



# **CITY COUNCIL**

## **REGULAR MEETING**

### **AGENDA**

**FEBRUARY 8, 2021**  
CONVENING AT 7:30 P.M.

**Submitted By**  
**The City Manager**

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***NOTICE: Persons with disabilities needing accommodations for effective participation in this meeting should contact the City Clerk at (248) 524-3316 or via e-mail at [clerk@troymi.gov](mailto:clerk@troymi.gov) at least two working days in advance of the meeting. An attempt will be made to make reasonable accommodations.***

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500 West Big Beaver  
Troy, MI 48084  
troymi.gov

The Honorable Mayor and City Council Members

City of Troy  
500 West Big Beaver  
Troy, MI 48084

Dear Mayor and City Council Members:

In this packet, you will find the agenda for the City Council meeting. To help facilitate an informed discussion, the packet provides you with agenda items and additional details. The packet also contains recommended courses of action for your consideration and seeks to aid you in adopting sound policy decisions for the City of Troy.

This comprehensive agenda has been put together through the collaborative efforts of management and staff members. We have made all attempts to obtain accurate supporting information. It is the result of many meetings and much deliberation, and I would like to thank the staff for their efforts.

If you need any further information, staff is always available to provide more information and answer questions that may arise. You can contact me at [CityManager@troymi.gov](mailto:CityManager@troymi.gov) or 248.524.3330 with questions.

Respectfully,

Mark F. Miller,  
City Manager



# CITY COUNCIL AGENDA

February 8, 2021 – 7:30 PM

View the Meeting Live at

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or on Local Access Cable (WOW – Ch 10,  
Comcast – Ch 17, AT&T – Ch 99)

<b><u>A.</u></b>	<b><u>CALL TO ORDER:</u></b>	<b><u>1</u></b>
<b><u>B.</u></b>	<b><u>ROLL CALL:</u></b>	<b><u>1</u></b>
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<b><u>E.</u></b>	<b><u>PUBLIC HEARINGS:</u></b>	<b><u>1</u></b>
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**A. CALL TO ORDER:****B. ROLL CALL:**

- a) Mayor Ethan Baker  
Edna Abraham  
Mayor Pro Tem Theresa Brooks  
Rebecca A. Chamberlain-Creangă  
Ann Erickson Gault  
David Hamilton  
Ellen Hodorek

Excuse Absent Council Members:

Suggested Resolution

Resolution #2021-02-

Moved by

Seconded by

RESOLVED, That Troy City Council hereby **EXCUSES** the absence of \_\_\_\_\_ at the Regular City Council Meeting of February 8, 2021, due to \_\_\_\_\_.

Yes:

No:

**C. CERTIFICATES OF RECOGNITION AND SPECIAL PRESENTATIONS:**

- C-1** Proclamation to Thank Randy Norman and Eli of Troy Menswear 50 Years in Business

**D. CARRYOVER ITEMS:**

- D-1** No Carryover Items

**E. PUBLIC HEARINGS:**

- E-1** No Public Hearings

**F. PUBLIC COMMENT FOR ITEMS ON THE AGENDA:**

**In accordance with the Rules of Procedure for the City Council:**

Any person not a member of the City Council may address the Council with recognition of the Chair, after clearly stating the nature of his/her inquiry or comment. **NOTE TO THE PUBLIC:** *City Council requests that if you do have a question or concern, to bring it to the attention of the appropriate department(s) whenever possible. If you feel that the matter has not been resolved satisfactorily, you are encouraged to bring it to the attention of the City Manager, and if still not resolved satisfactorily, to the Mayor and Council.*

- Petitioners of items that are included in the pre-printed agenda booklet shall be given a fifteen (15) minute presentation time that may be extended with the majority consent of City Council.
- Any member of the public, not a petitioner of an item, shall be allowed to speak for up to three (3) minutes to address any Public Hearing item.
- Any member of the public, not a petitioner of an item, does not have the right to engage in discussion or debate with City Council during the Public Comment portions of the meeting.
- All members of the public who wish to address the Council at a meeting shall be allowed to speak only if they have signed up to speak within thirty minutes before or within fifteen minutes after the meeting's start time. Signing up to speak requires each speaker provide his or her name. If the speaker is addressing an item(s) that appears on the pre-printed agenda, then the speaker shall also identify each such agenda item number(s) to be addressed.
- City Council may waive the requirements of this section by a consensus of the City Council.
- Agenda items that are related to topics where there is significant public input anticipated should initiate the scheduling of a special meeting for that specific purpose.

