APPROVED - 1/26/16

City of Hamtramck

Receivership Transition Advisory Board Meeting Minutes

Tuesday, December 22nd, 2015

Hamtramck City Hall

Council Chambers - 2nd Floor

3401 Evaline

Hamtramck, Michigan 48212

RTAB MEMBERS PRESENT:
DEB ROBERTS, CHAIR
KAREN YOUNG
PETER MCINERNEY
AL BOGDAN
MARK STEMA

Also present:

Katrina Powell
City Administrator

DREW VAN de GRIFT
Michigan Department of Treasury
Office of Fiscal Responsibility

Reported by:
Amy Shankleton (CER0838)
Modern Court Reporting & Video, LLC
SCAO FIRM NO. 08228
101-A North Lewis Street
Saline, Michigan 48176
(734) 429-9143/nel

Called to order at 1:00 p.m.

Tuesday, December 22, 2015

MS. ROBERTS: It is 1:00 on Tuesday, December 22nd, and I am going to call to order the City of Hamtramck Receivership Transition Advisory Board meeting. Drew, could you do a roll call, please?

MR. VAN de GRIFT: Albert Bogdan.

MR. BOGDAN: Here.

MR. VAN de GRIFT: Peter McInerney.

MR. MCINERNEY: Here.

MR. VAN de GRIFT: Deborah Roberts.

MS. ROBERTS: Here.

MR. VAN de GRIFT: Mark Stema.

MR. STEMA: Here.

MR. VAN de GRIFT: Karen Young.

MS. YOUNG: Here.

MR. VAN de GRIFT: All present.

MS. ROBERTS: Thank you. As a reminder to the public, if anybody wishes to speak, I would like you to sign up at the podium, to do so. First item on the agenda, I would entertain a motion to approve the agenda, but I'm going to ask for one little change, in the agenda. On page 44, it attributes comments that I made to Ms. Young, so if we could correct that to Ms. Roberts. And with that change, I would entertain a motion to approve

the November 24th, 2015 RTAB meeting minutes.

MR. MCINERNEY: I have a question. You want the agenda approved first, and then move on to the minutes?

MS. ROBERTS: Yes, I do.

MR. MCINERNEY: Okay. I move to approve -- I'll move --

MS. ROBERTS: Keep me on -- keep me on track, okay?

MR. MCINERNEY: I'll move to approve the agenda.

MS. ROBERTS: Okay.

MR. STEMA: Seconded.

MS. ROBERTS: Any discussion?

(No response)

MS. ROBERTS: Seeing none, all those in favor say aye. Aye.

MR. BOGDAN: Aye.

MR. STEMA: Aye.

MS. YOUNG: Aye.

MR. MCINERNEY: Aye.

I'll move to approve the minutes of the 24th, with the change that the Chair noted.

MS. YOUNG: Second.

MS. ROBERTS: We can make this go really fast.

MR. MCINERNEY: Oh, sure.

MR. BOGDAN: I probably should abstain, since I

wasn't at the meeting.

MR. VAN de GRIFT: Since we're changing things, it might be an opportunity for a moment of introduction for our new board member, as well.

MS. ROBERTS: Okay. Al, would you like to introduce yourself?

MR. BOGDAN: Okay. I'm Al Bogdan, and I've worked with Hamtramck for a very long time, because I was with Wayne County, and we helped work on the lawsuit and everything else, and so we've done -- and also bring Hamtramck into the CDGB program. So, it's good to be here, and I hope I can be very helpful to the city, and to all of us working together. Thank you.

MS. ROBERTS: Okay. Now, I'm going to backtrack, because we got a little -- we got a motion and a second for the minutes. Any further discussion?

MR. MCINERNEY: I noted in this pack, we see there was some changes already in it. Does -- do you want those -- do you want the motion to reflect that, or?

MS. ROBERTS: No, because that's the way they're presented, and we're good with those that way.

MR. MCINERNEY: Okay. My motion is that they be approved as presented.

MS. ROBERTS: Okay.

MS. YOUNG: Second it, as corrected.

MR. MCINERNEY: As corrected, by the change.

MS. ROBERTS: Any further discussion?

(No response)

MS. ROBERTS: All those in favor say aye. Aye.

MR. MCINERNEY: Aye.

MR. STEMA: Aye.

MS. YOUNG: Aye.

MS. ROBERTS: Opposed, the same.

MR. BOGDAN: I abstain.

MS. ROBERTS: Okay. Motion carries. First item of old business, is a Resolution 2015-56, contract to HydroCorp. Ms. Powell, last month we had some questions. Do you -- have reviewed, or?

MS. POWELL: Yes, ma'am. Thank you. I would actually like to pull this item from the agenda; I want to bid this out. This is a contract that the city has had for quite some time, and we're currently on a month to month, and after talking with staff, we really want to bid this out.

MS. ROBERTS: Okay.

MS. POWELL: And I'd like to pull that from the agenda.

MS. ROBERTS: That item is pulled from the agenda.

Next under old business, police study update.

Ms. Powell, could you update the Board on the status of the police study?

MS. POWELL: Absolutely, ma'am. Actually, I'm hoping that if you all approve the contract for the new chief of police, I'm going to turn this over to her, and allow her to go out and find us some people to do our police study.

MS. ROBERTS: Okay. Under new business, approval of the 2016 meeting schedule. I would entertain a motion to approve the schedule, but I believe we have to fix some dates.

MR. MCINERNEY: Yeah, as I mentioned to you before the meeting, the draft that we received, I think had some typos for June, July and August. And if we intend to meet on the fourth Tuesday, then the -- that would be June the 28th, and July the 26th, and August the 23rd. So with that as kind of a clarification, I will move that we approve the meeting schedule.

MS. ROBERTS: Okay. Second?

MR. STEMA: Second.

MS. ROBERTS: Any further discuss --

MS. YOUNG: Question.

MS. ROBERTS: Oops.

MS. POWELL: I have a question. Can we also look at November 22nd? That's the week of Thanksgiving,

and there's actually a Tuesday that the next week, on like the 29th. Can we -- can we entertain some discussion on moving it to the 29th versus the 22nd, the week of Thanksgiving? Things tend to be a little hectic during that time.

MR. STEMA: You want to go away again, don't you?

MS. POWELL: It's all about me.

MS. ROBERTS: What is the pleasure of the Board? I mean, that far ahead, I don't know what my schedule is.

MR. MCINERNEY: I don't care.

MR. BOGDAN: I'm fine. I'm fine with that. No objection to that.

MS. YOUNG: That would be fine.

MS. ROBERTS: Okay.

MS. POWELL: Thank you.

MS. ROBERTS: So we'll also amend the November meeting to the 29th. So the motion before us is to approve the meeting schedule with the changes noted. All those in favor say aye. Aye.

MR. BOGDAN: Aye.

MR. STEMA: Aye.

MR. MCINERNEY: Aye.

MS. YOUNG: Aye.

MS. ROBERTS: Opposed the same.

