

PONTIAC CITY COUNCIL

Kermit Williams, District 7
President
Randy Carter, District 4
President Pro Tem



Patrice Waterman, District 1
Megan Shramski, District 2
Mary Pietila, District 3
Gloria Miller, District 5
Dr. Doris Taylor Burks, District 6

It is this Council's mission "To serve the citizens of Pontiac by committing to help provide an enhanced quality of life for its residents, fostering the vision of a family-friendly community that is a great place to live, work and play."

47450 Woodward Pontiac, MI 48342 Phone: (248) 758-3200

Garland S. Doyle, M.P.A.
Interim City Clerk

FORMAL MEETING

268th Session of the 10th Council

December 21, 2021 at 12:00 P.M.

Meeting Location: City Council Chambers 47450 Woodward Pontiac, MI 48342

Call to Order

Invocation

Pledge of Allegiance

Roll Call

Authorization to Excuse Councilmembers

Amendments to and Approval of the Agenda

Approval of the Minutes

1. December 14, 2021

Subcommittee Report

2. Public Safety, December 2021

Recognition Elected Officials

Agenda Address

Public Hearing

3. Reprogram Community Development Block Grant (CDBG) Funds from Home Senior Housekeeping Services to Senior Services and Youth Services for Program Years 2019 And 2020

Discussion

4. Pontiac Youth Recreation and Enrichment Center (PYREC)

Agenda Items

Ordinances

5. Emergency Ordinance for Extension of Supplemental Pension Payment for Police and Fire Retirees
6. An Ordinance to Amend the City of Pontiac Reestablished General Employees' Retirement System

Resolutions

City Council

7. Resolution of No Confidence in Mayor Deirdre Waterman

City Clerk

- 8. Resolution to Set a Special Election for May 3, 2021 to elect Charter Commissioners
- 9. Resolution to Authorize the City Clerk to post notice of a proposed budget amendment for Fiscal Year 2021-22 in the Oakland Press to amend the Elections (191) and Clerk (215) budgets to cover expenses for Special Election and Charter Commission
- 10. Resolution to Change the City Council Meeting on December 30, 2021 at 12:00 p.m. to December 28, 2021 at 12:00 p.m.

Community and Economic Development

- 11. Resolution to Approve the Submission of the Community Development Block Grant Application for Program Year 2022 Allocating \$798,883 for Sidewalks
- 12. Resolution to Reprogram Community Development Block Grant (CDBG) Funds from Home Senior Housekeeping Services to Senior Services and Youth Services for Program Years 2019 And 2020

Department of Public Works (DPW)

- 13. Resolution to Approve the Michigan Department of Transportation (MDOT) Annual Permit Performance Resolution

Finance

- 14. Resolution to Approve a Month-to-Month Agreement with Wade Trim for the City of Pontiac Building Services
- 15. Resolution to Authorize Mayor to sign the Oakland County Sheriff- 2021-2022 Law Enforcement Agreement with the City of Pontiac

Planning

- 16. Resolution to Approve Conveyance of Northwest 20 Feet of Lots 8 and 9 Elkins Addition City of Pontiac (Tax Parcel 64-14-31-403-006) Via Quit Claim Deed to Amorphous Solid, LLC (Epiphany Studios).

Law

- 17. Legal Update Memorandum

Communications from the City Clerk

- 18. Medical Marihuana Commission Update
- 19. Clerk's Response to City Attorney Memorandum about Potential Conflicts of Interest in Marihuana Application Review Process (**This item relates to item 17.**)

Communication from the Mayor

- 20. Mayoral Veto of Resolution 21-387 Regarding the State of the City Farewell Address

Public Comment

**Mayor, Clerk and Council Closing Comments
Adjournment**

Upcoming Special Presentation

December 30, 2021

Medical Marihuana Update

#1

MINUTES

**Official Proceedings
Pontiac City Council
267th Session of the Tenth Council**

Call to order

A Study Session of the City Council of Pontiac, Michigan was called to order at the City Hall Council Chambers, 47450 Woodward Ave Pontiac, MI 48342 on Tuesday, December 14, 2021 at 6:00 p.m. by Council President Kermit Williams.

Roll Call

Members Present – Carter, Miller, Pietila, Shramski, Taylor-Burks and Williams

Mayor Waterman was present.
A quorum was announced.

Excuse Councilmember

21-393 **Motion to excuse Councilperson Patrice Waterman for personal reasons.** Moved by Councilperson Pietila and second by Councilperson Taylor-Burks.

Ayes: Miller, Pietila, Shramski, Taylor-Burks, Williams and Carter
No: None
Motion Carried

Amendments to and Approval of the Agenda

21-394 **Motion to move item #8 (resolution of No Confidence in Mayor Deirdre Waterman) after the minutes on the agenda.** Moved by Councilperson Taylor-Burks and second by Councilperson Carter.

Ayes: Shramski, Taylor-Burks, Williams and Carter
No: Pietila and Miller
Motion Carried

21-395 **Motion to move item #11b (resolution to approve submission of the Community Development Block Grant application for program year 2022 allocating \$798,883 for sidewalks) after item #8 on the agenda.** Moved by Councilperson Taylor-Burks and second by Councilperson Pietila.

Ayes: Shramski, Taylor-Burks, Williams, Carter, Miller and Pietila
No:
Motion Carried

21-396 **Motion to remove item #16 (resolution to approve medical marihuana commission amended rules) from the agenda.** Moved by Councilperson Miller second by Councilperson Carter.

Ayes: Taylor-Burks, Williams, Carter, Miller, Pietila and Shramski
No: None
Motion Carried

21-397 **Motion to remove item #3 (special presentation for the American rescue plan town hall series) and item #4 (special presentation on the Mayor's 2021 year-end report with status of**

departmental strategic agendas) from the agenda. Moved by Councilperson Pietila and second by Councilperson Miller.

Ayes: Williams, Carter, Miller, Pietila, Shramski and Taylor-Burks

No: None

Motion Carried

21-398 **Motion to move item #14 (resolution to authorize Mayor to sign the Oakland County Sheriff 2021-2022 Law Enforcement Agreement with the City of Pontiac) after item #11b on the agenda.** Moved by Councilperson Pietila and second by Councilperson Taylor-Burks.

Ayes: Williams, Carter, Miller, Pietila, Shramski and Taylor-Burks

No: None

Motion Carried

21-399 **Motion to approve the agenda as amended.** Moved by Councilperson Taylor-Burks and second by Councilperson Pietila.

Ayes: Carter, Miller, Pietila, Shramski, Taylor-Burks and Williams

No: None

Motion Carried

Approval of Minutes

21-400 **Motion to approve meeting minutes for December 7, 2021.** Moved by Councilperson Taylor-Burks and second by Councilperson Miller.

Ayes: Miller, Pietila, Shramski, Taylor-Burks, Williams and Carter

No: None

Motion Carried

Public Comment

Ten (10) individuals addressed the body during public comment

Councilwoman Waterman received the Canvassing and Phonebank Grassroots Award

Public Hearing

Council President Kermit Williams opened up a public hearing for the Community Development Block Grant 2022 Program Year Application at 6:15 p.m. Two individuals addressed the body during the public hearing.

1. Billie Swazer 1619 Marshbank Dr. Pontiac, Mi. She supports the use of the funds for sidewalks.
2. Chuck Johnson asked a question, how you could continue with the meeting.

Council President Kermit Williams closed public hearing at 6:17 p.m.

Special Presentation

Special tribute from State Representative Brenda Carter to Pontiac City Council Members

Adjournment

Council President Kermit Williams adjourned the meeting at 6:45 p.m.

Garland Doyle
Interim City Clerk

DRAFT

#2

**SUBCOMMITTEE
REPORT**

December 8, 2021 Public Safety Meeting called to order, @9:00 by Councilwoman Mary Pietila, Chairperson in attendance was Ssgt. S. Law, OCSD, Firefighters, Chief M. Covey, Dep. C. Chief Wallace and Liaison W. White. Star Ems High Risk Manager B. Long

Absent was Council ProTem Carter due to illness and Councilwoman Sharamaski, no indication of why.

Narrative report from **Brian Long**, Safety and Risk Manager with Star.

Average Response time 5.6 minutes

Two more Basic EMT's hired.

Three new trucks coming in this month and next, at least two assigned to Pontiac

Car seat checks for 4 families last month. With the uptick in COVID 19 cases it may get cancelled, by Oakland Co. Health and St. Joseph Mercy Oakland, for December. We await word on this

As you now know, Chris Haney is no longer with Star EMS. He has taken a position at Tri-Hospital EMS in Port Huron. His position is taken by Tom Robinson a veteran of EMS since the Fleet and Suburban days of my youth. He is a guy you can count on.

Per SSgt Law all went well with the Holiday Extravaganza Parade, There were no incidents, Reserve deputies overseen the floats returned to Detroit, beings there was no parade in Rochester this year. There was nothing else to report. I did ask for a copy of the traffic report, being we have a new division, I was told I would be furnished with it.

Chief Covey, reported a new Squad a Hybrid with Water will be forthcoming, to be housed at Station 9 which will have water which lowers the ISO Rating anticipated to be on the records in a year after the truck is in service. There will be a new ambulance ordered, once approved by the commissioners.

The meeting was adjourned at 9:45



WATERFORD REGIONAL FIRE DEPARTMENT

2495 Crescent Lake Road • Waterford, MI 48329
Phone: 248.673.0405 • Fax: 248.674.4095
www.waterfordmi.gov

Matthew J. Covey, *Fire Chief* • Carl J. Wallace, *Deputy Fire Chief* • John R. Phebus, *Fire Marshal*

MONTHLY FIRE DEPARTMENT REPORT For the City of Pontiac November 2021

Total Pontiac Fire Station calls - month: **433** Average Response Time **5:27** min. per call
Total calls for Pontiac Stations - YTD: **4,515**
City Calls: Fires **21** EMS: **276** other types of calls for service:
Hazardous condition, Service calls, good intent, and false calls :**136**

Pontiac YTD: Fires: **206** EMS: **2,599**
All other calls for response **1,710**

<u>Month Count</u>	<u>Response Times</u>	<u>YTD</u>
FS-6: Fires-02	8:23	031
EMS-61	5:10	454
FS-7: Fires-15	5:09	092
EMS-103	5:15	953
FS-8: Fires-03	5:09	037
EMS-58	5:30	469
FS-9: Fires-01	12:06	036
EMS-49	4:15	417

NOTE: Totals per Station could reflect response out of the city limits or from another call and not first arriving unit as reflected in the average Pontiac resp. time. Number shown is the calls that happened in the Station's area.

Fire Injuries to personnel: None

Fire Injuries to civilian: One

Notable Event:

- Chief's office is working on a grant to replace the Departments SCBAs
- Chief's office, Union and HR are working on recruitment, retention and new hiring programs.

DISPATCH	
Abdominal Pain	17
airmedical transport	
ALLergies	6
ALTERED MENTAL STATUS	9
Animal bites	
Assault	26
Invalid assist	1
Pedestrian struck by Auto	
Back Pain	7
Breathing Problems	135
Boating Accident	
Burns	2
Cardiac Arrest	25
Chest pain	61
Choking	2
CO poisoning	
Seizures	53
Diabetic Issues	21
Drowning	1
Unspecified EMS SERVICE	7
Electrocution	
Eye issues	
Fainting	
Fall Victim	40
Fever	
Fire	1
Headache	1
Heart Problems	6
Heat/Cold Exposures	7
Hemorrhage from Laceration	17
Industrial Accident	
Medical alarms	9
MCI	
Ingested Poison	
Non Emergent requests	
Overdose	42
Pregnancy/Childbirth	9
Psychiatric Problems	24
Respiratory Arrest	
"Sick" Person	223
Standby	
stab/Gunshot Wound	6
Stroke/CVA	15
Traffic Accidents	37
Palliative care	24
Traumatic Injury	17

Unconscious/unknown cause	34
UNKNOWN	
"Person DOWN"	16
Sexual Assault	
Well Person Ck	1
total	902

**Oakland County Sheriff's Office
Pontiac Substation
2021**

12/6/2021 14:20

Road Patrol/DB	January	February	March	April	May	June	July	August	Sept	October	November	December	Totals
Road Patrol Arrests:	293	293	355	308	306	257	315	298	324	350	299		3,398
Traffic Citations:	219	290	302	352	324	474	457	275	377	558	898		4,526
Detective Bureau Warrants:	111	115	143	132	120	121	130	140	113	135	108		1,368
Cases Assigned to Detectives:	404	325	403	396	432	403	430	459	432	435	368		4,487
Appearance Citations:	8	7	13	10	6	5	8	7	9	3	5		81
DNA Swabs	1	0	0	0	0	0	0	1	0	1	2		5

Domesic Violence Arrests

State Law Warrants:	38	34	44	47	41	40	36	56	35	44	35		415
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Directed Patrol Unit

Felony Arrests:	50	48	43	35	42	37	25	35	39	32	45		431
Misdemeanor Arrests in Custody:	9	14	7	8	6	7	2	3	4	4	2		66
Appearance Citations:	8	13	5	2	1	3	1	2	0	1	0		36
Traffic Citations:	0	0	0	0	0	0	0	3	0	0	0		3
Controlled Buys:	0	0	0	0	0	0	0	0	0	0	0		0
Handguns Seized:	8	13	14	7	12	8	10	10	23	12	11		128
Long Guns Seized:	0	0	0	0	0	0	0	0	2	0	0		2
Search Warrants Executed:	0	0	0	0	0	0	0	1	1	0	0		2

Violent Crimes Statistics

Armed Robberies	3	7	2	3	4	4	3	6	5	2	4		43
Homicides:	1	1	0	1	0	0	3	1	0	1	5		13
Discharged Firearm (Injuries):	6	0	3	3	8	8	2	6	9	9	2		56
Discharge Firearm (No Injuries):	0	1	3	4	2	3	4	2	12	12	6		48
Weapons Involved/Brandished:	2	3	1	0	4	5	5	8	1	2	1		32

#5

ORDINANCE



CITY OF PONTIAC

OFFICIAL MEMORANDUM

Executive Branch

TO: Honorable City Council President Williams and City Council Members

FROM: Darin Carrington, Finance Director

DATE: December 9, 2021

RE: **Emergency Ordinance for Extension of Supplemental Pension Payment for Police & Fire Retirees**

Currently, certain Police & Fire retirees receive a supplemental pension payment in the amount of \$400 per month. This payment is provided to those retirees that retired before August 22, 1996. The \$400 Supplemental Payment is set to expire on December 31, 2021. The City has been working with the newly established VEBA in getting the health care benefits for eligible retirees and other individuals. However, the New VEBA will not have the health care benefits available until February 1, 2022. In order to avoid the Supplemental Payment ending before the VEBA is able to provide the planned health care benefits, we would like to extend the Supplemental Payment beyond the December 31st expiration date and we are submitting this ordinance.

An actuarial study has been done as required by state law and a copy of the study has been provided to City Council. Given the critical nature of these payments to these retirees, we are requesting an extension of the Supplemental Payments. Our request is to continue the payments until June 30, 2022 or until the New VEBA begins providing the health care benefits to the retirees, whichever comes first.

As such, the following resolution is requested for your consideration:

Whereas, the temporary increase to certain members of the Police & Fire Retirement System is set to expire on December 31, 2021; and,

Whereas, the City Council desires that this temporary increase continues no longer than June 30, 2022; and,

Whereas, such ordinance, if approved, will take effect from January 1, 2022 and expire on June 30, 2022 or when the New VEBA start providing health insurance to eligible retirees, whichever comes first, and,

Whereas, the Pontiac City Council considers this an emergency of health and safety.

Now therefore, an Ordinance to provide limited increase in pension payments for certain members of the Police & Fire Retirement System is hereby approved.

Ordinance No. 2369

An ordinance to provide for a limited increase in pension payments for certain members of the Police & Fire Retirement System ("PFRS").

Whereas, the temporary increase to certain members of the PFRS is set to expire on December 31, 2021; and,

Whereas, the City Council desires that this temporary increase continues for no longer than June 30, 2022

Whereas, such ordinance if approved will take effect from January 1, 2022 and expire on June 30, 2022, or when the New VEBA begins providing the health care benefits to the eligible retirees, whichever comes first, and,

Whereas, the Pontiac City Council considers this an emergency. The City of Pontiac ordains:

Section 1. Amendments.

The Police & Fire Retirement System ordinance shall be amended to read as follows:

a. Section 92-122.2 shall be amended to add the following language: Temporary Pension Increase: *"All persons who retired before August 22, 1996, and who are receiving retirement benefits as of January 1, 2022 and who enter pay status through June 1, 2022, shall be entitled to receive an increase in their monthly allowance of four hundred dollars (\$400.00) per month beginning January 1, 2022 through June 30, 2022, or when the New VEBA begins providing the health care benefits to the eligible retirees, whichever comes first."*

Section 2. Severability.

If any section, or provision of this Ordinance shall be declared to be unconstitutional, void, illegal, or ineffective by any Court of competent jurisdiction, such section, clause or provision declared to be unconstitutional, void or illegal shall thereby cease to be a part of this Ordinance, but the remainder of the Ordinance shall stand and be in full force and effect.

Section 3. Repealer.

All Ordinances or parts of Ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

Section 4. Publication.

The Clerk shall publish this Ordinance in a newspaper of general circulation.

Section 5. Emergency Declaration and Effective Date.

This Ordinance is declared an emergency of health and safety to allow the pension recipients to collect the increase authorized in this Ordinance on the date identified in this Ordinance and shall be effective immediately upon adoption by the City Council.

August 20, 2021

City of Pontiac
47450 Woodward Avenue
Pontiac, MI 48340

City of Pontiac Police and Fire Retirement System
Actuarial Analysis of \$400 Monthly Supplement from September 1, 2021 to August 31, 2022

As requested by the City of Pontiac, we have estimated the impact of paying a \$400 monthly benefit supplement from September 1, 2021 to August 31, 2022 for participants of the City of Pontiac Police and Fire Retirement System who retired before 8/22/1996.

The \$400 monthly benefit would not be subject to cost of living increases. Based on December 31, 2020 census data, 137 participants are expected to receive the \$400 monthly supplement during this time frame. Liabilities are expected to increase by 0.2% and the annual recommended contribution is expected to increase by approximately \$57,828. The estimated impact as of December 31, 2020 is summarized in the following table:

Valuation Results as of 12/31/2020	Prior to Supplement Extension	After \$400 Supplement	Impact of \$400 Supplement
Accrued Liability	\$249,854,074	\$250,438,313	\$584,239
Actuarial Value of Plan Assets	214,814,588	214,814,588	0
Unfunded Accrued Liability	\$35,039,486	\$35,623,725	\$584,239
Funded Percentage	86.0%	85.8%	(0.2)%
Annual Recommended Contribution	\$3,819,003	\$3,876,831	\$57,828

The Annual Recommended Contribution assumed to apply to the July 1, 2022 Fiscal Year and payable January 1, 2023.

The actuarial assumptions and methods, plan provisions, and participant data used in this analysis are the same as those used in the December 31, 2020 actuarial valuation report dated July 27, 2021 for the City of Pontiac Police and Fire Retirement System. As a result, these sections of the report should be considered part of this memo. The impact of the \$400

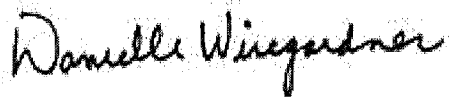
monthly supplement was calculated assuming a 7.25% interest rate and Pub-S 2010 Mortality Tables with MP-2020 improvement scale projected generationally.

This analysis has been prepared in accordance with generally accepted actuarial principles and practice. Future actuarial measurements may differ significantly from the current measurements presented in this analysis due to such factors as the following:

- plan experience differing from that anticipated by the economic or demographic assumptions;
- changes in economic or demographic assumptions;
- increases or decreases expected as part of the natural operation of the methodology used for these measurements; and
- changes in plan provisions or applicable law.

We did not perform an analysis of the potential range of future measurements due to the limited scope of our engagement. The undersigned are compliant with the continuing education requirements of the Qualification Standards for Actuaries Issuing Statements of Actuarial Opinion in the United States.

Sincerely,

A handwritten signature in black ink that reads "Danielle Winegardner". The signature is written in a cursive, flowing style.

Danielle Winegardner, FSA, EA, MAAA
Actuary

#6

ORDINANCE

Ordinance No.

AN ORDINANCE TO AMEND THE CITY OF PONTIAC REESTABLISHED GENERAL EMPLOYEES' RETIREMENT SYSTEM.

The City of Pontiac ordains:

Section 1. Amendments.

That the City of Pontiac Reestablished General Employees' Retirement System ("Retirement System") is hereby amended as follows:

Section 20 shall be amended to add the following subsection (c):

(c) Permanent Pension Increase:

Effective December 31, 2021, all current and future eligible individuals who are receiving a Pension benefit from the Retirement System shall be entitled to receive an annual enhanced benefit in the form of a stipend of \$4,800.00, subject to the terms and conditions set forth in this subsection (c). The stipend shall be paid in July of each year provided that the Retirement System's prior year's annual valuation (calculated using the same actuarial assumptions used in the final valuation calculated as of March 31, 2021 for the General Employees' Retirement System ("Termination Valuation")) determines that the Retirement System is at least 113% funded. For the period of January 1, 2022 through June 30, 2022, eligible individuals shall receive a pro-rata stipend of \$2,400 payable in \$400 monthly installments. The stipend shall be payable for the lifetime of the eligible individual, provided, however, that no stipend shall be paid or due for any year subsequent to a year in which the Retirement System's annual valuation (calculated using the same actuarial assumptions used in the Termination Valuation) determines that the Retirement System's funded level is below 113%.

Section 2. Severability.

If any section, or provision of this Ordinance shall be declared to be unconstitutional, void, illegal, or ineffective by any Court of competent jurisdiction, such section, clause or provision declared to be unconstitutional, void or illegal shall thereby cease to be a part of this Ordinance, but the remainder of the Ordinance shall stand and be in full force and effect.

Section 3. Repealer.

All Ordinances or parts of Ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

Section 4. Publication.

The Clerk shall publish this Ordinance in a newspaper of general circulation.

Section 5. Effective Date.

This Ordinance shall be effective 10 days after adoption by the City Council.

I hereby certify that the foregoing is a true copy of the Ordinance as passed by the City Council of the City of Pontiac at a regular Council Meeting held electronically in said City on the ___ day of December, 2021.

Garland S. Doyle, Interim City Clerk

M E M O R A N D U M

TO: Chairman Albritton
GERS Pension Board

FROM: John C. Clark, Esq. – Pontiac City Attorney
Alec Gibbs, Esq. – CPREA Legal Counsel

DATE: December 2, 2021

RE: March 31, 2021 Valuation

Dear Chairman Albritton,

As your Board is aware, the City of Pontiac (the “City”) entered into an innovative settlement agreement on March 30, 2018 with a class of retirees (“CPREA”) related to City funding of retiree health benefits in the United States District Court for the Eastern District of Michigan Case No. 2:12-cv-12830, which was given final approval by the court on November 19, 2018 (the “Settlement Agreement”). The Settlement Agreement was a product of years of intense litigation and negotiation between CPREA and the City (the “Bargaining Parties”) and consultation with numerous experts (including actuaries, investment advisors, and attorneys). The settlement reached allowed retirees to avoid a future without health benefits, and the City to avoid adverse financial consequences associated with a negative result in litigation. The Settlement Agreement requires the City, subject to IRS approval, to terminate the GERS, create the Reestablished GERS (which will assume all of the pension liabilities of the terminated GERS plus a substantial cushion of assets), and establish the new VEBA (which will receive the remaining excess assets to fund certain retiree health benefits) under Code §501(c)(9). The IRS has approved these terms of the historic Settlement Agreement with a GERS termination date of March 31, 2021 and a Reestablished GERS creation date of April 1, 2021.

Since March 31, 2021, the Bargaining Parties have been patiently waiting for the GERS termination actuarial valuation (“March 31, 2021 Valuation”) from your Board’s actuary. Your Board is well aware that assets cannot be distributed to the VEBA to pay for the retiree health benefits or to pay the opt-out benefits as required by the Settlement Agreement until the March 31, 2021 Valuation is finalized. Nonetheless, your Board has failed to produce the March 31, 2021 Valuation over the last eight months. Your Board’s antics in the process (e.g., changing the previously agreed upon assumed rate of return) have and continue to delay the provision of health care benefits to retirees.

At last week’s City Council meeting, Ms. Louise Gates of GRS (your Board’s actuary) made a presentation discussing the attached analysis related to the liability calculation for your Board’s proposed \$400 permanent pension increase (“Proposed Permanent Increase”). At the Council meeting, it was discussed that the analysis treats the estimated liability of \$49M for the Proposed Permanent Increase as a liability to be accounted for in the March 31, 2021 Valuation.

As previously advised, the treatment of such potential liability as a liability of the terminated GERS is fundamentally inconsistent with the Settlement Agreement. Specifically, §6 of the Settlement Agreement relevantly provides:

*The City of Pontiac will terminate the General Employees Retirement System Pension Plan (“GERS Plan”) and establish a new GERS Plan, which will receive assets equal to 130% of **the pension liabilities of the old GERS Plan**. Prior to the transfer of assets to the new GERS Plan, the City and CPREA shall be given the pension plan assumptions and shall have an opportunity to approve those assumptions. If the City and/or CPREA do not approve those assumptions, the Parties shall immediately submit the dispute to Judge Cohn for resolution. . . The City will also establish a New VEBA Plan Trust Agreement, which will receive the excess assets from the old GERS Plan that exceed 130% of the **pension liabilities of the old GERS Plan**. . . .” (emphasis added)*

The Proposed Permanent Increase was not a provision of (or ever contemplated as a provision of) the old GERS and therefore cannot be considered a pension liability of the old GERS Plan.¹ The Proposed Permanent Increase was not contemplated by the Bargaining Parties when crafting and negotiating the Settlement Agreement. Your Board’s proposal to include the Proposed Permanent Increase in the March 31, 2021 Valuation will result in less excess assets to transfer into the new VEBA. The assumptions used in mediation to analyze whether the new VEBA has enough assets to provide health benefits for the life of its members did not include the Proposed Permanent Increase and ultimately may have the potential to impact the longevity for which the VEBA can provide benefits to the retirees.