Prior to Public Comment for Items On the Agenda, the Mayor may provide a verbal notification of the rules of decorum for City Council meetings or refer to the pre-printed agenda booklet, which will include the following language, as approved by City Council:

*The audience should be aware that all comments are to be directed to the Council rather than to City Administration or the audience. Anyone who wishes to address the Council is required to sign up to speak within thirty minutes before or within fifteen minutes of the start of the meeting. There are three Public Comment portions of the agenda. For Items On the Agenda, visitors can sign up to address Postponed, Regular Business, Consent Agenda, or Study items or any other item on the agenda. All other topics are addressed under Items Not on the Agenda. There is a timer on the City Council table in front of the Mayor that turns yellow when there is one minute of speaker time remaining, and turns red when the speaker's time is up. In order to make the meeting more orderly and out of respect, please do not clap during the meeting, and please do not use expletives or make derogatory or disparaging comments about any one person or group. If you do so, then there may be immediate consequences, including having the microphone turned off, being asked to leave the meeting, and/or the deletion of speaker comments for any re-broadcast of the meeting. Speakers should also be careful to avoid saying anything that would subject them to civil liability, such as slander and defamation. Please avoid these consequences and voluntarily assist us in maintaining the decorum befitting this great City.*

## **G. CITY COUNCIL/CITY ADMINISTRATION RESPONSE/REPLY TO PUBLIC COMMENT:**

## **H. POSTPONED ITEMS:**

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### **H-1 No Postponed Items**

## **I. REGULAR BUSINESS:**

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### **I-1 Board and Committee Appointments: a) Mayoral Appointments – None; b) City Council Appointments – None**

- a) **Mayoral Appointments:** None
- b) **City Council Appointments:** None

**I-2 Board and Committee Nominations:** a) Mayoral Nominations – Board of Review, Brownfield Redevelopment Authority, Downtown Development Authority, Global Troy Advisory Committee, Local Development Finance Authority; b) City Council Nominations – Building Code Board of Appeals, Election Commission, Liquor Advisory Committee, Traffic Committee, Zoning Board of Appeals

a) **Mayoral Nominations:**

Suggested Resolution

Resolution #2021-02-

Moved by

Seconded by

RESOLVED, That the Mayor of the City of Troy hereby **FORWARDS** the following nominated person(s) to serve on the Boards and Committees as indicated to the next Regular City Council Meeting for action:

**Board of Review**

Appointed by Mayor

3 Regular Members

3 Year Term

**Current Members:**

Last Name	First Name	App Res Expire	Appointment Expire	Notes 3
Adams	John	12/2/2021	1/31/2023	
Hatch	James	1/2/2021	1/31/2022	
Strahl	Frank	1/4/2023	1/31/2021	Requests Reappointment

**Nominations to the Board of Review:**

**Term Expires: 1/31/2024**

Term currently held by: Frank Strahl

**Interested Applicants:**

Last Name	First Name	App Resume Expire	Notes 2
Cicchini	Philippe	4/28/2022	
Dziurman	Matthew	3/6/2021	BCBoA exp 1/1/2025
Rauch	Gerald (Jerry)	12/4/2021	
Sekhri	Arun	9/24/2022	

**Brownfield Redevelopment Authority**

Appointed by Mayor  
6 Regular Members  
3 Year Term

**Current Members:**

Last Name	First Name	App/Resume Expire	Appointment Expire	Notes 2
Gottlieb	Steven	11/24/2016	4/30/2022	
Kornacki	Rosemary	12/14/2022	4/30/2023	
Noguez-Ortiz	Carolina	12/19/2019	4/30/2023	GTAC exp 10/30/2022
Sweidan	Rami	4/28/2022	4/30/2023	
Vacancy			4/30/2021	Mr. Salgat resigned 10/15/2019
Vassallo	Joseph	3/27/2020	4/30/2021	