(No response.)

MS. ROBERTS: Motion carries.

Next item on the agenda is the resolutions from the regular city council meeting of November 24th, 2015. I would entertain a motion to approve all ordinances and resolutions from the November 24th, 2015, regular city council meeting, with the exception of Resolution 2015-56, and Resolution 2015-57.

MR. STEMA: Motion to approve.

MS. ROBERTS: Anyone to second?

MR. MCINERNEY: Support.

MS. ROBERTS: Any further discussion?

(No response)

MS. ROBERTS: Seeing none, all those in favor say aye. Aye.

MR. BOGDAN: Aye.

MR. STEMA: Aye.

MR. MCINERNEY: Aye.

MS. YOUNG: Aye.

MS. ROBERTS: Opposed the same.

(No response)

MS. ROBERTS: Motion carries.

Next on the agenda would be Resolution 2015-56, contract for CLEMIS/IT, police operations.

Ms. Powell, could you please summarize this item

for the Board?

MS. POWELL: Yes, ma'am. This is an agreement with Oakland County to provide our CLEMIS/IT services that we currently have with them. This is the system that we are able to put in all of our information from our police department, it's an ongoing contract that the city currently has with Oakland County, and if the chief wishes to add anything more to that, she's able to.

MS. ROBERTS: Okay.

MS. MOISE: Chief Ann Moise, Hamtramck Police Department. It -- yeah, as she stated, the CLEMIS/IT agreement, every now and then they review their agreements. They make sure that everything is up to date. I've been advised there's no budget impact on the changes that have been made, and we just needed some sort of approval from the board and from the council to allow the city manager to sign on behalf of the City of Hamtramck, and allow the acting police chief to sign on behalf of the police department the addendums.

MS. ROBERTS: Okay.

Anyone have any questions? I would entertain a motion to approve, deny or postpone Resolution 2015-56, contract for CLEMIS/IT.

MR. BOGDAN: I'll make a motion.

MS. ROBERTS: To approve?

MR. BOGDAN: To approve.

MS. ROBERTS: A second?

MR. STEMA: Seconded.

MS. ROBERTS: Any further discussion?

(No response)

MS. ROBERTS: Seeing none, all those in favor say aye. Aye.

MR. BOGDAN: Aye.

MR. STEMA: Aye.

MR. MCINERNEY: Aye.

MS. YOUNG: Aye.

MS. ROBERTS: Opposed the same.

(No response)

MS. ROBERTS: Motion carries. Next on the agenda is Resolution 2015-57, amending the 2015 tax rate. It appears that this is a tax -- that this tax increase is in fact a judgment levy.

Mr. Van de Grift, what authority does the Board have concerning judgment levies?

MR. VAN de GRIFT: Statutorily, all RTABs have review and approval authority over all judgment levies. It must be approved by the Board first.

MS. ROBERTS: Okay. Ms. Powell, could you please summarize the rationale for the judgment levy?

MS. POWELL: I can certainly not talk about the

rationale of it, but I can talk about the reason why it's coming before you at this time. As you're all aware, and certainly Mr. Bogdan is well aware of, the city's been involved in the lawsuit since 1968, to build 200 houses for people who were removed from their homes or disenfranchised, and a lot of other things.

But, because the city did not have enough money to cover the cost of three homes that are still needed to be built, there was a judgment given down by Judge Damon Keith that the city needed to raise $600,000 in this tax year, and we had to have it by no later than February of 2016.

We received the judgment on, actually was sent out on -- it was filed on November 3rd. We brought it to you, or, we brought it to the city council at the last meeting in November. We had to send the notices to the printer on November 17th in order to get it on the tax bills for December.

So there's a very tight timeline that we had to do, you know, everything to get it on the tax rolls, in order to be able to collect it by February of 2016. The judge's judgment order says that it has to be in house by then, and we have to begin building the homes as soon as spring breaks.

So, it was a very tight timeline to be, you

know, with all of the approvals that have to happen with this judgment. That's why you're just now hearing it. But it's already gone out on the tax bills, we had to collect it, per the judgment, so.

MS. ROBERTS: Okay.

I would entertain a motion to approve, deny or postpone Resolution 2015-57, amending the 2015 tax rate.

MR. MCINERNEY: I have a question.

Do you want the motion first, or?

MS. ROBERTS: Well, yeah, either way we can do discussion.

MR. MCINERNEY: Okay.

MS. ROBERTS: Yup.

MR. MCINERNEY: I'll wait for the motion.

MR. STEMA: Motion to approve.

MS. ROBERTS: Second?

MS. YOUNG: Second.

MS. ROBERTS: Discussion?

MR. MCINERNEY: Yeah, I want to go back to our legal advice here from Drew. I don't know what the statute means. I mean, it talks about before submission to the Court.

MR. VAN de GRIFT: Mm-hm.

MR. MCINERNEY: So do we have any understanding of what that means for -- this is, you know, in 23-5-G on

judgment levies, that we review proposed judgment levies before submission to a court.

MR. VAN de GRIFT: Mm-hm.

MR. MCINERNEY: That sounds more limited than what you were saying; I'm not sure.

MR. VAN de GRIFT: I guess I, clarify -- two quick things. I am not the Board's attorney, I don't want to have that impression anywhere. I would defer to Travis, who deals with the litigation, but my understanding, well, you're already standing there.

MR. MIHELICK: Two of the same question, in terms of what's our authority to, on this, at all. Our position is that, one, it probably should not have gone to council, and two, I don't know that it needs RTAB approval.

This is a -- this is an order by a federal judge in an existing lawsuit, requiring the city to do something. So, really, the city doesn't have the authority to say, no, we're not going to approve this. So, it's probably more of a, for your information, we were required by a federal judge to put this on our tax levy. So, our position would be that neither council nor RTAB has the legal authority to deny this judgment levy.

MR. MCINERNEY: I'm not sure whether that's good or bad, but I --

MR. MIHELICK: Sure.

MR. MCINERNEY: But I -- in terms of the statute, right, it talks about, we can review judgment levies before submission to a court.

MR. MIHELICK: Sure. So what that means --

MR. MCINERNEY: That's hardly this case.

MR. MIHELICK: Right. So I think that contemplates the situation, where the city desires to settle a lawsuit. The lawsuit settlement's going to be like, you know, $400,000. So, in order to collect that, the city's going to have to put an additional levy on. So before the city can put a levy on, to settle a lawsuit, it has to get, you know, the TAB board approval. That's not this case.

MR. MCINERNEY: Okay, well, then, I appreciate the making of the motion to have the discussion here, but, I'd just as soon not approve something that we don't have the power to approve, arguably.

MS. ROBERTS: Well, we have the power to approve. It's not necessary that we approve an order for this to take -- this would be more a blessing than an approval. But it's already -- the judgment is a judgment, and we must do it.

