

City of Ecorse

Receivership Transition Advisory Board Meeting Minutes

Tuesday, March 8th 2016

Ecorse City Hall

Council Chambers

Albert B. Buday Civic Center

3869 West Jefferson

Ecorse, Michigan 48229

RTAB MEMBERS PRESENT:

ROBERT BOVITZ, Chair
JOAN BROPHY
EDWARD KORYZNO

ALSO PRESENT:

WAYNE O'NEAL
City Administrator

DREW VAN DE GRIFT
Michigan Department of Treasury

Reported by:
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Called to order at 9:00 a.m.

MR. KORYZNO: Good morning, it's 9 a.m., and I'll call the City of Ecorse Receivership Transition Advisory Board meeting to order. Mr. Van de Grift, roll call?

MR. VAN de GRIFT: Robert Bovitz.

MR. BOVITZ: Here.

MR. VAN de GRIFT: Joan Brophy.

MS. BROPHY: Here.

MR. VAN de GRIFT: Edward Koryzno.

MR. KORYZNO: Here.

MR. VAN de GRIFT: All present.

MR. KORYZNO: Next item is approval of agenda.

MR. BOVITZ: So moved.

MS. BROPHY: Support.

MR. KORYZNO: Moved by Bovitz, supported by Brophy, to approve the agenda as printed.

Any discussion?

(No response.)

MR. KORYZNO: Seeing none, all in favor of the motion say aye. Aye.

MR. BOVITZ: Aye.

MS. BROPHY: Aye.

MR. KORYZNO: Opposed, same sign.

(No response)

1 MR. KORYZNO: The agenda is approved as printed.
2 A reminder to the public that if you intend to speak
3 during the public comment portion of the meeting, it's
4 necessary for you to sign the sheet located at the podium,
5 and if you do not sign the sheet, unfortunately, you will
6 not be recognized.

7 Item C, approval of RTAB minutes for the meeting
8 of February 9th, 2016.

9 MS. BROPHY: So moved.

10 MR. BOVITZ: Support.

11 MR. KORYZNO: Moved by Brophy, support by
12 Bovitz; any discussion?

13 (No response)

14 MR. KORYZNO: Seeing none, all in favor of
15 approval of the RTAB minutes for February 9th, 2016, say
16 aye. Aye.

17 MR. BOVITZ: Aye.

18 MS. BROPHY: Aye.

19 MR. KORYZNO: Opposed, same sign.

20 (No response)

21 MR. KORYZNO: The minutes are approved.

22 There is no old business, so we'll move right
23 into new business. Item A, annual RTAB evaluation.

24 Mr. Van de Grift, would you provide a summary of
25 this item for the board?

1 MR. VAN de GRIFT: Certainly. Each year, the
2 board approves the form and final content of the annual
3 evaluation, which is published publicly, as well as
4 submitted to the governor. Packet two summarizes the form
5 and focus on the annual evaluation, which treasury staff
6 will assist in the production of. The final draft will
7 come before this board again once it's approved and your
8 comments will be solicited for inclusion in the annual
9 review itself.

10 Today we're really talking about the beginning
11 of the process. The summary is in your packet. With your
12 approval, we will begin the process.

13 MR. KORYZNO: Any questions for Mr. Van de
14 Grift, from the board?

15 (No response)

16 MR. KORYZNO: If not, I'll entertain a motion to
17 commence the annual RTAB evaluation process.

18 MR. BOVITZ: So moved.

19 MS. BROPHY: Support.

20 MR. KORYZNO: Moved by Bovitz, support by
21 Brophy. Any further discussion?

22 (No response)

23 MR. KORYZNO: Seeing none, all in favor of the
24 motion say aye. Aye.

25 MS. BROPHY: Aye.

1 MR. BOVITZ: Aye.

2 MR. KORYZNO: All opposed same sign.

3 (No response)

4 MR. KORYZNO: The motion is approved. Next item
5 is Item B, approval of resolutions and ordinance for city
6 council meetings. Resolutions from the regular city
7 council meeting of January 19th, 2016, I'll entertain a
8 motion.

9 MR. BOVITZ: Move that we accept the minutes
10 from January 19th, 2016 regular city council meeting, with
11 the exception of Resolution 021.16, which is the boat ramp
12 contract.