**Nominations to the Brownfield Redevelopment Authority:**

**Term Expires: 4/30/2021**

Term currently held by: Vacancy—Mr. Salgat resigned 10/15/19

**Interested Applicants:**

Last Name	First Name	App/Resume Expire	Notes 1
Beyer	Joseph	10/26/2022	
Chanda	Hirak	12/30/2022	
Marrero-Laureano	Alexander	10/26/2022	
McGerty	Ryan	9/18/2022	
Rahman	Mahfuzur	9/24/2022	
Swaminathan	Abiramasundari	3/6/2022	

**Downtown Development Authority**

Appointed by Mayor  
13 Regular Members  
4 Year Term

**Current Members:**

Last Name	First Name	App Res Expire	Appointment Expire	Notes 1	Notes 2
Baker	Ethan		11/13/2023	At Large	City Council exp. 11/13/2023; DDA; LDFA
Blair	Timothy	6/17/2017	9/30/2023	In District	
Bush	Cheryl	7/13/2022	9/30/2024	In District	

Keisling	Laurence	9/11/2022	9/30/2024	At Large	
Kiriluk	Alan	9/29/2022	9/30/2024	In District	
Knollenberg	Martin	6/28/2021	9/30/2023	In District	
Koza	Kenny	9/18/2019	9/30/2021	In District	
MacLeish	Daniel	6/15/2019	9/30/2021	In District	
Reschke	Ernest	10/4/2020	9/30/2022	At Large	
Schroeder	Douglas	10/23/2016	9/30/2022	At Large	
Tomcsik-Husak	Tara	9/22/2022	3/30/2024	In District	
Vacancy			9/30/2022	At Large	Ward Randol Jr. resigned 2/1/2021
Vacancy			9/30/2023	In District	Brian Mioduszeewski resigned 12/15/2020

**Nominations to the Downtown Development Authority:****Term Expires: 9/30/2022**


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Term currently held by: Vacancy – Ward Randol Jr. resigned 2/1/2021

**Term Expires: 9/30/2023**


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Term currently held by: Vacancy – B. Mioduszeewski resigned 12/15/2020

**Interested Applicants:**

Last Name	First Name	App Resume Expire	Notes 1	Notes 2
Ashland	David	11/14/2021	At Large	Liquor Adv Comm exp 1/31/2021
Beyer	Joseph	10/26/2022	In District	
Crawford	Timothy	6/26/2021	At Large	
Forster	Jeffrey	12/26/2021	At Large	Personnel Bd exp 4/30/2021
Kornacki	Rosemary	12/14/2022	At Large	Brownfield Redev Auth exp 4/30/2023
Malalahalli	Jayalakshmi	11/20/2021	At Large	
McGerty	Ryan	2/25/2022	At Large	
Schick	Michael	12/22/2022	At Large	
Sekhri	Suneel	12/20/2021	At Large	
Sekhri	Arun	9/24/2022	At Large	
Shepherd	John	4/22/2021	At Large	
Singh	Inderpal	11/12/2021	At Large	

**Global Troy Advisory Committee**

Appointed by Mayor  
12 Regular Members  
3 Year Term

**Current Members:**

Last Name	First Name	App Res Expire	Appointment Expire	Notes 1
Baker	Ethan			Council Member
Bica-Grodsky	Lisa	9/23/2022	10/30/2023	
Burrus	MiVida	7/15/2018	10/30/2022	
Fakhoury	Awni	4/28/2018	10/30/2021	
Hao	Kaitlin		10/30/2022	
Lu	Allison	10/1/2022	7/31/2021	Student
Mohideen	Syeda	8/24/2020	10/30/2021	
Natcheva	Daniela	11/8/2021	10/30/2022	
Noguez-Ortiz	Carolina	12/19/2019	10/30/2022	Brownfield Redev Auth exp 4/30/2023
Sekhri	Suneel	12/20/2021	10/30/2021	
Tholakapalli	Arjun	4/10/2021	7/31/2020	Student
Vacancy			10/30/2020	Rebecca Chamberlain-Creangă resigned 2/26/2020
Vacancy			10/30/2020	Cathleen Francois requested No Reappointment
Zhou	Yudong	10/23/2021	10/30/2022	