MR. BOGDAN: Yeah, but my concern, basically, is, is that this is the first time that the city of

Hamtramck has been required to be involved in the financing of any of the housing that we've built in the city, directly. I mean, everything that we built in Caniff, and in the scattered neighborhoods and everything else, has been done by the combination of state, Wayne County, and private financing, bank financing.

Because part of the money -- they're going to sell the house, they're going to get part of it back, whatever the appraised value is you can get for new construction.

MR. MIHALECK: And our argument to the judge was along those lines, that there should have been sufficient funds here to build those houses. But somewhere along the lines, you know, prior to emergency management, there was some type of, you know, the attorney -- the plaintiff's attorney was paid too much, or administration fees were overpaid, or because this stretched so much longer that the funding got thin.

And the judge kind of took the position, I don't care, I want to retire, I want this case over. The city's putting the rest of the funds in this --

MR. BOGDAN: He said that three years ago.

MR. MIHALECK: And, and -- and --

MS. POWELL: He said it again at the hearing.

MR. MIHALECK: And even more strongly this time.

MR. BOGDAN: Okay, but there still is a potential, since you have until February, to get together with Wayne County and the state, since they're being required to build some houses as well, aren't they?

MR. MIHALECK: We -- we're all at the table in front of Judge Damon Keith, when we were trying to work this out. And Wayne County and the state -- the state donated two houses.

MS. POWELL: And actually MSHDA is building the last house.

MR. MIHALECK: Right.

MS. POWELL: It's based off of funds of the $600,000. And Wayne County has actually built the last two that we just closed on, a couple of months ago.

MR. BOGDAN: And they won't give you any additional subsidy of it? The subsidizes --

MR. MIHALECK: That's correct. This is -- this should be the last pot.

MR. BOGDAN: And it goes to that --

MS. POWELL: Well according to Judge Keith, it will be the last pot.

MR. BOGDAN: Well, it is. It's -- it is the 200 units; he had originally said he was satisfied with 190. So, that's a surprise. But the, as I said, this is the first time that the city itself is being asked to pay for

the construction of housing.

Now, I assume you're going to get part of the money back, right? You're building two houses?

MS. POWELL: We're building three.

MR. BOGDAN: Three, so that's $600,000 you'll need.

MS. POWELL: Correct.

MR. BOGDAN: But you're going, when you sell the houses, you'll get part of it back.

MR. MIHALECK: Through other means, yeah.

MR. BOGDAN: Well you sell it, you get it back. I mean you can sell the house.

MS. POWELL: We're not selling the house.

MR. STEMA: No. They -- we're -- we have to give the houses.

MR. BOGDAN: You have to give the houses away?

MS. POWELL: Yes.

MR. MIHALECK: Yes.

MS. POWELL: They're given to the plaintiffs.

MR. MIHALECK: They're given to the plaintiffs.

MR. BOGDAN: That's a first time, too. That that ever happened.

MS. POWELL: They're -- they're given.

MR. MIHALECK: No, all of the houses were given, and then sold by.

MR. BOGDAN: No, they weren't, they were sold. They were sold or rented. Basically under the tax -- the using the tax credit program, where they were essentially rented with an option to buy, after 15 years.

MR. MIHALECK: The pilot program.

MR. BOGDAN: The pilot, yeah, based on the pilot program.

MR. MIHALECK: Yeah, so these will be under the pilot program, as well.

MR. BOGDAN: So these will be rented, with an option to buy?

MR. MIHALECK: I believe so.

MS. POWELL: No. They're going to be given to them. Sold for one dollar.

MR. MIHALECK: I mean, this was the judge's order.

MR. BOGDAN: Crazy.

MS. POWELL: The whole thing is crazy, sir.

MR. BOGDAN: I know, I was -- I've been involved in this since about 2002 or 3 or whatever, in the program. But it sounds like we really don't have anything to say, if it's a judgment, it's a judgment.

MR. MIHALECK: I mean --

MR. BOGDAN: We could have had something to say before that, but --

MR. MIHALECK: And we did have a lot to say about it before. But, it -- I think this judge had made up his mind long ago, and all of our arguments were falling on deaf ears, and he -- we didn't have a whole lot of leverage, here. I'll say it that way.

MR. BOGDAN: Well.

MR. MCINERNEY: Well, my -- you understand my point, right? I mean, I'm not trying to relitigate the judgment.

MR. MIHALECK: No.

MR. MCINERNEY: I'm just -- my question is, as a board, and the power and responsibility we have, so, it doesn't seem to me like we have any, in this case.

MR. MIHALECK: I think you can approve the tax rolls.

MR. VAN de GRIFT: If I could have one comment. While tax rolls, only if they're adopted by a resolution. Let's recall that this action was enacted by the city council resolution number 57. So, that's an independent means for the RTAB to review it, is that there is a resolution before you. You know, speaking to the ambiguities of the provision in 23; I mean, at some point, this was submitted to a judge, and the judge ordered a judgment levy.

This is the first time this has come before the

board; perhaps in the future, there'd be an opportunity for the board to look at this, before it's reduced to a final order. But right now, that time appears to have passed. So, you know, while you may not have the authority to stop a court order, you do have the authority to approve a resolution and to approve a judgment levy that is before you.

MR. MCINERNEY: But what have -- you -- I mean, but, he said at the city council, you weren't sure that they had to approve it either, but they did?

MS. ROBERTS: But they did, yes.

MR. MIHALECK: Yes.

MR. BOGDAN: Now we have to do it too.

MR. MCINERNEY: I don't think we have to, but I'll --

MR. STEMA: We do, because we've got to approve all resolutions. Once it becomes a resolution, we have no choice or say in the matter. I mean, we can vote it up or down, but, in this case you can't even vote it down, I mean, there's basically one answer to the question.

MS. YOUNG: Right.

MR. STEMA: And that's approval, yes, unfortunately.

MR. MCINERNEY: So I guess we're all satisfied we know what we're doing here?

MR. STEMA: Yes. Yes.

MS. ROBERTS: The motion before us is to approve Resolution 2015-57. All those in favor say aye. Aye.

MR. BOGDAN: Aye.

MR. STEMA: Aye.

MR. MCINERNEY: Aye.

MS. YOUNG: Aye.

MS. ROBERTS: Opposed the same. Motion carries.

Next on the agenda is the claims and accounts from regular city council meeting draft minutes of December 8th, 2015. I would entertain a motion to approve, deny or postpone claims and accounts from the regular city council meeting draft minutes of December 8th, 2015.

MS. YOUNG: Motion to approve.

MS. ROBERTS: Second?

MR. STEMA: Seconded.

MS. ROBERTS: Any further discussion?

(No response)

MS. ROBERTS: Seeing none, all those in favor say aye. Aye.

MR. BOGDAN: Aye.

MR. STEMA: Aye.

MR. MCINERNEY: Aye.

MS. YOUNG: Aye.

MS. ROBERTS: Motion carries. Oh. Opposed the same.

(No response)

MS. ROBERTS: Motion carries.

Next on the agenda is the city administrator items; we have already addressed the city council meeting minutes in new business.

