to tell you, the Boards I've
3 spoken in front of, trying to get my point across, I
4 have to tell you, three minutes -- or even two minutes
5 is not long enough to have a serious conversation when
6 it relates to children, even if I was told to gather up
7 parents and come down to certain boards and each parent
8 would have three minutes.

9 I hope this facility will also help with what
10 I've been trying to push, tutoring for children. And,
11 with different people coming to the center, children
12 will learn from different age people, grandmothers,
13 older people, younger people get their point of view
14 across. So as children grow academically and socially
15 and physically and athletically, they can grow together
16 as a group.

17 And I would like for parents to maybe
18 sometimes use the center to express our concerns as it
19 relates to children and not be told and whittled down
20 and boiled down to a fine dust of three minutes or two
21 minutes and you have -- I have an important issue about
22 children, it's going to take me longer than three
23 minutes. That sounds like labor, every three minutes,
24 you know.

25 So the thing about it is they're too

1 important to whittle down our concerns and our comments
2 to three minutes. I can't express what my
3 seven-year-old grandson was going through at a school
4 he was in in three minutes. I need people to hear me.

5 It's not me. Don't attack me for bringing it
6 up. The children will tell you what's going on in
7 their environment, in their area. And we, as parents,
8 need to support the concern of the children's. I'd
9 like to use that building for us to get together and do
10 that. Thank you.

11 THE CHAIRPERSON: Thank you.

12 MR. DOSTINE: Mr. Chair, the next request is
13 from Traciee Hirsch.

14 UNIDENTIFIED MALE: She's gone.

15 MR. DOSTINE: Okay. Thank you.

16 The next request is from Kathy McLully?

17 MS. McINALLY: McInally.

18 MR. DOSTINE: I'm sorry, McInally.

19 MS. McINALLY: Hi, I'm Kathy McInally. I'm
20 Chairperson with Pontiac General Hospital Retirees
21 Group who make up approximately 40 percent of the GERS
22 system. Hospital employees did put five percent of our
23 wages after taxes in from the time of hire until 1993
24 when we went private, not-for-profit.

25 I do appreciate the fact that you have

1 approved the \$400 extension. You do need to know that
2 the CPREA case does not include hospital retirees. And
3 when the \$400 was put out, it was identified it was not
4 for healthcare benefits. The hospital retirees do not
5 approve of the proposal to move overfunding to the City
6 coffers to be used for healthcare expenses or other
7 things as they come up.

8 I do have a copy of a legal opinion from the
9 GERS team in 2005 when a previous CEO from the hospital
10 tried to get extra funding from the hospital side of
11 the plan, which is what the overfunding is from. And
12 they basically were advised that the funding in the
13 system could not be used for anything other than
14 pensions or annuities and it was not to be used for
15 healthcare benefits.

16 There was also a statement on reversion which
17 states that none of the income or principal shall
18 revert to or be returned to the City prior to the
19 satisfaction of all liabilities to members and
20 beneficiaries.

21 I also have an Attorney General ruling from
22 1990, which states that Public Act 28 authorized a
23 Municipal Retirement System to use not more than
24 50 percent of the interest earned on any reserved fund
25 for medical, hospital and nursing care, if he finds the

1 reverse fund is monies contributed by the city, village
2 or township, none of which has been made by the City in
3 quite a number of years. It does not authorize a
4 municipal retirement estimate to use funds to establish
5 a trust fund for medical benefits. It states financial
6 benefits arising on account of services rendered in
7 each fiscal year are to be funded during that year and
8 the funding shall not be used to fund under-financed
9 accrued liabilities.

10 And the Attorney General opinion at the time
11 stated that under MCL38-571 and MSA 533771, it does not
12 authorize a Municipal Retirement System to use any of
13 the funds available under that account to establish a
14 trust fund to pay for medical benefits for persons
15 receiving --

16 THE CHAIRPERSON: Thank you. You've used
17 your time.

18 MS. McINALLY: Thank you.

19 MR. DOSTINE: Kathleen (sic) James.

20 MS. JAMES: Good evening. First of all, I'd
21 like to say thank you for your vote. And I thank all
22 of those who have come out today in support of the
23 youth millage. I think, as a community, we have come
24 to say we want to exercise our right to prioritize in
25 our community and we have set, as a priority, our

1 children, our young families, single-parent families.
2 We need to look at our own demographics. We have
3 single parents who are raising children and they need
4 centers. They need places where their children can go
5 and have safe activities.