13 MS. BROPHY: Support.

14 MR. KORYZNO: Moved by Bovitz, support by
15 Brophy, any further discussion?

16 (No response)

17 MR. KORYZNO: Seeing none, all in favor of the
18 motion say aye. Aye.

19 MS. BROPHY: Aye.

20 MR. BOVITZ: Aye.

21 MR. KORYZNO: Opposed same sign.

22 (No response)

23 MR. KORYZNO: The motion is approved.

24 Next item is Resolution 021.16, the boat ramp
25 contract. Due to the withdrawal of interest from the

1 contractor, Donna Mayer, the boat ramp contract between
2 the city and Donna Mayer should be denied per the city
3 administrator's request. And I'll entertain a motion to
4 that effect.

5 MR. BOVITZ: So moved.

6 MS. BROPHY: Support.

7 MR. KORYZNO: Moved by Bovitz, support by
8 Brophy, to deny Resolution 21.16.

9 Any further discussion?

10 (No response)

11 MR. KORYZNO: Seeing none, all in favor of the
12 motion say aye. Aye.

13 MS. BROPHY: Aye.

14 MR. BOVITZ: Aye.

15 MR. KORYZNO: Opposed same sign.

16 (No response)

17 MR. KORYZNO: The motion is approved.

18 Item two, resolutions from regular city council
19 meeting of February 2nd, 2016. I'll entertain a motion.

20 MR. BOVITZ: Move that we approve the
21 resolutions from regular city council meeting of February
22 2nd, 2016, with the exception of Resolution 046.16, which
23 is a three percent across the board supplement.

24 MS. BROPHY: Support.

25 MR. KORYZNO: Moved by Bovitz, support by

1 Brophy. Discussion? Mr. O'Neal, could you provide a
2 summary of this item for the board, please?

3 MR. O'NEAL: Thank you, Chairman Koryzno and
4 members of the TAB board.

5 In discussions with individual members of the
6 city council, and the mayor, since I've been here on and
7 off for the last two years, there's been discussions about
8 the fact that employees have not have a raise for a number
9 of years.

10 In response to that, I asked the city controller
11 to put together a -- what it would cost to give a three
12 percent one time supplement to all employees that were on
13 the city payroll as of December 31st, 2015, and multiply
14 that three percent on the total gross wages that person
15 made that year, so that everybody was treated the same.

16 He came up with a figure of approximately
17 \$66,000 to cover all those employees. At the city council
18 meeting, the discussions ensued as to what employees were
19 involved in that, because we have some employees that, I
20 believe, that don't pay FICA wages, because they're not in
21 social security.

22 And Mr. Sidowski indicated to the mayor and
23 council at that time, that while some folks may not be
24 covered by social security, all wages are reported to
25 social security. Whether they're in it or not. And

1 there's a box for whatever that is, which is the total
2 gross wages. And that was the number that was used, and
3 at that time, they wanted to make sure that all the
4 employees were on that list, especially police and fire.
5 And so as such, that's what that list entails. So.

6 MR. KORYZNO: Go ahead. So, is it the intent of
7 the council to provide this wage increase, effective when?

8 MR. O'NEAL: As soon as you approve it. Now, it
9 would be a onetime supplement. It would go, it wouldn't
10 go toward their final average compensation or, well, it
11 would go to that, but I'm saying, it wouldn't go to their
12 base wages, so their future wages would compound off of
13 that. It'd be just a onetime supplement. And as soon as
14 you approve it we'll --

15 MR. KORYZNO: I'm certainly not opposed to the
16 wage increase, but I'm concerned that the budget hasn't
17 been amended to show where the wage increase will come
18 from, and I personally, I would feel more comfortable if a
19 budget amendment accompanied the wage increase.

20 MR. O'NEAL: Thank you, Mr. Koryzno. That
21 question was asked, about whether or not a budget
22 amendment would be done, and I talked with Mr. Sidowski.
23 You know, depending on how revenues come in and whatever,
24 we might be able to do a budget adjustment within the
25 current budget itself. But we don't know that yet,

1 because we're still on a -- we got a long ways to go on
2 this fiscal year.

3 If nothing less, that we have a four -- at this
4 point in time, we have \$4 million cash fund balance, that
5 would more than cover that, and we could simply do a
6 budget adjustment of corresponding \$65,000. We would like
7 to be able to do that within the existing budget, but it's
8 too soon to be able to see that.