Next is the approval of budget to actual and cash flow reports. This month's budge to actual report discloses a current shortfall in the general fund. Ms. Powell, would you address this issue for the Board?

MS. POWELL: Yes, ma'am. Actually, if you look at the general fund expenditures you will see that we did not receive our $1.1 million from Wayne County Jail, which is a payment in lieu of taxes. They were late giving us our money this year, so, actually, all of our revenue hasn't come in yet.

We are --.we're getting $1.1 million; we also were short $500,00 that they didn't get to us in time, either. So, you'll see that on the books in the future.

MS. ROBERTS: Okay. So, for a total of 1.6?

MS. POWELL: Correct.

MR. MCINERNEY: What's the 500 for?

MS. POWELL: The assembly plant that's here in town, the City of Detroit actually gives us $500,000 a

year for that. And they were late getting that to us.

MR. MCINERNEY: Thank you.

MS. POWELL: You're welcome.

MR. STEMA: Normally I'd ask Bama these questions, because I have a couple, just like, the three line items, that they're just over budget. Just wanted some clarification on it.

MS. POWELL: I can probably answer those for you.

MR. STEMA: Okay. Great. On page nine?

MS. POWELL: Mm-hm?

MR. STEMA: There is the routine street maintenance. It was budgeted at 70 and it's already at 110. Which puts it at about -- over 40,000, and we're not even halfway through the year?

MS. POWELL: Correct. We have not received all of our money yet, from Act 51, for our major streets. So you'll see that, probably in the next month or so, go down. We also need to move around some money --

MR. STEMA: So is that a reimbursement, then? Where --

MS. POWELL: No, it's not a reimbursement. They just give us -- they just give it to us quarterly.

MR. STEMA: I understand, but if you budgeted 70, and you've already spent 110, even if they give you

money now, it's still going to be over the budgeted amount, unless it's a per month budget?

MS. POWELL: We're going to be moving around some of the money.

MR. STEMA: Okay.

MS. POWELL: Because if you remember, you all approved us to go out and ask to move some of our money?

MR. STEMA: Yeah.

MS. POWELL: Into those accounts.

MR. STEMA: Okay.

MS. POWELL: And that's what we're going to be doing.

MR. STEMA: So you're going to be making some budget amendments --

MS. POWELL: Yes, sir.

MR. STEMA: To make sure that the budget will actually meet what you're spending?

MS. POWELL: Correct.

MR. STEMA: Okay. On page ten.

MS. POWELL: Mm-hm?

MR. STEMA: Local engineering, is this going to be the same case? It's at five grand; you've already spent 44,000 for the year?

MS. POWELL: This is actually money that we get reimbursed from DTE.

MR. STEMA: Okay.

MS. POWELL: This is all the engineering fees, or the engineering costs, for us to be out there for the gas main replacement. So this will be actually reimbursed to us from DTE.

MR. STEMA: Okay, so it's going to be 100 percent, they have to cover all 44?

MS. POWELL: They're supposed to cover all of it, yes, sir.

MR. STEMA: Okay.

Page 14. In the police, it says asset sharing, nothing was budgeted, but it's 42,000 has already been spent?

MS. POWELL: What happens is, we get that, and Ann can certainly jump in if need be. We actually get all of the money -- are you talking about the 10,000?

MR. STEMA: No, no. Just above it, asset sharing, it's zero budgeted, but you got a expenditure so far of 42,000 so far for the year? Just, or maybe I'm on the wrong unit line.

MS. ROBERTS: I think -- aren't you --?

MS. POWELL: No, that's forfeiture, state expenditures. We probably haven't received our cut yet, from the asset sharing. Do you want to talk?

MS. MOISE: Yeah, normally what we would do is,

we're usually the host agency, depending on what type of case it is.

MR. STEMA: Okay.

MS. MOISE: So we would bring the money in, and then disburse that money. There is no budget line item, because we're technically, if we don't have any disbursements, there won't be a budget. So we may bring in 100,000, and then have to disburse a third, or a quarter, to various agencies that have worked on cases. So we don't necessarily have a budget line item.

That was actually an account I asked Bama to create that budget line item for me, so I could keep track of the asset sharing that we were disbursing, rather than putting it as miscellaneous or something.

MR. STEMA: Okay. So, but it's not really an expenditure, then?

MS. MOISE: So, technically not. It would have been --

MR. STEMA: Basically it's a deposit?

MS. MOISE: It would have been a deposit, and then we would have disbursed it.

MR. STEMA: Okay, so it's more of a balance sheet item than an actual expense item?

MS. POWELL: Yes, because she --

MR. STEMA: Okay.

MS. POWELL: We have to send that money out to the other agencies that are partnering with us.

MR. STEMA: Okay.

MS. POWELL: That's with -- yeah.

MR. BOGDAN: Question. What would be the difficulty of having the budget shown as cash flow over the year? Spread it out over the year, so you could actually know what your cash flow is? What you project, versus where you are? Very hard, at least to me, it's hard to examine, like, for instance, on the taxes. Most of the taxes should be in by now. Are they in? By now?

MS. POWELL: Not -- you're -- you've got your deeds, you've got your winter taxes that are coming.

MR. BOGDAN: Oh, you have winter taxes as well?

MS. POWELL: Yes, sir.

MR. BOGDAN: Do you.

MS. POWELL: So those won't come in until February.

MR. BOGDAN: Okay, so how did -- how did we -- how did you do, as far as the summer tax expectation?

MS. POWELL: We did pretty good. I mean, we -- we, you know, of course we're never going to get what we completely need, but, we --

MR. BOGDAN: Well, against budget. I'm just, for my --

MS. POWELL: Exactly. We did pretty good, and we're expecting that the winter taxes are coming in, and hope that even better you can actually see it, where we're actually right at 71 percent, so, just a little bit more yet, and we'll be --

MR. BOGDAN: How about income -- when does income tax go -- is that the -- when do you get the income tax? I noticed that the --

MS. POWELL: Well, our income tax, we've actually received 33 percent of it. Or actually have used 33 percent. We've gotten almost all of what we're expecting. So, we get that, the beginning of the year. Once we get all --

MR. BOGDAN: Well is it, at least are they -- are they but -- I'm having trouble here, with my tablet. But the amount that you show coming in is significantly below what's in the budget?

MS. POWELL: No, sir.

MR. BOGDAN: No?

MR. STEMA: Page one, is that the revenues?

MS. POWELL: It is, and it's under income tax. We budgeted 1.9; we've got 656,000 that's coming in.

MR. BOGDAN: Okay.

MS. POWELL: Keep in mind, we're going to get some this next, after January 1st, when they file their

taxes. So it'll be in before this next budget year ends in June.

MR. BOGDAN: Okay, again, how are you doing against expectations?

MS. POWELL: Well, we're at 33 percent. We certainly would like to be closer to 50, but, that's where we are now, is at 33 percent. So, depending on what happens at the beginning of the year, when those income tax --

MR. BOGDAN: Again, based on expectations, are you -- you feel you're going to have a shortfall?

