

**Official Proceedings
Pontiac City Council
248th Session of the Tenth Council**

Call to order

A Study Session of the City Council of Pontiac, Michigan was called to order at the Bowens Senior Center, 52 Bagley Pontiac, MI 48342 on Tuesday, August 10, 2021 at 6:00 p.m. by Council President Kermit Williams.

Roll Call

Members present – Carter, Pietila, Taylor-Burks and Williams

Mayor Waterman was present
Clerk announced a quorum

Excuse Councilmembers

21-238 **Motion to excuse Councilmembers Waterman, Miller and Shramski for personal reasons.** Moved by Councilperson Taylor-Burks and second by Pro-Tem Carter

Ayes: Pietila, Taylor-Burks, Williams and Carter

No: None

Motion Carried

Councilperson Megan Shramski arrived at 6:04 p.m.

Amendments to and Approval of the Agenda

21-239 **Motion to move agenda item #8 (Resolution to approve the Michigan Indigent Defense Commission Fiscal Year 2022 Grant Agreement) and #9 (Resolution to request for Actuarial Study an Extension of Supplemental Pension Payment for Certain Police and Fire Retirees) after item #1 (Approval of Minutes).** Moved by Taylor-Burks and second by Pietila.

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

No: None

Motion Carried

21-240 **Motion to approve the agenda as amended.** Moved by Councilperson Taylor-Burks and second by Pro-Tem Carter.

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

No: None

Motion Carried

Approval of the Minutes

21-241 **Motion to approve meeting minutes for August 5, 2021.** Moved by Councilperson Taylor-Burks and second by Councilperson Pietila.

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

No: None

Motion Carried

Suspend the Rules

21-242 **Suspend the rules to vote on item #8 (Resolution to approve the Michigan Indigent Defense Commission Fiscal Year 2022 Grant Agreement)** Moved by Councilperson Pietila and second by Councilperson Taylor-Burks.

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

No: None

Motion Carried

Resolution

50th District Court

21-243 **Resolution to approve the Michigan Indigent Defense Commission Fiscal Year 2022 Grant Agreement.** Moved by Councilperson Pietila and second by Councilperson Taylor-Burks.

Whereas, The Michigan Indigent Defense Commission (MIDC) has the City of Pontiac grant funding in the amount of \$603,133.64 for the period of October 1, 2021 through September 30, 2022.

Whereas, The total program budget is \$620,980.26, which includes the required local share contribution by the City of Pontiac in the amount of \$17,846.62.

Whereas, The award provides funding to the 50th District Court for the purpose of continuing to bring indigent defense systems into compliance with the first four minimum indigent defense standards, MCL 780.993(6); and

Whereas, The Michigan Indigent Defense Commission Act (MIDC Act), MCL 780.981, et al., requires local funding units to take over the delivery of indigent defense systems, MCL 780.983(9) and MCL 780.993(10) as specified in standards 1 - 5.

Whereas, The City of Pontiac is the local funding unit for the 50th District Court.

Whereas, The MIDC Act requires the City of Pontiac to create an annual compliance plan and cost analysis required to deliver indigent defense services in compliance with the approved MIDC standards, MCL 780.993(3).

Whereas, The MIDC Act requires the MIDC to appropriate funds and provide grant monies to local funding units for the costs in excess of the local share to continue to provide indigent defense services that are in compliance with the minimum standards established by the MIDC, MCL 780.993(6).

Whereas, The grant award funds the following positions within 50th District Court: one (1) MIDC Executive position, one (1) Contract MIDC Attorney Coordinator position, and two (2) part time MIDC Court Officers.

Whereas, The grant agreement has completed the grant review process in accordance with the Pontiac City Council Procedures.

NOW THEREFORE, BE IT RESOLVED, The City Council approves the MIDC FY 2022 Grant Contract with an authorized total budget of \$620,980.26.

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

No: None

Resolution Passed

Suspend the Rules

21-244 **Suspend the rules to vote on item #9 (Resolution to request for Actuarial Study an Extension of Supplemental Pension Payment for Certain Police and Fire Retirees).** Moved by Councilperson Taylor-Burks and second by Councilperson Pietila.

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

No: None

Motion Carried

Resolution

Finance

21-245 **Resolution to request for Actuarial Study an Extension of Supplemental Pension Payment for Certain Police and Fire Retirees.** Moved by Councilperson Pietila and second by Councilperson Taylor-Burks.

Whereas, certain Police & Fire ("P&F") retirees currently receive a \$400 supplemental pension payment ("Supplemental Payment") and this payment is set to expire on August 31, 2021. The City desires to determine the costs for extending the Supplemental Payment for a period to no longer than December 31, 2021;

Whereas, MCL §38.1 140h(5) requires that a supplemental actuarial analysis concerning the costs of extending the Supplemental Benefit be conducted by the P&F system's actuary prior to extension of the Supplemental Benefit;

Whereas, MCL §38.1 140h (5) requires that any supplemental actuarial analysis be paid for by the City (not the retirement system); and

Whereas, the City desires to have a supplemental actuarial analysis evaluating the financial viability of the extending the Supplemental Benefit be conducted and adopts the following resolutions:

RESOLVED, that the P&F Board of Trustees are directed to have the system's actuary conduct the supplemental actuarial analysis required by MCL §38.1140h(5) for purposes of extending the Supplemental Payment; and

FURTHER RESOLVED, that the City shall pay for the cost of the supplemental actuarial analysis.