9 So that said, if you did approve it, at the very
10 least, it would come out of the fund balance, at the very
11 least. Which, again, more like a -- the fund, cash fund
12 balance that we have on hand, won't affect anything, but
13 it will affect the morale of the employees, so I
14 appreciate what you say, and I don't disagree with that at
15 this time.

16 We wouldn't want to guess about doing it inside
17 the budget itself, versus using fund balance. But either
18 way, the funds are available, and it would not affect the
19 budget at all.

20 MR. BOVITZ: Last month, we just reported on the
21 audit; we had a clean audit, a good audit, and I think
22 later on, we were going to approve the budget transfer;
23 there's still a call for surplus budget. So I think this
24 is a onetime supplement, it's not setting a precedent.
25 And I am in favor of it.

1 MS. BROPHY: I would agree with Rob, based on
2 what I looked at in this particular package.

3 MR. O'NEAL: And we will come back with a
4 corresponding budget amendment at the end of the year; I
5 mean, we do all the -- actually, Mr. Sidowski, if you
6 noticed, in his budget to actual, he's been changing the
7 budget as they go along, which keeps everybody right up to
8 speed, and you've got real-time information. And we will
9 do that.

10 Thank you.

11 MR. KORYZNO: All right. I'll entertain a
12 motion.

13 MR. BOVITZ: Move that we approve Resolution
14 046.16, the three percent across the board supplement.

15 MR. VAN de GRIFT: We actually have a motion to
16 approve the resolution with the exception --

17 MR. KORYZNO: Oh, okay.

18 MR. VAN de GRIFT: -- with the exception.

19 MR. KORYZNO: Oh, with exception, yes, yes,
20 that's right.

21 MS. BROPHY: With the exception, oh, okay.

22 MR. KORYZNO: All right. Keeping us on track.
23 That's right.

24 MS. BROPHY: So you need a motion to approve the
25 resolutions of the regular council meeting?

1 MR. KORYZNO: We need to vote, yes. Just for
2 clarification, this would be the resolution approving all
3 the minutes except for the three percent.

4 MS. BROPHY: Except for that, okay.

5 MR. KORYZNO: Thank you, Mr. Van de Grift.
6 All in favor of the motion say aye. Aye.

7 MS. BROPHY: Aye.

8 MR. BOVITZ: Aye.

9 MR. KORYZNO: Opposed same sign.

10 (No response)

11 MR. KORYZNO: The motion's approved. Now --

12 MR. BOVITZ: I would move to approve Resolution
13 046.16, the three percent across the board supplement.

14 MS. BROPHY: Support.

15 MR. KORYZNO: Moved by Bovitz, support by
16 Brophy. Any further discussion?

17 (No response)

18 MR. KORYZNO: I'd just like to say that, again,
19 I am in favor of the three percent increase, I have no
20 objection to that, but, from an accounting standpoint, I
21 think procedurally it should be budgeting for this,
22 regardless of if you have a fund balance or not. So I'll
23 be voting against this. Okay, all in favor of the motion
24 say aye.

25 MR. BOVITZ: Aye.

1 MS. BROPHY: Aye.

2 MR. KORYZNO: All opposed? Aye. The motion's
3 approved.

4 Next item is claims and accounts from regular
5 city council meeting draft minutes of February 16th, 2016.
6 I'll entertain a motion.

7 MR. BOVITZ: Move to approve the claims and
8 accounts from the regular city council meeting draft
9 minutes of February 16th, 2016.

10 MS. BROPHY: Support.

11 MR. KORYZNO: Moved by Bovitz, supported by
12 Brophy.

13 Any discussion?

14 (No response)

15 MR. KORYZNO: Seeing none, all in favor say aye.
16 Aye.

17 MS. BROPHY: Aye.

18 MR. BOVITZ: Aye.

19 MR. KORYZNO: Opposed same sign.

20 (No response)

21 MR. KORYZNO: The motion is approved.

22 Item C, city administrator items. Number one,
23 city council minutes were addressed in new business. Item
24 two, budget to actual report, January, I'll entertain a
25 motion to approve the January budget to actual report.