6 I appreciate the Mayor's comments before your
7 vote. I think she did a beautiful job of stating as,
8 you know, the concern of the community.

9 But I appreciate your vote. And I'd like to
10 say to everyone else, we need -- now the work is ahead
11 of us. Before we vote, there has to be a coming
12 together so that we come up with a plan. You know,
13 when Mr. Williams brought this at the Council, he
14 acknowledged the whole plan is not there. And we have
15 to come together as a community to put that plan
16 together so that, when the vote comes up, our community
17 has a clear, concise plan they can vote on. And so the
18 work is ahead of us.

19 But, as everybody said, it's our work. It's
20 our work. It's our community and we will commit to
21 doing it. We have to work together. And so we have
22 that commitment to do it. And I'm just so glad to see
23 all of you out today and I want to, again, thank the
24 Board for their vote. Thank you.

25 THE CHAIRPERSON: Thank you.

1 MR. DOSTINE: Kevin Smith.

2 MR. SMITH: Good evening -- good afternoon.

3 My name is Kevin Smith, one of the pastors in the City
4 of Pontiac. It's so wonderful to see everybody out.
5 Like I say, everybody, at the end of the day, we had to
6 get out in these streets. I've been a resident of
7 Pontiac my whole life, 51 years. I've been in these
8 streets 51 years, half my life. So God -- I see a
9 change.

10 I've seen my nephew go to the NFL. I've seen
11 my cousin, Jonas Gray, go to the NFL and get a Super
12 Bowl ring. So we have our youth at hand at us. So
13 we've got to get back out in the streets. Some of our
14 friends, we done came up with the name Street Sweeper
15 to get these streets clean, get our youth out of here.
16 I have grandchildren now. So I know I have to get out
17 here in these streets, beat them like I was beaten when
18 I was in the streets and get these -- you got young
19 girls having babies, they need healthcare. We got
20 people that are from Pontiac that's a dentist now. We
21 got Dentist Haynes. We got people in this community
22 that can help us.

23 So we, as young men, need to get on Board,
24 beat these streets, knock on these doors, get our
25 people organized, come together. We got Pastor

1 MR. DOSTINE: Okay. John Wellon X.

2 MR. HOLLAND: Did you call me?

3 MR. DOSTINE: Excuse me. Mark?

4 MR. HOLLAND: Yeah.

5 MR. DOSTINE: Okay. Mark Holland.

6 MR. HOLLAND: Yeah. First, I'd like to thank
7 these people here for coming out. You guys are the
8 power of us. It's good to see some faces out here. I
9 remember some of these faces when you all had black
10 hair. A lot of us now got gray in our beards.

11 But you guys are the bosses of us, as far as
12 the public serving. So, to continue this, we need you
13 guys down here all the time. And you see what happens.
14 When it was time for the vote to happen, they saw the
15 power of you guys and got scared because they know next
16 year it's election year.

17 But I came down here to ask this TAB, what
18 are we going to do with the 64 pensioners that's been
19 crying, begging, pleading for their money? The Mayor
20 said that it's at your table. They said you guys
21 tabled the pensioners. They need an answer. That's
22 just unfair to let them just drift out there and for
23 them not to know whether you guys are going to approve
24 them to get their pension benefits of the early
25 retirement system. It was done for others through the

1 Emergency Manager so it's only fair that you guys do it
2 for these guys as well.

3 The Mayor said she did approve it, Council
4 approved it, and as well as the Pension Board approved
5 these pensioners, to get their money. They need their
6 money now. So, to continue for you guys to hold it up
7 without giving these guys the interest is kind of
8 unjust.

9 But the flip side of that, I do appreciate
10 you guys giving the community an opportunity to decide
11 if they wanted a youth center or not. I think it
12 should be to the citizens or not up to the elected
13 officials or the TAB as well. I think it should be the
14 up to the community. So, by passing that and letting
15 the community decide whether or not they want to help
16 these babies here which definitely need some help, I do
17 commend you guys for that effort. And thank you guys,
18 very much.

19 THE CHAIRPERSON: Thank you.

20 MR. DOSTINE: John Wellon X.

21 Linda Hasson.

22 MS. HASSON: Hi. Today the TAB has
23 solidified, by a motion, to go ahead and remove money
24 from the Pontiac pension fund in lieu of healthcare. I
25 believe that that money cannot be used for this. There

1 is an ordinance, 92-4, that states that the City has to
2 pay for any increases in pensions. The question is,
3 is, because this is amending S-307, which is an EM
4 order, I heard no motion to go to the Treasurer to have
5 the EM Order S-307 changed.