Your Board’s lack of cooperation in the Settlement Agreement effectuation process has been very disappointing. The retirees have been waiting for health benefits for over a decade. The Bargaining Parties and the VEBA Board have been working hard to ensure that (1) opt out payments will be made in December 2021; and (2) that retiree health benefits will commence on February 1, 2022. The excess assets from the terminated GERS are required to fund these obligations and the excess assets cannot be transferred without the March 31, 2021 Valuation. If your Board continues to fail to produce the March 31, 2021 Valuation (properly prepared so as not to include any liability for the Proposed Permanent Increase), this timeline will not be met and your Board will be solely responsible for delaying the provision health benefits to approximately 1,500 retirees.

Furthermore, the IRS’s approval of the old GERS termination was conditioned upon assets being distributed from the old GERS “as soon as administratively feasible,” which generally is considered to mean full distribution of assets within a year of the termination date. Failure to timely distribute assets from the old GERS will create a “wasting trust” which may result in an IRS determination that the old GERS is still active and not terminated effective as of March 31, 2021. This would be an incomprehensible result which would further derail the hard work of the Bargaining Parties and VEBA Board and indefinitely delay the retirees long awaited benefits. It would also potentially throw the retirees back in peril of not receiving their health benefits, and would potentially have unintended negative consequences for the City.

¹ Please note that the Bargaining Parties do not take issue with the Proposed Permanent Increase being taken into account as a future liability of the Reestablished GERS post asset transfer.

For unknown reasons, your Board has consistently attempted to derail the effectuation of the Settlement Agreement. ***If your Board does not change its course, agree that the Proposed Permanent Increase will not be accounted for in the March 31, 2021 Valuation by December 8, 2021, and produce the March 31, 2021 Valuation by December 14, 2021, the Bargaining Parties will seek injunctive relief from the court.***

Cc: Mayor Deirdre Waterman
Pontiac City Council
Cynthia J. Billings-Dunn, Esq.
Samantha A. Kopacz, Esq.



CITY OF PONTIAC

OFFICIAL MEMORANDUM

Executive Branch

TO: Honorable Council President and City Council Members

From: City Attorney through Executive Office

Re: Permanent Enhanced GERS Benefits

Date: December 9, 2021

Dear Honorable Council,

As you are aware, the GERS Board previously prepared two draft ordinances related to adding a permanent enhanced benefit (1) into the Reestablished GERS; and (2) into the terminated GERS. As previously advised in my December 7, 2021 email to the Honorable Council and at multiple prior Council meetings, adding the permanent enhanced benefit into the terminated GERS violates the Settlement Agreement entered into by the City and CPREA. Please see the enclosed joint letter from me and CPREA attorney Alec Gibbs reiterating this concern to the GERS Board. I also highlight that Mr. Kraft (a CPREA Board member) indicated during public comment at the December 7, 2021 Council meeting that CPREA intends to seek relief from the court if the terminated GERS is amended to include the permanent enhanced benefit as a liability of the terminated GERS. Thus, if the Honorable Council elects to move forward with including the enhanced benefit within the terminated GERS, it should expect CPREA to take this back to court which will delay the provision of retiree health benefits indefinitely. As such, we recommend to the Honorable Council that the proposed ordinance related to the terminated GERS should not be adopted. Our recommendation is that the Honorable Council should instead direct the GERS Board to produce the 3/31/21 valuation for the terminated GERS (the valuation which shall NOT include liabilities for the proposed permanent enhanced benefit).

The Mayor's initial proposal related to a permanent enhanced benefit was intended as a prospective benefit to be added into and accounted for in the Reestablished GERS after the final March 31, 2021 valuation for the terminated GERS was completed and after the terminated GERS had distributed assets to the Reestablished GERS, VEBA, and opt-out fund pursuant to the terms of the Settlement Agreement. The Executive Office continues to support the idea of adding a permanent enhanced benefit into the Reestablished GERS on a prospective basis. In this regard, please see the enclosed ordinance amending the Reestablished GERS to provide a permanent enhanced benefit in the form of an annual stipend of \$4,800, provided that the retirement system is at least 113% funded. The enclosed ordinance is an updated version of the draft ordinance

previously provided to the Honorable Council by the GERS Board. It is understood that the Reestablished GERS's actuary, Louise Gates of GRS, is comfortable with this 113% funding threshold and tying the funded level to the assumptions utilized in the March 31, 2021 final valuation for the terminated GERS. Please note that neither the City nor its attorneys have done any independent investigation in that regard, but instead rely on the expertise of the retirement system's actuary in this regard.

Finally, please remember that Section 20h(5) of Michigan Act 314 of 1965 (*MCL §38.1140h(5)*) requires a supplemental actuarial analysis before adoption of pension benefit changes:

(5) A system shall provide a supplemental actuarial analysis before adoption of pension benefit changes. System assets must not be used for any actuarial expenses related to the supplemental actuarial analysis under this subsection. The supplemental actuarial analysis must be provided by the system's actuary and must include an analysis of the long-term costs associated with any proposed pension benefit change. The supplemental actuarial analysis must be provided to the board of the particular system and to the decision-making body that will approve the proposed pension benefit change at least 7 days before the proposed pension benefit change is adopted. For purposes of this subsection, "proposed pension benefit change" means a proposal to increase the amount of pension benefits received by persons entitled to pension benefits under the system. Proposed pension benefit change does not include a proposed change to a health care plan or health benefits.

It is unclear to the City at this time whether a supplemental actuarial analysis treating the proposed permanent enhanced benefit as a liability of the Reestablished GERS post asset transfer (as required by the Settlement Agreement) has been completed. The ordinance to add the permanent enhanced benefit into the Reestablished GERS cannot be adopted until the required supplemental actuarial analysis is completed.

#7

RESOLUTION

Pontiac City Council Resolution



WHEREAS, this resolution is to formally express in writing the Pontiac City Council's Resolution of No Confidence in Mayor Deirdre Waterman; and,

WHEREAS, the Resolution of No Confidence in Mayor Deirdre Waterman is intended to bring an awareness to the citizens of Pontiac of the failed Mayoral leadership, disregard for transparency and accountability and total disrespect for the legislative branch of government, thereby undermining the democratic process; and,

WHEREAS, the pattern of failed leadership is evident with, the feeble working relationship between the Administration and Council, the high employee turnover (this reflects poor decision-making, and the lack of skills to mentor, retain or develop leadership), low morale, unorthodox hiring practices and excessive and disproportionate spending in complete defiance of the balanced and line-item budget passed by the Council, and,

WHEREAS, the Council as the legislative body and an equal branch of government, attempted to perform the duties and responsibilities outlined in the charter, but more often than not, Council's rights were usurped by the Mayor; and

WHEREAS, provision 3.115 of the Charter states that Council may, within appropriations provided in the budget, appoint or contract for services and 4.204 allows Council to obtain the opinion or advice of independent legal counsel in any matter pending before it; and,

WHEREAS, the Council attempted to retain the legal services of Clark Hill PLC, Parliamentarian services from Ms. Eleanor Siewert and accounting services, mores specifically, a forensic audit from Bonadio & Co., LLP, Certified Public Accountants,

WHEREAS, the Mayor commandeered Council's authority and both severed the contractual relationships with Clark Hill and Eleanor Siewert by failing to pay their outstanding invoices for almost two years, and impeded Council from entering into an agreement with Bonadio & Co, LLP to perform a forensic audit by disregarding the resolution passed by Council to engage Bonadio, only for the City attorney to ultimately tell the Council, "NO;" and,

WHEREAS, 4.106 of the Charter states that the Mayor may, within the appropriations provided in the budget, appoint such assistants and secretaries to the staff of the office of the Mayor as may be reasonably necessary and 4.106 states that the Mayor shall appoint for each department of the executive branch a director who serves at the pleasure of the Mayor, each appointment is subject to approval by the Council; and,

WHEREAS, many of the Administration's positions have not and are not within the appropriations provided in the budget and some of the appointments presented to Council for approval were not confirmed, including the current "Interim Deputy Mayor," the "Interim Finance Director," a former Finance Director, and a past and present DPW Director; and,

WHEREAS, despite the Mayor's appointees not being confirmed, the individuals continued and continue to be employed with the City of Pontiac under the auspices of being called "Interim;" and,"

WHEREAS, going as far back as September 4, 2018, the Mayor presented a resolution to Council to approve Mayoral recommendation to reappoint members to the Planning Commission, the resolution failed; however, to date, the Planning Commission members continue to serve and no subsequent appointments have been presented to Council for approval; and,

WHEREAS, boards and commissions are no exception to the requirement that Council must approve a Mayoral appointment, section 4.109 of the charter states that reappointment of a person to the same board or commission for an additional consecutive term is subject to approval by the Council; and,

WHEREAS, the Mayor's lack of accountability and routine disregarded for resolutions by Council are astounding, as her rationale for discarding Council resolutions, resolutions are merely advisory or requests; and,

WHEREAS, in June 2021 Council passed the 2021-2022 Annual Budget; and,

WHEREAS, Council in its desire for the children of Pontiac to have a state-of-the-art youth recreation facility, did not approve the purchase of 825 Golf Drive and has continued to allocate and restrict \$3.2 million dollars in the annual budget for a youth recreation facility; and,

WHEREAS, the City of Pontiac's lease agreement for 825 Golf Dr. ended on June 30, 2021 and in contemplation of the move, Council in passing a fiscally responsible, balanced budget, cut the millage in half, thereby reducing the amount tax payers would have to pay, due to the fact that there would be no expenses related to a facility, but the programming would continue, as there are sufficient funds generated from the millage to cover these costs; and,

WHEREAS, after the budget was passed and at the end of June 2021, the Mayor presented a resolution to Council requesting authorization to execute a three (3) month extension to the Lease Agreement for 825 Golf Drive in order to allow the City to re-program youth activities and to determine a place and process for vacating the premises, the motion failed; and,

WHEREAS, though Council reduced the millage by 50%, eliminated items in the budget that only related to maintaining the cost of the youth recreational facility and United Wholesale Mortgage revealed through a press conference its desire to provide Pontiac with a **\$10 Million Dollar** youth recreation facility, no attempt was made by the Mayor to locate an alternate site. It is evident that it was never the intention of the Mayor to vacate 825 Golf Dr. even though the Mayor insisted and expressed in her resolution "holding over" would be for "just three (3) months," time needed to vacate the premises or attempt to secure another location, as six (6) months later, the Mayor continues to have PYREC housed at 825 Golf Dr.; and,

WHEREAS, Council made unsuccessful and repeated attempts to discuss with the Mayor rehabbing the Ewalt Center and on June 18, 2020, the Council passed a resolution and allocated **\$25,000.00** in the budget

to have a feasibility study done for the Ewalt Center, the study was finally provided to Council almost a year later on May 11, 2021, but with no collaborative effort from the Mayor to take steps to develop the Center; and,

WHEREAS, on April 16, 2019, Council adopted a resolution to instruct the City Attorney to amend the City of Pontiac's ordinance 2287 to place the Cable Division and appointment of the Cable Director back under the legislative branch of government, returning it back to how it was prior to emergency management. The Mayor vetoed the resolution, but Council passed a resolution to override the Mayor's veto on July 29, 2019 and despite overriding the veto, Cable continues to be under the Mayor.

WHEREAS, on August 27, 2019, the Council adopted an ordinance to amend Chapter 42 "Community Development" to add Article VII entitled "Provisioning Center Community Benefits Agreements in order to allow developers of provisioning centers to enter into Community benefits agreements that would identify potentially negative aspects of such developments and identify proportional community benefits to the City of Pontiac to rectify those negative aspects. On September 6, 2019, the Mayor vetoed the ordinance and on September 10, 2019, Council overrode the Mayor's veto. To date, Pontiac does not have a Community Benefits ordinance in place.

NOW THEREFORE BE IT RESOLVED, that the Pontiac City Council hereby passes this resolution of No Confidence in Mayor Deirdre Waterman with the most sincere confidence and expectation that the next Administration will restore transparency, accountability and respect for the legislative branch of government, ultimately embracing democracy.

THE DETAILS

WHY NOW?

Pontiac Voters Spoke Loud and Clear – In an unprecedented vote, 70 percent of citizens overwhelming went to the polls to pass a youth center millage that authorizes the city to fund up to roughly \$900,000 each year, for 10 years – from 2017 to 2026 – **to provide funding for a youth center and programming.** Under state law (MCL 123.461) levied funds can only be used **to operate a center** open exclusively to youths under 21 years of age and aimed at curbing juvenile delinquency within the community. *****Millage funds CAN NOT be used to acquire, build a building or repair an existing one. Legally, millage funds CAN ONLY be used for programming and operating costs.*****

Unfortunately, within the last few months, Pontiac has encountered an uptick in violent crime, gun violence, and a record-number of homicides have occurred within the first few months off the new year. The majority of these crimes have been committed involving our youth – both victims and perpetrators. A youth center is desperately necessary! Action is needed, and we need to invest in our children's future now!

WHY HERE?

The Best to Offer – Wisner Center is a state-of-the-art, viable site that is available to us now. Having recently undergone a \$4.6 million renovation, the facility and grounds are safe, secure, well-lit, ADA compliant, and conveniently located on 21 beautiful acres within the heart of Pontiac. Wisner Center features a high-tech computer lab, recording studio, high speed fiber-optic system, site projectors, spacious community rooms, and expansive outdoor track and fields. The opportunities at Wisner Center are just like our kid's potential – limitless!

WHAT ARE THE COSTS?

Our Kids Futures Are Priceless – The cost for leasing the Wisner Center is very reasonable, considering all the benefits that are included in the lease price which is currently being negotiated. More details will be released as they develop. At this juncture, the projected cost would annually invest valuable dollars into the School District of Pontiac which is the owner of the Wisner property.

IS IT LEGAL?

A Smart "Win-Win" – The School District of the City of Pontiac benefits from this proposal and it is a "Win-Win" for our children and both, the city and school district. Legally, we may enter into contract with their lessee, Wisner, LLC, as the sublessee of Wisner Center.

WHAT ARE THE FUTURE PLANS?

Our Own State-of-the-Art Youth Center – Plans for a City of Pontiac owned and operated Youth Center are underway. Wisner is proposed to be used as the youth center along with proposed satellite gym sites throughout the city. It is also proposed to offer mini-grants to community partners for youth recreation projects.

We hold our children's future in our hands. Long-term planning for site development, construction, and recreational sustainability take a unified community effort to achieve our dream of a state-of-the-art community center. Let's start now!

September 4, 2018

Ayes: Williams, Woodward, Carter, Miller, Taylor-Burks and Waterman
No: None
Motion Carried.

18-334 Resolution to approve Mayoral recommendation to reappoint the following individuals to the Planning Commission. Moved by Councilperson Miller and second by Councilperson Taylor-Burks.

Whereas, Article V, Section 2-372 of the Municipal Code, the Planning Commission is comprised of six non-elected officials and the Mayor or his/her designee; and
Whereas, there are currently several appointments with expired terms on the Planning Commission; and
Whereas, according to State Law and City Ordinance, the Mayor shall appoint the commissioners subject to the approval by a majority of the City Council.
Now, Therefore, Be It resolved, that the based upon the recommendation of the Mayor, that the City Council reappoint the following individuals to the terms noted below:

- Ashley Fegley – July 1, 2016 to June 30, 2019
- Lucy Payne – July 1, 2017 to June 30, 2020
- Christopher Northcross – July 1, 2018 to June 30, 2021
- Dayne Thomas – July 1, 2016 to June 30, 2019

Ayes: Woodward
No: Carter, Miller, Taylor-Burks, Waterman and Williams
Resolution Failed.

18-335 Resolution for the American Legion Cook-Nelson Post 20's 98th Anniversary. Moved by Councilperson Woodward and second by Councilperson Waterman.

Whereas, It is with warm and sincere gratitude that we graciously recognize the American Legion Cook-Nelson Post #20's 98 years of illustrious service to veterans, service members and the community; and,
Whereas, the American Legion was chartered by Congress in 1919 as a patriotic veterans organization, focusing on service to veterans, service members and communities; and,
Whereas, the American Legion evolved from a group of war-weary veterans of World War I into one of the most influential nonprofit groups in the United States with membership swiftly escalating to over 1 million, and local posts springing up across the country; and,
Whereas, today, membership stands at over 2.4 million in 14,000 posts worldwide as the posts are organized into 55 departments: one for each for the 50 states, along with the District of Columbia, Puerto Rico, France, Mexico and the Philippines; and,
Whereas, the American Legion Cook-Nelson Post #20 is located in Pontiac, is considered a historical site and is one of Michigan's oldest African American Post; and,
Whereas, the American Legion Cook-Nelson Post #20 is named after Captain James C. Cook and Lieutenant Elmer B. Nelson; and,
Whereas, the American Legion Cook-Nelson Post #20 has remained steadfast in its efforts to influence social change, obtain benefits for veterans and create important programs for children and youth; and,
Whereas, the American Legion Cook-Nelson Post #20 hosts many annual community projects under the leadership of Commander Joe Carr and Auxillary President Sandra Carter, the projects include, in the month of February, the Black History Tea, which showcases leadership and children in Pontiac, in April, Spring in to Reading, encourages children to read, in June, the Michigan Veterans Foundations are provided toiletries, tea and clothing, in October, Breast Cancer Awareness Seminars are hosted and both

July 10, 2018

Whereas, the City of Pontiac wishes to exercise its right of first refusal to purchase the following properties under MCL 211.78 M(1): 1571 Giddings, Parcel No, #1410327022 and 68 Lake Street, Parcel No, #1432153011.

Now, Therefore, Be It Resolved, that the City of Pontiac agrees to reserve the following properties: 1571 Giddings, Parcel No, #1410327022 and 68 Lake Street, Parcel no, #1432153011, per its right of first refusal under PA 123 of 1999 and that all resolutions and parts of resolutions, insofar as they conflict with the provisions of their resolution, are hereby rescinded.

Ayes: Waterman

No: Williams, Carter, Miller, Pietila, Taylor-Burks

Resolution Failed.

Councilperson Woodward was absent during the vote.

18-267 **Resolution regarding salary increase for the Mayor and City Council, (ad-on)**
Moved by Councilperson Taylor-Burks and second by Councilperson Carter.

Whereas, on January 11, 2018, the resolution from the Local Officers Compensation Commission to increase salaries for the Mayor and the City Council failed; and,
Whereas, the intention of the Council not to accept the increase in salaries for both the Mayor and the Council was made clear through the statements and action taken by the Council in their efforts by resolution, to adopt by 2/3 of the members elected to and serving on the body, to reject the recommendation of the Local Officers Compensation Commission, as it was also clear, that if the Council had done nothing, the determination/recommendation of the Commission would have gone in effect 30 days following the filing with the Clerk; and,

Whereas, on or around July 3, 2018, Council members discovered and questioned why Council members were going to receive an unanticipated check from the City; and,
Whereas, the Council was informed that they were going to receive an increase in salary of approximately Six Hundred (\$681.58) Eighty-One Dollar and Fifty-Eight Cents; and,
Whereas, the amount of the increase reflects the difference of the salary of \$15,000 per year and the Local Officers Compensation Commission's recommended salary increase of, \$16,500 per year, retroactive to January 2018; and,

Whereas, the Council received a check reflecting the increase on July 5, 2018; and,
Whereas, the distribution of the increase recommended by the Local Officers Compensation Commission is unauthorized and against the January 11, 2018 resolution adopted by the Council which rejected the recommendation to provide Council with a ten (10%) percent increase and the Mayor a thirteen (13%) percent increase; and,

Whereas, retention of the extra compensation payments by the Council and the Mayor would appear to violate Article XI, Section 3 of the Michigan Constitution which prohibits the City from granting or authorizing "extra compensation to any public officer, agent or contractor after the service has been rendered or the contract entered into."

Now, Therefore Be It Resolved, that the Pontiac City Council does not accept the salary increase recommended by the Local Officers Compensation Commission, will return the increase and demands that any future enhanced payments to the Council, reflecting the January 2018 recommendation of the Local Officers Compensation Commission be stopped immediately and strongly encourages the Mayor to do the same.

Ayes: Williams, Carter, Miller, Taylor-Burks and Waterman

No: Pietila

Resolution Passed.

Pontiac City Council Resolution



19-137 Resolution for the City Attorney to Amend Ordinance #2288 to change how City Council adopts the budget from functional basis to line item basis. Moved by Councilperson Taylor-Burks and second by Councilperson Carter.

Whereas, the Pontiac Municipal Code and Pontiac Ordinance No. 2288, sec 4, dated June 27, 2013 provides that the budget shall be adopted on a functional basis for expenditures, rather than on a departmental or line item basis; and,

Whereas, it is in the best interest of the City of Pontiac to amend the current ordinance to allow the budget to be adopted on a line item basis for expenditures rather than on a functional basis; and,

Whereas, money shall not be moved within departments without the Pontiac City Council's approval; and,

Whereas, pursuant to the Pontiac City Charter more specifically, section 4.202, the City Attorney is hereby instructed to amend the ordinance pursuant to the resolution passed by the Pontiac City Council by May 1, 2019.

Now, Therefore, Be, It Resolved, that no more than Ten Thousand (\$10,000.00) Dollars shall be allocated and changed to a different function within a department without the Pontiac City Council's approval and the current 2019-2020 budget shall be adopted by line item for expenditures.

Ayes: Pietila, Taylor-Burks, Waterman, Williams, Woodward, Carter and Miller

No: None

Resolution Passed.

Adopted by Council 4-16-19
Forwarded to Mayor 4-22-19
Vetoed by Mayor X
Written Statement Received _____
Forwarded to the Clerk 4-26-19

written statements attached as shown
not certain this resolution was passed
M. J. Williams
Quinn Williams

19-147 **Motion to amend resolution to add language that states “for the last 12 months” after “these matters which are currently before the City Council” to authorize the Law Firm of Clark Hill PLC, to provide advice and or a Legal Opinion to the Pontiac City Council in the Matters regarding the Mayor’s recent Appointments, Hires and Unapproved Salaries that are currently before the City Council. Moved by Councilperson Taylor-Burks and second by Councilperson Miller.**

Ayes: Waterman, Williams, Carter, Miller, and Taylor-Burks

No: None

Motion Carried.

Councilwoman Mary Pietila was absent during the vote.

19-148 **Resolution to Authorize the Law Firm of Clark Hill PLC, to Provide advice and or a Legal Opinion to the Pontiac City Council in the Matters Regarding the Mayor’s Recent Appointments, Hires and Unapproved Salaries that are Currently before the City Council, for the last 12 months. Moved by Councilperson Waterman and second by Councilperson Taylor-Burks.**

Whereas, in lieu of the Mayor’s recent appointments, hires and unapproved salaries, the City Council has determined that pursuant to section 4.204 of the Pontiac City Charter, these matters, which are currently before Council, for the last 12 months, require an opinion and advice of independent counsel.

Now, Therefore, Be It Resolved, that the Pontiac City Council hereby authorizes the Law Firm of Clark Hill PLC, to provide advice and or a legal opinion.

Ayes: Williams, Carter, Miller, Pietila, Taylor-Burks and Waterman

No: None

Resolution Passed.

19-149 **Suspend the Rules to vote on Item # 6. Moved by Councilperson Taylor-Burks and second by Councilperson Pietila.**

Ayes: Carter, Miller, Pietila, Taylor-Burks, Waterman and Williams

No: None

Motion Carried.

19-150 **Resolution to approve contract increase for Matthew Neale, Esq., Miller, Canfield, Paddock and Stone, P.L.C. to serve as the Professional Expert-Medical Marihuana not to exceed \$25,000.00 and Authorize the Mayor to Sign the Final Agreement. Moved by Councilperson Pietila and second by Councilperson Miller.**

Whereas, the City of Pontiac has contracted with Matthew Neale, Esq., Miller, Canfield, Paddock and Stone, P.L.C. to provide professional expert assistance to the City Clerk under Ordinance 2357 (B) not to exceed \$10,000, and

Whereas, City Council has to approve contracts over \$10,000, and the City of Pontiac wishes to increase Mr. Neale’s contract not to exceed a total amount of \$25,000.

April 9, 2019 Study Session Approved Minutes

Ayes: Woodward, Carter, Miller, Pietila, Taylor-Burks, Waterman and Williams
No: None
Resolution Passed.

19-125 **An Emergency Ordinance to amend Ordinance 2361 an Emergency Ordinance that amended the City of Pontiac's Zoning Ordinance to include Medical Marijuana facility uses in designated overlay districts to include the following amendments: Amend Article 2, Chapter 1, Section 2.101, Table 1 - Zoning Districts, Special Purpose Zoning Districts; Amend Article 2, Chapter 2, Section 2.203, Table 2 - Uses Permitted by District; Article 2, Chapter 5 -Development Standards for Specific Uses is amended to add Sections, 2.544, 2.545, 2.546, 2.547, and 2.548; Article 3 - Special Purpose Zoning Districts is amended to add Chapter 11 - Medical Marijuana Overlay District, and Article 7 - Definitions is amended to add Chapter 2 and Chapter 3, Section 7.202, 7.203 and 7.301. Pursuant to Pontiac City Charter Provision 3.112[e], this is an EMERGENCY ORDINANCE to regulate the proliferation of medical marijuana facilities within the City of Pontiac and thereby ensure the health and safety of its residents, as such, shall be given immediate effect. Moved by Councilperson Pietila and second by Councilperson Taylor-Burks.**

Ayes: Carter, Miller, Pietila, Taylor-Burks, Waterman, Williams and Woodward
No: None
Ordinance Passed.