1 MS. BROPHY: I'll move to approve the January
2 budget to actual report.

3 MR. BOVITZ: Support.

4 MR. KORYZNO: Moved by Brophy, supported by
5 Bovitz.

6 Any discussion?

7 (No response)

8 MR. KORYZNO: Seeing none, all in favor of the
9 motion say aye. Aye.

10 MS. BROPHY: Aye.

11 MR. BOVITZ: Aye.

12 MR. KORYZNO: Opposed same sign.

13 (No response)

14 MR. KORYZNO: The motion is approved. Item
15 three, approval of Mars Towing contract, was addressed in
16 new business.

17 Item four, approval of boat ramp contract,
18 addressed in new business.

19 Item five, approval of budget amendment number
20 four, addressed in new business.

21 Item six, approval of city attorney contract,
22 addressed in new business.

23 Item seven, approval of U.S. Steel settlement
24 fund, withdrawal of funds, addressed in new business.

25 Item eight, approval of the 2016-17 special

1 assessment for police and fire was also addressed in new
2 business.

3 Number nine, approval of 2016-17 special
4 assessment for street lighting, addressed in new business.

5 Item ten, approval of the 2016-17 tax millage
6 rates and budget, was addressed in new business.

7 Item 11, approval of three percent increase for
8 employees, addressed in new business.

9 And Item 12, approval of employee terminations.
10 Mr. O'Neal, were all the proper procedures followed for
11 the employee terminations?

12 MR. O'NEAL: Thank you, Mr. Koryzno. Yes, they
13 were, again, if I may, we err on the side of the employees
14 every time, all the time. The employees were given an
15 opportunity to discuss what transpired, and took place
16 relative to their termination.

17 One of the employees was not forthright in that
18 person's answers. Again, you have to look at, without
19 getting into specifics, it's not necessarily the act; it's
20 what transpires around the act, that causes terminations.
21 The other employee was terminated due to a driver's
22 license being suspended.

23 You're required to have a up-to-date driver's
24 license as a condition of employment, as well as the fact
25 that we were able to secure no fault insurance for all of

1 our fleet, which we're required by law to have. But we
2 did not have it. We finally found somebody; that's how it
3 was brought to our attention that the employee had a
4 suspended license.

5 And that further, that the insurance company
6 indicated that if this employee were employed, that they
7 wouldn't insure us. Because the record was that bad. So
8 while we do not take any pleasure with terminations of
9 employees, the proper steps were taken, and the reasons
10 for it were set forth.

11 MR. KORYZNO: Thank you. I'll entertain a
12 motion.

13 MS. BROPHY: I'll move to approve the employee
14 terminations.

15 MR. BOVITZ: Support.

16 MR. KORYZNO: Moved by Brophy, supported by
17 Bovitz. Any discussion?

18 (No response)

19 MR. KORYZNO: Seeing none, all in favor of the
20 motion say aye. Aye.

21 MS. BROPHY: Aye.

22 MR. BOVITZ: Aye.

23 MR. KORYZNO: All opposed?

24 (No response)

25 MR. KORYZNO: The motion is approved.

1 Item 13, employee handbook, is informational
2 only. And item 14, checks released, is informational
3 only. That brings us to the city administrator report.

4 Mr. O'Neal?

5 MR. O'NEAL: Thank you Mr. Chairman, and members
6 of the Transition Advisory Board. One of the last items
7 that you had on your report, for informational only, was
8 the employee handbook.

9 I want to apologize; I was remiss in that order
10 number 93 requires that we at least annually review the
11 handbook. And we did those things, and we have been
12 working for the last, I think I started on this when I was
13 here the first time. And we've been working on the
14 employee handbook by and through the city attorney,
15 Cassandra Booms, at the time.

16 And with Paychex, who are experts in the area.

17 And we went through the handbook; you have a
18 copy I've left up there for you. We have brought that to
19 the city council for -- to confer with the city council.
20 There is some items in the handbook that they were not in
21 agreement with. We listened to them and did -- those
22 items have been left in the handbook, because they're
23 items that need to be in there.

24 One was order number 94, and the other was the
25 at will statement. Those are things that we are under,

1 relative to the State of Michigan, and so the -- and the
2 orders under the -- from Ms. Parker. So those remain in
3 there.

4 You'll notice at the back of it, there's three
5 signing pages, so that we have one for the employee, one
6 for their file, and then one for the union. So everybody
7 has, shows that they have it, they've read it. We will do
8 this annually.