MS. POWELL: I hope not. That's not what we're anticipating.

MR. BOGDAN: Thank you.

MS. ROBERTS: I would entertain a motion to approve, deny, or postpone the budget to actual and cash flow reports.

MR. STEMA: Motion to approve.

MS. YOUNG: Second.

MS. ROBERTS: Any further discussion?

(No response)

MS. ROBERTS: Seeing none, all those in favor say aye. Aye.

MS. YOUNG: Aye.

MR. STEMA: Aye.

MR. BOGDAN: Aye.

MR. MCINERNEY: Aye.

MS. ROBERTS: Opposed the same.

(No response)

MS. ROBERTS: Motion carries.

Next on the agenda is the approval of invoice register and preapproved expenditures. I would entertain a motion to approve, deny, or postpone the invoice register and preapproved expenditures.

MR. STEMA: So moved.

MS. ROBERTS: Anyone second?

MS. YOUNG: Second.

MS. ROBERTS: Any discussion?

(No response)

MS. ROBERTS: Seeing none, all those in favor say aye. Aye.

MS. YOUNG: Aye.

MR. STEMA: Aye.

MR. BOGDAN: Aye.

MR. MCINERNEY: Aye.

MS. ROBERTS: Opposed the same.

(No response)

MS. ROBERTS: Motion carries. We already took care of the approval for the HydroCorp.

Next would be the approval of hiring Brian

Horek, for DPS foreman position. Chair -- Katrina, could you -- chair this. Katrina, could you summarize this item for the Board?

MS. POWELL: I could, yes ma'am, thank you. This is a position that we need in the Public Works Department. Currently, our public works director is not doing director work, he's doing foreman work, and I really need somebody out in the field to oversee the guys that are out there, as well as work with some of the projects that we've got going on.

We are, right now, the director is unable to focus on all of the work that he needs to do as a director, and all of the work that I demand that he do as a director. And so, this position was created to oversee that.

Plus, we -- he will oversee the snowplowing, and a lot of the other things that the city has started doing in house, that we need to have some expertise in the field to do that. As you can see from Mr. Horek's resume, he is extremely qualified to do this position.

We advertised it in house, and he also has a CDL license, something that we'll need, particularly with any equipment that we need to use that requires a CDL license. As you can tell, the budget impact is coming out from various lines, because he'll be working on the streets,

he'll be working on, you know, some major and local roads as well as water.

We're able to take his salary out of all of those funds, to pay for it. This will be a working foreman position, he will be salaried; he will not be paid overtime. And we have money in the budget to cover the cost of this position, particularly with all the money that we're saving, bringing stuff in house, doing it with our current part time employees.

Thank you.

MS. ROBERTS: Thank you. I would entertain a motion to approve, deny or postpone the hiring of Brian Horek for the DPS foreman position.

MR. STEMA: Motion to approve.

MR. MCINERNEY: Support.

MS. ROBERTS: Any further discussion?

MR. BOGDAN: Just question. This is again, within the budget?

MS. POWELL: Yes, sir.

MR. BOGDAN: Okay.

MS. YOUNG: And how many others applied, in house?

MS. POWELL: None. Just one.

MS. ROBERTS: Okay, the motion before us is to approve the hiring of Brian Horek for the DPS foreman

position. All those in favor say aye. Aye.

MS. YOUNG: Aye.

MR. STEMA: Aye.

MR. BOGDAN: Aye.

MR. MCINERNEY: Aye.

MS. ROBERTS: Opposed the same.

(No response)

MS. ROBERTS: Motion carries. Approval for contract CLEMIS/IT was already taken care of in new business. Next on the agenda is approval to create a full time court officer position for the 31st District Court.

Ms. Powell, would you summarize this item for the Board?

MS. POWELL: Yes, ma'am. I was approached by Honorable Judge Paruk, to discuss a full time officer position in 31 -- 31st District Court. Although we don't have say so over their operations, their funding does come through our budget.

He is proposing to combine -- he has two part time positions right now, and he is combining the hours for 50 hours per week at 16.41 per hour, which will be about $42,000 a year, to pay for a full time officer. He's going to decrease the hours of the part time officer to cover the cost of this.

He certainly has money in his budget to cover

this; that's not an issue. But basically, he wants to have the court open for business and have a full time officer there, standing by, because that is one busy location, if you've ever been upstairs during court days.

So, this is something that he's asked for, and basically, as a courtesy, I'm bringing it because I really don't have a say so over this. But I really want you all to know what's going on with the budget. Thank you.

MS. ROBERTS: I would entertain a motion to approve, deny, or postpone the creation of a full time court officer position.

MR. STEMA: Motion to approve.

MS. YOUNG: Second it.

MS. ROBERTS: All those in favor -- or, any further discussion?

(No response)

MS. ROBERTS: All those in favor say aye. Aye.

MS. YOUNG: Aye.

MR. STEMA: Aye.

MR. BOGDAN: Aye.

MR. MCINERNEY: Aye.

MS. ROBERTS: Opposed the same.

(No response)

MS. ROBERTS: Motion carries. Next on the agenda is approval of a temporary contract for IT services

with SYO. While this action occurred during a council meeting outside the normal review period for today's board meeting, the city manager's request to bring this forward for early review is merited.

Ms. Powell, could you please summarize this item for the Board?

MS. POWELL: Yes, ma'am. Thank you. As you all are aware, at your last meeting, you approved the termination of our current IT contract with ADR Consultants. We gave him a 45 day deadline to give us all the passwords, user names, kind of bring us up to speed in what's going on in IT.

He refused to do that; he wanted to be gone pretty much immediately. We were able to receive the passwords and user names last week, prior to some things that were happening in his life. And so, because we don't have an IT staff per se, in house, we need to get a temporary service from an IT company to come in and evaluate what we've got going on here, as well as fix some things that weren't fixed, and get things moving. Because we want to put this out to bid, but we want to be able to put out a valid bid, with the equipment and issues that we currently have in house, so that no one is deceived in thinking that this is going to be an easy job.

So we needed to just have a temporary contract

with them. It is for six months, not to exceed six months, but they're will -- if we're able to, if we need to extend for six months, then that will be something I will bring back to the council as well as the RTAB for approval.

But as it stands right now, I want to get this out to bid on the street, get things moving here within six months.

MS. ROBERTS: I would entertain a motion to approve, deny, or postpone the approval of a temporary contract for IT services with SYO.

MR. MCINERNEY: So moved.

MS. ROBERTS: To approve?

MR. MCINERNEY: Yes.

MS. ROBERTS: Second?

MS. YOUNG: Second.

MS. ROBERTS: Any further discussion?

MR. BOGDAN: Again, is it within the budget?

MR. STEMA: Yeah, that was my question.

MS. POWELL: We currently have an IT budget. So this is within the budget that we're -- that we're paying our current contractor to -- for -- we're, it's loaded, it's front loaded higher on the first three months, but then if you look at the contract, you see where it goes down after that? Because we want them to do the bulk of

the work in the first three months, and the last three months, I need that bid out on the street. Getting somebody in here full time.