The Ordinance is attached as Exhibit A.

Council President Williams requested a legal opinion from the City Attorney on the issue that Council President Pro-Tem Carter raised about the ordinance inconsistency with State law pertaining to Medical Marijuana grow facilities.

19-126 **Suspend the Rules. Moved by Councilperson Woodward and second by Councilperson Miller.**

Ayes: Miller, Taylor-Burks, Waterman, Williams, Woodward and Carter
No: Pietila
Motion Carried.

19-127 **Resolution to approve Mayor's Appointment of Mr. Hughey Newsome, as Finance Director for the City of Pontiac at an annual salary of \$131,040 effective April 15, 2019. Moved by Councilperson Woodward and second by Councilperson Pietila.**

Whereas, Subsequent to the resignation of our Finance Director, Nevrus Nazarko, a vacancy for the appointed Finance Director position was created; and
Whereas, Hughey Newsome has previously served in capacity of Chief Financial Officer, has earned two Master's degrees; and has the skills needed to serve the City of Pontiac in the capacity of Finance Director; and

April 9, 2019 Study Session Approved Minutes

Whereas, Article IV, Chapter 1, Section 4.106, of the Home Rule Charter states that the Mayor shall appointment for each department of the executive branch a director for each department, subject to the approval by Council; and

Whereas, the Mayor has appointed Mr. Hughey Newsome to the position of Finance Director, contingent on Council approval; and

Now, Therefore, Be It Resolved, that the Pontiac City Council does hereby approve Hughey Newsome to serve at the Finance Director performing the required duties and obligations of the Finance Director effective, Monday, April 15, 2019 at the base salary of \$131,040.00.

Ayes: Pietila, Waterman and Woodward
No: Taylor-Burks, Williams, Carter and Miller
Resolution Failed.

Received communication from the Mayor regarding letter to address City Council resolution requesting that Giarmarco, Mullins & Horton, P.C., assign another Attorney to Appear at City Council Meetings.

Councilman Don Woodward left the meeting.

19-128 **Suspend the rules.** Moved by Councilperson Taylor-Burks and second by Councilperson Pietila.

Ayes: Taylor-Burks, Waterman, Williams, Carter, Miller and Pietila
No: None
Motion Carried.

April 23, 2019 Approved Minutes

19-141 **Approval of the meeting minutes of April 16, 2019.** Moved by Councilperson Pietila and second by Councilperson Taylor-Burks.

Ayes: Waterman, Williams, Carter, Miller, Pietila and Taylor-Burks
No: None
Motion Carried.

Attorney Clark – Update on CPREA (City of Pontiac Retired Employees Association) will bring back on Tuesday.

Nineteen (19) individuals addressed the body during public comment.

19-142 **Suspend the rules to vote on items #2-#5.** Moved by Councilperson Taylor-Burks and second by Councilperson Miller.

Ayes: Williams, Carter, Miller, Pietila, Taylor-Burks and Waterman
No: None
Motion Passed.

19-143 **Resolution not to authorize the Establishment of the Position of Interim Finance Director.** Moved by Councilperson Pietila and second by Councilperson Taylor-Burks.

Whereas, the Pontiac City Charter does not provide for the role of “Interim Finance Director”; and,
Whereas, the Pontiac City Council has not created a position for “Interim Finance Director.”
Now, Therefore, Be It Resolved, that the Pontiac City Council does not approve the position of Interim Finance Director.

Ayes: Carter, Miller, Pietila, Taylor-Burks, Waterman and Williams
No: None
Resolution Passed.

19-144 **Motion to call for the vote on Item #3.** Moved by Councilperson Pietila and second by Councilperson Carter.

Ayes: Carter, Miller, Pietila, Taylor-Burks, Waterman and Williams
No: None
Motion Carried.

19-145 **Resolution not to authorize a Salary to be paid for the Position of Interim Finance Director.** Moved by Councilperson Pietila and second by Councilperson Taylor-Burks.

Whereas, section 4.301 of the Pontiac City Charter states, “a Finance Department is created in the executive branch of City government. The Finance Director shall have direct supervision over the finance department and the administration of the financial affairs of the City, including-the keeping of accounts

and financial records, the collection of taxes, special assessments and other revenue, and such other duties as may be prescribed by ordinance,” and,

Whereas, section 3.12 of the Pontiac City Charter provides, “no compensation or salary shall be paid to appointees, members of boards or commissions, or employees of the city except as approved by the Council.”

Now, Therefore, Be It Resolved, that the Pontiac City Council does not authorize a salary to be paid for the position of Interim Finance Director and hereby requires that before the position of Finance Director is filled, the Pontiac City Council must determine the salary.

Ayes: Miller, Pietila, Taylor-Burks, Waterman, Williams, Woodward and Carter

No: None

Resolution Passed.

19-146 Resolution to not approve the appointment of Hughey Newsome as Interim Finance Director. Council President Kermit Williams requested to amend the **Resolution to approve Mr. Hughey Newsome to serve as Interim Finance Director.** Moved by Councilperson Waterman and second by Councilperson Taylor-Burks.

Whereas, on Tuesday, April 9, 2019, the Pontiac City Council was presented with a resolution from the Mayor to approve the Mayor’s recommendation to appoint Hughey Newsome as Finance Director for the City of Pontiac; and,

Whereas, the resolution stated, “the Mayor has appointed Mr. Hughey Newsome to the position of Finance Director, contingent on Council approval, effective April 15, 2019;” and,

Whereas, on April 9, 2019, the City Council voted and the resolution failed, Hughey Newsome was not confirmed to the position of Finance Director; and,

Whereas, the Mayor in an effort to circumvent the City Council, hired Hughey Newsome on April 17, 2019 as Interim Finance Director; and,

Whereas, the previous Finance Director was employed with the City of Pontiac for approximately five years and was paid, \$121,800.00 annually; and,

Whereas, the Mayor’s request, is to pay Hughey Newsome **\$131,040.00** annually, a salary that exceeds the previous Finance Director’s salary by ten thousand (**\$10,000.00**) dollars; and,

Whereas, the salary request exceeds the budgeted amount and has not been approved by the City Council; and,

Whereas, section 4.106 of the Pontiac City Charter allows the Mayor to appoint a director who serves at the pleasure of the Mayor and with each appointment subject to approval of the Council; and,

Whereas, only if a Mayoral appointment is not disapproved by the Council within 30 days is the appointment is effective.

NOW THEREFORE BE IT RESOLVED that the Pontiac City Council approves Hughey Newsome serving as Interim Finance Director.

Ayes: None

No: Taylor-Burks, Waterman, Williams, Carter, Miller and Pietila

Resolution Failed.

June 18, 2020 Approved

20-297 **Motion to approve (DPW) Department of Public Works 265.** Moved by Councilperson Pietila and second by Councilperson Waterman.

Department of Public Works (DPW) (Dept. 265)

- rr. Account 101-265-818.037 Note: Contractual Janitorial Services (Floor Waxing, Carpet Cleaning)
- ss. Add \$22,088.16 for Medical Marihuana Application Review For Engineering

Ayes: Waterman, Williams, Carter, Miller, Pietila, Shramski and Taylor-Burks
No: None
Motion Carried.

DPW (Other Issues)

20-298 **Motion to approve DPW Department 265 other issues.** Moved by Councilperson Waterman and second by Councilperson Taylor-Burks.

Other DPW Issues

- tt. Please provide a list of the right of way areas that MDOT is responsible for maintaining.
- uu. Increase Park budget by \$150,000 to cover the cost of park camera, bathroom repairs and part-time park rangers)
- vv. Add \$50,000 to Traffic Control for a Light Study

Ayes: Williams, Carter, Miller, Pietila, Shramski, Taylor-Burks and Waterman
No: None
Motion Carried.

Capital Outlay

20-299 **Motion to approve Capital Outlay Fund 202.** Moved by Councilperson Pietila and second by Councilperson Waterman.

Capital Outlay (Fund 202)

- ww. Reduce Account 202-478-779-004 to \$40,000

Ayes: Carter, Miller, Pietila, Shramski, Taylor-Burks, Waterman and Williams
No: None
Motion Carried.

20-300 **Motion to have a study on Ewalt Center Feasibility for \$25,000.** Moved by Councilperson Miller and second by Councilperson Taylor-Burks.

Ayes: Miller, Pietila, Shramski, Taylor-Burks, Waterman, Williams and Carter
No: None
Motion Carried.

July 29, 2019 Special

19-382 Resolution to Override Mayor's Veto of Resolution 19-364, the resolution to approve Appeal 19-03 Special Exception Permit application to sell packaged liquor at 1124 Joslyn Avenue from Kajy Enterprise, Inc., parcel #64-14-16-402-030. Moved by Councilperson Carter and second by Councilperson Taylor-Burks.

WHEREAS, on July 16, 2019, the City Council adopted a Resolution to approve Appeal 19-03 Special Exception Permit application to sell packaged liquor at 1124 Joslyn Avenue from A&S Kajy Enterprise, Inc., parcel #64-14-16-402-030 (Resolution 19-364); and
WHEREAS, section 3.112(f) of the Home Rule Charter of the City of Pontiac, Michigan (Charter) requires the City Clerk to present the resolution to the Mayor; and,
WHEREAS, on July 22, 2019, the Clerk presented Resolution 19-364 to the Mayor; and
WHEREAS, section 3.112 (f) of the Charter allows the Mayor to veto the resolution; and,
WHEREAS, the Mayor issued a veto of Resolution 19-364; and,
WHEREAS, pursuant to Charter section 3.112(f), the City Council wishes to reconsider Resolution 19-364 the resolution to approve Appeal 19-03 Special Exception Permit application to sell packaged liquor at 1124 Joslyn Avenue from A&S Kajy Enterprise, Inc., parcel #64-14-16-402-030 over the Mayor's veto. Five affirmative votes are required by Charter section 3112(f).
NOW THEREFORE, BE IT RESOLVED, by the Pontiac City Council that the Council hereby adopts Resolution 19-364 the resolution to approve Appeal 19-03 Special Exception Permit application to sell packaged liquor at 1124 Joslyn Avenue from A&S Kajy Enterprise, Inc., parcel #64-14-16-402-030 over the Mayor's veto.

Ayes: Taylor-Burks, Williams, Woodward, Carter, Miller and Pietila

No: None

Resolution Passed.

19-383 Resolution to Override Mayor's Veto of Resolution 19-369 to instruct the City Attorney to amend City of Pontiac Ordinance 2287 and place the Cable Division and Appointment of the Cable Director under the legislative branch of City government. Moved by Councilperson Taylor-Burks and second by Councilperson Miller.

WHEREAS, on July 16, 2019, the City Council adopted a Resolution to instruct the City Attorney to amend City of Pontiac Ordinance 2287 and place the Cable Division and Appointment of the Cable Director under the legislative branch of City government (Resolution 19-369); and,
WHEREAS, section 3.112(f) of the Home Rule Charter of the City of Pontiac, Michigan (Charter) requires the City Clerk to present the resolution to the Mayor; and,
WHEREAS, on July 22, 2019, the Clerk presented Resolution 19-369 to the Mayor; and
WHEREAS, section 3.112 (f) of the Charter allows the Mayor to veto the resolution; and,
WHEREAS, the Mayor issued a veto of Resolution 19-369; and,
WHEREAS, pursuant to Charter section 3.112(f), the City Council wishes to reconsider Resolution 19-369 the resolution to instruct the City Attorney to amend City of Pontiac Ordinance 2287 and place the Cable Division and Appointment of the Cable Director under the legislative branch of City government over the Mayor's veto. Five affirmative votes are required by Charter section 3112(f).

July 29, 2019 Special

NOW THEREFORE, BE IT RESOLVED, by the Pontiac City Council that the Council hereby adopts Resolution 19-369 the resolution to instruct the City Attorney to amend City of Pontiac Ordinance 2287 and place the Cable Division and Appointment of the Cable Director under the legislative branch of City government over the Mayor's veto.

Ayes: Williams, Woodward, Carter, Miller and Taylor-Burks

No: Pietila

Motion Passed.

19-384 Resolution to authorize the legal engagement of the law firm of Clark Hill PLC, to provide advice and or a legal opinion regarding the Cable division. Moved by Councilperson Taylor-Burks and second by Councilperson Miller. Discussion of the floor to add entire language from the charter under the third "Whereas" of the resolution. After discussion, Councilperson Taylor-Burks withdrew her motion and Councilperson Miller withdrew her second.

19-384(b) Resolution amended to authorize the legal engagement of the law firm of Clark Hill PLC, to provide advice and or a legal opinion regarding the Cable division. Moved by Councilperson Taylor-Burks and second by Councilperson Miller.

WHEREAS, on July 16, 2019, the Pontiac City Council passed resolution 19-369, to instruct the City Attorney to amend City of Pontiac Ordinance 2287 and place the Cable Division and Appointment of the Cable Director under the legislative branch of the City government; and

WHEREAS, on July 24, 2019, Mayor Deirdre Waterman vetoed the resolution and provided a statement which states in part that the resolution is "null and void, non-implementable and unenforceable;" and,

WHEREAS, section 4.204 of the Pontiac City Charter expressly states, "notwithstanding the above, the Council may engage independent legal counsel on a temporary basis where the Council is seeking enforcement of a Council subpoena or order, suing or being sued by any City agency or officer, or defending against any action or proceedings involving the Council's official duties. Further, the Council may obtain the opinion or advice of independent legal counsel in any matter pending before it."

NOW, THEREFORE BE IT RESOLVED that the Pontiac City Council hereby authorizes the legal engagement of the law firm of Clark Hill PLC, to provide advice and or a legal opinion regarding the Cable Division.

Ayes: Woodward, Carter, Miller, Taylor-Burks and Williams

No: Pietila

Amended Resolution Passed.

No Public Comment

Council President Kermit Williams Adjourned meeting at 10:42 a.m.

Ayes: Waterman, Williams, Miller, Pietila and Taylor-Burks
No: Carter
Resolution Passed.

Communications

Community Benefits Ordinance Timeline

Statement from the Mayor regarding Veto of An Ordinance to Amend Chapter 42, "Community Development", to add Article VII, entitled "Provisioning Center Community Benefits Agreements".

19-470 **Suspend the rules.** Moved by Councilperson Taylor-Burks and second by Councilperson Miller.

Ayes: Williams, Carter, Miller, Pietila, Taylor-Burks and Waterman
No: None
Motion Carried.

19-471 **Resolution to Override the Mayor's Veto of Ordinance to Amend Chapter 42, "Community Development", to add Article VII, entitled "Provisioning Center Community Benefits Agreements".** Moved by Councilperson Taylor-Burks and second by Councilperson Miller.

RESOLUTION ADOPTING RESOLUTION 19-436 ADOPTION OF AN ORDINANCE TO AMEND CHAPTER 42 "COMMUNITY DEVELOPMENT" TO ADD ARTICLE VII, ENTITLED "PROVISIONING CENTER COMMUNITY BENEFITS AGREEMENTS" OVER MAYOR'S VETO

WHEREAS, on August 27, 2019, the City Council of the City of Pontiac adopted an ordinance to amend Chapter 42 "Community Development" to add Article VII entitled "Provisioning Center Community Benefits Agreements ; and,

WHEREAS, it is in the best interest of the City of Pontiac to adopt an ordinance allow developers of provisioning centers to enter into Community Benefits Agreements that identify potential negative aspects of such developments and identify proportional community benefits to the City of Pontiac to rectify those negative aspects.; and,

WHEREAS, the City of Pontiac recognizes amenities, benefits or commitments for the following purposes as community benefits such as Roads; Infrastructure, Road Repair, Potholes; Road Matching; Parks, Park Safety (cameras), Law Enforcement; High School Pool, Hawthorne Park (Water Park), Neighborhood Revitalization Plan; Job Training and Employment, Transitional Programs (previously incarcerated); Library and Literacy, Health Initiative Education; and Business Development Fund (to assist City of Pontiac residents with funding for businesses and with starting and growing businesses); and,

WHEREAS, the pledges of community benefits would be incorporated into Community Benefits Agreements that will be used in part to assist the City Clerk with scoring and ranking of provisioning center applications pursuant to City Ordinance 2357 (B); and

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WHEREAS, on September 6, 2019, the Mayor vetoed the ordinance (resolution 19-436); and,
WHEREAS, pursuant to Pontiac City Charter Provision 3.112 (f), the City Council wishes to
reconsider resolution 19-436 over the Mayor's veto. Five (5) affirmative votes are required by Pontiac
City Charter Provision 3.112(f),
NOW, THEREFORE BE IT RESOLVED, by the Pontiac City Council that the Council hereby adopts the
Resolution 19-436 over the Mayor's veto.

Ayes: Carter, Miller, Taylor-Burks, Waterman and Williams
No: Pietila
Resolution Passed.

Discussions

Bring back next week the discussion on the Dangerous Animal Ordinance

Bring back next week the discussion of Filling of the Council Vacancy District 2

19-472 **Suspend the rules to vote on items 11 and 12.** Moved by Councilperson Waterman and
second by Councilperson Taylor-Burks.

Ayes: Carter, Miller, Pietila, Taylor-Burks, Waterman and Williams
No: None
Motion Carried.

19-473 **Resolution to authorize the posting of the vacant Legislative Fiscal Analyst position.**
Moved by Councilperson Waterman and second by Councilperson Taylor-Burks.

WHEREAS, on June 24, 2019, at a Special Meeting on the Budget, the Pontiac City Council passed
the Fiscal Year 2019-2020 budget and General Appropriations Act; and,

WHEREAS, the Pontiac City Council included a Legislative Fiscal Analyst position in the budget
with an annual salary of \$65,000 and with benefits comparable to other City employees.

NOW, THEREFORE BE IT RESOLVED that the Pontiac City Council hereby authorizes the
immediate posting of the Legislative Fiscal Analyst position.

Ayes: Miller, Pietila, Taylor-Burks, Waterman, Williams and Carter
No: None
Resolution Passed.

19-474 **Resolution to authorize the posting of the vacant Assistant City Clerk position.**
Moved by Councilperson Miller and second by Councilperson Taylor-Burks.

WHEREAS, on June 24, 2019, at a Special Meeting on the Budget, the Pontiac City Council passed
the Fiscal Year 2019-2020 budget and General Appropriations Act; and,

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Ayes: Waterman, Williams, Carter, Miller, Pietila and Taylor-Burks
No: None
Motion Carried.

19-482 Approve the agenda as amended. Moved by Councilperson Miller and second by Councilperson Taylor-Burks.

Ayes: Williams, Carter, Miller, Pietila, Taylor-Burks and Waterman
No: None
Motion Carried.

Formal Meeting

19-483 Approval of meeting minutes for September 17, 2019. Moved by Councilperson Miller and second by Councilperson Taylor-Burks.

Ayes: Carter, Miller, Pietila, Taylor-Burks, Waterman and Williams
No: None
Motion Carried.

Received Finance Subcommittee Report – September 10, 2019

Discussions

Communication with the Executive Branch and Resolution to authorize Clark Hill PLC on behalf of the City Council to initiate legal action against Mayor Waterman and all other individuals' necessary to enforce the City Council's express rights under the City Charter, including the right to adopt resolutions which have the effect of modifying or changing City Ordinances, and to declare the powers and responsibilities of the City Council, the Mayor and the Clerk under City Charter.

19-484 Suspend the rules. Moved by Councilperson Taylor-Burks and second by Councilperson Carter.

Ayes: Carter, Miller, Pietila, Taylor-Burks, Waterman and Williams
No: None
Motion Carried.

19-485 Resolution to authorize Clark Hill PLC to initiate legal action on behalf of the City Council against Mayor Waterman and all other individuals necessary to enforce the City Council's express rights under the City Charter, including the right to adopt resolutions which have the effect of modifying or changing City Ordinances, and to declare the powers and responsibilities of the City Council, the mayor and the Clerk under City Charter. (Agenda Add-On) Moved by Councilperson Taylor-Burks and second by Councilperson Carter.

WHEREAS, on or around July 16, 2019, the Pontiac City Council passed Resolution 19-369 and which instructed the Pontiac City Attorney to draft an amendment to City of Pontiac ordinance 2287 to place the Cable division and appointment of the Cable Director under the legislative branch of City government; thereby, under the direct supervision of the City Council; and,

WHEREAS, the City Attorney advised the Mayor of the City of Pontiac that Resolution 19-369 was "improper" and on or around July 22, 2019 the Mayor issued a veto; and,

WHEREAS, on or around July 29, 2019, the City Council overrode the Mayor's veto of Resolution 19-369 by a vote of five to one; and,

WHEREAS, since July 29, 2019 the City Attorney has refused to draft an amended ordinance and has not presented a draft amended ordinance to the City Council for consideration; and,

WHEREAS, on September 19, 2019 the Mayor and the City Attorney have stated to a member of the City Council that resolutions presented and passed by the City Council are merely advisory and do not need to be followed by the Mayor or the City Attorney; and,

WHEREAS, the City Council has the authority under the City Charter and state law to revise or modify any order implemented by an Emergency Manager, including EM S-280. Resolution 19-369 was a proper exercise of that authority. The City Attorney's opinion that it is improper under the City Charter and State law to make the changes to the applicable City ordinances is without merit; and,

WHEREAS, the City Council believes it is in the best interest of the City of Pontiac and the citizens, to amend the City of Pontiac ordinance to modify the organizational structure of the cable division; and,

WHEREAS, City of Pontiac Ordinance No. 2357(B) enacted the "City of Pontiac Medical Marijuana Facilities Ordinance," and there is currently a moratorium on the application process based largely on the Mayor's interpretation of the City Clerk's powers and responsibilities under Ordinance No. 2357(B); and,

WHEREAS, during the last several City Council meetings there has been debate and discussion regarding the powers and responsibilities of City Council, the Mayor, the City Attorney, and the City Clerk under the City Charter regarding the above-referenced issues; and,

WHEREAS, the City Council is regrettably left with no option but litigation in order to enforce Resolution 19-369, to confirm and declare the powers and responsibilities under the City Charter as described above, and to seek a declaration that the Mayor's and the City Attorney's recent conduct is unlawful under Michigan law, including a violation of MCL 750.478; and,

NOW, THEREFORE BE IT RESOLVED by the Pontiac City Council that pursuant to Section 4.204 of the City Charter, the City Council's attorneys, Clark Hill PLC, are authorized and directed to initiate legal action on behalf of the City Council against Mayor Waterman and all other individuals necessary to enforce the City Council's express rights under the City Charter, including the right to adopt resolutions which have the effect of modifying or changing City Ordinances, and to declare the powers and responsibilities of the City Council, the Mayor and the Clerk under City Charter.

Ayes: Miller, Taylor-Burks, Waterman, Williams and Carter

No: Pietila

Resolution Passed.

Adoption of an Ordinance to amend Chapter 42, "Community Development", to add Article VII, entitled "community Benefit Agreements" (This ordinance was drafted by the City Attorney.)

WHEREAS, on or around July 16, 2019, the Pontiac City Council passed Resolution 19-369 and which instructed the Pontiac City Attorney to draft an amendment to City of Pontiac ordinance 2287 to place the Cable division and appointment of the Cable Director under the legislative branch of City government; thereby, under the direct supervision of the City Council; and,

WHEREAS, the City Attorney advised the Mayor of the City of Pontiac that Resolution 19-369 was "improper" and on or around July 22, 2019 the Mayor issued a veto; and,

WHEREAS, on or around July 29, 2019, the City Council overrode the Mayor's veto of Resolution 19-369 by a vote of five to one; and,

WHEREAS, since July 29, 2019 the City Attorney has refused to draft an amended ordinance and has not presented a draft amended ordinance to the City Council for consideration; and,

WHEREAS, on September 19, 2019 the Mayor and the City Attorney have stated to a member of the City Council that resolutions presented and passed by the City Council are merely advisory and do not need to be followed by the Mayor or the City Attorney; and,

WHEREAS, the City Council has the authority under the City Charter and state law to revise or modify any order implemented by an Emergency Manager, including EM S-280. Resolution 19-369 was a proper exercise of that authority. The City Attorney's opinion that it is improper under the City Charter and State law to make the changes to the applicable City ordinances is without merit; and,

WHEREAS, the City Council believes it is in the best interest of the City of Pontiac and the citizens, to amend the City of Pontiac ordinance to modify the organizational structure of the cable division; and,

WHEREAS, City of Pontiac Ordinance No. 2357(B) enacted the "City of Pontiac Medical Marijuana Facilities Ordinance," and there is currently a moratorium on the application process based largely on the Mayor's interpretation of the City Clerk's powers and responsibilities under Ordinance No. 2357(B); and,

WHEREAS, during the last several City Council meetings there has been debate and discussion regarding the powers and responsibilities of City Council, the Mayor, the City Attorney, and the City Clerk under the City Charter regarding the above-referenced issues; and,

WHEREAS, the City Council is regrettably left with no option but litigation in order to enforce Resolution 19-369, to confirm and declare the powers and responsibilities under the City Charter as described above, and to seek a declaration that the Mayor's and the City Attorney's recent conduct is unlawful under Michigan law, including a violation of MCL 750.478; and,

NOW, THEREFORE BE IT RESOLVED by the Pontiac City Council that pursuant to Section 4.204 of the City Charter, the City Council's attorneys, Clark Hill PLC, are authorized and directed to initiate legal action on behalf of the City Council against Mayor Waterman and all other individuals necessary to enforce the City Council's express rights under the City Charter, including the right to adopt resolutions which have the effect of modifying or changing City Ordinances, and to declare the powers and responsibilities of the City Council, the Mayor and the Clerk under City Charter.

Ayes: Miller, Taylor-Burks, Waterman, Williams and Carter

No: Pletilla

Resolution Passed.

Adoption of an Ordinance to amend Chapter 42, "Community Development", to add Article VII, entitled "community Benefit Agreements" (This ordinance was drafted by the City Attorney.)