6 On -- there was an ordinance, a Resolution
7 14-454, which was for the Kone Bowman and
8 Charlie Harrison. This Board went a year later and
9 voted to allow them to be sitting members of the GERS.
10 The City Council did not follow under Act 436, the
11 Kone Harrison and Charlie Bowman (sic), for them to be
12 on the GERS Board. People are under the understanding
13 that that ordinance that you passed limited the time of
14 their being on the board. But you had no motion
15 included in there that limited their time. And what
16 the problem is, is there was a large amount, millions
17 of dollars, that was lost during the time that these
18 two gentlemen were on that Board in their capacity.

19 We need some clarification from you about
20 Resolution 14-453 as to if it stands in its entirety,
21 it would allow those men to sit on that Board during
22 that timeframe. Because now the GERS Board wants to go
23 back and change different things, stating that because
24 you didn't approve it. But the problem is, is that
25 they, the City Council, neglected their duties to

1 follow Act 436. So I would like some conversation on
2 this matter. Thank you.

3 THE CHAIRPERSON: Thank you.

4 MR. DOSTINE: Kermit Williams.

5 MR. WILLIAMS: Good afternoon, everybody.

6 BOARD MEMBERS: Good afternoon.

7 MR. WILLIAMS: First of all, I would like to
8 thank the members of the TAB Board for approving the
9 youth millage. But I would, more importantly, like to
10 thank the community, especially the young lady sitting
11 on the front row because this is what it's all about.
12 And so I want to thank everybody. But we have some
13 very important next steps. We have to form an actual
14 campaign committee to make sure that this vote passes
15 for our youth millage.

16 But I do want to thank and recognize all of
17 the City Council who helped to get this millage put on
18 there. And I would ask them to stand up really quick.
19 Because a lot of people who are here are for the first
20 time and they might not know Council people. But I
21 want all those who are in the audience who voted for
22 the youth millage to stand up and be appreciated.

23 Thank you guys, so much.

24 We will be organizing and there is some
25 training that's going on. And I'll give you guys a

1 flyer outside of this meeting. But, again, I want to
2 thank the TAB Board.

3 With my last minute, I just saw in the paper
4 and Councilwoman, Doris Taylor, brought this to my
5 attention that Waterford trustees are taking action
6 with the Summit Place Mall. And I would ask you guys
7 to intervene because you guys are over legal lawsuits
8 and things.

9 In regards to our Silverdome problem, that's
10 a large parcel of land that hasn't been dealt with
11 since I've been on City Council. We've been through
12 three Emergency Managers since then and nobody has
13 taken any action whatsoever. The Summit Place Mall has
14 only been vacant less time than the Silverdome and we
15 haven't taken any action as a City. And so, on the
16 next agenda, hopefully you guys will at least put some
17 consideration to find out from the Mayor and executives
18 what's going to be done with that 127 acres which is a
19 large footprint on the City of Pontiac. So thank you
20 so much.

21 THE CHAIRPERSON: Thank you.

22 MR. DOSTINE: Billie Swazer.

23 MS. SWAZER: Good evening. I'm Billie Swazer
24 and I want to thank you for voting yes for that. As
25 they said, we're going to have to get together. Don't

1 count on the elected official unless they're the
2 Council people. Because the other peoples had told you
3 it was forthcoming. And I've been going to the Council
4 meeting for years. And we need to make sure that the
5 kids are taken care of.

6 Now, I'm old, 60-some years old. And you
7 need to have some people a lot younger than me to take
8 care of the kids. Because, when you get my age, all
9 you're thinking about is being still, you're not
10 talking about going around. But I see the kids out
11 there needing help.

12 Please come, continue to come to the council
13 meetings and speak and please keep pressure on all
14 elected officials so that you can get this youth
15 millage passed and get the work done. You want certain
16 things done in this City, you're going to have to do it
17 yourself. So you need to make sure that you get
18 whatever you need.

19 I will be voting and I'll be talking to the
20 Council people to see what we need to do to get it --
21 to get it going and I'll be contributing money for that
22 campaign, too. Thank you.

23 THE CHAIRPERSON: Thank you.

24 MR. DOSTINE: Larry Hill.

25 MR. HILL: I want to thank the peoples for

1 coming out and thank Mayor Waterman for what she done,
2 getting this passed. Now the work is for us. Without
3 Mayor Waterman and the Council, we wouldn't have this.
4 Now, it's our work now. Our work is to beat the
5 highways and bushes to get people to come out and vote
6 for this because we need to vote. Without voting, this
7 is not going to pass.