**Nominations to the Global Troy Advisory Authority:****Unexpired Term Expiring:  
10/30/2023**

Term currently held by: Vacancy–Rebecca Chamberlain-Creangă resigned 2/26/2020

**Term Expires: 10/30/2023**

Term currently held by: Vacancy – Cathleen Francois – No Reappointment

**Interested Applicants:**

Last Name	First Name	App Resume Expire	Notes 1
Ali	Aleem	1/2/2021	
Cicchini	Philippe	4/28/2022	

DiFalco	Melissa	12/2/2021	
Faiz	Iqbal	12/4/2022	
Fox	Tyler	11/15/2021	
Jones	Kelly	12/11/2021	Liquor Adv Comm exp 1/31/2023
Marrero-Laureano	Alexander	10/26/2022	
Patel	Hitesh	2/2/2023	
Rahman	Mahfuzur	9/24/2022	
Swaminathan	Abiramasundari	3/6/2022	

**Local Development Finance Authority (LDFA)**

Appointed by Mayor  
5 Regular Members  
Staggered 4 Year Term

**Current Members:**

Last Name	First Name	App Res Expire	Appointment Expire	Notes 1	Notes 2
Baker	Ethan		11/13/2023	Alternate; City Council	
Beltramini	Robin	7/17/2021	6/30/2022	Resident Member	Charter Rev Comm exp 4/30/2022
Hodorek	Ellen		11/8/2021	Alternate; City Council	City Council, LDFA exp 11/8/2021
Hoef	Paul V.	12/14/2022	6/30/2023	Resident Member	EDC exp 4/30/2015; LDFA exp 6/30/2023
Hunter	Daniel			Oakland County Designee	
Vacancy			6/30/2024	Resident Member	D. Shield's term exp 6/30/2016 - No Reappointment
Vacancy			6/30/2024	Resident Member	John Sharp's unexpired term
Vitale	Nickolas	3/7/2021	6/30/2023	Resident Member	

**Nominations to the Local Development Finance Authority (LDFA):**

**Term Expires: 6/30/2024**

**Resident Member**

Term currently held by: Vacant

**Term Expires: 6/30/2024**

**Resident Member**

Term currently held by: Vacant – Sharp's unexpired term

**Interested Applicants:**

Last Name	First Name	App Resume Expire	Notes 1
Crawford	Timothy	6/26/2021	
D'Aoust	Allen	5/23/2021	
DiFalco	Melissa	12/2/2021	
Rahman	Mahfuzur	9/24/2022	
Schick	Michael	12/22/2022	
Shepherd	John	4/22/2021	
Sweidan	Rami	4/28/2022	Brownfield Redev Auth exp 4/30/2023
Yu	Fu-Shin	8/20/2021	

Yes:

No:

**b) City Council Nominations:**Suggested Resolution

Resolution #2021-02-

Moved by

Seconded by

RESOLVED, That Troy City Council hereby **FORWARDS** the following nominated person(s) to serve on the Boards and Committees as indicated to the next Regular City Council Meeting for action:

**Building Code Board of Appeals**

Appointed by Council

5 Regular Members: Three (3) Residents with background, training or experience in construction or similar trades; at least one shall be a professional structural or civil engineer of architectural engineering experience; Two (2) by Ordinance - City Manager and Oakland County Health Department Representative

5 Year Term

**Current Members:**

Last Name	First Name	App Res Expire	Appointment Expire	Notes 1	Notes 3
Abitheira	Gary	1/20/2014	1/1/2022	Resident w/Construction/Engineering Experience.	
Brooks	Teresa	1/4/2019		Oakland County Health Dept Sanitarian	
Dziurman	Matthew	3/6/2021	1/1/2025	Resident w/Construction Experience	

Frisen	Sande	11/2/2017	1/1/2020	Architectural Engineer	Requests Reappointment
Miller	Mark F.			Per Chapter 79, Sect 116.2	

**Nominations to the Building Code Board of Appeals:****Term Expires: 1/1/2025**

Term currently held by: Sande Frisen

**Interested Applicants:**

Last Name	First Name	App/Resume Expire	Notes 1
Ali	Aleem	1/2/2021	Engineering experience
Bertelsen	David	3/2/2022	
Chambers	Barbara	2/26/2021	Historic Dist Comm exp 3/1/2023