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19-486 **Suspend the rules.** Moved by Councilperson Waterman and second by Councilperson Carter.

Ayes: Taylor-Burks, Waterman, Williams, Carter and Miller

No: None

Motion Carried.

Councilwoman Pietila was absent during the vote.

19-487 **Adoption of an Ordinance to amend Chapter 42, "Community Development", to add Article VII, entitled "Community Benefit Agreements", (Agenda Add-On)** Council President Williams proposed several amendments to the ordinance that was drafted by the City Attorney. The adoption of the ordinance with amendments Moved by Councilperson Taylor-Burks and second by Councilperson Carter.

Ayes: Taylor-Burks, Waterman, Williams, Carter, Miller and Pietila

No: None

Ordinance Passed.

Please see "Attachment A for Ordinance with amendments" after the minutes.

Special Presentations (Presentation are limited to 5 minutes.)

Phoenix Center Settlement Agreement

Presentation Presenters: Mayor Waterman, City Attorney Anthony Chubb and Vince DeLeonardis, President, AUCH Construction

City of Pontiac Retired Employees Association (CPREA) – Retiree Health Care Lawsuit Settlement Action Plan

Presentation Presenters: Mayor Waterman, Samantha Kopacz, Miller Canfield and City Attorney Rich Warren

Report Regarding Check Register, New Hires and Credit Card

Presentation Presenter: Mayor Waterman

Report-Jobs' Pipeline/Workforce Development Report – Silverdome Site Development Amazon

Presentation Presenter: Mayor Waterman

Councilwoman Mary Pietila left the meeting.

19-488 **Suspend the rules.** Moved by Councilperson Taylor-Burks and second by Councilperson Waterman.

Ayes: Waterman, Williams, Carter, Miller and Taylor-Burks

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Ayes: Williams, Carter, Miller, Pietila, Shramski and Taylor-Burks
No: None
Motion Carried

Public Comment

Six (6) individuals submitted a public comment read by the City Clerk

Special Presentation

Update: Department of Public Works (DPW) Plan for Increased Park Maintenance and Clean-up to accommodate summer usage.

Presentation Presenter: Dan Ringo, Interim DPW Director

Suspend the Rules

20-359 **Motion to Suspend the Rules to vote.** Moved by Councilperson Taylor-Burks and second by Councilperson Miller.

Ayes: Williams, Carter, Miller, Pietila, Shramski and Taylor-Burks
No: None
Motion Carried.

Resolution

City Council

20-360 **Resolution that request the Mayor to provide to the City Council, a list of all outstanding bills and or invoices that are ninety (90) days old or older, with explanations as to why payments have not been made to be included in the Thursday, August 6, 2020 Council Agenda.** Moved by Councilperson Taylor-Burks and second by Councilperson Pietila.

WHEREAS, the City Council has been informed by the Parliamentarian, Eleanor Siewert that she has outstanding invoices that date back to the beginning of the New Year; and,
WHEREAS, Clark Hill PLC despite being told they were going to receive payment by the City Attorney Anthony Chubb, also has outstanding invoices that date back to October of 2019; and,
WHEREAS, the outstanding invoices for both the Parliamentarian and Clark Hill, total close to Sixty Thousand (\$60,000.00) Dollars; and,
WHEREAS, the Council passed a resolution on June 17, 2020 to engage the Bonadio Group, a certified public accounting firm to perform a forensic audit and agreed to submit a retainer of Ten Thousand (\$10,000.00) Dollars; and,
WHEREAS, despite the Council having allocated the necessary funds in last year's budget and in this current fiscal year's budget, the Executive has not paid any of Council's contractors; and,
WHEREAS, this creates some serious concern and raises several questions including, how many other contractors have not been paid? How many other bills are outstanding and is the Executive not paying bills in hopes of reflecting an inaccurate fund balance?
NOW, THEREFORE BE IT FURTHER RESOLVED, that the Pontiac City Council hereby requests that the Executive provide to the City Council, a list of all outstanding bills and or invoices that are ninety

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(90) days old and older, with explanations as to why payments have not been made, all to be included in the Thursday, August 6, 2020 Council Agenda.

Ayes: Carter, Miller, Pietila, Shramski, Taylor-Burks and Williams

No: None

Resolution passed.

Suspend the Rules

20-361 **Motion to Suspend the Rules to vote.** Moved by Councilperson Taylor-Burks and second by Councilperson Shramski.

Ayes: Miller, Pietila, Shramski, Taylor-Burks, Williams and Carter

No: None

Motion Carried.

Resolution

City Council

20-362 **Resolution for Charles Harold Moody.** Moved by Councilperson Miller and second by Councilperson Taylor-Burks.

WHEREAS, It is the sense of this legislative body to pay proper tribute to individuals of remarkable character and whose lives have been dedicated to uplifting, inspiring and empowering the community; and; WHEREAS, it is feelings of the deepest regret that the Pontiac City Council mourns the passing of Charles Harold Moody, a giving and loyal member of this community; and,

WHEREAS, Charles Harold Moody was born on March 4, 1946 in Mobile, Alabama to the late George Moody and Minnie-Bell Allen Moody; and,

WHEREAS, Charles Harold Moody in his early years was reared in the Mobile, Alabama school system where he attended Josephine Allen Elementary School and Central High School, later attended Bishop State Community College in 1966 and earned a Bachelor's Degree in Education in 1968 from Alabama State University; and,

WHEREAS, Charles Harold Moody, a recipient of the prestigious Kellogg Foundation Scholarship and destined for success, moved to Michigan where he was awarded a Master's in Education Administration from Oakland University in Rochester Hills, Michigan in 1980; and,

WHEREAS, Charles Harold Moody had a unwavering passion for the sciences and mechanics which propelled him to become a Certified Driver Education Instructor at Wayne State University in 1987; and,

WHEREAS, Charles Harold Moody continued to excel in academics and in 1992, graduated from Michigan State University with a unique, honor and designation, a Master's + 30 in School Administration which symbolized the attainment of 30 hours of university credit beyond the first Master's Degree; and,

WHEREAS, Charles Harold Moody embarked on an extraordinary 40 year career as an educator in Pontiac, Michigan which started with his joining the Pontiac School District in 1968 where he taught at Bethune Elementary School and ended with his retirement as a Principal from Whitmer Human Resources Center in 2008; and,

WHEREAS, Charles Harold Moody was a phenomenal educator and trail blazer who had the privilege of serving as a Title 1 Administrator, a District Science Consultant, a Regional Coordinator for the Hands on

20-25 **Approval of Amended Agenda.** Moved by Councilperson Taylor-Burks and second by Councilperson Pietila.

Ayes: Waterman, G. Williams, K. Williams, Carter, Miller, Pietila and Taylor-Burks
No: None
Motion Carried.

Approval of the Minutes

20-26 **Approve meeting minutes for January 14, 2020.** Moved by Councilperson Waterman and second by Councilperson Pietila.

Ayes: G. Williams, K. Williams, Carter, Miller, Pietila, Taylor-Burks and Waterman
No: None
Motion Carried.

Resolutions

Mayor's Office

20-27 **Resolution to appoint Mr. Dan Ringo as the Director of Public Works for the City of Pontiac.** Moved by Councilperson Pietila and second by Councilperson Waterman.

Whereas, the Mayor, in accordance with Article IV, Chapter 1, Section 4.106 appoints Dan Ringo as DPW Director for the Department of Public Works; and,

Whereas, in accordance with Article IV, Chapter 1, Section 4.106 such appointment is subject to approval by Council; and

Whereas, Dan Ringo has the credentials, experience, and professionalism necessary to be the DPW Director; and

Whereas, Dan Ringo has served as Deputy Director of Public Works since June 3, 2019;

Now, Therefore, Be It Resolved in accordance with appointment procedures provided by law and the City Charter, Dan Ringo is formally appointed, effective immediately, as Director of Public Worker for the City of Pontiac.

Ayes: Pietila and Waterman
No: K. Williams, Carter, Miller, Taylor-Burks and G. Williams
Resolution Failed.

Planning

20-28 **Resolution to approve the Specially Designed Distributor (SDD) Class C 'Bistro' License on behalf of the petitioner Fillmore 13 Brewery and that notice of approval be sent to the Michigan Liquor Control Commission for consideration.** Moved by Councilperson Waterman and second by Councilperson Taylor-Burks.

Whereas, the City of Pontiac City Council chooses to engage in PA 58, 1998, MCL 436.1521a(1)(b) for the issuance of New On-Premises Development District License and establishment of Redevelopment

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3. Sidewalks - \$125,000: to repair sidewalks throughout the City of Pontiac as outlined in Sidewalk Repair Area Map.

Now Therefore, Be It Resolved, that the Pontiac City Council approve the reprogramming of HOME Consortium funds for CDBG projects for Year 2020 for the proposed recommended projects for the \$250,000 amount previously allocated for Carriage Circle which was paid by Oakland County out of the Oakland County HOME Consortium fund.

Ayes: Taylor-Burks, Waterman, Carter, Miller, Pietila and Shramski

No: None

Abstain: Williams

Amendment Resolution Passed

Resolution

Pontiac Youth Recreation and Enrichment Center (PYREC)

21-204 **Emergency resolution to Mitigate Expected Damages through an Extension of the Lease Agreement for 825 Gold Drive.** Moved by Councilperson Taylor-Burks and second by Councilperson Waterman.

Whereas, the City Council has elected to reject the option to purchase the property at 825 Golf Dr. pursuant to the lease agreement and likewise rejected the owners offer to continue the lease on either a month to month or three year basis; and

Whereas, the City must vacate the entire premises by June 30, 2021 of be considered a hold over tenant which will cause the city to be charged additional rent and damages; and

Whereas, the property owner is in agreement to grant a three month extension on the lease agreement to continue programming, manage a schedule to close the center, and mitigate additional damages,

NOW THEREFORE, BE IT RESOLVED that the City Council does hereby Authorize the Mayor to review and execute a three (3) month extension to the Lease Agreement for 825 Golf Drive to allow for the City to timely re-program scheduled youth activity, determine a place and process for vacating the premises, and to avoid any extended damages during the extension.

Ayes: None

No: Waterman, Williams, Carter, Miller, Shramski and Taylor-Burks

Resolution Failed

Councilwoman Pietila was absent during the vote

Mayoral Monthly Report

Personnel Monthly Staff Report (No report was submitted.)

Monthly Check Register (Per the Administration, the check registers are posted on the city's website

<http://pontiac.mi.us/departments/finance/financialreports.php#revizedocumentcenterz3702>

City Credit Card Statement (Per the Administration, the credit card statement was given directly to Council Members by the Finance Director.)

Public Comment

Three (3) individuals addressed the body during public comment

Mayor, Clerk and Council Closing Comments

Mayor Waterman, Interim Clerk Doyle, Pro-Tem Randy Carter, Councilwoman Miller, Councilwoman Pietila, Councilwoman Shramski, Councilwoman Taylor-Burks, Councilwoman Waterman and President Williams made closing comments.



CITY OF PONTIAC CITY COUNCIL

EMERGENCY RESOLUTION TO MITIGATE DAMAGE AND EXTEND LEASE AGREEMENT FOR 825 GOLF DRIVE

AT A REGULAR meeting of the Pontiac City Council of the City of Pontiac, Michigan, held at Pontiac City Hall on _____, 2021, the following resolution was offered by _____ and supported by _____.

Whereas, the City Council has elected to reject the option to purchase the property at 825 Golf Dr pursuant to the lease agreement and likewise rejected the owners offer to continue the lease on either a month to month or three year basis; and

Whereas, the City must vacate the entire premises by June 30, 2021 of be considered a hold over tenant which will cause the city to be charged additional rent and damages; and

Whereas, the property owner is in agreement to grant a three month extension on the lease agreement to continue programming, manage a schedule to close the center, and mitigate additional damages.

NOW THEREFORE, BE IT RESOLVED that the City Council does hereby Authorize the Mayor to review and execute a three (3) month extension to the Lease Agreement for 825 Golf Drive to allow for the City to timely re-program scheduled youth activity, determine a place and process for vacating the premises, and to avoid any extended damages during the extension.

PASSED AND APPROVED BY THE CITY COUNCIL, Pontiac, Michigan, this ____ day of _____, 2021.

AYES: _____

NAYS: _____

I, Garland Doyle, Interim Clerk of the City of Pontiac, hereby certify that the above Resolution is a true copy and accurate copy of the Resolution passed by the City Council of the City of Pontiac on _____, 2021.

GARLAND DOYLE, City Clerk

Dated: _____, 2021

#8

RESOLUTION

Resolution of the Pontiac City Council



Resolution to Set Special Election for May 3, 2022

Whereas, Proposal A stated the question "Shall the 1982 Charter for the City of Pontiac be revised by a Charter Commission to be selected by the electorate?"; and,

Whereas, Pontiac voters approved Proposal A on August 3, 2021; and,

Whereas, Michigan Public Act 279 of 1909 117.18 Incorporation; revision of charter, procedure, commission, advisory vote; incorporation of provision in original charter granted by legislature states "No city officer or employee, whether elected or appointed, shall be eligible to a place on the commission. The names of all candidates so nominated shall be placed upon a separate ballot at the election designated to be held for the election of a charter commission without their party affiliations designated; the 9 candidates having the greatest number of votes shall be declared elected; and,

Whereas, the Pontiac City Council sets a Special Election on May 3, 2022 for the purposes of electing charter commissioners.

Now, Therefore, Be It Resolved, that the Pontiac City Council, schedules a special election for May 3, 2022 for the election of a charter commission

#9

RESOLUTION

Resolution of the Pontiac City Council



Whereas, the City of Pontiac timely approved the FY 2021-2022 budget on June 24, 2021; and

Whereas, the City Clerk is requesting \$31,200 in funds to be transferred from the general fund balance GL Account 101-000-390.000 to the following accounts 101-191-702.004 overtime wages \$1,200; 101-191-740.000 operating supplies \$10,000; 101-191-809.000 services-elections \$10,000; 101-215-809.002 Charter Commission; and

Whereas, these transfers are necessary to pay for the additional cost that will be incurred for the Special Election on May 3, 2022 and to support the Charter Commission and

Whereas, section 5.106 of the Charter states "after adoption of the appropriations ordinance, and upon at least one week's notice in a newspaper of general circulation in the City, the Council by a resolution of five members, may amend such ordinance to authorize the transfer of an unused balance appropriated for one purpose to another purpose, or to appropriate available revenues not previously appropriated."; and

Now therefore, be it resolved that the City Council authorizes the City Clerk to post the proposed budget amendment in the Oakland Press.

#10

RESOLUTION

Resolution of the Pontiac City Council



Resolution to Change the Date of the City Council Meeting on December 30, 2021 at 12:00 pm. to December 28, 2021 at 12:00 p.m.

Whereas, the Pontiac City Council scheduled a meeting on Thursday, December 30, 2021 at 12:00 p.m. in the City Council Chambers.

Now, Therefore, Be It Resolved, that the Pontiac City Council reschedules its meeting set for December 30, 2021 at 12:00 p.m. to December 28, 2021 at 12:00 p.m. in the Council Chambers.

#11

RESOLUTION



CITY OF PONTIAC

OFFICIAL MEMORANDUM

Executive Branch

TO: Honorable City Council President and City Council Members

FROM: Linnette Phillips, Director, Economic Development

THROUGH: Mayor Deirdre Waterman

DATE: December 14, 2021

RE: Resolution to Approve CDBG Program Year 2022 Projects

Overview

The City of Pontiac's application deadline for the Community Development Block Grant (CDBG) Program Year 2022 is due for submission to Oakland County on December 17, 2021, no later than 5:00 pm EST. A total allocation of \$798,883 is projected for the CDBG Program Year 2022. The City of Pontiac (COP) is a sub-recipient to Oakland County to administer the program. Contractors submit invoices to the COP who processes for the County to reimburse and directly pay the contractor. Program Year 2022 funds are allocated for calendar year 2023 spending.

Prior to the City Council voting to approve the application, a public hearing will need to be held at the meeting on December 14, 2021. The notice for the public hearing should be posed by Dec. 3, 2021. We are required to inform the public at least 10 days prior to the public hearing.

After the Public Hearing, we are requesting approval of the submission of CDBG Application for Program Year 2022 projects approved by City Council.

Proposed Projects Considered for Recommendation for CDBG PY2022

The Honorable City Council proposed all CDBG funds to repair Sidewalks throughout the City of Pontiac:

Sidewalks for \$798,883: Funds to repair sidewalks throughout the City of Pontiac. Priority for sidewalk repair is based on complaint areas in neighborhoods, and the amount of repairs needed. DPW have a generated complaint referred to for repairs. See map attached

CITY OF PONTIAC



CITY OF PONTIAC CITY COUNCIL

NOTICE OF PUBLIC HEARING

RECOMMENDING PROGRAM YEAR 2022 COMMUNITY DEVELOPMENT BLOCK GRANS (CDBG)

NOTICE IS HEARBY GIVEN that the City of Pontiac will hold a public hearing to recommend Community Development Block Grant (CDBG) projects for Program Year 2022. The recommendation is the entire allocated amount of \$798,883 be appropriated for Sidewalks.

Public Comment For individuals who desire to make a public comment, please submit your name and comment in writing to publiccomments@pontiac.mi.us by 5:00 PM, December 13, 2021. Additionally, you may submit your public comment in writing directly to the Office of the Interim City Clerk gdoyle@pontiac.mi.us

The hearing will be held on **Tuesday, December 14, 2021 at 6:00 pm at the City of Pontiac City Council Chambers at Pontiac City Hall, 47450 Woodward Avenue, 2nd Floor in Pontiac, Michigan.**



CITY OF PONTIAC CITY COUNCIL

**RESOLUTION TO APPROVE SUBMISSION OF COMMUNITY
DEVELOPMENT BLOCK GRANT (CDBG) FOR
PROGRAM YEAR 2022 RECOMMENDED PROJECT**

Whereas, the City of Pontiac is submitting an application for the Community Development Block Grant; and

Whereas, the grant application will be submitted on December 17, 2021 to Oakland County for Program Year 2022 projects; and

Whereas, a Public Hearing is required with a minimum 10 notice, published by December 3, 2021 to the public; and

Whereas, the Public Hearing was held on December 14, 2021 at 6:00 p.m.; and

Whereas, the following project is proposed for consideration:

Sidewalks for \$798,883. Funds to repair sidewalks throughout the City of Pontiac.

Now Therefore be it Resolved, that the Pontiac City Council approve submission of the Community Development Block Grant Application for Program Year 2022 for proposed projects.

#12

RESOLUTION



CITY OF PONTIAC (COP) CITY COUNCIL

**RESOLUTION TO APPROVE REPROGRAMMING OF
COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)
FUNDS FROM SENIOR HOUSEKEEPING SERVICES TO
SENIOR SERVICES AND YOUTH SERVICES FOR PROGRAM
YEARS 2019 AND 2020**

From Home Senior Housekeeping Services to Senior Services and Youth Services for Program Years 2019 and 2020

Whereas, the City of Pontiac seeks to reprogram Community Development Block Grant (CDBG) Funds from Senior Housekeeping Services to Senior Services and Youth Services for Program Years 2019 and 2020; and

Whereas, the notice for the public hearing was published in the Oakland Press on December 10, 2021; and

Whereas, the Public Hearing for the Reprogramming was held on December 21, 2021; and

Whereas, the following projects are proposed for the reprogramming.

- 1. Senior Services - \$65,000: meal programs either meals-on-wheels or congregate*
- 2. Youth Services - \$25,000: mentoring support and enrichment programs for COP youth (kids first initiative)*
- 3. Youth Services - \$10,000: Recreational services for COP youth (Pontiac Panthers)*

Now, Therefore be it Resolved, that the Pontiac City Council approve the reprogramming of Community Development Block Grant (CDBG) funds from Senior Housekeeping Services to Senior Services and Youth Services for Program Years 2019 and 2020 for the proposed projects.

#13

RESOLUTION



CITY OF PONTIAC

OFFICIAL MEMORANDUM

Executive Branch

TO: Honorable Mayor, Council President, and City Council Members

FROM: Abdul H Siddiqui, PE, City Engineer

DATE: December 14, 2021

RE: MDOT Annual Permit Performance Resolution

Every year, the Department of Public Works (DPW) applies for an annual permit from the Michigan Department of Transportation (MDOT) to perform routine and emergency maintenance on City owned utilities such as street lighting in MDOT right of way in the City.

The attached Performance Resolution is required by MDOT as a condition for issuing this permit as well as any other permit to any municipality. This year, the Performance Resolution text has been revised by MDOT and therefore they are requiring a new approval from the City Council.

DPW has reviewed the attached Performance Resolution and recommends that City Council vote to approve it.

AHS

attachments

PERFORMANCE RESOLUTION FOR MUNICIPALITIES

This Performance Resolution (Resolution) is required by the Michigan Department of Transportation for purposes of issuing to a Municipality an "Individual Permit for Use of State Highway Right of Way", and/or an "Annual Application and Permit for Miscellaneous Operations within State Highway Right of Way".

RESOLVED WHEREAS, the _____ City of Pontiac
(County, City, Village, Township, etc.)

hereinafter referred to as the "MUNICIPALITY," periodically applies to the Michigan Department of Transportation, hereinafter referred to as the "DEPARTMENT," for permits, referred to as "PERMIT," to construct, operate, use and/or maintain utilities or other facilities, or to conduct other activities, on, over, and under State Highway Right of Way at various locations within and adjacent to its corporate limits;

NOW THEREFORE, in consideration of the DEPARTMENT granting such PERMIT, the MUNICIPALITY agrees that:

1. Each party to this *Resolution* shall remain responsible for any claims arising out of their own acts and/or omissions during the performance of this *Resolution*, as provided by law. This *Resolution* is not intended to increase either party's liability for, or immunity from, tort claims, nor shall it be interpreted, as giving either party hereto a right of indemnification, either by Agreement or at law, for claims arising out of the performance of this Agreement.
2. If any of the work performed for the MUNICIPALITY is performed by a contractor, the MUNICIPALITY shall require its contractor to hold harmless, indemnify and defend in litigation, the State of Michigan, the DEPARTMENT and their agents and employee's, against any claims for damages to public or private property and for injuries to person arising out of the performance of the work, except for claims that result from the sole negligence or willful acts of the DEPARTMENT, until the contractor achieves final acceptance of the MUNICIPALITY. Failure of the MUNICIPALITY to require its contractor to indemnify the DEPARTMENT, as set forth above, shall be considered a breach of its duties to the DEPARTMENT.
3. Any work performed for the MUNICIPALITY by a contractor or subcontractor will be solely as a contractor for the MUNICIPALITY and not as a contractor or agent of the DEPARTMENT. The DEPARTMENT shall not be subject to any obligations or liabilities by vendors and contractors of the MUNICIPALITY, or their subcontractors or any other person not a party to the PERMIT without the DEPARTMENT'S specific prior written consent and notwithstanding the issuance of the PERMIT. Any claims by any contractor or subcontractor will be the sole responsibility of the MUNICIPALITY.
4. The MUNICIPALITY shall take no unlawful action or conduct, which arises either directly or indirectly out of its obligations, responsibilities, and duties under the PERMIT which results in claims being asserted against or judgment being imposed against the State of Michigan, the Michigan Transportation Commission, the DEPARTMENT, and all officers, agents and employees thereof and those contracting governmental bodies performing permit activities for the DEPARTMENT and all officers, agents, and employees thereof, pursuant to a maintenance contract. In the event that the same occurs, for the purposes of the PERMIT, it will be considered as a breach of the PERMIT thereby giving the State of Michigan, the DEPARTMENT, and/or the Michigan Transportation Commission a right to seek and obtain any necessary relief or remedy, including, but not by way of limitation, a judgment for money damages.
5. The MUNICIPALITY will, by its own volition and/or request by the DEPARTMENT, promptly restore and/or correct physical or operating damages to any State Highway Right of Way resulting from the installation construction, operation and/or maintenance of the MUNICIPALITY'S facilities according to a PERMIT issued by the DEPARTMENT.

- 6. With respect to any activities authorized by a PERMIT, when the MUNICIPALITY requires insurance on its own or its contractor's behalf it shall also require that such policy include as named insured the State of Michigan, the Transportation Commission, the DEPARTMENT, and all officers, agents, and employees thereof and those governmental bodies performing permit activities for the DEPARTMENT and all officers, agents, and employees thereof, pursuant to a maintenance contract.
- 7. The incorporation by the DEPARTMENT of this *Resolution* as part of a PERMIT does not prevent the DEPARTMENT from requiring additional performance security or insurance before issuance of a PERMIT.
- 8. This *Resolution* shall continue in force from this date until cancelled by the MUNICIPALITY or the DEPARTMENT with no less than thirty (30) days prior written notice provided to the other party. It will not be cancelled or otherwise terminated by the MUNICIPALITY with regard to any PERMIT which has already been issued or activity which has already been undertaken.

BE IT FURTHER RESOLVED that the following position(s) are authorized to apply to the DEPARTMENT for the necessary permit to work within State Highway Right of Way on behalf of the MUNICIPALITY.

Title and/or Name:

Director of the Department of Public Works

Deputy Director of the Department of Public Works

City Engineer

I HEREBY CERTIFY that the foregoing is a true copy of a resolution adopted by

the _____ City Council
(Name of Board, etc.)

of the _____ City of Pontiac _____ of _____ Oakland County
(Name of MUNICIPALITY) (County)

at a _____ meeting held on the _____ day

of _____ A.D. _____.