9 One of the things that I wanted to segue into
10 is, you're starting your annual report, your annual review
11 of the City of Ecorse, and I know that Mr. Workman had
12 indicated that you were going to postpone that until such
13 time as we had a chance to adhere to the items in his
14 August 18th memo.

15 We are moving forward as diligently as we can,
16 on those items, and the August 18th memo, relative to
17 consolidation of services, and we're doing those things.
18 Where they're economically feasible, and so we're going to
19 continue with that.

20 Further, you'll notice that you were given
21 reports on the annual performance review, and the annual
22 report for the RTAB. That report was given to the council
23 several meetings ago; I don't recall exactly which date it
24 was.

25 But I gave that to them knowing full well that I

1 had talked with Mr. Steckleburg at the state, relative to
2 what the process was going to be, and when the process was
3 going to start. And whether or not we were coming out of
4 receivership, and -- because there was concerns relative
5 to that.

6 And I would again request another meeting with
7 Mr. Steckleburg, or Mr. Corrie, and some of the
8 administrative staff, to talk about some items that are
9 going on now, so if you could take that forward for me, I
10 would appreciate it, Mr. Koryzno.

11 But if you'll notice, the performance report and
12 the annual report talked about the orders that are in
13 place. Talk about, in there, as complete with your
14 evaluation from last year. It has Mr. Workman's memo in
15 there. It talks about the things we're doing to comply
16 with those orders. The things that we need to do better
17 on it to comply, and quite frankly, we've had, you know,
18 you've got a permanent city administrator on board now.

19 But you'll note that over the last 18 months,
20 two years, we've gone through a number of city
21 administrators, and your last report spoke to that, and
22 the need for having a permanent person on board. We're
23 moving forward on those items, and you'll see it in the
24 report, and we look forward to the administrative staff,
25 as well as the mayor and the council, and I would indicate

1 to them that you will be contacting the elected officials
2 as well as the administrative staff, and what other
3 stakeholders you decide.

4 And that's -- I'm not going to ask you who,
5 because that's your, what you do, to make sure you cover
6 everybody's bases. And I think it's wonderful, and I,
7 again, I look forward to your report and being able to
8 help, and offer my insight into those things as well.

9 We also had a study session last Wednesday, with
10 the mayor and the council, and in that study session, some
11 of the things that we talked about were the city
12 administrator's job description, information to the mayor
13 and council, ESM Order number 94, and others. The DPW
14 superintendent, as well as some other things.

15 I will note that there was a lively discussion
16 between the mayor and council and myself. And that's
17 something more that I'll talk with you about in detail
18 later. I think it's good, I think that everybody needs to
19 understand that what the orders mean, and how we're going
20 to be judged on those orders, whether or not we're in
21 compliance or not in compliance.

22 I impressed upon the mayor and council that your
23 report, that you do, hinges on orders, specifically order
24 number 94, and if I misspeak myself, please correct me.
25 Hinges on order number 94, as well as the other orders, as

1 they relate to the city administrator position, and how
2 we're progressing through and doing those things that we
3 need to do to look favorably on easing the restrictions.

4 And the oversight of the RTAB, and that's your
5 report, that will go back to the governor, and the
6 governor will decide whatever how the process is, about
7 how you might relax the restrictions on what you do here
8 as a TAB board. Am I correct so far?

9 MR. KORYZNO: Correct.

10 MR. O'NEAL: So, I'm trying to impress upon them
11 that while some of the orders they may not like, and we
12 don't like being in receivership, that to be good
13 stewards, that we need to make sure that we comport and
14 comply with those orders, and do what we can to effectuate
15 good governance here. And that's my job, to help them do
16 that, and I'm endeavoring to do that.

17 One of the things that I would like to talk
18 about a little bit, and again, I've moved on from this.
19 You've seen in the information about appointing a new city
20 attorney. My job is to make recommendations based on
21 economics, good governance, best practices, and if you
22 will, I tried to do that. As best I can.

23 I've tried to surround myself with a good staff,
24 and I think we have a good staff. And we're moving in a
25 right direction, as evidenced by the five year budget.

1 The cameras, all the things that we're doing in the public
2 safety area, community development, personnel. We're
3 trying to make the right strides, and we're going to
4 endeavor to do that.

5 So. One of the things that has come to light,
6 again, is, the city, in the order number 94, it speaks to
7 appointments, and employees. And who makes those
8 appointments. And it's apparent in order number 94 that
9 all appointments are made by the city administrator. Not
10 some of them, all of them.