**Election Commission**

Appointed by Council  
 2 Regular Members and 1 Charter Member  
 1 Year Term

**Current Members:**

Last Name	First Name	App Res Expire	Appointment Expire	Notes 1	Notes 3
Dickson	M. Aileen		City Charter		
Philo	Harry	1/2/2021	1/31/2021	Democrat	Requests Reappointment
Watts	Ray	6/17/2022	1/31/2021	Republican	Requests Reappointment

**Nominations to the Election Commission:****Term Expires: 1/31/2022**

Term currently held by: Ray Watts

**Term Expires: 1/31/2022**

Term currently held by: Harry Philo

**Interested Applicants:**

Last Name	First Name	App Resume Expire	Notes 1
Comiskey	Ann	12/14/2022	
Hashmi	Amin	12/16/2021	

**Liquor Advisory Committee**

Appointed by Council

7 Regular Members

3 Year Term

**Current Members:**

Last Name	First Name	App Res Expire	Appointment Expire	Notes 2
Ashland	David	12/14/2022	1/31/2021	Requests Reappointment
Comiskey	Ann	2/5/2020	1/31/2021	Requests Reappointment
Ehlert	Max	1/8/2023	1/31/2021	Requests Reappointment
Giorgi	Lynn		Ex-Officio Member	
Gorcyca	David	12/4/2021	1/31/2023	
Haight	David	7/17/2022	1/31/2022	Personnel Bd exp 4/30/2023
Jones	Kelly	12/11/2021	1/31/2023	
Kaltsounis	Andrew	1/14/2021	1/31/2022	

**Nominations to the Liquor Advisory Committee:****Term Expires: 1/31/2024**

Term currently held by: David Ashland

**Term Expires: 1/31/2024**

Term currently held by: Ann Comiskey

**Term Expires: 1/31/2024**

Term currently held by: Max Ehlert

**Interested Applicants:**

No interested applications on file.

**Traffic Committee**

Appointed by Council

7 Regular Members

3 Year Term

**Current Members:**

Last Name	First Name	App Res Expire	Appointment Expire	Notes 1	Notes 2
Huotari	William		Ex-Officio Member		
Johnson	Donald	1/11/2020	1/31/2021		No Reappointment

Kilmer	Richard	1/9/2019	1/31/2023		
Nastasi	Frank		Ex-Officio Member		
Nurak	Cindy	1/16/2021	1/31/2022		
Petrulis	Al	12/16/2021	1/31/2023		ACAB exp9/30/2021; HDC EXP 3/1/2023
Roberts	David		Ex-Officio Member		
Shende	Alankar	7/18/2021	7/31/2021	Student - Graduates 2021	
Sivaraman	Sunil	12/22/2020	1/31/2022		
Wilsher	Cynthia	1/18/2020	1/31/2021		Requests Reappointment
Ziegenfelder	Peter	12/4/2021	1/31/2023		

**Nominations to the Traffic Committee:****Term Expires: 1/31/2024**

Term currently held by: Donald Johnson-No Reappointment

**Term Expires: 1/31/2024**

Term currently held by: Cynthia Wilsher

**Interested Applicants:**

Last Name	First Name	App Resume Expire	Notes 1
Abdullah	Nehar	2/3/2023	
Aggarwal	Divya	8/12/2021	Student - Graduates 2020
Ali	Aleem Quader	1/2/2021	
Chanda	Hirak	11/25/2021	Hist Dist Comm exp 3/1/2021
Swaminathan	Abiramasundari	3/6/2022	

**Zoning Board of Appeals**

Appointed by Council  
7 Regular Members; 2 Alternates  
3 Year Term

**Current Members:**

Last Name	First Name	App Res Expire	Appointment Expire	Notes 1	Notes 3
Bossenbroek	Michael	4/27/2022	4/30/2023		
Clark	Glenn	4/16/2020	4/30/2021		

Desmond	Thomas	5/7/2017	4/30/2021		
Eisenbacher	David	3/16/2018	4/30/2022		
Green	Aaron	7/14/2022	4/30/2022		
Kaltsounis	Orestis Rusty	10/14/2022	1/31/2021	Alternate	Requests Reappointment
Kenkre	Mahendra	1/4/2023	1/31/2021	Alternate	Requests Reappointment
McCauley	James	1/12/2019	4/30/2023		
Rahman	Sadek	10/15/2022	12/31/2021		