Signed

Title

Print Signed Name

#14

RESOLUTION



CITY OF PONTIAC

OFFICIAL MEMORANDUM

Executive Branch

TO: Honorable City Council President Kermit Williams and City Council

FROM: Darin Carrington, Finance Director

DATE: December 10, 2021

RE: **Resolution to approve extend the agreement on a month-to-month basis beginning January 1, 2022.**

WHEREAS, the City and Contractor entered into an Agreement on the 16th day of February, 2011; and,

WHEREAS, the City and Contractor have amended the Agreement via Amendments A through J, most recently in December 2020; and,

WHEREAS, the Contractor has demonstrated its ability to faithfully execute the terms of the Agreement; and,

WHEREAS, the City recognizes the importance of maintaining uninterrupted Building Safety services for residents and businesses; and,

WHEREAS, the City currently does not have staff to perform these services without significant interruption and disruption for the citizens of Pontiac; and,

WHEREAS, it is in the best interest of the City and the Contractor to extend the current agreement to insure uninterrupted services to the Citizens of Pontiac; and,

NOW, THEREFORE, the City and Contractor agree to extend the Agreement, for the following professional services and conditions:

1. Extend the contract on a month-to-month basis until December 31, 2022
2. Amend Section 3.2.1 to read as follows as follows:
3. Compensation. Contractor shall receive from January 1, 2022 through December 31, 2022, a monthly payment from the City in the amount of \$146,670.



**DR. DEIRDRE WATERMAN
MAYOR
CITY OF PONTIAC**

October 8, 2021

Chip Smith
Wade Trim Associates
500 Griswold
Detroit, MI 48226

Re: City of Pontiac/Wade Trim Associates

Dear Chip:

As you know, our records indicate that the contract between the City of Pontiac and Wade Trim Associates is set to expire on December 31, 2021. We are appreciative of the service that Wade Trim Associates has provided to the citizens of Pontiac during this time.

With the upcoming expiration date, we would like to have discussions regarding the renewal of this agreement. Such discussions would include a review of the services that have been provided and projected costs.

Felicia Rutledge will reach out to you shortly to arrange some mutually agreeable dates. At that time, please indicate who your contact and representative will be for said discussions.

Sincerely,

Deirdre Waterman, Mayor
City of Pontiac

47450 Woodward Avenue • Pontiac, Michigan 48342
Direct: (248) 758-3181 • Appointments: (248) 758-3326 • Fax: (248) 758-3292
E-mail: DWaterman@pontiac.mi.us • www.pontiac.mi.us
<https://www.facebook.com/pontiacmayor/>

11/3/21

Wade Trim Contract – Executive Summary (November 2021)

Background:

This Agreement is for the Contractor to operate and maintain the City's Building and Safety Department. This Agreement was initially entered into in February 2011. It has been extended several times through various amendments since that time. The most recent Amendment J went into effect on January 1, 2021.

Scope of Work:

Contractor provides all services and employees for the City's Building and Safety Department

Term:

Current term of this Agreement runs from January 1, 2021 – December 31, 2021. This term may be extended on a month-to-month basis through December 31, 2022. Additionally, the Agreement can be terminated after the initial term with 90 day notice by either party.

Compensation:

Under this Agreement, the City pays the Contractor at a monthly rate of \$143,795. This rate is in effect until December 31, 2021. Beginning January 1, 2022, this rate increases 2% to a monthly rate of \$146,670.

Contact:

Wade Trim: Chip Smith
City of Pontiac: Mayor's Office, Finance Department

analysis budget report

Contract Distribution Sheet



Contract Name:	Wade Trim - Addendum J	
	GENERAL RESOLUTION #	DATE
Brief Overview:	building safety services	
Approved by Council:	12/22/2020	
Signed by:	Signature:	Date:
Delldre Waterman - Mayor	<i>Delldre Waterman</i>	1/25/21
Charles Smith - Wade Trim		
Fully Executed Copy of Document Sent to:	Signature	Date:
Mike Wilson - Building Dept.		
Adrienne Zelgler - Purchasing Agent		
SIGNED ORIGINAL Document Sent to:	Signature	Date:
Garland Doyle - City Clerk		
Date entered into LaserFiche		

**City of Pontiac
Professional Services Agreement
Addendum J
Amendments to a Professional Services Agreement between
the City of Pontiac and Wade Trim Associates, Inc.**

December 22, 2020

The following recitals and representations are entered into this ____ day of December, 2020, by and between the City of Pontiac, a municipal corporation, whose address is 47450 Woodward Avenue, Pontiac, Michigan 48342, (City), and Wade Trim Associates, Inc., a Michigan corporation, licensed to do business in the State of Michigan, whose address is 500 Griswold Avenue, Suite 2500, Detroit, Michigan 48226, (Contractor), and are intended to amend an Agreement for Professional Services (Agreement) originally executed by the City and Contractor on February 16, 2011.

Recitals and Representations

WHEREAS, the City and Contractor entered into an Agreement on the 16th day of February, 2011; and,

WHEREAS, the City and Contractor have amended the Agreement via Amendments A through I, most recently in December 2018; and,

WHEREAS, the Contractor has demonstrated its ability to faithfully execute the terms of the Agreement; and,

WHEREAS, the City recognizes the importance of maintaining uninterrupted Building Safety services for residents and businesses; and,

WHEREAS, the City currently does not have staff to perform these services without significant interruption and disruption for the citizens of Pontiac; and,

WHEREAS, it is in the best interest of the City and the Contractor to extend the current agreement to insure uninterrupted services to the Citizens of Pontiac; and,

NOW, THEREFORE, the City and Contractor agree to amend the original Agreement, for the following professional services and conditions:

1. Amend Section 2.3 to read as follows:

Duration: As budgeted, starting January 1, 2021 extend Building and Safety Services through December 31, 2021 with an option to extend further on a month-to-month basis until December 31, 2022 by mutual agreement and with 90-day advanced notice of termination by either party.

2. Amend Section 3.2.1 to read as follows as follows;

3.2 Compensation. Contractor shall receive compensation in the following manner:

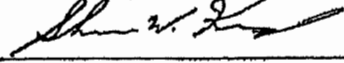
3.2.1 For the period commencing January 1, 2021 and ending December 31, 2021, a monthly payment from the City in the amount of \$143,795.

If the mutual option is exercised, then for the period commencing January 1, 2022 and continuing on a month-to-month basis up until December 31, 2022, a monthly payment from the City in the amount of \$146,670.

ADDENDUM J is executed and made effective as provided above.

Contractor:

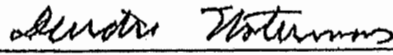
Wade Trim Associates, Inc.

By: 

Printed Name: Shawn W. Keough

Title/Position: Senior Vice President

City of Pontiac:

By: 

Printed Name: DEYONNE WATERMAN

Title/Position: MAYOR

Wade Trim

Memo

To: Mayor Waterman

From: Chip Smith, Building Safety/Wade Trim

cc: Darin Carrington, Sekar Bawa
Andrew McCune, Rebecca Smith, Shawn Keough, Mike Wilson, George Phifer

Date: Dec 7, 2021

Re: Strategic Planning and Building Fund Balance – Building Safety Division

Background

Since 2015, the City of Pontiac has seen an increase in building activity. In just the last three years, there has been a significant increase in large redevelopment projects that generate large permit, inspection and review fees. Of note is the recently completed Amazon project, which totaled over \$2.4 million in permit and inspection fees over the past two years.

Under state law, these fees can only be used to support the on-going operation of the Building Safety Division and may not be repurposed or used in other areas. As of July 1, 2021, the Building Safety fund has a balance of approximately \$3.1 million.

At the Mayor's direction, we have undertaken a strategic planning initiative to provide recommendations to the Mayor and City Council as to how that fund balance should be used to improve the function of the Building Safety Division in a way that continues to improve efficiency, ensure public safety, and improves the overall customer experience.

The nature of Building Safety is that revenues are realized before work is completed. On many large permits, the work and expenses occur in the fiscal year after the revenue is realized. Therefore, we have undertaken this planning exercise with a conservative approach and recommend maintaining a minimum fund balance of at least 40% of the annual expenditures or approximately \$950,000 based on the 2018-21 median expenditures. By comparison, the City follows municipal finance best practices and strives to hold 15% of general fund balance in reserve.

Strategic Planning Recommendations

Our strategic planning team has identified the following improvements and projects, along with a preliminary cost estimate and rough time frame for each. The projects and improvements are listed in order of priority.

Short Term (to be completed in FY 22)

1. Air purifiers - \$25,000
 - The Building Safety Division handles many in-person customers. The current City Hall HVAC system does not provide adequate filtration and the windows are inoperable – reducing ventilation and increasing the risk of COVID-19 exposure for customers and staff. Installing mobile air purifiers will address this immediate safety concern.
2. Technology upgrades – Bluebeam and Plan Review monitors, Bluebeam training for inspectors - \$25,000
 - Bluebeam is a mechanism for electronic plan reviews that increase the efficiency of plan review process and maintain an electronic copy of all submittals that is available to all inspection staff and the developer/builder. Over the last five years, this system has become the construction industry standard for plan review.
3. Digitization of all street files/blueprints - \$500,000
 - All of the City's street files and property records are stored in the basement of city hall as hard paper copies. A catastrophic event like a flood or fire has the potential to destroy the city's legacy (pre-2011) files. Digitizing these files will safeguard them and allow for more efficient access to them for FOIA requests. The hard copy files in the basement, take up most of the basement space. Digitizing these files will free substantial space for additional office and/or storage space.
4. Office renovations/furniture and energy efficiency upgrades - \$100,000
 - The current office configuration is not conducive to a positive customer experience. There is a need to redesign and reconstruct the counter and customer waiting area and to expand the floor area for office space. As a part of these upgrades, new furniture will be necessary and energy efficiency should be a priority of all upgrades. Additionally, this renovation will help with the move of the Planning Department within City Hall.
5. Technology updates – new laptops/monitors for customer service staff - \$15,000
 - The computers being used by the customer service staff are of 2015 vintage. Providing laptops with docking stations and monitors will allow customer service staff to work remotely when necessary. The importance of having access to this equipment was made very clear during the first months of the COVID-19 pandemic when staff was required to work remotely.
6. BSA Training (all city staff) - \$25,000
 - BS&A is the software program the City uses to track permitting, inspections, assessment and taxes, code enforcement, and payments. Annual training for Building Safety is recommended to fully utilize this software. Further, training across all departments is needed so that for areas where there is overlap – permitting, for example – there is similar understanding of how to use the

software, the information required to enter information, and the way that information needs to be recorded.

7. Window replacement at City Hall – approximately \$200,000 (as building department's share of the overall projected cost of \$600,000)
 - o The City has been given a preliminary estimate to replace all of the windows on City Hall. The current windows are not energy efficient, and replacement of these windows will result in significant utility savings and lessen the City's carbon emissions.

Long Term (FY 23-24)

8. Cars (5): \$200,000 – one time purchase, insurance/maintenance recurring
 - o Over time, the City will need to provide vehicles for inspectors to use while on duty. This expense and purchase should be considered only as the City prepares to bring Building Safety Division services back in-house.

Summary and Conclusions

The above list of projects identified during the strategic planning process totals \$1,090,000. Maintaining a fund balance of \$950,000 leaves an outstanding fund balance of \$1,060,000 if the above projects are all completed during FY 22. Certainly, if the City undertakes larger HVAC, electrical, plumbing, accessibility, or other infrastructure improvements within City Hall, this fund balance can be used to cover the Building Safety Division's pro-rated share of this work. Similarly, holding this in reserve will provide the flexibility for the Mayor and Council to allocate this money to supplement or increase staffing levels as needed, on a short-term basis.

Completing any of this work during FY 22 will require a budget amendment(s) and City Council approval to initiate the project(s).

#15

RESOLUTION



MEMORANDUM

City of Pontiac
Finance Department
47450 Woodward Avenue
Pontiac, Michigan 48342
Telephone: (248) 758-3118

DATE: December 8, 2021

TO: Honorable Mayor and City Council

FROM: Darin Carrington – Finance Director

SUBJECT: Law Enforcement Service Agreement with Oakland County Sheriff's Office

The City of Pontiac has been contracting with the Oakland County Sheriff for providing law enforcement services for the City. The City's current Law Enforcement Service Agreement with the Oakland County Sheriff's office will expire on December 31, 2021. The Sheriff's office has proposed a new Three (3) year contract for the period from January 1, 2022 thru December 31, 2024. This proposed agreement and the rates for the agreement are scheduled to be presented before the Oakland County Board of Commissioners on December 9, 2021.

Most of the provisions in the contract remains the same except the number of officers and compensation amount. As you will recall, beginning in this fiscal year, the City added several new deputies for road patrol and additional community policing resources. The rates charged under the proposed agreement would increase in average by 1.82% for 2022 and 2.70% for 2023 and 2.78% for 2024. There are no major changes in the contract terms and condition except the number of contracted officers and the compensation amount as given below:

Contracted Officers	Year 2018 to 2021	Year 2022 to 2024
Captain	1	1
Lieutenant	2	3
Patrol Sergeant	7	8
Detective Sergeant	1	1
Deputy II	50	61
Patrol Investigator	18	18
Front Desk Security Deputies	12	12
Office Support Clerk	4	2
Office Specialist		1
Total	95	107

Contract Amount

<u>Existing Contract</u>			<u>Proposed Contract</u>		
<u>2019</u>	<u>2020</u>	<u>2021</u>	<u>2022</u>	<u>2023</u>	<u>2024</u>
\$11,314,497	\$11,641,970	\$11,979,684	\$14,971,426	\$15,370,279	\$15,791,666

If Council agrees that the Law Enforcement Service Agreement with the Oakland County Sheriff office renewed for three (3) more years, then the following resolution would be in order:

WHEREAS, the O.C.S.O has demonstrated its ability to faithfully execute the terms of the Agreement for the last three years; and,

WHEREAS, the City recognizes the Importance of maintaining uninterrupted Law Enforcement Services at the City of Pontiac; and,

WHEREAS, the City currently does not have its own Police Department; and,

WHEREAS, it is in the best interest of the City and the O.C.S.O to enter into an agreement for three more years; and,

NOW, THEREFORE, the City and O.C.S.O to enter in to an Agreement, for the Law Enforcement Services at the City of Pontiac:

Now, therefore, be it resolved, that the City Council for the City of Pontiac approve the attached Law Enforcement Service Agreement with the Oakland County Sheriff's Office for a period of three years from January 1, 2022 to December 31, 2024.



**COUNTY OF OAKLAND
OFFICE OF THE SHERIFF
MICHAEL J. BOUCHARD
Pontiac Substation**

Good morning,

Here are the total stats since the transition from July 31, 2011, from Pontiac Police Department to the Oakland County Sheriff's Office. Also, I have broken it down by each year.

Totals

Call for service: 675,457

Incident Report written: 78,283

Case assigned to the Detective Section: 42,461

Arrests made: 51,819

Warrants obtained by the Detective Section: 10,688

Traffic Citations issued: 89,193

Guns seized: 763

Narcans saved: 176 (Since 2018)

2011 (July-December 2011)

Call for service: 30,244

Incident Report written: 1,748

Case assigned to the Detective Section: 915

Arrests made: 1,077

Warrants obtained by the Detective Section: 368

Traffic Citations issued: 6,685

Guns seized: 10

2012

Call for service: 63,599

Incident Report written: 8,949

Case assigned to the Detective Section: 4,411

Arrests made: 4,490

Warrants obtained by the Detective Section: 706

Traffic Citations issued: 8,871

Guns seized: 12



**COUNTY OF OAKLAND
OFFICE OF THE SHERIFF
MICHAEL J. BOUCHARD
Pontiac Substation**

2013

Call for service: 64,276
Incident Report written: 8,025
Case assigned to the Detective Section: 4,217
Arrests made: 4,925
Warrants obtained by the Detective Section: 545
Traffic Citations issued: 11,454
Guns seized: 16

2014

Call for service: 64,602
Incident Report written: 6,941
Case assigned to the Detective Section: 3,693
Arrests made: 4,900
Warrants obtained by the Detective Section: 484
Traffic Citations issued: 9,835
Guns seized: 42

2015

Call for service: 62,502
Incident Report written: 7,475
Case assigned to the Detective Section: 4,041
Arrests made: 5,171
Warrants obtained by the Detective Section: 596
Traffic Citations issued: 7,769
Guns seized: 45

2016

Call for service: 68,902
Incident Report written: 7,225
Case assigned to the Detective Section: 3,800
Arrests made: 5,905
Warrants obtained by the Detective Section: 1,289
Traffic Citations issued: 10,309



**COUNTY OF OAKLAND
OFFICE OF THE SHERIFF
MICHAEL J. BOUCHARD
Pontiac Substation**

Guns seized: 81

2017

Call for service: 68,939

Incident Report written: 7,216

Case assigned to the Detective Section: 3,861

Arrests made: 5,900

Warrants obtained by the Detective Section: 1,254

Traffic Citations issued: 10,309

Guns seized: 57

2018

Call for service: 65,919

Incident Report written: 7,497

Case assigned to the Detective Section: 4,242

Arrests made: 5,243

Warrants obtained by the Detective Section: 1,194

Traffic Citations issued: 8,407

Guns seized: 72

Narcans saved: 17

2019

Call for service: 65,242

Incident Report written: 7,464

Case assigned to the Detective Section: 4,536

Arrests made: 4,416

Warrants obtained by the Detective Section: 1,365

Traffic Citations issued: 4,462

Guns seized: 132

Narcans saved: 38



**COUNTY OF OAKLAND
OFFICE OF THE SHERIFF
MICHAEL J. BOUCHARD
Pontiac Substation**

2020

Call for service: 65,803

Incident Report written: 8,519

Case assigned to the Detective Section: 4,626

Arrests made: 5,243

Warrants obtained by the Detective Section: 1,627

Traffic Citations issued: 7,464

Guns seized: 120

Narcans saved: 24

2021 (January-November)

Call for service: 55,429

Incident Report written: 7,224

Case assigned to the Detective Section: 4,119

Arrests made: 3,549

Warrants obtained by the Detective Section: 1,260

Traffic Citations issued: 3,628

Guns seized: 176

Narcans saved: 97

- 650 vehicles have been tagged for abandon throughout the city during this year
- 56 community events have been attended by community deputies along with the school events this year.
- 162 cases were assigned to the School Resources Officer this year

#16

RESOLUTION



CITY OF PONTIAC
Department of Building Safety & Planning
PLANNING DIVISION

47450 Woodward Ave | PONTIAC, MICHIGAN 48342
TELEPHONE: 248.758.2800

Mayor Deirdre Waterman

TO: HONORABLE MAYOR WATERMAN, COUNCIL PRESIDENT WILLIAMS & PONTIAC CITY COUNCIL

FROM: VERN GUSTAFSSON, PLANNING MANAGER

**SUBJECT: 770 ORCHARD LAKE ROAD
AMORPHOUS SOLID LLC DBA EPIPHANY GLASS
PROPOSED CONVEYANCE BY QUIT CLAIM DEED
NORTHWEST 20 FEET OF LOTS 8 & 9**

DATE: DECEMBER 6, 2021

The owner of property located at 770 Orchard Lake Road PIN 64-14-31-403-007 is Amorphous Solid LLC, dba Epiphany Glass. The property consists of lots 8 and 9 of the Elkins addition to the City of Pontiac Subdivision, other than the northwest 20 feet of the lots. The northwest 20 feet of the lots PIN 64-14-31-403-006 were conveyed to City via a Warranty Deed in 1956. From the City Attorney review of legal records, the conveyance was made for an alley; there is no evidence that an alley was constructed.

Despite the northwest 20 feet of Lots 8 and 9 being titled to the City, the property is on the tax rolls and Amorphous Solid LLC has paid property taxes on the City parcel since 2001, see Exhibit "G" of the attachment. The City Attorney's office suggests Pontiac City Council approve the City's quit claiming of the northwest 20 feet of lots 8 and 9 to Amorphous Solid LLC. A resolution to approve the conveyance of the property to Amorphous Solid LLC is included in the attachment, as Exhibit "I" and the Quit Claim Deed to Amorphous Solid LLC [for no monetary consideration] is attached as Exhibit "J".

ATTORNEY-CLIENT PRIVILEGED MEMORANDUM

TO: Mayor Deirdre Waterman
City Council

FROM: George A. Contis, Esq.

CC: John Clark, Esq. and Anthony Chubb, Esq.

DATE: October 13, 2021

RE: 770 Orchard Lake Road – Proposed Conveyance by Quit Claim Deed of Northwest 20 feet of Lots 8 and 9, Elkins Addition City of Pontiac According the Plat Recorded in Liber 8, Page 6, Oakland County Records

The current owner of the real property located at 770 Orchard Lake Road (Tax Parcel Number 64-14-31-403-007) is Amorphous Solid LLC, a Michigan limited liability company (“Amorphous”). The property consists of Lots 8 and 9 of the Elkins addition to City of Pontiac Subdivision other than the northwest 20 feet of the referenced Lots. The northwest 20 feet of the lots (Tax Parcel Number 64-14-31-403-006) were conveyed to the City via a Warranty Deed dated May 18, 1956 and recorded June 21, 1956 in Liber 3545, Page 145, Oakland County Records (See Exhibit “A”). From all accounts, it appears that the conveyance was made so that an alley could be constructed. There is no indication that an actual alley was constructed on the parcel; so it existed as a paper alley. A depiction of the property in question is provided on the attached Exhibit “B.”

Conveyances of 770 Orchard Lake Road Since 1995

- Hod’s Radio & Television Service, Inc., a Michigan corporation, received the property via warranty deed dated June 15, 1995 and recorded October 11, 1995 in Liber 15734, Page 594, Oakland County Records. The recorded copy of the warranty deed (attached as Exhibit “C”) conveyed “parts of Lots 8 and 9.”
- Jason Ruff and April Wagner, as joint tenant with rights of survivorship received the property via Warranty Deed dated June 11, 1997 and recorded June 24, 1997 in Liber 17324, Page 580, Oakland County Records. The recorded copy of the warranty deed (attached as Exhibit “D”) conveyed lots 8 and 9 except for the northwesterly 20 feet thereof.
- Amorphous received the property via quit claim deed (from Mr. Ruff and Ms. Wagner) dated October 26, 2011 and recorded October 31, 2011 in Liber 42520, Page 95, Oakland County

Records (attached as Exhibit "E"). Mr. Ruff and Ms. Wagner conveyed more than what they originally received from Hod's Radio & Television Service, Inc. In other words, they also conveyed the northwest 20' of the Lots 8 and 9 even though that property was owned by the City.

A title insurance commitment (attached as Exhibit "F") provided by the proposed lender for Amorphous (it is attempting to refinance its mortgage debt) confirms the status of ownership as to the two parcels.

Tax Payment History

Despite record title being of the northwest 20 feet of Lots 8 and 9 being held by the City, the property in question is on the tax rolls and Amorphous has paid property taxes on the City parcel since at least 1999 (attached Exhibit "G"). Evidence of Amorphous' payment of property taxes on its own parcel is set forth on Exhibit "H."

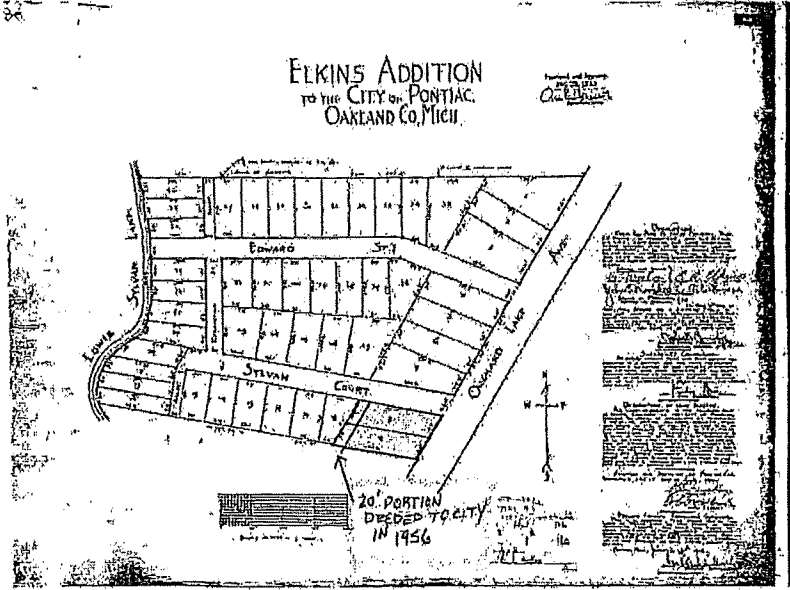
Conclusion

Despite the northwest 20 feet of Lots 8 and 9 being titled to the City, it appears on the tax rolls which taxes have been paid by Amorphous since at least 1999 (BS&A online records only go back to 1999). In light of this, the City Attorney's office recommends that Council approve the City's quit claiming of the northwest 20 feet of Lots 8 and 9 to Amorphous. The question of whether the conveyance should be done for no consideration (*gratis*) is for Council to determine. A proposed resolution approving the conveyance of the property to Amorphous is attached as Exhibit "I." The proposed quit claim deed to Amorphous (for no monetary consideration) is attached as Exhibit "J."

I would be pleased to answer any questions or comments you may have when this matter comes before you for consideration

EXHIBIT "B"

DAVID AND JIM DUNN
1931



DAVID AND JIM DUNN
1931

DAVID AND JIM DUNN
1931

EXHIBIT "C"

15734-594

1575197581

KNOW ALL MEN BY THESE PRESENTS, That BERNARD SEIBER and MARION SEIBER, his wife, MAX E. TESTER and JOYCE TESTER, his wife, RICHARD JORGENSEN, a/k/a RICHARD JORGENSEN and ELMORA JORGENSEN, a/k/a NORA JORGENSEN, his wife,

whose address is 3486 Norser Drive, Waterford, Michigan 48279

Charter(s) and Warranty(s) to HOO'S RADIO & TELEVISION SERVICE, INC.

whose address is 778 Orchard Lake Road, Farmington Hills, MI 48334

the following described premises situated in the City of Farmington, County of Oakland, and State of Michigan, to wit:

Lots 8 and 9 of Third Addition, being part of S 1/2 of Section 31, City of Farmington, as recorded in Liber 3256, Page 187 of records, Oakland County, Michigan.