8 And we got to work. Now we got to go to
9 work. It's all on us now. It's not on them. And
10 these kids is our future and we got to do something for
11 them.

12 May God bless you.

13 THE CHAIRPERSON: Thank you.

14 MR. DOSTINE: Joseph Sinclair.

15 MR. SINCLAIR: Good afternoon, everybody. I
16 don't have a statement. I have a question to the Mayor
17 and to the TAB Board. Has the State set a timeline as
18 to when the City will not have to come before the Board
19 for decisions on as to how we are to spend our money in
20 the City?

21 What I see happening in the future is
22 inevitable. As we seek to have our services and our
23 quality of life restored here in the City of Pontiac,
24 that we're going to keep coming into this situation
25 again and again. So I want to know, when has the State

1 set a time when the City will truly be able to
2 self-govern itself?

3 Because, at this point in time, we're kind of
4 being held hostage if we want to do something over
5 \$500,000. You got to admit it to answer.

6 THE CHAIRPERSON: Thank you.

7 MR. DOSTINE: Norbert Burrows.

8 UNIDENTIFIED WOMAN: Excuse me. He deserve
9 an answer.

10 MR. BURROWS: Good afternoon everyone, TAB
11 Board. The first thing, everyone here, we came out in
12 numbers and we're showing support and we want to keep
13 this going. We have a lot of work to do. Just because
14 we have it on the ballot, we still have to get it
15 approved. We have to get out and vote. So just having
16 it on the ballot is just half the battle. We got a lot
17 more work to do.

18 And, me personally, I'm part of some citizens
19 that's from Pontiac all our lives. And if it take, for
20 us -- if we don't have a budget for us to run a
21 community center, I got about 20 guys with me right now
22 that we will do it for free. We volunteer to do that
23 because we need it. This is exactly what we need.

24 And that's to you, too, Mayor: If we don't
25 figure it out, I got some people here that will work.

1 But I'll tell you what, being on the ballot
2 is just not enough. We got to get out. We got to get
3 all our young folks, 18 and over, if you have a felony,
4 you can vote. You can vote. So we got to make
5 everyone aware of that, too.

6 So this is just half the battle. So we got
7 to continue, come together, get everybody to vote and
8 we will have that center and we will help these kids
9 out here. Thank you.

10 THE CHAIRPERSON: Thank you.

11 MR. DOSTINE: Pastor Kevin Sanders.

12 PASTOR SANDERS: Good afternoon to our Mayor,
13 Deputy Mayor, City Council, officials, residents of the
14 City of Pontiac and to the TAB Board. I am the
15 associate pastor, Kevin Sanders, of The Boulevard
16 church here in Pontiac. And, just real quick, I'm just
17 blessed to be here today, not to throw any stones but
18 just to add to the support of the positive picture that
19 we see.

20 It was already mentioned with these kids
21 being here. I represent also the City of Pontiac in
22 regards to youth. I'm a proud employee of the Pontiac
23 School District, working at Pontiac High School. And,
24 you know, my thing is words have power. And just in
25 the parking lot alone, you know, there was a parent

1 that was on her way in the building and she had some
2 kids with her and she was spending most of the time
3 complaining about what was wrong and I asked her,
4 "Well, what is a solution?"

5 She said, "Well, I don't have a solution."

6 Well, I said, "You probably need to follow me
7 into this building." All right? Because I don't -- we
8 don't believe -- especially at The Boulevard church,
9 instead of being part of the problem, we believe in
10 being a part of the solution. So, when all these
11 buildings and things have closed, what we have done, in
12 the past two months, our numbers are increased by
13 connecting with schools, partnering with schools in the
14 area, partnering with other churches, opening up our
15 basketball gym and using our facility as part of the
16 solution.

17 We have seen such an increase in the kids
18 from the Pontiac community. You don't have to be a
19 member of the church. You don't have to be religious
20 or whatever. We have a facility. And, until change
21 does happen, our doors are open. And so we have seen
22 such an increase in the partnerships with the people in
23 the City of Pontiac. And we're not doing it for any
24 recreation, we're not doing it for increase of
25 attendance. We're doing it because, instead of

1 complaining about it, what can we do and what can we
2 use within ourselves to make things better?

3 So I am glad to see this picture today. I
4 was motivated by social media to come out today to
5 represent the church and represent the young people.
6 And I thank you for the opportunity.