**Nominations to the Zoning Board of Appeals:****Term Expires: 1/31/2024****Alternate**

Term currently held by: Orestis Rusty Kaltsounis

**Term Expires: 1/31/2024****Alternate**

Term currently held by: Mahendra Kenkre

**Interested Applicants:**

Last Name	First Name	App Resume Expire	Notes 1
Abdullah	Nehar	2/3/2023	
Chambers	Barbara	12/4/2021	
Frisen	Sande	12/4/2021	
Hashmi	Amin	12/16/2021	
Malalahalli	Jayalakshmi	11/20/2021	
Premo	John	1/2/2022	
Rauch	Gerald (Jerry)	12/4/2021	
Sweidan	Rami	6/26/2021	

Yes:

No:

**I-3 No Closed Session Requested****I-4 Proposed Revisions to Troy City Council Code of Ethics and Rules of Procedure  
(Introduced by: Lori Grigg Bluhm, City Attorney)****Suggested Resolution**

Resolution #2021-02-

Moved by

Seconded by

RESOLVED, That Troy City Council Code of Ethics, as amended and attached, is hereby **ADOPTED**, and once executed, **SHALL BE PLACED** prominently on the City's website.

RESOLVED, That Troy City Council hereby **ADOPTS** the Troy City Council Rules of Procedure, as amended and attached.

Yes:

No:

---

**I-5 Goal Review and Recommendation Consulting Services (*Introduced by: Robert J. Bruner, Assistant City Manager*)**

Suggested Resolution

Resolution #2021-02-

Moved by

Seconded by

RESOLVED, That Troy City Council hereby **AWARDS** a contract to *GovHR of Northbrook, IL*, for Consulting Services related to Community Engagement and Diversity, Equity and Inclusion as detailed in the attached proposal for an estimated total amount of \$5,300.00.

BE IT FINALLY RESOLVED, That the award is **CONTINGENT** upon the company's submission of properly executed proposal and contract documents, including agreements, insurance certificates and all other specified requirements.

Yes:

No:

**J. CONSENT AGENDA:**

---

**J-1a Approval of "J" Items NOT Removed for Discussion**

Suggested Resolution

Resolution #2021-02-

Moved by

Seconded by

RESOLVED, That Troy City Council hereby **APPROVES** all items on the Consent Agenda as presented with the exception of Item(s) \_\_\_\_\_, which shall be **CONSIDERED** after Consent Agenda (J) items, as printed.

Yes:

No:

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**J-1b Address of "J" Items Removed for Discussion by City Council**

---

**J-2 Approval of City Council Minutes**

Suggested Resolution

Resolution #2021-02-

RESOLVED, That Troy City Council hereby **APPROVES** the following Minutes as submitted:

- a) City Council Minutes-Draft – January 25, 2021
- b) City Council Special Meeting Minutes-Draft – February 1, 2021

---

**J-3 Proposed City of Troy Proclamations:**

Suggested Resolution

Resolution #2021-02-

- a) Service Commendation for Recreation Director Elaine Bo

---

**J-4 Standard Purchasing Resolutions:**

- a) **Standard Purchasing Resolution 4: US Communities/OMNIA Cooperative and Standard Purchasing Resolution 5: Approval to Expend Budgeted Funds – Troy Family Aquatic Center Deck Lighting Upgrade**

Suggested Resolution

Resolution #2021-02-

RESOLVED, That Troy City Council hereby **AWARDS** a contract to *Graybar of Belleville, MI*, to purchase LED Deck Lighting Fixtures for the Troy Family Aquatic Center for an estimated cost of \$35,090.89 at prices detailed in the quote and as per the US Communities/ OMNIA Purchasing Cooperative Contract #EV-2370.

BE IT FURTHER RESOLVED, That Troy City Council hereby **APPROVES** expending budgeted capital funds to *Harlan Electric Company of Rochester Hills, MI*, which is the City's street lighting contractor (Resolution #2020-12-174-J-4a) for an estimated cost of \$18,000 for a total estimated cost of \$53,090.89 with a 10% contingency not to exceed budgetary limitations.