11 Now, the contract's approved by the city
12 council. And if they don't approve the contract, well
13 then the appointment isn't made. And there's that
14 dilemma. Now, I've had a good relationship with my mayor
15 and council, and I hope to maintain that relationship.
16 Again, I have moved on with the city attorney appointment;
17 we're going out to bids for city attorney, per mayor and
18 council. We're finalizing those RFPs, and we'll do that.
19 And we'll let the chips fall where they may. But I think
20 it's important to note that going back to August 28th of
21 2013, there was a memo from John Overlander, regarding the
22 appointment of the city attorney, and whose appointment it
23 was. And he requested of TAB board, or the State of
24 Michigan, an attorney general's opinion.

25 Did we ever get that?

1 MR. KORYZNO: I don't recall that, but it's not
2 that the RTAB's position, to opine on that. The RTAB has
3 had a number of issues regarding EM orders come up before
4 us, and we've always deferred it to the city attorney, to
5 the city attorney, the city attorney's office. To weigh
6 in on those, and provide the guidance.

7 MR. O'NEAL: So you're saying that the city
8 attorney should make a determination as to Number 94, and
9 how those things are made?

10 MR. KORYZNO: That's correct.

11 MR. O'NEAL: Okay. So, that said, then, any
12 clarification on that should go to the city attorney?

13 MR. KORYZNO: Yes.

14 MR. O'NEAL: Now, is there any -- and appreciate
15 my comment, my next comment. If I wanted to get outside
16 counsel, to ask that question, is it part of my
17 prerogative, as a city administrator? Keeping in mind
18 that the appointment of the city attorney is not Mr.
19 Wycoff, who's sitting here. So, it's kind of self-serving
20 to go --

21 MR. KORYZNO: I believe the city attorney is the
22 person that should be rendering the opinion on the city's
23 matters, not outside counsel.

24 MR. O'NEAL: Okay. Okay.

25 MR. KORYZNO: Now, if the board members want to

1 speak up, feel free.

2 MR. O'NEAL: I mean, quite frankly, I would
3 recuse myself from something like that --

4 MR. KORYZNO: Well, let me -- Mr. Van de Grift,
5 could you give us several examples of EM interpretations
6 that the city attorney's office has weighed in on? Over
7 the course of time that the RTAB has been in place?

8 MR. VAN de GRIFT: Sure, there a couple that
9 come to mind. I recall the qualifications of the city
10 administrator's office, when they were certain candidates
11 that there was a question of qualification. That same was
12 true for the position was of the HR director, that was a
13 number of years ago. Because there was an EM order, is an
14 EM order on point, to create vital positions or key
15 positions within the city.

16 But you know, it's been my observation that the
17 application of EM orders to city business would be a city
18 legal question. The application of EM orders for RTAB
19 purposes may well be a state matter. So in my opinion,
20 that's sort of the difference is, that an emergency
21 manager order does have the authority and power, much like
22 an ordinance, and so if the city's wondering how an
23 emergency manager order would apply for your internal
24 operations, I would imagine that would be much like asking
25 a city attorney what an ordinance means. If the board is

1 wondering what authority it has, then, there might be a
2 different attorney that could answer that question.

3 MR. O'NEAL: Okay, that's fine. That's fine. I
4 mean, I think we all understand what the orders say,
5 they're very -- there's no ambiguity in the orders. And
6 the reason I bring that up is, and we've talked about this
7 before, members of the RTAB. I'm between a rock and a
8 hard place.

9 My job here is to do the best job I can for the
10 mayor and the council, and the residents of Ecorse. And
11 I'm willing to do that. But if I've got conflict,
12 relative to how the orders are, and how the orders may be
13 interpreted, or not followed. And I come here, you ask me
14 the question, did I do this, and did I do that, and did I
15 do this?

16 I'm doing my stuff according to these orders.
17 And it's my understanding that Ms. Parker's orders set
18 aside the city charter, where the city charter is not in
19 conflict with our orders, they're fine. But where they
20 are in conflict with the orders, the orders supersede, is
21 that correct?

22 MR. KORYZNO: For the most part, yes.

23 MR. O'NEAL: Yeah, so, my point is, I don't want
24 to be at loggerheads with my mayor and my council. But
25 Mr. Elem is here with Ms. Banks all the time, and I'm

1 standing here in front of you folks, and I'm trying to
2 comport with the orders as best I can.