MR. STEMA: So it's basically cost comparative to the contract that was cancelled?

MS. POWELL: It will be, yes.

MR. STEMA: Over the six months. Not initially?

MS. POWELL: Well, it's not going to be an issue.

MR. STEMA: Okay.

MS. POWELL: I would rather pay for good service, and making sure that we're putting out an appropriate bid, than I am spending money that -- throwing good money after bad.

MR. STEMA: Yeah.

MS. ROBERTS: Any further discussion?

(No response)

MS. ROBERTS: Seeing none, all those in favor say aye. Aye.

MS. YOUNG: Aye.

MR. STEMA: Aye.

MR. BOGDAN: Aye.

MR. MCINERNEY: Aye.

MS. ROBERTS: Opposed the same.

(No response)

MS. ROBERTS: Motion carries.

Next on the agenda is approval of termination of contract for CPI Incorporated.

Ms. Powell, could you summarize this item for the Board?

MS. POWELL: Yes, ma'am. You all have before you, in your packets, you have the contract, some emails, an email, some pictures, so on and so forth, as well as letters that were sent to the contractor, asking them to repair things that were not done correctly and did not meet the specs and were not approved by the city for payment.

We refused to pay for those projects because they were done incorrectly, and we gave the contractor ten days, per his contract, to repair those items correctly, and to have them inspected, to know that they were done. These were not done at all; there was no work done on them.

As you can see in your packet, on November 17th, we sent out letters by certified mail, asking them to correct them. It wasn't corrected. On December 15th, I believe, you've received a copy of the email there, where the president stated he would not pay if he wasn't paid in full. He would pull anything outstanding out of the ground, and if we don't believe him, we can ask another

community, they had pulled the pipes out of the ground.

You can also see by a picture, where a hydrant was broken off and a hole was left, that's on a really busy sidewalk. And there was an orange cone placed over it. So now that's an open hole that hasn't been repaired. So it's imperative that we move forward in putting this out to bid, and getting a contractor in here to take over these services.

MR. MCINERNEY: I'll move that we approve the proposed termination, and I have a comment and a question.

MR. STEMA: Second it.

MS. ROBERTS: Okay. Any discussion?

MR. MCINERNEY: My comment is --

MR. BOGDAN:

MR. MCINERNEY: I'll second it; I don't know if anybody --

MS. ROBERTS: Oh yeah, Mark did.

MR. BOGDAN: Okay.

MR. MCINERNEY: My comment is, that I thought that this is a very sound package, you know, in terms of all the efforts that you've gone through, and documentation of everything. I commend you on that.

MS. POWELL: Thank you.

MR. MCINERNEY: My question is, the role of Mr. John Hennessy, who's copied on all your correspondence.

What role does Mr. Hennessy play in this?

MS. POWELL: He is our city engineer.

MR. MCINERNEY: He's a city engineer?

MS. POWELL: He's the city engineer, and he -- his staff member is our inspector, that goes out and inspects all of these jobs, to make sure they're up to spec, and gives the okay as to whether or not we can pay them.

MR. MCINERNEY: Okay.

MS. POWELL: You'll also see Charles Smith as CC'd on that as well.

MR. MCINERNEY: Construction technician at Hennessy Engineers.

MR. BOGDAN: Is there any danger of a suit by the -- due to termination?

MS. POWELL: They've already filed a lawsuit.

MR. MIHALECK: There's an existing lawsuit over, slightly ancillary to this, but, my best estimate is that the breaking of this contract will be part and parcel rolled into the existing lawsuit.

MR. STEMA: Can you summarize what the existing lawsuit is?

MR. MIHALECK: The existing lawsuit is CPI's position is that they have the exclusive right to do all the work in the City of Hamtramck. They're claiming that

the city either hired someone else to do work they were supposed to do, or performed -- or had its own employees perform work that is under the contract.

And their position is that the city can't do its own work, they have to give that work to CPI.

MR. MCINERNEY: And your position is?

MR. MIHALECK: That's absolutely not true. It's a requirement contract, meaning that they're only entitled to the work when we need them to do the work. And we have not breached the contract in that respect.

MS. YOUNG: So is this an at will contract, like some of the others?

MR. MIHALECK: It's not at will; it's a requirements. And the requirements contract means that they're only entitled -- they're entitled to do the work as required.

MS. YOUNG: As required.

MR. MIHALECK: It's not like a units based contract, where we say we'll give you 10,000 units, and then we don't. It's saying where we need you, we'll give it to you. And because of the expansion of our DPW department, we've been able to do some of the stuff ourselves. And CPI believes that's a breach of their contract.

MR. MCINERNEY: This is a bit speculative, but I

mean, is it your view the city could actually ever even enter such a contract, that you would completely cede all authority to a contractor? That doesn't sound like you could do it you wanted to.

MR. MIHALECK: I don't think the city could ever completely contract away its public safety responsibilities.

MS. ROBERTS: The motion before us is to approve the termination of the contract for CPI Incorporated. All those in favor say aye. Aye.

MS. YOUNG: Aye.

MR. STEMA: Aye.

MR. BOGDAN: Aye.

MR. MCINERNEY: Aye.

MS. ROBERTS: Opposed the same.

(No response)

MS. ROBERTS: Motion carries. Next on the agenda, is approval of emergency contract with InfraSource, for utility and road repairs.

Ms. Powell, has this contract been submitted to the city council?

MS. POWELL: It has not, ma'am. Actually, I'm going to put in the next item as well, during my discussion, the utility repairs with RJ&J it's with both of these contracts.

This has not gone to the city council. As you are aware, you did not receive the termination of contract for CPI until late, or actually you may have gotten it on Friday with your packet. But it was not submitted until later to the state, because it was still evolving. Because we are terminating the contract with CPI, I have to have someone in here in the city, able to repair water main breaks and those types of issues that my current staff is unable to repair. We don't have the equipment, we don't have the expertise.

With the cold weather, you never know when one of these water mains are going to pop. Given the, you know, if it gets cold. I know some of you want it to be cold; I don't. But anyway, the InfraSource is here currently in the city working on the gas main replacement program, with DTE. They do not work for the city, they work for DTE. They are subcontractors.

But they have equipment here, sitting in the city, at all times. They will be here for the next two years, I believe. Two years? Two or three years, two and a half years? They will be here working on the program. So this is just a contract that in the event we need them for whatever reason, if we need someone to do a road repair or a water line or something that I don't have time to call another contractor out to do it, they're already

here on site.

If they're available and they want the -- and they can, they will come out and do the repairs for us. But we have to have a contract in place to do that. We currently --

MS. ROBERTS: Are your contracts going to the board -- to the council tonight?

MS. POWELL: It is not. It is not. I needed it to come -- I -- because we're going to be mailing out the termination letter today for CPI, I need somebody on the ground to get this done. And I'd kind of be going backwards if I went to the council tonight.