19-91-403-004 Pt. of lots 8 & 9
-007 Pt. of lots 8 & 9
8006

\$ 9.00 DEED
\$ 2.00 RECONVEYANCE
11 OCT 95 7:52 A.M. RECEIPT 78
PAID RECORDED - OAKLAND COUNTY
ERIN R. ALLEN, CLERK/REGISTER OF DEEDS

subject to easements and restrictions of record

for the full consideration of One (\$1.00) Dollar. This transfer is exempt from tax pursuant to MSA 7.456(5)(a) and MSA 7.456(5)(b).

Dated this 15th day of June, 1995.

Christine L Myers
Christine L. Myers

Bernard C Seiber
BERNARD SEIBER

John Kurtti
John Kurtti

Marion Seiber
MARION SEIBER

STATE OF MICHIGAN)
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this 15th day of June, 1995 by BERNARD SEIBER and MARION SEIBER, his wife.

My Commission Expires: CHRISTINE L MYERS
3155 W. WALTON AVENUE
WALTON MISSION EXPRES 06/10/99

Christine L Myers
Christine Myers

Christine L Myers
Christine L. Myers

Max E. Tester
MAX E. TESTER

John Kurtti
John Kurtti

Joyce Tester
JOYCE TESTER
026153

OAKLAND COUNTY TREASURER CERTIFICATE
THE TREASURER OF OAKLAND COUNTY HAS RECEIVED THE TAX DUES ON THE ABOVE
TITLES AND BY THE PAYEE OF THIS RECEIPT HAS PAID THE TAX DUES ON THE
ABOVE LISTED PROPERTY, AND IS FILING THIS RECEIPT AS FULL PAYMENT OF THE
TAX DUES ON THE ABOVE LISTED PROPERTY, AND IS FILING THIS RECEIPT AS FULL
PAYMENT OF THE TAX DUES ON THE ABOVE LISTED PROPERTY.

1/10-10 95
CP
10-10-95
CP

O.K. - S.H.

OCT 9 9 1995

9
10
11
12
13
14

STATE OF MICHIGAN)
COUNTY OF Oakland

INT. 15734R-595

The foregoing instrument was acknowledged before me this 15th day of June, 1975 by MAX E. TESTER and JOYCE TESTER, his wife.

My Commission Expires CHRISTINE L. MYERS
NOTARY PUBLIC - OAKLAND COUNTY, MI
MY COMMISSION D.P. 68351099

Max E. Tester
MAX E. TESTER

Christine L. Myers
Christine L. Myers
Notary Public

Richard Jorgensen
RICHARD JORGENSEN a/k/a Richard Jorgenson

Wmela Jorgensen
Wmela Jorgensen

Elvora Jorgensen
ELVORA JORGENSEN a/k/a Nora Jorgenson

STATE OF MICHIGAN)
COUNTY OF)

The foregoing instrument was acknowledged before me this 15th day of June, 1975 by RICHARD JORGENSEN and ELVORA JORGENSEN, his wife, a/k/a Richard Jorgenson a/k/a Nora Jorgenson

My Commission Expires 8/30/95
THOMAS J. MORLAN
Notary Public

Thomas J. Morlan
Thomas J. Morlan
Notary Public

Witness is divided by:
THOMAS J. MORLAN

201 W. Big Beaver Road, Suite 500
Troy, Michigan 48064

Recording Fee \$
State Transfer Tax \$
Tax Parcel #

When recorded please let Creditors:
Mop's Radio & Television Service Inc.
770 Orchard Lake Road
Pontiac, MI 48341
Send billings for bills to Creditors

EXHIBIT "D"

JN 24 91137973

173240580

\$ 1.00 REE
\$ 2.00 RECOMMENDATION
\$ 987.00 TRANSFER TAX (CONVISED)
24 JUN 97 2:22 P.M. RECEIPTS JES
P.P.10 RECORDED - OAKLAND COUNTY
LYNN S. ALLEN, CLERK/REGISTER OF DEEDS

WARRANTY DEED - CORPORATION - Statutory Form

KNOW ALL MEN BY THESE PRESENTS: That Rods Radio & Television Service, Inc., a Michigan Corporation whose address is 4620 Dixie Hwy., Waterford, MI 48325 Convey(s) and Warrant(s) to Vascon G. Huff and April M. Wagner, as Joint Tenants with Full Rights of Survivorship.

whose address is 2905 Pricham Street, Keego Harbor, MI 48320-1402 the following described premises situated in the City of Pontiac County of Oakland and State of Michigan, to-wit:

Lot (s) B and D subdivision, as recorded in Liber 8, Page(s) 8 of Plat, Oakland County Records.

7006
Tax Item No. 14-31-403-007 and 14-31-403-006
More commonly known as 770 Orchard Lake

for the full consideration of One Hundred Fifty Thousand & No/100 Dollars (\$150,000.00) subject to permitted encumbrances and those of records.

Dated this 11th day of June 1997

Witnesses:
Mary A. Hranach
John Poponek

Signatures:
Rods Radio & Television Service, Inc., a Michigan Corporation
By Michael W. Corder, President

Handwritten notes and signatures in the top right corner.

STATE OF MICHIGAN
COUNTY OF OAKLAND

The foregoing instrument was acknowledged before me this 11th day of June, 1997 (1) by Michael W. Corder (2) President (3) of Rods Radio & Television Service, Inc., a Michigan Corporation (4) a Michigan Corporation on behalf of the said corporation. Note: Insert at (1) name(s) of officer(s) (2) title(s) of officer (3) name of corporation (4) name of incorporation

Drafted By: Philip R. Beaver
2700 N. Woodward
Bloomfield Hills, MI 48304

Notary Public: Mary A. Hranach
Oakland County, Michigan

My commission expires: August 1, 2000

COUNTY TREASURER'S CERTIFICATE
6.20.97

CITY TREASURER'S CERTIFICATE
STATE OF MICHIGAN REAL ESTATE TRANSFER TAX

Recording Fee: 10.00 Return to: Vascon G. Huff
State Transfer Tax: 987.00 2905 Pricham Street
Send subsequent tax bills to: Keego Harbor, MI 48320-1402

JUN 19 1997

18429157 PHILIP R. BEAVER TITLE COMPANY, INC.
2700 N. Woodward, Bloomfield Hills, Michigan 48304 (248) 330-7135 O.K. - MJ

EXHIBIT "E"

Branch: DE2 User: KRAU

Order: 10009788

43520 4095

43520 PAGE 95
LIBER 4-4-2011
RECORDED
1-10-2011
10/21/2011 10:11:23 P.M.
RECEIVED - OAKLAND COUNTY
MIL. CLERK J. M. (L) 504/311-1111

QUIT CLAIM DEED

JASON G. RUFF, a single man and APRIL M. WAGNER, a single woman, as Joint Tenants with Full Rights of Survivorship,

whose addresses are: 610 Ann St., Birmingham, Michigan 48009 and 319 Oak Ridge Dr., Pontiac, MI 48341

Quit Claims to: AMORPHOUS SOLID, L.L.C., a Michigan Limited Liability Company

whose address is: 770 Orchard Lake Road, Pontiac, Michigan 48341

the following described premises situated in the City of Pontiac, County of Oakland, and State of Michigan, to-wit:

LOTS 8 & 9, "BLKING ADDITIONAL SUBDIVISION," AS RECORDED IN
LIBER 8, PAGE(S) 6 OF PLATS; OAKLAND COUNTY RECORDS, MICHIGAN
8006

for the full consideration of One (\$1.00) Dollar, Tax exempt pursuant to MCL 207.526(1) and MCL 207.505(1).

Dated this 26th day of October, 2011.

Jason G. Ruff
JASON G. RUFF
April M. Wagner
APRIL M. WAGNER

STATE OF MICHIGAN }
COUNTY OF OAKLAND } SS:

The foregoing instrument was subscribed and acknowledged before me this 26th day of October, 2011, by JASON G. RUFF, a single man.

Lyndee A. Howell
Lyndee A. Howell
Notary Public - State of Michigan
M190048 County, Michigan
Acting in the County of Oakland
My Commission Expires: 12-16-2011

STATE OF MICHIGAN }
COUNTY OF OAKLAND } SS:

The foregoing instrument was subscribed and acknowledged before me this 26th day of October, 2011, by APRIL M. WAGNER, a single woman.

Lyndee A. Howell
Lyndee A. Howell
Notary Public - State of Michigan
M190048 County, Michigan
Acting in the County of Oakland
My Commission Expires: 12-16-2011

INSTRUMENT DRAFTED BY:

Victor A. Vepranskas IV, Esq.
BEIER HOWLETT, P.C.
200 E. Long Lake Road, Suite 110
Bloomfield Hills, MI 48304-2291

Recording Fee: \$ 14.00
County/State Transfer Tax: \$0

Tax No: 14-31-103-008 / 14-31-103-007 - 89

For Register Use Only
WHEN RECORDED, RETURN TO:

Victor A. Vepranskas IV, Esq.
BEIER HOWLETT, P.C.
200 E. Long Lake Road, Suite 110
Bloomfield Hills, MI 48304-2291

SEND SUBSEQUENT TAX BILLS TO:
Amorphous Solid, L.L.C.
770 Orchard Lake Rd.
Pontiac, Michigan 48341

2011 OCT 28 AM 5:18
RECEIVED
OAKLAND COUNTY
REGISTRATION DIVISION

O.K. - L.G.

EXHIBIT "F"



DEVON TITLE AGENCY
1660 Crooks Road
Troy, MI 48064
Phone: 248-273-4300
Fax: 248-273-4301
www.devontitle.com

Issuing Office's ALTA Registry# ID: 1033891

Agent for Old Republic National Title Insurance Company

Transaction Identification Data for reference only:

Commitment No.: 10009788

Revision: Rev #2: 8-27-21 - Update, Taxes, Add, NOC

Property Address: 770 Orchard Lake Road, Pontiac, MI 48341 and V/C Orchard Lake Road, Pontiac, MI 48341

COMMITMENT FOR TITLE INSURANCE
SCHEDULE A

1. Commitment Date: August 23, 2021, at 8:00 am

2. Policy to be issued:

LOAN POLICY

AMOUNT

(a) ALTA Loan Policy of Title Insurance (6-17-06)

\$400,000.00

Proposed Insured:

MI Bank, its successors and/or assigns, as their interest may appear.

3. The estate or interest in the Land described or referred to in this Commitment is: Fee Simple.

4. The Title is, at the Commitment Date vested in:

Parcel 1: Amorphous Solid, L.L.C., a Michigan Limited Liability Company

Parcel 2: City of Pontiac

5. The Land is described as follows:

Land situated in the City of Pontiac, County of Oakland, State of Michigan described as follows:

Parcel 1:

Lots B and S, except the Northwesterly 20 feet thereof, ELKINS ADDITION, as recorded in Liber B, Page B, Oakland County Records.

Parcel 2:

The Northwesterly 20 feet of Lots B and S, ELKINS ADDITION, as recorded in Liber B, Page B, Oakland County Records.

DEVON TITLE AGENCY

By:

This page is only a part of a 2016 ALTA® Commitment for Title Insurance issued by Old Republic National Title Insurance Company. This Commitment is not valid without the Notice, the Commitment to Issue Policy, the Commitment Conditions Schedule A, Schedule B, Part I - Requirements, Schedule B, Part II - Exceptions, and a counter-signature by the Company or its Issuing Agent that may be in electronic form. Generated 8/27/2021 11:18 AM

Katharina Rausch-Bunnen
Katharina Rausch, Authorized Signatory

**SCHEDULE B, PART I
Requirements**

All of the following Requirements must be met:

1. The Proposed Insured must notify the Company in writing of the name of any party not referred to in this Commitment who will obtain an interest in the Land or who will make a loan on the Land. The Company may then make additional Requirements or Exceptions.
2. Pay the agreed amount for the estate or interest to be insured.
3. Pay the premiums, fees, and charges for the Policy to the Company.
4. Documents satisfactory to the Company that convey the Title or create the Mortgage to be insured, or both, must be properly authorized, executed, delivered, and recorded in the Public Records.
5. Pay unpaid taxes and assessments unless shown paid.
6. The insurer must be notified of any construction improvements, renovations or remodeling and reserves the right to add any additional requirements.
7. We must be furnished from Amorphous Solid, L.L.C. a copy of (1) the Articles of Organization (2) written operating agreement and all amendments thereto, (3) current membership roster and (4) evidence of good standing (or current registration) of said limited liability company. Unless the mortgage is executed by all members, we must also be furnished with evidence satisfactory to the Company that all necessary consents, authorizations, resolutions, notices and actions relating to the mortgage and the execution and delivery of the mortgage as required under applicable law and the governing documents have been conducted, given or properly waived.
8. Record Discharge of the Mortgage in the amount of \$125,000.00 given by Amorphous Solid, LLC to Paul Huxley, dated October 26, 2011, recorded October 31, 2011, in Liber 43520, Page 96, Oakland County Records.
9. INTENTIONALLY OMITTED.
10. Record Warranty Deed from City of Pontiac to Amorphous Solid, L.L.C. (Parcel 2).
11. The policy to be issued will contain the ALTA 33 Disbursement Endorsement and the ALTA 32 Construction Loan Loss of Priority or 32.1 Construction Loan Loss of Priority - Direct Payment or 32.2 Construction Loan Priority - Loss of Priority - Insured's Direct Payment Endorsement, in the forms attached.
12. Record Notice of Commencement relative to construction on the subject property.
13. Submit executed original Indemnity Agreements from borrower and builder.
14. Furnish to the Company a fully executed sworn statement from general contractor, with full or partial unconditional or conditional waivers from all subcontractors and/or suppliers that have been paid or is currently due payment.
15. Record mortgage to be insured and submit evidence satisfactory to Company that each signer is an authorized signatory and is at least 18 years of age.
16. NOTE: The address(es) recited herein is/are for informational purposes only. The Company neither guarantees nor insures its accuracy.
17. NOTE: No liability is assumed by the company for ascertaining the status of utility charges and the insured is cautioned to obtain the current status of these payments.
18. NOTE: The following information is provided for informational purposes only, the accuracy of which is neither guaranteed nor insured, including but not limited to Principal Residence Exemption status. No liability is assumed by the Company for increase occasioned by retroactive revaluation or change in land usage or loss of any Principal.

This page is only a part of a 2016 ALTA® Commitment for Title Insurance issued by Old Republic National Title Insurance Company. This Commitment is not valid without the Notice, the Commitment, the Issue Policy, the Commitment Conditions, Schedule A, Schedule B, Part I - Requirements, Schedule B, Part II - Exceptions and a countersignature by the Company or its issuing agent that may be in electronic form.

Generated 01/27/2021 11:18 AM

Devon Title Agency

ALTA Commitment for Title Insurance

Commitment No. 10009766

Residence Exemption status for insured premises.

Tax Information as found:

Commonly known as: 770 Orchard Lake Road, Pontiac, MI

Tax I.D. Number: 14-31-403-007 (Parcel 1)

2021 SEV: \$62,540.00

2021 Taxable Value: \$58,120.00

2021 Summer Tax Amount: \$3,130.65 PAID

2020 Winter Tax Amount: \$106.12 PAID

Special Assessments: No special assessments included in the above amounts

Principal Residence Exemption: 0% for tax year 2020

Commonly known as: 770 Orchard Lake Road, Pontiac, MI

Tax I.D. Number: 14-31-403-006 (Parcel 2)

2021 SEV: \$1,650.00

2021 Taxable Value: \$1,650.00

2021 Summer Tax Amount: \$88.80 PAID

2020 Winter Tax Amount: \$3.01 PAID

Special Assessments: No special assessments included in the above amounts

Principal Residence Exemption: 0% for tax year 2020

NOTE: It has been requested by the Proposed Insured that the Company issue its ALTA Loan Policy of Title Insurance without standard exceptions.

SCHEDULE B, PART II
Exceptions

THIS COMMITMENT DOES NOT REPUBLISH ANY COVENANT, CONDITION, RESTRICTION, OR LIMITATION CONTAINED IN ANY DOCUMENT REFERRED TO IN THIS COMMITMENT TO THE EXTENT THAT THE SPECIFIC COVENANT, CONDITION, RESTRICTION, OR LIMITATION VIOLATES STATE OR FEDERAL LAW BASED ON RACE, COLOR, RELIGION, SEX, SEXUAL ORIENTATION, GENDER IDENTITY, HANDICAP, FAMILIAL STATUS, OR NATIONAL ORIGIN.

The Policy will not insure against loss or damage resulting from the terms and provisions of any lease or easement identified in Schedule A, and will include the following Exceptions unless cleared to the satisfaction of the Company:

1. Any defect, lien, encumbrance, adverse claim, or other matter that appears for the first time in the Public Records or is created, attached, or is disclosed between the Commitment Date and the date on which all of the Schedule B, Part I - Requirements are met.
2. Any facts, rights, interests, or claims which are not shown by the Public Records but that could be ascertained by an inspection of the Land or by making inquiry of persons in possession of the Land.
3. Easements, liens, or encumbrances, or claims thereof not shown by the Public Records.
4. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title including discrepancies, conflicts in boundary lines, shortage in area, or any other facts that would be disclosed by an accurate and complete land survey of the Land, and that are not shown in the Public Records.
5. Any liens or right to lien for services, labor or material imposed by law and not shown by the Public Records.
6. Rights and claims of parties in possession, and anyone claiming by, through or under them.
7. Homestead rights, if any, of the spouse of any individual insured or of any individual shown herein to be a party in interest.
8. Building and use restrictions not appearing in the record chain of title; but omitting restrictions, if any, based on race, color, religion or national origin.
9. Taxes and assessments not discoverable due to limited availability or closures of municipalities, and, further, those not yet due and payable at Commitment date.
10. The lien, if any, of real estate taxes, assessments, and/or water and sewer charges, not discoverable due to limited availability or closures of municipalities, and, further those that are not yet due and payable or that are not shown as existing liens in the records of any taxing authority that levies taxes or assessments on real property or in the Public Records; including the lien for taxes, assessments, and/or water and sewer charges, which may be added to the tax rolls or tax bill after the Date of Closing. The Company assumes no liability for the tax increases occasioned by the retroactive revaluation or changes in the Land usage or (loss of any) homestead exemption status for the insured premises.
11. The address(es) recited herein is/are for informational purposes only. The Company neither guarantees nor insures its accuracy.
12. No liability is assumed by the company for ascertaining the status of utility charges and the insured is cautioned to obtain the current status of these payments.
13. Oil, gas and mineral reservations of every kind and nature and all rights, privileges pertinent or incidental thereto, recorded or unrecorded.
14. Any and all easements and restrictions as shown on the recorded plat.
15. Rights and claims of parties in possession, and anyone claiming by, through or under them.

This page is only a part of a 2018 ALTA® Commitment for Title Insurance issued by Old Republic National Title Insurance Company. This Commitment is not valid without the Notice, the Commitment to Issue Policy, the Commitment Conditions, Schedule A, Schedule B, Part I - Requirements, Schedule B, Part II - Exceptions and a counter-signature by the Company or its issuing agent that may be in electronic form. Generated 8/27/2021 11:16 AM

16. Terms, conditions and provisions contained in Warranty Deed into City of Pontiac recorded in Liber 3545, Page 145 of Oakland County Records.
17. Terms, conditions and provisions contained in Resolution recorded in Liber 3586, Page 481 of Oakland County Records.
18. Terms, conditions and provisions contained in Notice of Commencement recorded July 28, 2021 in Liber 56617, Page 45, Oakland County Records.

EXHIBIT "G"

10/13/2021

Parcel Number - 84-14-31-403-008 | City of Pontiac | BS&A Online

SVLVAN Pontiac, MI 48341 (Property Address) Parcel Number: 84-14-31-403-008 Property Owner: AMORPHOUS SOLID LLC Summary Information Property Tax Information found Building Department Information found	
--	--

Owner and Taxpayer Information

Owner:	AMORPHOUS SOLID LLC 770 ORCHARD LAKE RD PONTIAC, MI 48341-2041	Taxpayer	SEE OWNER INFORMATION
--------	--	----------	-----------------------

Legal Description

TIN; RIDE, SEC 31 ELKINS ADDITION NWLY 50 FT OF LOTS 8 & 9

Recalculate amounts using a different Payment Date

You can change your anticipated payment date in order to recalculate amounts due as of the specified date for this property.

Enter a Payment Date:

Tax History

Year	Season	Total Amount	Total Paid	Last Paid	Total Ova
2021	Summer	\$88.80	\$88.80	07/02/2021	\$0.00
2020	Winter	\$3.01	\$3.01	12/14/2020	\$0.00
2020	Summer	\$90.54	\$90.54	07/09/2020	\$0.00
2019	Winter	\$3.04	\$3.04	12/16/2019	\$0.00
2019	Summer	\$90.63	\$90.63	07/09/2019	\$0.00
2018	Winter	\$3.09	\$3.09	12/07/2018	\$0.00
2018	Summer	\$90.98	\$90.98	07/05/2018	\$0.00
2017	Winter	\$2.86	\$2.86	12/08/2017	\$0.00
2017	Summer	\$88.57	\$88.57	08/03/2017	\$0.00
2016	Winter	\$2.88	\$2.88	12/12/2016	\$0.00
2016	Summer	\$88.65	\$88.65	04/05/2016	\$0.00
2015	Winter	\$2.88	\$2.88	12/07/2015	\$0.00
2015	Summer	\$83.91	\$83.91	07/14/2015	\$0.00
2014	Winter	\$2.90	\$2.90	12/03/2014	\$0.00
2014	Summer	\$90.54	\$90.54	07/30/2014	\$0.00
2013	Winter	\$2.79	\$2.79	12/16/2013	\$0.00
2013	Summer	\$114.06	\$114.06	07/10/2013	\$0.00
2012	Winter	\$3.31	\$3.31	12/31/2012	\$0.00
2012	Summer	\$131.73	\$131.73	08/01/2012	\$0.00
2011	Winter	\$2.33	\$2.33	03/07/2012	\$0.00
2011	Summer	\$111.54	\$0.00		\$111.54 ** Read Note(s) Above
2010	Winter	\$2.63	\$2.63	12/13/2010	\$0.00
2010	Summer	\$102.47	\$102.47	07/28/2010	\$0.00
2009	Winter	\$2.24	\$2.24	12/09/2009	\$0.00
2009	Summer	\$102.35	\$102.35	07/30/2009	\$0.00
2008	Winter	\$2.15	\$2.15	01/05/2009	\$0.00
2008	Summer	\$95.37	\$95.37	07/11/2008	\$0.00
2007	Winter	\$1.91	\$1.91	12/26/2007	\$0.00

10/19/2021

Parcel Number - 64-14-31-403-008 | City of Pontiac | BS&A Online

2007	Summer	\$97.54	\$97.54	07/23/2007	\$0.00
2006	Winter	\$4.46	\$0.00		\$4.46 <small>See Note(s) Above</small>
2006	Summer	\$92.21	\$91.25	08/21/2006	\$0.96 <small>See Note(s) Above</small>
2005	Winter	\$5.84	\$0.00		\$5.84 <small>See Note(s) Above</small>
2005	Summer	\$90.08	\$90.05	08/01/2005	\$0.00
2004	Winter	\$8.92	\$8.92	12/14/2004	\$0.00
2004	Summer	\$81.81	\$81.81	07/23/2004	\$0.00
2003	Winter	\$8.75	\$8.75	12/16/2003	\$0.00
2003	Summer	\$77.85	\$77.85	07/15/2003	\$0.00
2002	Winter	\$8.67	\$8.67	12/19/2002	\$0.00
2002	Summer	\$84.69	\$84.69	07/19/2002	\$0.00
2001	Winter	\$10.19	\$10.19	12/31/2001	\$0.00
2001	Summer	\$88.21	\$88.21	07/30/2001	\$0.00
Load More Years					

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EXHIBIT "H"

10/13/2021

Parcel Number : 84-14-31-403-007 | City of Pontiac | BS&A Online

770 ORCHARD LAKE RD PONTIAC, MI 48341-2041 (Property Address)	
Parcel Number: 84-14-31-403-007	
Property Owner: AMORPHOUS SOLID LLC	
Summary Information	Bulk & Department records found
Property Tax Information found	

Owner and Taxpayer Information

Owner:	AMORPHOUS SOLID LLC 770 ORCHARD LAKE RD PONTIAC, MI 48341-2041	Taxpayer:	SEE OWNER INFORMATION
--------	--	-----------	-----------------------

Legal Description

TAN RIDG SEC 31 ELKINS ADDITION LOTS 8 & 9 EXC HWAY 20 FT

Recalculate amounts using a different Payment Date

You can change your anticipated payment date in order to recalculate amounts due as of the specified date for this property.