3 And while I -- we got a great mayor and council.
4 We're trying, but there's still the issue of being in
5 receivership and doing those things. So, I just want to
6 make sure I understand all I know about it, so that when I
7 go back with Mr. Wycoff and we get these clarifications,
8 because quite frankly, depending how those clarifications
9 are, and how we, as a city, comport with the orders, as
10 well as your report, is going to be to the governor.

11 And I'm trying to impress upon that. That while
12 we might not like everything that is in these orders,
13 these are the orders. So, okay, I'm good. Okay.

14 As you all know, I did have a conversation with
15 Mr. Steckleberg, the deputy interim treasurer, relative
16 to, you know, coming out of receivership and all those
17 things, and he did indicate to me the process that you're
18 going to follow, and I just wanted to make sure that
19 everybody here hears that, that I'm not just, it's not
20 hearsay, that this is the way it's going to happen, and
21 we're not coming out of receivership any time soon.

22 And we've got these issues to deal with, and we
23 need to move forward as a, as everything is the same. And
24 that's what I want to impress upon everybody, that I'm
25 just not making stuff up.

1 Now, the other thing, there's a couple things.

2 I talked to you about appointing an interim DPW
3 superintendent. I haven't done anything with that yet; I
4 don't know what to do with that, I'm having trouble
5 getting qualified people to apply for that. And I'm all
6 over the place on that.

7 So I will tell you, you -- you agreed and did
8 not award the boat ramp contract. I've been in contact
9 with people that run the boat ramp down in Wyandotte, and
10 other places. They've looked at the contract that we've
11 got, and they're not interested, because there's no money
12 in it. I know that, I've already looked at it, and the
13 people did it, did it because they liked it.

14 I wouldn't -- I wouldn't sit there for seven
15 months for \$26,000, I'm sorry. I just wouldn't do it. I
16 mean, they're busy right now. Here's the problem I got.
17 That's the best walleye fishing in the world, that's world
18 class. And I followed -- there's people coming down
19 trying to fish today. Okay, because those walleyes are in
20 there. So I've got to open up that boat ramp. Now, the
21 boat ramp -- fees that we collect pay the person that's
22 standing there.

23 If I don't go over \$10,000, can I just get that
24 boat ramp open? And pay somebody to stand there and
25 collect the money? I mean --

1 MR. KORYZNO: I would consult with your city
2 attorney, as to how that -- how that works. And I believe
3 if the EM order is correct, correct me if I'm wrong, Mr.
4 Van de Grift. A \$10,000 amount is the threshold, for
5 contractual obligations.

6 MR. O'NEAL: So if I hired somebody, they didn't
7 get over that, then I'm good? It's not a contract, I'm
8 just going to hire somebody.

9 MR. KORYZNO: We're not here to direct you --

10 MR. O'NEAL: Okay, I'm just trying to work
11 within the confines, and this is, you know, I've kind of
12 got an emergency here, because people want to go in there.
13 Now, I could just open it up and let people just launch,
14 but then I'm going to have a melee down there, I can tell
15 you.

16 So, all right. Let me see, what else have I
17 got? That's enough, thank you very much.

18 MR. KORYZNO: You're welcome.

19 Next item is public comment. Mr. Van de Grift
20 is retrieving the sheet; he will call your name. Per the
21 board rules, you will have two minutes to comment. Please
22 step up to the podium. And Mr. Van de Grift will also be
23 the timekeeper.

24 MR. VAN de GRIFT: Councilman Elem.

25 MR. ELEM: Good morning.

1 MR. KORYZNO: Good morning.

2 MR. ELEM: I thought my answer was answered, but
3 I guess it's not. It was mentioned about the handbook,
4 the handbook, we got a -- we're not in agreement with the
5 handbook; simply because of work order 94 was implemented
6 into the handbook. And 94, as far as we are concerned, is
7 in conflict with the charter.

8 And the other part, about the situation with
9 the, I guess, the hiring of the city attorney? That's
10 another, a hiring, period. It still appears to be a
11 conflict with the charter. Because four positions, the
12 incoming administration is supposed to appoint those
13 people.