MS. ROBERTS: Okay.

MR. STEMA: So from a cost standpoint, because this is actually only a cost if it actually happens -- there's no water main break, you won't be using them?

MS. POWELL: Correct.

MR. STEMA: But if it does happen, what's the cost comparative for CPI use to do the work? Are they more expensive, cheaper?

MR. RAGSDALE: Can I answer?

MR. STEMA: Yeah.

MR. RAGSDALE: So --

THE REPORTER: Your name please?

MR. RAGSDALE: Mark Ragsdale.

So, with InfraSource, essentially, the contract we put into place with them is essentially just an emergency based contract only. Ninety percent of the time if we used them, it's because they damaged something while they were here.

MR. STEMA: Okay.

MR. RAGSDALE: And it would be the city's liability to fix.

MR. STEMA: Okay.

MR. RAGSDALE: That's it. Because, for instance, if they're out digging a water line and they hit a water line and it's not staked properly, okay, it's cheaper for the city to use them to fix the water line, and pay them to fix it, than it is to wait for a contractor to come down, and be charged downtime for them, so. So, that would be --

MR. STEMA: Cost neutral?

MR. RAGSDALE: Yeah, exactly. And then for RJ&J, the cost would be about half.

MS. ROBERTS: So, this is for emergency services only, I would assume, then, everything would be less than $10,000, that would be covered by this?

MS. POWELL: It depends. I mean, typically water main breaks are about $5600, so yes, it would be, in that particular instance, it would be less than ten grand.

For the most part, the bills that we get from CPI are less than ten grand.

The RJ&J services, you can see by the contract, it is only a temporary contract, from December 22nd to March 25th. And that's just giving me enough time to get it out on the street, on MITN, and bid it. I hope to have a contractor in place way before March 25th, but that's just giving us some time in the event that, you know, we get contractors that we don't agree, is going to be a good contractor.

So that is just a temporary contract, but the InfraSource is an emergency contract. Only to be used in the event of an emergency, or if it's something that RJ&J can't cover.

MS. ROBERTS: I'm going to ask the next question, and this is of either of you, Drew or Katrina. What authority does this board have, to approve these two, both items ten and eleven, even though we don't have a motion yet. What -- do we have authority to approve these contracts?

MR. VAN de GRIFT: Should I respond first?

MS. POWELL: Go ahead.

MR. VAN de GRIFT: I was asking myself that same question. You know, someone with authority has to approve the contract. Under normal circumstances, that would be a

city council or a city manager. In our circumstances, we look to the final order and EM orders, and then ask if that modifies that ordinary circumstance.

We do see in the final order that, you know, you have broader authority. You have purchasing authority of $10,000, and the board must approve all resolutions that are, you know, contracts that are above that.

So, you know, the board has done some interesting things from time to time, when we've encountered impractical circumstances like this. I just, as an option, but you know, this board has already preapproved payroll, you'll recall. And has preapproved certain vendor contracts, even, that are on the preapproved vendor list.

So, if the board were amenable to the proposal, I don't think that we should defy the order by approving a contract over $10,000. I think the board might wish to add these vendors to the preapproval list, and so as far as the board is concerned, you would be done. I know, normally, it would still go to council, but, you know, that would be an issue later, you know, to see what happens to that contract.

MR. MCINERNEY: Why's that?

MR. VAN de GRIFT: I'm sorry?

MR. MCINERNEY: Why would it go to council

later?

MR. VAN de GRIFT: Because the board can only approve council resolutions and ordinances, and so you could preapprove a future --

MR. MCINERNEY: But is this scheduled to go to council, is my question?

MR. VAN de GRIFT: We don't know.

MS. POWELL: Well, it doesn't have to go to council unless it exceeds $10,000. Right now, it's not exceeding anything, because I'm only using them when I have to. So any of those, those invoices that are over $10,000 -- well, I send everything to the council anyways, but if it's over $10,000, then, it will go to the council for approval.

MR. VAN de GRIFT: I see. So you could add it to the preapproved vendor list, and all contracts over $10,000 would go to council, just as preapproved vendors on the existing list do. That would be an option for the board.

MR. STEMA: I think in this case, since we've just voted to turn down CPI, that would be the prudent thing to do, to put it on the preapproval list, like we've done in the past, so motion to put them on the preapproval list.

MR. MCINERNEY: Second it.

MS. ROBERTS: Okay, the motion before us is to, well, is there any further discussion?

MR. STEMA: No, I'm good.

MS. ROBERTS: The motion before us is to put the contract for InfraSource on the preapproval list -- on the preapproval list. All those in favor say aye. Aye.

MS. YOUNG: Aye.

MR. STEMA: Aye.

MR. BOGDAN: Aye.

MR. MCINERNEY: Aye.

MS. ROBERTS: Opposed the same.

(No response)

MS. ROBERTS: Motion carries.

Next on the agenda is the emergency contract with RJ&J for utility repairs. Ms. Powell has already pretty much summarized that, so I'm guessing that we should do the same.

MR. STEMA: Same motion.

MS. ROBERTS: Okay. So Mark has made a motion--

MR. STEMA: To put R&J on the preapproval list.

MS. ROBERTS: A second?

MS. YOUNG: Second.

MS. ROBERTS: Any further discussion?

(No response)

MS. ROBERTS: Seeing none, the motion before us

is to approve putting RJ&J on the preapproved list for payment. All those in favor say aye. Aye.

MS. YOUNG: Aye.

MR. STEMA: Aye.

MR. BOGDAN: Aye.

MR. MCINERNEY: Aye.

MS. ROBERTS: Opposed the same.

(No response)

MS. ROBERTS: Motion carries.

Next on the agenda is approval of police chief contract with Ann Moise.

Ms. Powell, would you please provide a summary of this item for the board?

MS. POWELL: Yes, ma'am, happily.

As you all are aware, Acting Chief Moise has been our acting chief since March, and she has now decided that she wants the position full time, and I am happy to provide her that position. I'm sure that you all have read her contract, and it has also gone to legal, as well as finance. She will be paid the same salary that was paid to our previous chief, so there's not going to be any budgetary impact with that. And I'll answer any questions that you have, but I'm happy that she's now wanting to take on the permanent position.

MR. STEMA: I have a, just a question, because I

know that under the final orders, you have obviously employment control, it doesn't have to go to the council for that. But because this actually is a contract, does it need to go to council, then, for approval before us? Is there a distinction between an employment contract?

MS. POWELL: Yes, the final order saying that you all approve all employment for the city.

MR. STEMA: Okay.

MS. POWELL: With recommendation from me.

MR. STEMA: From a comparison standpoint to the previous chief, increase, decrease, savings? That, same?

MS. POWELL: Same salary. Ann has been with the department for 17 years, and she's basically been running the department for a lot of those years. And so this is really just a title change for the most part.