- b) **Standard Purchasing Resolution 1: Award to Low Bidder – Contract 20-05 – Axtell/Maxwell/Stutz Water Main Replacement**

Suggested Resolution

Resolution #2021-02-

RESOLVED, That Troy City Council hereby **AWARDS** Contract No. 20-05, Axtell/Maxwell/Stutz Water Main Replacement, to *Diponio Contracting, Inc., 51251 Simone Industrial Dr., Shelby Twp., MI 48316*, for their low total bid amount of \$877,535.00

BE IT FURTHER RESOLVED, That the award is **CONTINGENT** upon submission of proper contract and bid documents, including bonds, insurance certificates and all specified requirements, and if additional work is required such additional work is **AUTHORIZED** in an amount not to exceed 15% of the total project cost.

---

**J-5 City of Troy Investment Policy and Establishment of Investment Accounts**

Suggested Resolution  
Resolution #2021-02-

RESOLVED, That Troy City Council hereby **APPROVES** the *Investment Policy and Establishment of Investment Accounts* as outlined in the memorandum and revised by Chief Financial Officer, Robert C. Maleszyk, dated February 3, 2021; a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

---

**J-6 2021 Specialized Services Operating Assistance Program**

Suggested Resolution  
Resolution #2021-02-

RESOLVED, That Troy City Council hereby **APPROVES** the agreement between SMART and the City of Troy for the Specialized Services Operating Assistance Program that includes \$27,692 in revenue, which will be used for the Troy R.Y.D.E transportation service, and the Mayor and City Clerk are **AUTHORIZED** to execute the necessary documents; a copy of this agreement shall be **ATTACHED** to the original Minutes of this meeting.

---

**J-7 Request for Recognition as a Nonprofit Organization from Alex's Saints**

Suggested Resolution  
Resolution #2021-02-

RESOLVED, That Troy City Council hereby **APPROVES** the request from Alex's Saints, asking that they be recognized as a nonprofit organization operating in the community for the purpose of obtaining a charitable gaming license as recommended by City Management.

---

**J-8 Contract Extension – Audit Services**

Suggested Resolution  
Resolution #2021-02-

WHEREAS, The Rehmann Group of Troy, MI, has offered to extend the current contract for fiscal year ending June 30, 2021 and 2022 at a cost of \$65,600 and \$67,600 respectively; and,

WHEREAS, The Rehmann Group has consistently met all expectations during the years under audit; and,

WHEREAS, The Rehmann Group is located in the City of Troy and nationally recognized as a leader in providing local governmental assurance services;

THEREFORE, BE IT RESOLVED, That Troy City Council **DEEMS** it to be in the City's best interest to hereby **APPROVE** and **EXTEND** the contract to provide Auditing Services for the City of Troy for two (2) years; fiscal year ending June 30, 2021 and 2022 by the *Rehmann Group of Troy, MI*, for a fee of \$65,600 and \$67,600, and if required \$5,000 and \$5,200 for the Single Audit, for an estimated grand total amount of \$70,600 and \$72,800.

---

**J-9 PA 152 – Publicly Funded Health Care**Suggested Resolution

Resolution #2021-02-

WHEREAS, Public Act 152 of 2011 allows for a Local Government Opt-Out alternative; and,

WHEREAS, Choosing the Opt-Out alternative allows the City to continue to offer medical insurance to all full-time employees with the premium contribution percent established in current collective bargaining agreements;

THEREFORE BE IT RESOLVED, That the Troy City Council hereby **SELECTS** the Local Unit Opt-Out for plan year 2021/22.

---

**J-10 Request for Acceptance of a Permanent Easement from SD Custom Homes, LLC, Sidwell #88-20-36-276-074**Suggested Resolution

Resolution #2021-02-

RESOLVED, That Troy City Council hereby **ACCEPTS** a permanent easement for storm sewers and surface drainage from SD Custom Homes, LLC, owner of the property having Sidwell #88-20-36-276-074.

BE IT FURTHER RESOLVED, That the City Clerk is hereby **DIRECTED** to **RECORD** the permanent easement with Oakland County Register of Deeds, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

---

**J-11 Request for Acceptance of a Permanent Easement from Adam and Rachael Czarnik, Sidwell #88-20-30-127-025**Suggested Resolution

Resolution #2021-02-

RESOLVED, That Troy City Council hereby **ACCEPTS** a permanent easement for storm sewers and surface drainage from Adam and Rachael Czarnik, owners of the property having Sidwell #88-20-30-127-025.