Enter a Payment Date:

Tax History

Year	Season	Total Amount	Total Paid	Last Paid	Total Due
2021	Summer	\$3,190.65	\$3,190.65	07/02/2021	\$0.00
2020	Winter	\$106.12	\$106.12	12/14/2020	\$0.00
2020	Summer	\$3,147.41	\$3,147.41	07/09/2020	\$0.00
2019	Winter	\$103.37	\$103.37	12/16/2019	\$0.00
2019	Summer	\$3,092.51	\$3,092.51	07/09/2019	\$0.00
2018	Winter	\$101.88	\$101.88	12/07/2018	\$0.00
2018	Summer	\$3,031.75	\$3,031.75	07/05/2018	\$0.00
2017	Winter	\$94.08	\$94.08	12/08/2017	\$0.00
2017	Summer	\$2,890.43	\$2,890.43	06/03/2017	\$0.00
2016	Winter	\$93.99	\$93.99	12/12/2016	\$0.00
2016	Summer	\$2,867.17	\$2,867.17	04/05/2016	\$0.00
2015	Winter	\$94.23	\$94.23	12/07/2015	\$0.00
2015	Summer	\$2,706.40	\$2,706.40	07/14/2015	\$0.00
2014	Winter	\$94.25	\$94.25	12/03/2014	\$0.00
2014	Summer	\$2,917.91	\$2,917.91	07/30/2014	\$0.00
2013	Winter	\$75.44	\$75.44	12/16/2013	\$0.00
2013	Summer	\$3,044.95	\$3,044.95	07/10/2013	\$0.00
2012	Winter	\$80.26	\$80.26	12/31/2012	\$0.00
2012	Summer	\$5,175.73	\$5,175.73	06/01/2012	\$0.00
2011	Winter	\$42.48	\$42.48	03/07/2012	\$0.00
2011	Summer	\$2,013.07	\$0.00		\$2,013.07 ** Read Note(s) Above
2010	Winter	\$49.20	\$49.20	12/13/2010	\$0.00
2010	Summer	\$1,846.96	\$1,846.96	07/28/2010	\$0.00
2009	Winter	\$40.56	\$40.56	12/09/2009	\$0.00
2009	Summer	\$1,841.11	\$1,841.11	07/30/2009	\$0.00
2008	Winter	\$38.85	\$38.85	01/04/2009	\$0.00
2008	Summer	\$1,713.79	\$1,713.79	07/24/2008	\$0.00
2007	Winter	\$34.68	\$34.68	12/26/2007	\$0.00

10/13/2021

Parcel Number - 84-14-31-403-007 | City of Pontiac | BS&A Online

2007	Summer	\$1,751.63	\$1,751.63	07/23/2007	\$0.00
2006	Winter	\$80.21	\$0.00		\$80.21 Read Note(s) Above
2006	Summer	\$1,700.22	\$1,633.65	11/29/2006	\$66.57 Read Note(s) Above
2005	Winter	\$122.77	\$0.00		\$122.77 Read Note(s) Above
2005	Summer	\$1,606.04	\$1,606.00	08/01/2005	\$0.00
2004	Winter	\$188.75	\$188.75	12/14/2004	\$0.00
2004	Summer	\$1,452.29	\$1,452.29	07/23/2004	\$0.00
2003	Winter	\$155.29	\$155.29	12/16/2003	\$0.00
2003	Summer	\$1,375.60	\$1,375.60	07/15/2003	\$0.00
2002	Winter	\$153.10	\$153.10	12/19/2002	\$0.00
2002	Summer	\$1,492.29	\$1,492.29	07/19/2002	\$0.00
2001	Winter	\$179.83	\$179.83	12/31/2001	\$0.00
2001	Summer	\$1,593.72	\$1,593.72	07/30/2001	\$0.00
2000	Winter	\$136.20	\$136.20	12/27/2000	\$0.00
2000	Summer	\$1,550.24	\$1,550.24	07/24/2000	\$0.00
1999	Winter	\$209.19	\$209.19	12/01/1999	\$0.00
1999	Summer	\$1,457.80	\$1,457.80	07/21/1999	\$0.00

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EXHIBIT "I"



CITY OF PONTIAC CITY COUNCIL

RESOLUTION APPROVING CONVEYANCE OF NORTHWEST 20 FEET OF LOTS 8 AND 9 ELKINS ADDITION CITY OF PONTIAC (TAX PARCEL 64-14-31-403-006) VIA QUIT CLAIM DEED TO AMORPHOUS SOLID LLC

AT A REGULAR meeting of the Pontiac City Council of the City of Pontiac, Michigan, held at _____ on _____, 2021, the following resolution was offered by _____ and supported by _____.

WHEREAS, a certain parcel of property, being the northwest 20 feet of Lots 8 and 9 in the Elkins Addition Subdivision in the City of Pontiac (Tax Parcel 64-14-31-403-006) was conveyed to the City in 1956 for the construction or creation of an alley to be located off Sylvan Court west of Orchard Lake Road, however, the alley was not constructed; and

WHEREAS, despite the above-referenced parcel being owned by the City it has appeared on the City's tax rolls since at least 1999 and current online records identify the current taxpayer of to be Amorphous Solid LLC, a Michigan limited liability company which operates a glass blowing and decorative art business in the immediately adjacent property located at 770 Orchard Lake Road (Tax Parcel 64-14-31-403-007; and)

WHEREAS, the Office of the City Attorney reviewed the circumstances surrounding Tax Parcel 64-14-31-403-006, provided Council with a memorandum containing detailed information regarding the property and included copies of a current title insurance commitment and other related documents for Council's review and approval to consider whether Council should approve the City's conveyance of Tax Parcel 64-14-31-403-006 to Amorphous Solid LLC via quit claim deed; and

WHEREAS, it is for the mutual benefit of the City, Amorphous Solid, LLC and the future owners of 770 Orchard Lake Road to convey Tax Parcel 64-14-31-403-006 to Amorphous Solid LLC via quit claim deed.

NOW THEREFORE, BE IT RESOLVED as follows:

1. City Council approves the conveyance of Tax Parcel 64-14-31-403-006 to Amorphous Solid LLC via the form of quit claim deed attached to this Resolution and directs the Mayor or her designee to execute the quit claim deed on the City's behalf.

PASSED AND APPROVED BY THE CITY COUNCIL, Pontiac, Michigan, this ____ day of _____, 2021.

AYES: _____

NAYS: _____

I, Garland Doyle, Clerk of the City of Pontiac, hereby certify that the above Resolution is a true copy and accurate copy of the Resolution passed by the City Council of the City of Pontiac on _____, 2021.

GARLAND DOYLE, Interim City Clerk

Dated: _____, 2021

EXHIBIT "J"

QUIT CLAIM DEED

The City of Pontiac, a Michigan municipal corporation, whose address is 47450 Woodward Avenue, Pontiac, Michigan 48342 ("Grantor") **QUIT CLAIMS** to Amorphous Solid LLC, a Michigan limited liability company, whose address is 770 Orchard Lake Road, Pontiac, Michigan 48341 ("Grantee"), the following described premises situated in the City of Pontiac, County of Oakland, and State of Michigan, to wit:

The Northwesterly 20 feet of Lots 8 and 9, ELKINS ADDITION, as recorded in Liber 8, Page 6, Oakland County Records.

Commonly known as: No address. Vacant land on Sylvan Court
Tax Parcel Number: 64-14-31-403-006

together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining. This transaction is exempt from County and State Transfer Taxes pursuant to MCLA 207.505(h) and MCLA 207.526(i).

Dated this ____ day of _____, 2021.

Grantor:
City of Pontiac, a Michigan municipal corporation

By: _____
Deirdre Waterman
Its: Mayor

STATE OF MICHIGAN)
)§
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this ____ day of _____, 2021 by Deirdre Waterman, Mayor of the City of Pontiac who executed this instrument on behalf of the City.

_____, Notary Public

Acting in Oakland County
My Commission expires: _____

When Recorded Return To: Grantee
Send Subsequent Tax Bills To: Grantee
Drafted By:
George A. Contis, Esq.
Giarmarco, Mullins & Horton, P.C.
101 W. Big Beaver Rd., Suite 1000
Troy, Michigan 48084

#17

**LEGAL
UPDATE**

MEMORANDUM

TO: Pontiac City Council

CC: Mayor Deirdre Waterman

DATE: November 24, 2021

RE: Legal Update Memorandum

The following shall serve as an update on certain pending Law Department matters:

CPREA

- The bargaining parties are waiting for the results of the termination valuation as of 3-31-21 for the old GERS. This is currently in the hands of the GERS Board's actuary. Once that termination valuation is finalized, the old GERS can distribute assets to the City account to pay the opt-out payments and to the new VEBA to pay for health benefits. Opt-out payments are scheduled to be made in mid-December. But, the City will not have the funds ready to make those opt-out payments without the final valuation and transfer of assets. The GERS Board is proposing to alter the pension liabilities of the old terminated GERS to include the proposed \$400 permanent increase. Treatment of the proposed \$400 permanent increase as a pension liability of the old GERS is problematic under Section 6 of the Settlement Agreement, unless the bargaining parties agree to such treatment.
- The VEBA Board is overseeing open enrollment for the health benefits. Benefits are intended to commence on February 1, 2022. The ability to commence benefits is contingent upon the termination valuation be completed so that assets can be transferred out of the old GERS to the new VEBA.
- The VEBA merger agreement is being presented to Council at the 11/30/21 meeting. The VEBA Board and P&F VEBA Boards have already approved the document. There have been some initial discussions with the IRS related to its approval of the merger agreement. It is unclear at this time whether the IRS considers this issue to fall within a "no rule" area. The IRS has recommended that a pre-submission phone conference be requested.

CITY COUNCIL OPEN MEETINGS ACT VIOLATION ALLEGATIONS

- Many City employees were denied the ability to speak during City Council meeting Public Comment. This triggered complaints that were relayed to the Attorney General and Oakland County Sheriff. The Attorney General continues to review the complaints and findings of the Oakland County Sheriff

MEDICAL MARIHUANA REVIEW PROCESS

- The Medical Marihuana Commission has approved their Rules and Procedures, but the City Council rejected those rules. As such, the appeal process has been suspended pending further Council action.
- Administration made several recommendations to the Interim Clerk regarding determined conflicts of interest related to the application review process. The Interim Clerk has not advised as to whether he has complied with these recommendations.



CITY OF PONTIAC

OFFICIAL MEMORANDUM

Executive Branch

To: Honorable Council President and City Council Members

From: City Attorney through Executive Office

Re: Amended Medical Marihuana Commission Rules

Date: December 9, 2021

Council President and Members of the City Council:

Consistent with Ordinance 2357(B), Section 6(a), the Medical Marihuana Commission shall adopt rules and regulations to govern its proceedings and deliberations. Further, pursuant to Section 6(b), the City Council must approve those adopted rules.

The Medical Marihuana Commission previously adopted Rules and Regulations, for which this Council denied approval on November 23, 2021. The Medical Marihuana Commission subsequently met on November 30, 2021, and approved amended Rules and Regulations. Consistent with the Council duty established in Ordinance 2357(B), the amended Rules and Regulations are attached for your review and consideration liberations.



Pontiac Medical Marihuana Commission Rules and Regulations

All meetings of the Medical Marihuana Commission ("Commission") will be held in compliance with all applicable statutes, including the Open Meetings Act, 1976 PA 267 as amended, and with these rules and regulations.

Commission Membership Requirements

Members of the Commission shall be residents of the City of Pontiac and shall serve without pay.

Commission Powers and Duties

The Commission shall review and decide all appeals that are forwarded to it by the City Clerk pursuant to Ordinance 2357(B). The Commission shall review all appeals de novo. The Commission may overturn a decision or finding of the City Clerk if it finds such decision or finding to be arbitrary or capricious and not supported by material, substantial, and competent facts on the whole record considered by the City Clerk in arriving at such decision or finding.

Meeting Schedule

The Committee shall post a meeting notice in a manner consistent with applicable law subsequent to receiving an appeal forwarded to it by the City Clerk pursuant to City Ordinance 2357(B). Due to the timing irregularity of the receipt of appeals, the Commission may not schedule Regular Meetings as set forth in the Michigan Open Meetings Act, Michigan Public Act 267 of 1976, at MCL 15.265. If the Commission does adopt a regular meeting schedule, it shall be posted in a manner consistent with MCL 15.265.

Minutes of meetings

Minutes of all meetings of the Commission shall be kept in a manner consistent with applicable law. A copy of the minutes of meetings shall be available for public inspection at the City Clerk's Office during regular business hours.

Conduct of meetings

All meetings of the Commission shall be open to the public except as permitted by applicable law. All open meetings shall be open to the media, freely subject to recording by radio, television and photographic services at any time, provided that such arrangements do not interfere with the orderly conduct of the meetings.

Commission meeting agenda

Meeting agendas will be as follows

1. Call to order
2. Pledge of Allegiance
3. Roll Call
4. Amendments to and approve of the agenda
5. Approval of the Minutes (As needed)
6. Agenda Items
7. Public Comment (3 Minute Limit)
8. Adjournment

Quorum

A majority of the Commission shall constitute a quorum for the review of appeals.

Chairperson, Vice Chairperson, and Secretary

The Commission shall select, by majority vote, a Chairperson, Vice Chairperson and Secretary.

Presiding Officer

The Presiding Officer shall be responsible for enforcing these Rules and Regulations and for enforcing orderly conduct at meetings. The Chairperson shall be the Presiding Officer. If the Chairperson is absent, the Vice Chairperson shall act as the Presiding Officer. In the event of a resignation or other permanent absence of the Chairperson or Vice Chairperson position, it shall be filled by nomination and majority vote of the Commission members serving.

Disorderly conduct

The Presiding Officer may call to order any person who is being disorderly by speaking out of order or otherwise disrupting the proceedings, failing to be germane, speaking longer than the allotted time or speaking vulgarities. Such person shall be seated until the Presiding Officer determines the person is in order.

Closed sessions

Closed sessions may be held only for the reasons consistent with applicable law, as determined by the City Attorney.

Calling closed sessions

The Commission by a two-thirds roll call vote may call a closed session subject to the conditions herein. The roll call vote and purpose(s) for calling the closed meeting shall be entered into the minutes of the public part of the meeting at which the vote is taken.

Minutes of closed meetings

A separate set of minutes shall be taken at the closed session. These minutes will be retained by the City Clerk and shall not be available to the public.

Discussion and voting

Rules of parliamentary procedure

The rules of parliamentary practice, as contained in the 11th edition of Robert's Rules of Order, shall govern the Commission in all cases to which they are applicable, provided they are not in conflict with these rules, city ordinances or applicable state statutes. The Presiding Officer shall preserve order and decorum and may speak to points of order in preference to other members. If a point of order is given it should not exceed two (2) minutes.

Conduct of discussion

During the Commission discussion and debate, no member shall speak until recognized for that purpose by the Presiding Officer. After such recognition, the member shall confine discussion to the question at hand and to its merits and shall not be interrupted except by a point of order or privilege raised by another member. Speakers should address their remarks to the chair, maintain a courteous tone and avoid interjecting a personal note into debate.

Public comment

Each meeting agenda shall provide reserved time for public comment participation. During public comment, each individual shall be limited to three (3) minutes, and shall not engage in conduct or language that disrupts, makes fun of, or otherwise impedes the orderly conduct of the meeting. In addition, members of the audience shall not engage in disorderly or boisterous activity including but not limited to; the utterance of loud, obnoxious, threatening, or abusive language, cheering, whistling, or any other acts that disturb, disrupt, or impede, or otherwise interfere with the orderly conduct of the meeting.

Suspension of rules

The rules of the Commission may be suspended for a specified portion of a meeting by an affirmative vote of two-thirds of the members present except that Commission actions shall conform to applicable law.



CITY OF PONTIAC
OFFICIAL MEMORANDUM

Executive Branch

To: Honorable Council President and City Council Members

From: City Attorney through Executive Office

Re: Resolution to Approve Amended Medical Marihuana Commission Rules

Date: December 9, 2021

RESOLUTION

Whereas, Ordinance 2357(B), Section 6(a), requires the Medical Marihuana Commission to adopt Rules and Regulations that govern its proceedings and deliberations; and

Whereas, Ordinance 2357(B) Section 6(b), requires the adopted rules to be approved by City Council; and

Whereas, the Medical Marihuana Commission adopted the attached Rules and Regulations at a duly noticed public meeting held on November 30, 2021;

Now, Therefore, the Pontiac City Council hereby approves the Rules and Regulations adopted by the Medical Marihuana Commission to govern its proceedings and deliberations.

#18

**COMMUNICATION
FROM THE CITY
CLERK**



OFFICE OF THE CITY CLERK
MEDICAL MARIHUANA DIVISION

47450 Woodward Avenue
Pontiac, Michigan 48342
Phone: (248) 758-3200
Fax: (248) 758-3160

MEMORANDUM

TO: Honorable City Council
FR: Garland Doyle, M.P.A.
Interim City Clerk
DA: December 9, 2021
RE: Medical Marihuana Commission Update

November 9, 2021

On November 9, 2021, Mayor Waterman appointed three of the four commissioners. They are Cristi Coles Terrell, Gladys Smith, a city employee and herself (Mayor Deirdre Waterman). Section 4(b) of Ordinance 2357 (B) City of Pontiac Medical Marihuana Facilities Ordinance states that members of the Medical Marihuana Commission shall be appointed by the Mayor to serve at the pleasure of the Mayor for a term of three (3) years.

There was a Commission meeting scheduled for November 9, 2021 at 1:00p.m. The Office of the City Clerk posted the meeting notice in accordance with the Open Meetings Act. The Commission failed to hold the meeting because Mayor Waterman's I.T. Division did not post the meeting notice on the City of Pontiac's website.

November 16, 2021

The Medical Marihuana Commission held a meeting at 4:30p.m. At this meeting, the Commission approved its rules as required by Ordinance 2357(B) City of Pontiac Medical Marihuana Facilities Ordinance Section 6(a).

Despite the City Clerk informing both the City Attorney and the Commission that the rules were flawed, the Commission approved the flawed measures anyway. The rules would have allowed the Commission to have unwarranted closed session meetings that would have not been open to the public.

The City Council met following the commission meeting. Ordinance 2357(B) Section 6(b) requires the City Council to approve the rules adopted by the Commission. The City Council rejected the flawed rules and voted not to approve them.

Additionally, the City Council Legislative Counsel a licensed attorney informed the City Council that Section 6.107 of the Pontiac Charter prohibits the Mayor from being able to serve on the Commission.

Section 6.107(c) of the Pontiac City Charter states *No elective officer shall hold any appointive position, which was created or the compensation for which was fixed or increased during his or her incumbency, until one year after such person's leaving office.* **Since the Medical Marihuana Commission was established by Ordinance 2357(B) in 2018 while Mayor Waterman was in office, Mayor Waterman is ineligible to currently serve on the Commission.**

Until the Commission has at least three legal members and the City Council approves its rules, it will not be able to hear appeals.

November 24, 2021

City Attorney Chubb issued a Legal Update Memorandum to the City Council informing the Council "The Medical Marihuana Commission has approved their Rules and Procedures, but the City Council rejected those rules. As such, the appeal process has been suspended pending further Council action."

November 30, 2021

The Medical Marihuana Commission held an illegal meeting at 4:30p.m. The Open Meetings Act requires that a special meeting notice must be posted at least 18 hours prior to meeting. The City Clerk refused to post the meeting notice because the commission is acting illegally. The Commission does not have at least three legal members. Despite the meeting notice not being posted in accordance with the Open Meetings Act and the City Attorney stating that the Commission appeal process had been suspended, the Commission holds an illegal meeting anyway.

In addition to the meeting not being properly posted, the Commission votes to elect Mayor Waterman as the Chairperson of this illegal body.

- There were two different meeting agendas for the November 30, 2021 meeting.
- The Commission adopts some revisions to its rules but keeps the provision that would allow them to have unnecessary closed sessions.
- The Commission fails to be transparent. The Commission did not record and televise the meeting.
- **In effort to shine the light on the illegal activities of the Commission, the City Clerk had the meeting recorded and a certified shorthand reporter to take notes at the meeting.** The Commissioners were refusing to speak into the microphones to make it hard for anyone who was watching the meeting to follow the proceedings.

Commission fails to be transparent and follow best practices

The Commission is not following best practices. Although, Ordinance 2357(B) does not state a city employee cannot serve on the Commission, it is a best practice that commissioners not be city employees. The City of Lansing did not allow its employees to be commission members. In

addition, commission members could not have a direct financial interest “in a medical marijuana facility in Lansing.”

Pontiac Medical Marijuana Commission consist of a city employee Gladys Smith and the commission has not developed a conflict of interest policy. Unlike the Clerk, who required all application reviewers to sign and adhere to a conflict of interest policy.

Mayor Waterman continues to delay the approval of medical marijuana permits

This is evident by the fact that the Clerk began issuing conditional approvals to growers and processors subject to approval from the Building and Fire Departments starting in May 2021. It has been over six months and not one grower or processor has received the Ordinance 2357 (B) required sign off by the Building and Fire Departments so the Clerk can issue them permits.

This is another reason why it is inappropriate and a conflict for the Mayor to serve on the Commission. Despite the Charter not allowing it, the Mayor should not be over an appeals board, if city departments under her control are a part of the approval process.

The Clerk is urging the City Council to reject any rules adopted by the Commission until some safeguards to protect the City are added to their rules.

City Clerk issues Conditional Approvals to Growers and Processors over six months ago. Mayor delays approval of permits by preventing City Departments from giving the required sign off needed in order for the Clerk to award permits. The Clerk wants to set deadlines for conditional approvals so businesses can open.

Conditional Approved Growers in the Pre-Permit Process

Applicant Name	Proposed Location	District	License Class	Conditional Approval Issued	Consent to Release Form Received	Building	Fire (Waterford Regional)	Planning Site Plan/Special Exemption (if necessary)	Liability & Casualty Insurance Verified	State Pre-Approval
Pharmaco Inc	13 S Glenwood	Old Glenwood Plaza (Conditional Rezoning)	Class C (up to 1500 plants)	6/3/2021				Yes		Yes
Applicant Name	Proposed Location	District	License Class	Conditional Approval Issued	Consent to Release Form Received	Building	Fire (Waterford Regional)	Planning Site Plan/Special Exemption (if necessary)	Liability & Casualty Insurance Verified	State Pre-Approval
PGSH Holdings LLC	1054 Durant	Cesar Chavez	Class C (up to 1500 plants)	5/21/2021	7/9/2021					
Family Rootz	1-97 S Glenwood	Old Glenwood Plaza (Conditional Rezoning)	Class A (up to 500 plants) C (up to 1500 plants)	5/27/2021	6/19/2021			Yes		Yes
Botanical Greens	1651 E Highwood	Walton	Class C (up to 1500 plants)	7/19/2021	6/22/2021					Yes

Conditional Approved Processors in the Pre-Permit Process

Applicant Name	Proposed Location	District	Conditional Approval Issued	Consent to Release Form Received	Building	Fire (Waterford Regional)	Planning Site Plan/Special Exemption (if necessary)	Liability & Casualty Insurance Verified	State Pre-Approval
Pharmaco Inc	13 S Glenwood	Old Glenwood Plaza (Conditional Rezoning)	6/3/2021						Yes
Family Rootz	1-97 S Glenwood	Old Glenwood Plaza (Conditional Rezoning)	5/27/2021	6/19/2021					Yes

#19

**COMMUNICATION
FROM THE CITY
CLERK**

#19

**COMMUNICATION
FROM THE CITY
CLERK**



**CITY CLERK RESPONDS AGAIN TO
MEDICAL MARIHUANA REVIEW LEGAL REPORT**

**First Response September 2021
Second Response November 2021**

Garland Doyle, M.P.A., CNP
Interim City Clerk

Website: <http://pontiaccityclerk.com/medical-marihuana>

 Pontiac City Clerk



PontiacClerk



Pontiac City Clerk



Pontiac City Clerk

A Fair and Transparent Process

Did Atty. Huth violate the City's Reviewer Conflict Policy?

NO.

Robert Huth, Esq., of Kirk, Huth, Lange and Badalamenti who serves as the Legal Compliance Reviewer for the application process followed the established City policy and did not review any application that would have violated the policy. Atty. Huth disclosed to the City Clerk that he could not review the following non-overlay provisioning center applications Joyology, Jars and MK Group LLC due to the fact that his firm had provided legal work to these entities for matters unrelated to the City of Pontiac in conformance with the City's reviewer conflict of interest policy and conflicts of interest and disclosure clause in his contract with the city. **Therefore, Atty. Huth did not violate the policy.**

A Fair and Transparent Process

Did Atty. Fraser violate the City's Reviewer Conflict Policy while serving as the Appeals Hearing Officer?

NO.

Atty. John Fraser served as the Appeals Hearing Officer while he was with Grewal Law, PLLC. While at Grewal Law, PLLC, Atty. Fraser did not have any conflicts. Since he has joined Dykema Gossett PLLC, he has not served as the Hearing Officer. Grewal Law, PLLC attorneys continue to serve as the Appeals Hearing Officer.

A Fair and Transparent Process

Does the City Clerk accept the City Attorney recommendations?

NO.

No, because there has been no violation of the City's Reviewer Conflict Policy.

Additionally, many of the recommendations may cause further delays in the review process and possibly give the top 5 ranked provisioning center applicants that have been selected based on a fair scoring and appeals hearing process grounds to sue the city.

A Fair and Transparent Process

City of Pontiac Medical Marihuana Permit Reviewer Conflict of Interest Policy

At the request of the City Clerk, the City Council adopted the City of Pontiac Medical Marihuana Permit Reviewer Conflict of Interest Policy on February 26, 2019

The policy calls for any reviewer to disclose any potential conflict that may provide an economic or other personal benefit to an employee, agent or contractor, or to any person or entity with whom they are related or have a financial interest. The policy further prevents any reviewer who may have a conflict from reviewing that application. This policy was put in place to ensure that decisions are based entirely on merit. Additionally, the policy states how violations are to be handled if a reviewer fails to disclose a potential conflict of interest.

In addition to establishing the policy, the City Clerk worked to ensure that conflict of interest and disclosure clauses were placed in each of the professional experts' contracts.



OFFICE OF THE CITY CLERK
MEDICAL MARIHUANA DIVISION

47450 Woodward Avenue
Pontiac, Michigan 48342
Phone: (248) 758-3200
Fax: (248) 758-3160

TO: Honorable City Council

FR: Garland Doyle, M.P.A.
Interim City Clerk

CC: Mayor Waterman
Anthony Chubb, Esq.

DATE: September 16, 2021

RE: Clerk's Response to City Attorney Memorandum about Potential Conflicts of Interest in the Marihuana Application Review Process

First of all, there have no violation of the conflicts of interest policy in the medical marihuana review process. As you know, I have worked hard to ensure that the medical marihuana review process follows the ordinance as approved by the voters and is a process that is fair, transparent and has integrity.