She's been doing a great job; morale is 150 percent better, in my opinion, since March. And the cost of doing business is down. She's got the support of all the unions in the police department, as well as all the police officers that I've talked to are happy that she's the -- that she wants to be the chief full time, and no longer acting. And we're just happy to be able to make this change, and, but, budgetary wise, it's the same.

MR. STEMA: And she meets all the requirements of the -- that defines the police office?

MS. POWELL: She does.

MR. BOGDAN: Make a motion to approve.

MR. MCINERNEY: Second it.

MS. ROBERTS: Any further discussion?

(No response)

MS. ROBERTS: Seeing none, all those in favor say aye. Aye.

MS. YOUNG: Aye.

MR. STEMA: Aye.

MR. BOGDAN: Aye.

MR. MCINERNEY: Aye.

MS. ROBERTS: Opposed the same.

(No response)

MS. ROBERTS: Motion carries.

MS. POWELL: Thank you.

MS. ROBERTS: Next on the agenda is the --

MR. STEMA: Congratulations.

MS. ROBERTS: District court revenue report, which is for information only, so I don't know, Katrina, do you want to say anything about it?

MS. POWELL: The overtime report, you will see, that the police department, under the police department, is a little higher than it was last month. That is because we had required range time, and everybody in the department had to go for a day to the range. So, overtime

is high for that this month.

Other than that, you know, it's been down, it's been down considerably, over the last several months, and so we just wanted to kind of point out why that's up a little bit this month.

MR. STEMA: Katrina, a few months ago we had talked and asked Bama if she could start putting the -- because a lot of these get reimbursed, based on the, you know, tickets, all that. And last month she didn't do it, and I know this month, again, we've got the reimbursement column, but she's not doing the comparison. What amounts are actually being reimbursed, do we actually know what affects the budget and what doesn't?

Because a lot of the overtime, if it's being reimbursed 100 percent, through revenues or some other means, you know, federal government. I know we agreed that she was going to start doing it, but it's still not being done.

MS. POWELL: And I see that, I see that it was, but it was there like the month before, right?

MR. STEMA: No. No, last month it wasn't on there, either.

MS. POWELL: But the month before?

MR. STEMA: No. No, it hasn't been on there, yeah, that's why.

MS. ROBERTS: No.

MS. POWELL: Not at all?

MR. STEMA: It was a couple of months ago, and it's still not being done.

MS. POWELL: Okay. Let me get with her.

MS. ROBERTS: I would entertain a motion to approve, deny or postpone the citywide overtime report.

MR. STEMA: Motion to approve.

MS. ROBERTS: Support?

MS. YOUNG: Second.

MS. ROBERTS: Any further discussion?

(No response)

MS. ROBERTS: Seeing none, all those in favor say aye. Aye.

MS. YOUNG: Aye.

MR. STEMA: Aye.

MR. BOGDAN: Aye.

MR. MCINERNEY: Aye.

MS. ROBERTS: Opposed the same.

(No response)

MS. ROBERTS: And the 31st District Court revenue report is for information only. Is there anything more you want to add on that?

MS. POWELL: Well, you can see that we are bringing in quite a bit of money with the fines and costs,

so, even though we may have overtime in our police department, we're bringing in the money during that overtime.

MS. ROBERTS: Okay, public comment.

Mr. Van de Grift, has anyone signed up for public comment?

MR. VAN de GRIFT: Only one. Councilman Zwolak?

MR. ZWOLAK: Good afternoon, and I'd like to begin by wishing everyone a very Merry Christmas.

MS. YOUNG: Thank you, Merry Christmas.

MR. ZWOLAK: And I'm very pleased, Mr. Bogdan; I, we've run across paths in the past, as city clerk and all that. I might add that my experience with R31, Urban Renewal, begins long before we had a lawsuit. When a group of us were picketing, I drove Romney's house out in West Bloomfield Hills, because he was the secretary of HUD, stopping the mess that we had here in Hamtramck at the time. He was not only -- he was neighborhood removal.

And consequently, I'm glad you've raised a lot of issues. I wish you were on the council, maybe it'd raise some more with our legal department. I made a comment at the last council meeting, I think that Judge Keith's has created a new class of victims. And this is because we have a number of minorities now in Hamtramck that will be paying for a part of this judgment.

Three years ago when I had been visiting Keith's office, in settlement type meetings, I remember three years that we had the money for these homes. And of course, our legal had challenged Mr. Barnhart, saying he's drawn down over $900,000 in the past three years, and that's where our money went.

But, in any event, I won't elaborate any more on that. I appreciate your input and your engagement tonight, today. But I -- the main reason I came here, is because I had made a request to our city manager, and I'll just read this briefly to you.

"I am requesting that you provide copies of your performance evaluation by Hamtramck elected officials that was conducted on December 15th, and that your copies go to the Receivership Transition Advisory Board, and the Michigan governor, Snyder. And copies should also be placed in the city clerk's, city manager's, Katrina Powell's, personal file, as official action took by the elected officials, as required by city charter. Both the governor and the Receivership Transition Advisory Board have the only authority to matters that deal with the city manager contract and performance. There is nothing that prevents continued confidentiality in this evaluation process, when the officials involved and mentioned

have the right to know."

She also involved the city attorney, I gave him a copy also of my request.

MR. VAN de GRIFT: That's two minutes.

MR. ZWOLAK: Just, if I may, another minute, just to elaborate why I bring this to your attention. May I?

MS. ROBERTS: Real quick.

MR. ZWOLAK: Okay. Our last qualified city manager was terminated by the city. Unfortunately, when, during that termination, he won his lawsuit against the city, primarily because there was nothing left -- nothing in his personal file to justify termination. So, as an elected official, part of this action, we want to make sure that we don't run into any potential future liability.

MS. ROBERTS: Thank you for your comment.

MR. ZWOLAK: Thank you.

MS. ROBERTS: Any further public comment?

MR. VAN de GRIFT: None.

MS. ROBERTS: Any board comment?

MR. STEMA: None.

MS. ROBERTS: I just want to say Merry Christmas, and happy holidays to everyone present and to my board, and thank you for the past year of great

service.

MS. YOUNG: Thank you.

MS. ROBERTS: I would entertain a motion to adjourn.

MS. YOUNG: Motion to adjourn.

MS. ROBERTS: Second. All those in favor say aye. Aye.

MS. YOUNG: Aye.

MR. STEMA: Aye.

MR. BOGDAN: Aye.

MR. MCINERNEY: Aye.

MS. ROBERTS: Motion carries. We are adjourned. Thank you, everyone.

(At 1:58 p.m. meeting adjourned.)

STATE OF MICHIGAN

COUNTY OF WASHTENAW).ss

I certify that this transcript is a complete, true, and correct transcript to the best of my ability of the RTAB meeting held on December 22nd, 2015, City of Hamtramck. I also certify that I am not a relative or employee of the parties involved and have no financial interest in this case.

RESPECTFULLY SUBMITTED: December 27, 2015

s/Amy Shankleton-Novess

Amy Shankleton-Novess (CER 0838)

Certified Electronic Reporter