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

No: None

Resolution Passed

Suspend the Rules

21- 246 **Motion to suspend the rules for item #3 (Adoption of an Ordinance to amend the City of Pontiac General Employees' Retirement System to Clarify Asset Distribution upon Termination)**

City Attorney. Moved by Councilperson Pietila and second by Councilperson Taylor-Burks.

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

No: None

Motion Carried

Ordinance

Ordinance 2384 **Adoption of an Ordinance to amend the City of Pontiac General Employees' Retirement System to Clarify Asset Distribution upon Termination.** Moved by Councilperson Pietila and second by Councilperson Taylor-Burks.

AN ORDINANCE TO AMEND THE CITY OF PONTIAC GENERAL EMPLOYEES' RETIREMENT SYSTEM TO CLARIFY ASSET DISTRIBUTION UPON TERMINATION.

The City of Pontiac ordains:

Section 1. Amendments.

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

a. Paragraph (b) of Section 36A [92-46A] of the GERS is amended to read as follows:

(b) The Excess Assets resulting from erroneous actuarial computation shall be transferred as follows:

(i) \$8,000,000.00 shall be transferred to an account established by the City for the purpose of holding funds which shall be utilized to make the one-time payments described in and required by Section 11 of the Settlement Agreement.

(ii) The remaining Excess Assets shall be transferred to a voluntary employees' beneficiary association under Code §501(c)(9) (that has received a favorable determination letter as to the tax-exempt status of such trust under Code section 501(c)(9) established or to be established by the City to fund retiree health benefits for certain City retirees that are subject to the Settlement Agreement.

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.

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

No: None

Ordinance Adopted

Public Comment

Eight (8) individuals addressed the body during public comment

Councilperson Gloria Miller arrived at 6:18 p.m.

Closed Session

21-247 **Motion to go into closed session.** Moved by Councilperson Pietila and second by Councilperson Carter.

Whereas, the Michigan Open Meetings Act allows a public body to go into closed session to discuss specific pending litigation; and

Whereas, the City Attorney and defense counsel wish to address the City Council on new activity in a pending matter;

Now, Therefore, Be It Resolved by the Pontiac City Council that it recess into closed session to discuss an attorney-client privileged memorandum pending litigation as permitted by the Open Meetings Act at MCL 15.268. The City Attorney and counsel of record request a closed session pursuant to MCL 15.268(e) to discuss a Workers' Compensation matter.

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

21-248 **Motion to come out of closed session.** Moved by Councilperson Carter and second by Taylor-Burks.

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

Suspend the Rules

21-249 **Suspend the rules to vote on the settlement agreement discussed in closed session.** Moved by Councilperson Pietila and second by Pro-Tem Carter.

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

21-250 **Resolution to approve the settlement agreement discussed in closed session.** Moved by Councilperson Pietila and second by Councilperson Taylor-Burks.

Whereas, defense counsel discussed a settlement agreement in closed session;
Now, Therefore, Be It Resolved, that the Pontiac City Council approves the settlement agreement discussed in closed session

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

21-251 **Suspend the Rules to vote on item #10 (Resolution to approve a Budget Amendment for Fiscal Year 2021-2022 to allocate an additional \$352,635 to account 101-301-818.069 Professional Services-Oakland County Sheriff Overtime) and item #11 (Resolution to approve a Budget Amendment for Fiscal Year 2021-2022 to allocate an additional \$30,000 to account 101-301-818-068 Professional Services- Oakland County Sheriff).** Moved by Councilperson Pietila and second by Councilperson Shramski.

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

Resolutions

Finance

21-252 **Resolution to approve a Budget Amendment for Fiscal Year 2021-2022 to allocate an additional \$352,635 to account 101-301-818.069 Professional Services-Oakland County Sheriff Overtime.** Moved by Pietila and second by Councilperson Taylor-Burks.

Whereas, the City of Pontiac timely approved the 2021-2022 budget on June 24, 2021 and;
Whereas, the FY 2021-22 budget provided increased funding for public safety services from the Oakland County Sheriff; and

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Whereas, the FY 2021-22 budget had a decrease in the Overtime budget; and
Whereas, the City wants to implement the full increase in deputies and public safety services as planned;
NOW THEREFORE be resolved that the City Council hereby approves the amendment for the fiscal year
2021-2022 for account 101-301-818.069-Professional Services-Oakland County Sheriff OT in the amount
of \$352,635.

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

No: None

Resolution Passed

21-253 **Resolution to approve a Budget Amendment for Fiscal Year 2021-2022 to allocate
an additional \$30,000 to account 101-301-818-068 Professional Services- Oakland County Sheriff.**
Moved by Pietila and second by Councilperson Taylor-Burks.

Whereas, the City of Pontiac timely approved the 2021-2022 budget on June 24,2021 and;
Whereas, the FY 2021-22 budget provided increased funding for public safety services from the Oakland
County Sheriff; and
Whereas, the City wants to add additional funding and services to the public safety budget in order to
increase parking enforcement across the City;
NOW THEREFORE be resolved that the City Council hereby approves the amendment for the fiscal year
2021-2022 for account 101-301-818.068-Professional Services-Oakland County Sheriff in the amount of
\$30,000.

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

No: None

Resolution Passed

Adjournment

Council President Kermit Williams adjourned the meeting at 7:29 p.m.

Jo Lynn Williams
Assistant City Clerk