This is why, I asked this honorable body to approve the City of Pontiac Medical Marihuana Permit Reviewer Conflict of Interest Policy in February 2019 before the application review process began. The policy that the City Council approved on February 26, 2019 calls for any reviewer to disclose any potential conflict that may provide an economic or other personal benefit to an employee, agent or contractor, or to any person or entity with whom they are related or have a financial interest. The policy further prevents any reviewer who may have a conflict from reviewing that application. This policy was put in place to ensure that decisions are based entirely on merit. Additionally, the policy states how violations are to be handled if a reviewer fails to disclose a potential conflict of interest. I have enclosed a copy of the City of Pontiac Medical Marihuana Permit Reviewer Conflict of Interest Policy.

In addition to establishing the policy, the City Clerk worked to ensure that conflict of interest and disclosure clauses were placed in each of the professional experts' contracts.

As it relates Robert Huth, Esq., of Kirk, Huth, Lange and Badalamenti who serves as the Legal Compliance Reviewer for the application process having a conflict, Atty. Huth followed the established City policy and did not review any application that would have violated the policy. Atty. Huth disclosed to the City Clerk that he could not review the following non-overlay provisioning center applications Joyology, Jars and MK Group LLC due to the fact that his firm had provided legal work to these entities for matters unrelated to the City of Pontiac in

conformance with the City's reviewer conflict of interest policy and the conflicts of interest and disclosure clause in his contract with the city. Therefore, Atty. Huth did not violate the policy.

As it relates to the City Attorney analysis of John Fraser having a conflict while he served as the Hearing Officer is untrue, Grewal Law, PLLC was selected by the City Clerk to serve as the Hearing Officer. Atty. John Fraser, Atty. Cheyenne Benyi and Atty. Chelsea Lenard all of Grewal Law PLLC have served as hearing officers to hear medical marihuana applicant appeals. Atty. Fraser informed the City Clerk that he would be leaving Grewal Law, PLLC to join Dykema Gossett PLLC on August 9, 2021. The City Clerk initially sought to retain Atty. Fraser because he had served as the lead attorney for appeals. After realizing that Dykema Gossett PLLC had assisted some Pontiac applicants with preparing their applications, the City Clerk asked the City Council to remove the Dykema Gossett contract to serve as the new hearing officer from its agenda. It would have been a violation of the City's conflict policy for Dykema Gossett to serve as Hearing Officer. Therefore the Clerk determined that it was in the best interest for the City to retain Grewal Law, PLLC to continue serving as the hearing officer. Again Atty. Fraser did not have any conflicts while he served as the hearing officer. He served as the Hearing Officer while he was with Grewal Law PLLC, He has not served as the hearing officer since he has been with Dykema Gossett. Therefore, Atty. Fraser did not violate the policy.

As it relates, to the City Attorney recommendations, the City Clerk has determined that they are not necessary since the established City of Pontiac Medical Marihuana Permit Reviewer Conflict of Interest Policy was followed by the reviewers. There has been no violation of the policy. Additionally many of the recommendations could expose the City to unnecessary lawsuits. The following are the City Attorney recommendations and the Clerk's response to the recommendations.

City Attorney Recommendation

1. As a result of the admitted conflict by Kirk, Huth, Lange & Badalamenti, PLC, the Interim Clerk, through Council action, should cancel the contract for compliance review services and immediately seek independent compliance review form a vetted replacement entity, to perform compliance review service for all 108 applications.

Clerk's Response

Another review of 108 applications is not necessary and could serve to cause liability for the City. The Mayor agreed to the manner in which potential conflicts would be handled by Atty. Huth. His agreement states:

"Kirk Huth further agrees that it will not review, analyze, or grade any application for any (1) organization, (2) individual with an ownership interest in an organization, or (3) individual, submitting an application for a marihuana facility license with the City of Pontiac that it has previously represented in any capacity."

Atty. Huth did not review any applications from entities that had a prior relationship with his firm. He followed the process as required by the City. His agreement is attached. **Starting over now is unfair to the winners and would only serve to cause further delay. Those that were told that they prevailed only to have it ripped away for not legitimate reason would likely have a cause action against the city.**

City Attorney Recommendation

2. As a result of admitted conflict by Dykema Gossett, PLLC the Interim Clerk, through Council action, should cancel the contract for Hearing Officer services with Attorney John Fraser and immediately seek independent counsel to act as the Hearing Officer for all 108 applicants.

Clerk's Response

Atty. Fraser served as the hearing officer while at Grewal Law PLLC. Mr. Fraser's work on behalf of the city ahead of joining Dykema presented no conflict. It would be senseless to toss out the work he did while he had no conflict. He has not served as the hearing officer since joining Dykema.

City Attorney Recommendation

3. Each professional consultant retained by the Interim Clerk should be immediately asked to submit a detailed conflict of interest statement, re-confirming that neither they nor their firm have any conflict with any of the 108 applicants, including their ownership structure.

Clerk's Response

The current policy regarding disclosures of conflicts works very well. Nothing else is required.

City Attorney Recommendation

4. The matter must be submitted to the City's liability carrier for review and recommendation.

Clerk's Response

The City Clerk contacted the City's liability carrier Michigan Municipal Risk Management Authority (MMRMA) and was informed they they do not provide this service. Furthermore, attorneys must follow the City's Conflict Policy and the Rules of Professional Conduct.

City Attorney Recommendation

5. Pending the recommendation of the City's liability carrier, the oversight of the application process must be temporarily seceded to the City Attorney and city council must recognize and allow the delegated city attorney, as appointed by the mayor pursuant to the authority of the city charter, to effectively perform his duties to the city by

informing council of opinions and memos at city council meetings, subcommittee and other such events at which city business is conducted.

Clerk's Response

As stated above MMRMA will not issue a recommendation because they do not provide this service. Also, there is no basis for the City Attorney to oversee the application process. It would be a violation of Ordinance 2357(B) to turn oversight over to the City Attorney. The only reason the City would make such a request is to appease the Mayor.



CITY OF PONTIAC

MEDICAL MARIHUANA PERMIT REVIEWER CONFLICT OF INTEREST POLICY

Purpose

The City of Pontiac (the "City") has approved an ordinance to allow medical marihuana facilities to operate in the City. After receipt of a completed application, the Pontiac City Clerk is responsible for forwarding the application to the Fire, Building and Safety, and Planning Departments/Divisions, and the Pontiac City Clerk may forward the application or certain parts thereof to any other relevant department/division of the City (including contractors of the City) to confirm compliance with certain requirements of the City of Pontiac Medical Marihuana Facilities Ordinance ("Ordinance").

The City provides this Conflict of Interest Policy to ensure that there is full disclosure in connection with approval/review of any medical marihuana facility permit application ("Medical Marihuana Application") or inspection of any proposed medical marihuana facility that may provide an economic or other personal benefit to an employee, agent or contractor, or to any person or entity with whom they are related or have a financial interest. This will help to ensure that decisions are based entirely on merit. This policy is intended to supplement but not replace any applicable City, state or federal laws relating to conflicts of interest.

Definitions

1. Interested Person. An "Interested Person" is an individual who is in a position to review, inspect and/or approve components of an applicant's Medical Marihuana Application or proposed medical marihuana facility on behalf of the Fire, Building and Safety, or Planning Departments/Divisions or any other relevant department/division of the City (including contractors of the City) tasked with reviewing, inspecting and/or approving any components of Medical Marihuana Applications or proposed medical marihuana facilities.
2. Family Member. A "Family Member" includes: the spouse of, or a brother, sister, in-law, ancestor (including parents and grandparents), child, grandchild or great grandchild of an Interested Person, or the spouse of any child, grandchild, or great grandchild of an Interested Person.
3. Financial Interest. An Interested Person has a "Financial Interest" if:
 - (a) such Interested Person, or any Family Member or Related Entity of such Interested Person, is directly or indirectly involved in any transaction or exchange with an entity or individual that has submitted or plans to submit a Medical Marihuana Application to operate a medical marihuana facility in the City (other than retail purchases of medical marihuana at a provisioning center in compliance with applicable laws); or
 - (b) such Interested Person, or any Family Member or Related Entity of such Interested Person, has a compensation arrangement or a potential compensation arrangement of any form, direct or indirect, with any entity or individual that has submitted or plans to submit a Medical Marihuana Application to operate a medical marihuana facility in the City.

4. Related Entity. A "Related Entity" means: any corporation, partnership, limited liability company, estate, trust or other entity or organization in which any Interested Person or any Family Member of such Interested Person, directly or indirectly, owns or controls or is negotiating to own or control (including through other entities or organizations) 1% or more of the voting power, 1% or more of the profits or economic interest or 1% or more of the ownership interest of such entity or organization.

Acceptance of Benefit

Employees, agents and contractors reviewing, inspecting and/or approving components of an applicant's Medical Marihuana Application or proposed medical marihuana facility (and their Family Members and Related Entities) shall not solicit, accept or retain any direct or indirect gift, gratuity, compensation, payment or other benefit (collectively, "Benefit") from any individual or entity operating or seeking to operate a medical marihuana facility in the City.

Procedures for Conflicts of Interest

1. Duty to Disclose. Each year, promptly after the release of the Medical Marihuana Application by the City Clerk and on each anniversary thereafter (and in any case prior to any review by such Interested Person of any Medical Marihuana Application), each Interested Person shall complete and submit to the City Clerk the Conflict of Interest Disclosure Statement/Affidavit For Medical Marihuana Facility Permit Applications attached hereto ("Conflict of Interest Disclosure Statement"). Even if an Interested Person has completed a Conflict of Interest Disclosure Statement, if the Interested Person receives a Medical Marihuana Application in which such Interested Person has a Financial Interest or other actual or potential conflict of interest, before such Interested Person may review the Medical Marihuana Application, such Interested Person shall disclose to the City Clerk the existence of such Financial Interest or conflict together with a statement of facts that describe and explain such Financial Interest or conflict.

2. Reappointment. Upon receipt of the Interested Persons' disclosure of Financial Interest or other actual or potential conflict (or any other discovery of the same), the City Clerk shall report such Financial Interest or conflict to the respective head of the department or division and another employee, agent or contractor shall be assigned to the particular Medical Marihuana Application.

3. Violations.

(a) If the City Clerk or head of the respective department or division has reasonable cause to believe that an Interested Person has failed to disclose any actual or potential conflict of interest (including without limitation any Financial Interest) or has directly or indirectly solicited, accepted or retained a Benefit from any individual or entity operating or seeking to operate a medical marihuana facility in the City, the City Clerk or such department/division head shall inform the Interested Person of the basis for such belief and afford him/her an opportunity to explain the alleged failure to disclose or explain the improper Benefit.

(b) If, after hearing the response of the Interested Person and making such further investigation as may be warranted under the circumstances, the City Clerk or respective department/division head determines that the Interested Person has in fact failed to disclose an actual or potential conflict of interest or directly or indirectly solicited, accepted or retained a Benefit, the City Clerk or respective department/division head shall take appropriate disciplinary and corrective action, and may forward the matter to the appropriate law enforcement agency to investigate.

Approved by City of Pontiac:

February 26, 2019
Date

CITY OF PONTIAC ("CITY")
CONFLICT OF INTEREST DISCLOSURE STATEMENT/AFFIDAVIT
FOR MEDICAL MARIHUANA FACILITY PERMIT APPLICATIONS

Name: _____ (Interested Person)

1. As an Interested Person, please list any Related Entity (as defined in the City's Conflict of Interest Policy) that has or plans to submit an application to the City to operate a medical marihuana facility.

Entity	Percentage Interest	Date From	(Yrs) To	Person Involved (relationship)

2. As an Interested Person, please list any organization or entity (profit or nonprofit) that you or a Family Member (as defined in the City's Conflict of Interest Policy) or Related Entity currently (or plan to) serve as an employee, contractor, agent, manager, director, officer or similar position or receive or are entitled to any form of compensation, that has or plans to submit an application to the City to operate a medical marihuana facility.

Organization/Business	Position/Involvement	Person Involved (Relationship)

3. As an Interested Person, please list any other organization, entity, involvement, relationship, conditions or circumstances that place or may place you in a conflict or potential conflict regarding the review, inspection or approval of any medical marihuana facility permit application for the City, including without limitation any Financial Interest (as defined in the City's Conflict of Interest Policy).

Organization or Circumstance	Conflict or Potential Conflict

4. Neither myself nor any of my Family Members or Related Entities have solicited, accepted or retained any direct or indirect gift, gratuity, compensation, payment or other benefit from any individual or entity operating or seeking to operate a medical marihuana facility in the City.

Under penalties of perjury, I declare that: (i) I have completed this Disclosure Statement/Affidavit and that to the best of my knowledge and belief it is true, correct and complete; and (ii) I will update this Disclosure Statement/Affidavit within one (1) business day after any relevant circumstances change by notifying the City Clerk of such change.

Signature: _____

Date: _____

STATE OF _____)
)SS
 COUNTY OF _____)

The foregoing instrument was acknowledged before me this _____ day of _____, 201____, by _____.

_____, Notary Public
 _____ County, Michigan
 My commission expires: _____

KH KIRK | HUTH | LANGE
& BADALAMENTI
ATTORNEYS AT LAW

ROBERT W. KIRK *
ROBERT S. HUTH, JR.
CRAIG W. LANGE
RAEHEL M. BADALAMENTI
MARYANNE J. DENEWETH
MICHAEL C. TAYLOR
ROSEMARY V. DAVIS
PATRICK S. MCKAY
ELIZABETH P. ROBERTS
ROBERT T. CAROLLO, JR.
RYAN J. L. FANTUZZI **

* Also Member of Florida Bar
** Also Member of Virginia Bar

ATTORNEYS AT LAW

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CLINTON TOWNSHIP, MICHIGAN 48030
(588) 412-4600

www.KirkHuthLaw.com

WRITER'S E-MAIL: rhuth@kirkhuthlaw.com
FACSIMILE: (588) 412-4640

RECEIVED
JUN 02 2020

April 30, 2020

BY:

Dear Interim City Clerk Doyle:

Thank you for the opportunity to serve as "Professional Expert – Legal Advisor to the City Clerk" under the City of Pontiac Medical Marijuana Ordinance 2357(B) (the "Representation"). The engagement terms of this letter are listed below:

Client. The client in this matter will be the City of Pontiac/ City Clerk (the "Client"). This engagement does not create an attorney-client relationship with any other person or entity. The point of contact will be the City Clerk.

Scope of Engagement. In the course of the Representation, we will provide legal advice to the City Clerk, in his official capacity, in connection with his duties under the City of Pontiac Medical Marijuana Facilities Ordinance 2357(B) and matters related thereto. This includes legal advice with regard to applications for marijuana permits in the City of Pontiac, including but not limited to (1) advising on the legal consequences and effects of applicant criminal background information and staff/employee training and education materials; (2) complete a compliance review of scored provisioning center applications to ensure criteria has been consistently applied by members of the scoring team; and (3) attendance of at least four in-person meetings with the Scoring Team, as directed by the City Clerk. The City Clerk shall, in all cases, be the decision maker with respect to any scoring decision. We will NOT provide any service or advice other than legal advice.

Conflicts of Interest and Disclosure. Kirk, Huth, Lange & Badalamenti, P.L.C., including its owner(s), employee(s), and consultants (collectively "Kirk Huth") agrees that it will not represent any (1) organization, (2) individual with an ownership interest in an organization, or (3) individual, submitting an application for a marijuana facility license with the City of Pontiac. KirkHuth further agrees that it will not review, analyze, or grade any application for any (1) organization, (2) individual with an ownership interest in an organization, or (3) individual, submitting an application for a marijuana facility license with the City of Pontiac, that it has previously represented in any capacity. To the extent permissible pursuant to the Michigan Rules of Professional Conduct, Kirk Huth further agrees that it will provide disclosure

Interim City Clerk Doyle
April 30, 2020
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of any such previous representation including (1) the client previously represented, (2) the nature of the representation, and (3) the time period of the previous representation. Such disclosure shall be updated on an ongoing basis as necessary.

Kirk Huth has been retained by clients in the marijuana industry. It has not offered any legal advice to any client pertaining to any issue in the City of Pontiac. It is not aware of any of those clients applying for a license in Pontiac. Kirk Huth is not terminating its relationship with any clients should it turn out that the client has applied in Pontiac. It will disclose the relationship to Pontiac and advise Pontiac to use another law firm to serve as "Professional Advisor to City Clerk" to review any matter relating to that client.

During the course of this engagement, Kirk, Huth, Lange & Badalamenti, PLC and Robert S. Huth, Jr., Esq. are prohibited from providing any legal representation for the City of Pontiac in any capacity, other than as identified herein.

Rates and Charges. In order to manage costs, Mr. Robert S. Huth, Jr. will be principally responsible for the Representation. Other attorneys and professional staff may be utilized as appropriate. A short bio of Mr. Huth is attached. Hourly rates will be as follows:

\$200 per hour for Robert S. Huth, Jr. and firm Associates
\$90 per hour for staff

The cost for this Representation will not exceed \$85,000 unless otherwise agreed upon. Invoices will be addressed to the City of Pontiac, c/o Interim City Clerk Garland Doyle, 47450 Woodward Ave, Pontiac, MI 48342. Annual increases in attorney rates are the norm. Out of pocket expenses, if any, will be sent directly to the Client for payment, or we will pay those expenses and invoice the Client for the expense. A detailed invoice will be provided on a monthly basis and due net 30 days. Interest at 1% per month is charged to late payments. If necessary, costs of collection, including attorney fees, are chargeable to the Client.

Federal Law. As you are aware, marijuana is currently still illegal under federal law. The laws of the State of Michigan and the City of Pontiac that allow for medical marijuana are not recognized by the federal government or by federal law enforcement authorities. State and local law has no effect on applicable federal laws, which may impose criminal and civil penalties for the possession, transportation, sale, or distribution of marijuana or for any activity related to marijuana products, services, businesses, or other activities. We are not providing any advice with respect to any federal law, including federal marijuana laws, implicated by the City of Pontiac's decision to regulate and license medical marijuana facilities.

Other Legal Matters. We are Special Counsel to the Client, and we only represent the Client to the extent provided herein. We will not provide advice, including legal advice, on any matter outside the scope of this letter. Client should contact its General Counsel on any matters falling outside the scope of this Representation.

Interim City Clerk Doyle
April 30, 2020
Page 3


Dispute Resolution. If any dispute arises regarding the services provided to the Client by us or the charges for those services and related expenses, then we and the Client will first try in good faith to settle the dispute directly. If the dispute is not resolved, it shall be submitted to a third-party neutral facilitator in accordance with the mediation rules of the American Arbitration Association. If the dispute is not resolved in mediation, the dispute shall be settled through binding arbitration in accordance with the Commercial Arbitration Rules of the American Arbitration Association except as modified here. Judgment upon the award may be entered in any court of competent jurisdiction. The mediation and arbitration proceedings, including any hearings, shall be held in the Detroit metropolitan area. Client and we agree that neither is entitled to or shall request punitive or exemplary damages and that the arbitrators shall not have the authority to award such damages or any damages in excess of actual pecuniary damages.

Termination. The City of Pontiac, by resolution of the City Council, or Rob Huth, by written notice to the City Clerk, may terminate this engagement at any time, with or without cause, upon 30 days' notice to the other party, whereupon a final invoice will be provided and all accounts settled.

Document Retention. Generally, a client must be given advanced written notice of an attorney's intent to destroy retired files. It is our policy to destroy a file after a period of three (3) years from the date of last service. By agreeing to this Representation, Client consents to the destruction of the closed file after three (3) years, without advanced written notice to the Client of our intention to destroy the file. Should you wish a copy of that file before that deadline, the obligation of contact resides with the Client.

Please sign below and return this letter to me electronically or by mail. By signing this letter, you acknowledge that you have read, understood, consent to, and have had the opportunity to consult with independent counsel regarding the terms of this letter, and that you have the actual authority to enter into this Representation.

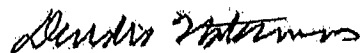
Sincerely,
Kirk, Huth, Lange & Badalamenti, P.L.C.


Robert S. Huth, Jr. - Partner

Terms and Conditions Approved By:

The City of Pontiac

Dated: 5/26/20


By: Delrdre Waterman - Mayor of Pontiac
5/27/20

MEMORANDUM

TO: Pontiac City Council
Interim Clerk Garland Doyle

CC: Mayor Deirdre Waterman

FROM: Anthony Chubb, Esq.

DATE: September 15, 2021

RE: Potential Conflicts of Interest in Marihuana Application Review Process

This Memorandum is to provide the City Council with an update regarding potential conflicts within the marihuana application review process.

ANALYSIS REGARDING COMPLIANCE ATTORNEY POTENTIAL CONFLICT

On July 10, 2021, the administration was informed that the firm, Kirk, Huth, Lange & Badalamenti, PLC may have a conflict of interest in the Medical Marijuana Review process where they are under contract to provide compliance review, by Attorney Rob Huth, over all applications through the Clerk's office. Upon receipt of this information, the Administration took several steps to determine the truth of the claim so as to protect the interests of the City in this process.

On July 12, 2021 Attorney Rob Huth was contacted to establish a discussion as to whether his firm had completed a thorough review of all potential conflicts of interest.

On July 13, 2021, in the absence of an initial response, a letter was forward to Mr. Huth's principal partner, Bob Kirk, stating the concern, information and seeking a proper response.

On July 19, 2021, again in the absence of any response, a second communication was sent to the firm principals, including Attorney Huth, seeking clarification and affirmation that they did not have a conflict in performing the necessary reviews for the marijuana process.

On July 22, 2021 the administration received a letter from Attorney Huth indicating that he looks for a potential conflict on a case by case basis as he picks up fractional amounts of the applications. The administration responded, seeking clarification, as the method of first checking for a conflict as to any applicant as the applications are picked up on a going basis, will result in the entire process being spoiled if one is found after many have been reviewed.

On August 18, 2021 the administration, following up on further review and the fact that the Clerk has prohibited the administration from all and any access to records, sent another communication asking for final clarification.

On August 23, 2021 the administration was informed by Attorney Huth that he in fact is conflicted

with at least three applicants in the review of medical marijuana applications. This conflict was first publicly disclosed by the Interim Clerk on August 20, 2021.

ANALYSIS REGARDING HEARING OFFICER POTENTIAL CONFLICT

The Interim Clerk has requested that the City approve a new contract for the hearing Officer, Attorney John Fraser, as he has moved his practice to Dykema. The materials provided by the Interim Clerk include an admission that Dykema represents clients who are seeking licensure in the City of Pontiac and that they are not dismissing those clients prior to the bringing on of Attorney Fraser to their firm. Those facts have been accepted as true pursuant to their letter:

"Conflict of Interest, Disclosure, and Waiver. The Firm agrees that it will not review, analyze, grade, or hear the appeal on any application for any (1) organization, (2) individual with an ownership interest in an organization, or (3) individual submitting an application for a marijuana facility license with the City of Pontiac that it has previously represented in any capacity. To the extent permissible pursuant to the Michigan Rules of Professional Conduct, the Firm further agrees that it will provide disclosure of any such previous representation including (1) the client previously represented, (2) the nature of the representation, and (3) the time period of the previous representation. Such disclosure shall be updated on an ongoing basis as necessary.

The Firm has been retained by clients in the marijuana industry, including some of which have sought licensure in the City of Pontiac. The Firm is not terminating its relationship with any clients should it turn out that the client has applied in Pontiac. It will disclose the relationship to the City of Pontiac and advise the City of Pontiac to use another law firm to serve as "Hearing Officer" to review any matter relating to that client.

The Firm has been or may be retained by other clients from time to time who may be adverse to the City of Pontiac in matters unrelated to the Representation covered by this limited Engagement. The City of Pontiac hereby waives any conflict that may arise in the Firm's representation of other clients in such matters and agrees not to disqualify the Firm from such representation, provided that such matters are not substantially related to any matter in which the Firm represents the City of Pontiac or on a matter in which the City of Pontiac has provided us with confidential information material to the matter."

In both instances outlined above, the issue of whether a professional consultant retained at the direction of the Interim Clerk for the review and appellate review of applications was conflicted due to a conflict of interest, was promptly investigated and confirming written materials are now retained by the City Attorney.

FINDINGS

Dykema and Kirk Huth as consultants retained by the Interim Clerk have now acknowledged conflicts in the review process.

As a result of the foregoing, City Attorneys have recommended several supplemental reparative actions to ensure the integrity of the application process to the Interim Clerk, but have not received confirmation that those recommendations will be adopted.

#20

COMMUNICATION

FROM THE

MAYOR



CITY OF PONTIAC

OFFICIAL MEMORANDUM

Executive Branch

TO: Honorable Council President and City Council Members

From: Mayor Deirdre Waterman

Re: Resolution 21-387
Communication to City Council Regarding Veto Statement

Date: December 16, 2021

Honorable Council President and Member of the City Council:

I am submitting this statement through the City Clerk's office to the City Council in essence to state that a veto is actually moot in this instance because Council has already taken the action that the resolution says they would not do. In other words, the resolution states that the Council "would not approve any expenditures related to the Mayor's State of the City Farewell Address or for any other speech or production." However, the Council already passed the budget that allows the functioning of the Executive branch of government, including the charter mandated State of the City which I have done each fiscal year during my terms as Mayor. This statement is also rendered moot by the fact that, by the time this statement is included in the Council meeting packet, the stated event will have already occurred.

More importantly however, I hope the City Council will join me in celebrating the noteworthy accomplishments we have had as a city through the concerted efforts of elected officials, city staff, residents, volunteers, stakeholders, and so many others who have played a part of Pontiac's resurgence and transformational progress. That is the spirit with which I will address the citizens at the State of the City address. I certainly will recognize any elected officials who are present and join in that spirit of transparency and strategic optimism for Pontiac.