7 THE CHAIRPERSON: Thank you.

8 MR. DOSTINE: Mr. Chair, that concludes
9 public comments.

10 THE CHAIRPERSON: I thank everyone for their
11 comments. Just one follow-up to one of the questions
12 asked, when the RTAB Board will complete its task here
13 in the City of Pontiac. The City of Pontiac does go
14 through evaluations once a year and we evaluate the
15 processes and progress that the city has made. And,
16 based upon those evaluations, our recommendations are
17 made to the State Treasurer accordingly. Our next
18 evaluation will be coming up towards the end of this
19 year. Thank you.

20 With that, moving on to the next item,
21 Mayor Waterman, any comments?

22 MAYOR WATERMAN: Well, I appreciated all the
23 comments of the people who were here today and to use
24 this venue to be able to express their thoughts for the
25 community. And it is true, we do have a lot of work to

1 do. And it's good to hear that people want to pull to
2 get to get it done. So we have a lot of community
3 groups organizing and we, too, at City Hall realize we
4 have our part to play.

5 So I've invited people to be part of the
6 taskforce to help to identify the facility and a place
7 for, in the meantime, before we get this millage
8 passed, even to have activities for our kids so that
9 has to continue on as well. But in my report to you,
10 the RTAB members, I wanted to feature the things that
11 are the litigation issues that I bring to your
12 attention each time.

13 And I'll start with the OPEB litigation. And
14 you have before you -- I did give you a copy of
15 Judge Cohn's scheduling order. Just to reiterate,
16 last -- a few months ago, after having undergone the
17 mediation that had been ordered by Judge Cohn of the
18 Federal District Court where the case has been remanded
19 back, that he did appoint a mediator, that we did work
20 with this mediator for a number of months and had made
21 some progress, we thought, in terms of working with
22 CPREA.

23 After a certain point, however, and maybe out
24 of concern about the mediator, that they expressed
25 CPREA did withdraw from the mediation. The judge

1 immediately called both sides into status conference,
2 talked to us both and actually reiterated the terms of
3 the case and said that we have some options to do,
4 either to continue with the mediation. If we did not,
5 then he would immediately proceed back to litigation
6 but he would bifurcate the case.

7 Giving both sides the time to think about it,
8 CPREA decided to come back to the mediation table,
9 which they announced, and the Judge did issue this
10 scheduling order as a result of that.

11 And it is the timelines are as said here. We
12 have 14 days from the time of this stipulation order to
13 meet, again, both sides in order to see if we can come
14 to a settlement. If, in that 14 days, we could not do
15 that -- and that meeting is already scheduled for next
16 week. If we could not do that within the 14 days, then
17 he was going to appoint another mediator. The mediator
18 would work with us. We had 90 days, time certain, to
19 be able to conclude the issue. If we could not, then
20 he would proceed to trial, as he had indicated.

21 This, of course, was something I was very
22 optimistic about moving on, and that's why the City had
23 invested so much and this mediation that had gone on.
24 The city was really paying for the mediation, paying
25 for the mediator, paying for all the research that had

1 gone into creating the actuary reports. And that was
2 important because, if the City were to suffer an
3 adverse effect, a ruling from this case, that meant
4 that the City would have to pay back all of the retiree
5 health benefits for the past three years, going on
6 four. And at \$14 million a year, that was a judgment
7 of \$42 million, which either would bankrupt the City or
8 we would have to put on the backs of the taxpayers.

9 I did not want to see that happen, especially
10 since there is a way that I see that, if people are
11 reasonable about how things will happen, we can deliver
12 all of the retiree benefits, assure the pensions, also
13 give them healthcare, if we follow this.

14 Now, this is a very unique situation
15 settlement we were proposing. I understand we are in a
16 unique position, given an overfund pension system and
17 what we are posing has never been done. And so we
18 would be the role model for this and the pioneer to do
19 this. But it can be done. You can assure people of
20 their benefits without bankrupting the City.

21 And so I was very eager to get back from the
22 mediation table to very seriously pursue a settlement
23 for this case and we will keep you apprised as that
24 moves forward.

25 We do have the hospital employees here and we

1 have worked with them, both Council President and I.
2 Because they have not -- they're not Plaintiffs in the
3 case, in such, the judge has said they have no standing
4 and so they are not represented by CPREA. And that
5 brings them to question even more some of the conflict
6 of interest that I've tried to bring up in front of the
7 GERS Boards and how well they're represented by having
8 people who are both, you know, CPREA as well as GERS
9 Board. So that's problematic for them and they have
10 been counseled -- they have been advised by the judge
11 how to move forward in order to get their
12 representation and their voices heard. So that is OPEB
13 and you're up to date on that.