14 It's not a clear understand -- I think one thing
15 was kind of made clear, I guess about the, something about
16 the attorney, I guess that resolution was supposed to be
17 given to the city attorney to make decisions? That's the
18 way I got it. Anyway, the whole problem with 94, it's a
19 conflict with the city charter. And it still needs to be
20 revisited. That order and some of the other orders.
21 Thank you.

22 MR. KORYZNO: Thank you, councilmember Elem.

23 MR. VAN de GRIFT: Mr. Eston.

24 MR. ESTON: I'd like to know in respect to
25 things happening in the city. You got houses burnt down,

1 you got streets tore up, garbage everywhere. What -- how
2 much is everybody being paid in the city, like Rizzo's
3 Trucking, pickup garbage and blacktopping company.

4 They charge a lot of money to do poor work. And
5 Rizzo, I don't -- what are they being paid to pick up
6 garbage from December to January, and January to December?
7 Does anybody know? What are they paid, \$800,000 a year?
8 Can you buy a truck and pick up garbage and do it cheaper
9 than that?

10 You talk about saving money and getting back to
11 common sense. Don't make sense. And the streets is tore
12 up, that pavement company, they just filling up holes,
13 they're not really patching, doing the whole street. And
14 they getting a lot of money, \$5,000.

15 Everything is paid out, you don't have permanent
16 employees. You can't keep a city clean with temporary
17 help, it's not going to work, big or small. You got a
18 house at 3966 Tenth, torched, burnt down. Sitting there
19 for months. So what is really being done? And this man,
20 he talking about raises -- raises for what? I don't
21 understand it. I can get some high school kids to run the
22 city better than you're doing it. It's terrible. Don't
23 make sense.

24 And how much money came in here on February the
25 15th of this year, three weeks ago? We don't even know

1 how much tax money come in. Does anybody know how many
2 houses are in Ecorse? See, you got to get back to basics.
3 All this fancy big words, they're not going to work.

4 And one other thing, and I'm going to sit down.
5 Does Ecorse have any money in the bank? Does anybody
6 know? Sad situation. All around the schools, filthy,
7 dirty. Don't make no sense. You got school board, and
8 all this, nothing being done.

9 MR. KORYZNO: Thank you.

10 MR. ESTON: (From the audience) You be paying
11 \$2,000 taxes on houses under 900, 1000 square feet. Taxes
12 real high. Only thing we need is police and fire and (out
13 of microphone range, not audible)

14 MR. KORYZNO: Thank you.

15 MR. VAN de GRIFT: That concludes public
16 comment.

17 MR. KORYZNO: All right. Next item on the
18 agenda is board comment, I'll respond to the two questions
19 from our comments during public comment.

20 Councilmember Elem, under Public Act 436, which
21 is the local receivership act, the EM orders can supersede
22 the city charter. So, while there may be a conflict in
23 your perception of the charter and the EM act, the EM act,
24 or excuse me, the EM order, is -- prevails. I just wanted
25 to clarify that for you. And then the questions about

1 Rizzo and the city --

2 MR. ESTON: (From the audience) Yeah, you have
3 no account --

4 MR. KORYZNO: Just so you understand, this board
5 reviews actions taken by the city council and requests
6 from the city administrator. We do not get involved in
7 the operations --

8 MR. ESTON: (From the audience) You don't know
9 how much money is in the bank.

10 MR. KORYZNO: It's not our job to know that,
11 sir. Our job is to --

12 MR. ESTON: (Out of microphone range, not
13 audible)

14 MR. KORYZNO: The city council, your questions
15 should be directed to city council and Mr. O'Neal.

16 Any other comments from the board?

17 MS. BROPHY: No.

18 MR. KORYZNO: All right. Seeing none, I'll
19 entertain a motion to adjourn.

20 MS. BROPHY: So moved.

21 MR. BOVITZ: Support.

22 MR. KORYZNO: Moved by Brophy, supported by
23 Bovitz. All in favor of the motion say aye. Aye.

24 MS. BROPHY: Aye.

25 MR. BOVITZ: Aye.

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MR. KORYZNO: All opposed, same sign.

(No response)

MR. KORYZNO: The meeting is adjourned at 9:37
a.m., thank you.

(Meeting adjourned at 9:37 a.m.)

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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 March 8th, 2016, City of Ecorse. 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: March 17, 2016

s/ Amy Shankleton-Novess

Amy Shankleton-Novess (CER 0838)
Certified Electronic Reporter