14 The other, of course, litigation -- we've
15 averted several litigations, as a matter of fact,
16 because we've got enough on hand here. Phoenix Center
17 litigation, which has -- of course, we had been
18 appealed to the Supreme Court, the Plaintiff, Ottawa
19 Towers, does have liens filed on the City. If we did
20 not appeal this case to the Supreme Court, as you well
21 know, the City would have had to pay a judgment of \$4
22 million in liens. And so, to revert that and to make
23 sure that that wasn't added to the backs of the tax
24 holders, we did use, with the attorney's advice, going
25 into getting this leave and we're waiting to have the

1 Supreme Court answer that Leave to Appeal.

2 But, in the meantime, we've averted several
3 other litigations, one of which was, as many people
4 know, that property on South Boulevard which the owner
5 there has been in violation of their site plan, just
6 heaps of dirt all over, which are an eyesore in the
7 community. Many people have complained about that,
8 don't know that we have been work being very diligently
9 to try to resolve that.

10 The owner was not going to abide by the site
11 plan and so we were -- we were cultivating a purchaser
12 of that property. It was the owner was very reluctant
13 to do it but we were able to encourage them, either we
14 did that or we're going to go to court. And so that
15 purchase agreement has been finalized and the owner --
16 the new owner is going to be presenting their site plan
17 to the Planning Committee this month.

18 So I'm very happy because that is a very
19 vital corner, right there, sitting at the entry of the
20 City of Pontiac and in the part of town we now call our
21 Diamond Corridor, a part of town which was very highly
22 featured during this last Dream Cruise, when, of
23 course, I gave you some material we happily welcomed
24 about 25,000 people to town who came to see how Pontiac
25 is growing and expanding and bringing that nexus of

1 activity from the Dream Cruise right here to Pontiac.

2 So we're very happy that we had citizens who
3 were great ambassadors for portraying what Pontiac is
4 and has become. This is a safe city that is now a
5 destination city. And we are growing and we're
6 bounding together to make sure that Pontiac is
7 recognized for the jewel that it is. So that is that.

8 And, as we go along, we'll continue to
9 develop other partners. Of course, Oakland University
10 has been a very strong partner. I'm very happy to say
11 that some of the initiatives they've offered include
12 initiatives for our children. In past years, they've
13 had a McCree scholarship for Pontiac children. In the
14 past years, only one or two children -- students have
15 taken advantage of this.

16 This past year, the second year of the
17 partnership, all 25 McCree scholarships were taken by
18 Pontiac students and we have 25 students now students
19 on full rise to Oakland University by virtue of that
20 scholarship. That is a great thing.

21 In addition to that, we've offered other
22 children from early education programs to some summer
23 camps. This year we had a hundred children who were in
24 a fine arts camp. We hope to have a STEM camp
25 developing. So the present is very much commit to this

1 partnership. That's one of the ways Pontiac is
2 continuing to grow and to extend its capacity.

3 In addition, in fact, in a few weeks there
4 will be another announcement as we've been cultivating
5 other partners from a major bank who is coming to the
6 City in a big way that's going to be offering some
7 mortgage products to allow people to get mortgages.
8 Their properties have increased 20 percent in value in
9 the past year; that's the highest in Oakland County
10 we're proud to say.

11 So we're moving in the right direction,
12 gentlemen. We don't have -- we're not where we want to
13 be, where we can be. But we're moving toward. We
14 certainly aren't where we were. And I thank you for
15 your comments, Mr. Sawdon, on saying that you have seen
16 the progress. It's taken a lot of effort on a lot of
17 people to move forward. And I'm happy to be serving
18 the citizens of Pontiac in making that happen. Thank
19 you.

20 THE CHAIRPERSON: Thank you.

21 Any comments from the Board?

22 Seeing none, a motion to adjourn is in order.

23 MR. BURGESS: I'll make that motion.

24 MR. BERNSTEIN: Second.

25 THE CHAIRPERSON: All in favor, "aye".

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

BOARD MEMBERS: Aye.

(Meeting was concluded at 2:13 p.m.)

* * * *

C E R T I F I C A T E

I, Mona Storm, do hereby certify that I have recorded stenographically the proceedings had and testimony taken in the meeting, at the time and place hereinbefore set forth, and I do further certify that the foregoing transcript, consisting of (49) pages, is a true and correct transcript of my said stenographic notes.

Date

Mona Storm
CSR-4460