BE IT FURTHER RESOLVED, That the City Clerk is **DIRECTED** to **ATTACH** a copy of the recorded easement to the original Minutes of this meeting.

---

**J-12 Request for Acceptance of a Permanent Easement from Sean Berg and Paul Chambers, Sidwell #88-20-36-276-073**Suggested Resolution

Resolution #2021-02-

RESOLVED, That Troy City Council hereby **ACCEPTS** a permanent easement for storm sewers and surface drainage from Sean Berg and Paul Chambers, owners of the property having Sidwell #88-20-36-276-073.

BE IT FURTHER RESOLVED, That the City Clerk is hereby **DIRECTED** to **RECORD** the permanent easement with Oakland County Register of Deeds, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

**K. MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:**

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**K-1 Announcement of Public Hearings:**

- a) February 22, 2021 - Community Development Block Grant (CDBG) 2021 Funds
- 

**K-2 Memorandums (Items submitted to City Council that may require consideration at some future point in time): None Submitted**

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**L. PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA:**

**M. CITY COUNCIL/CITY ADMINISTRATION RESPONSE/REPLY TO PUBLIC COMMENT:**

**N. COUNCIL REFERRALS:**

Items Advanced to the City Manager by the Mayor and City Council Members for Placement on the Agenda

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**N-1 No Council Referrals**

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**O. REPORTS:**

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**O-1 Minutes – Boards and Committees: None Submitted**

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**O-2 Department Reports: None Submitted**

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**O-3 Letters of Appreciation: None Submitted**

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**O-4 Proposed Proclamations/Resolutions from Other Organizations: None Submitted**

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**O-5 Notice of Hearing for the Gas Customers of DTE Gas Company Case No. U-20816**

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**O-6 Notice of Hearing for the Gas Customers of Consumers Energy Company Case No. U-20814**

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**P. COUNCIL COMMENTS:**

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**P-1** No Council Comments Advanced

**Q. CLOSED SESSION**

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**Q-1** Closed Session

**R. ADJOURNMENT:**

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Mark F. Miller', with a long horizontal flourish extending to the right.

Mark F. Miller  
City Manager

**2021 SCHEDULED SPECIAL CITY COUNCIL MEETINGS:**

March 23, 2021 .....	Personnel Evaluations
April 19, 2021 .....	Budget Discussions
April 22, 2021 .....	Budget Discussions

**2021 SCHEDULED REGULAR CITY COUNCIL MEETINGS:**

February 22, 2021 .....	Regular Meeting
March 8, 2021 .....	Regular Meeting
March 22, 2021 .....	Regular Meeting
April 12, 2021 .....	Regular Meeting
April 26, 2021 .....	Regular Meeting
May 10, 2021 .....	Regular Meeting
May 24, 2021 .....	Regular Meeting
June 14, 2021 .....	Regular Meeting
June 28, 2021 .....	Regular Meeting
July 12, 2021 .....	Regular Meeting
July 26, 2021 .....	Regular Meeting
August 9, 2021 .....	Regular Meeting
August 30, 2021 .....	Regular Meeting
September 13, 2021 .....	Regular Meeting
September 27, 2021 .....	Regular Meeting
October 11, 2021 .....	Regular Meeting
October 25, 2021 .....	Regular Meeting
November 8, 2021 .....	Regular Meeting
November 22, 2021 .....	Regular Meeting
December 6, 2021 .....	Regular Meeting
December 13, 2021 .....	Regular Meeting

**PROCLAMATION TO THANK  
RANDY NORMAN AND ELI OF TROY MENSWEAR  
50 YEARS IN BUSINESS**

**WHEREAS**, Fifty years ago, **Eli Kurtz** moved his men's clothing store from Royal Oak to the City of Troy at 5067 Rochester Road; and

**WHEREAS**, **Randy Norman** came to work with **Eli** in 1978. **Eli** taught **Randy** all about being a customer-oriented store, offering quality one-on-one service to the men in Troy and surrounding areas. They built a very loyal customer base, with third and fourth generation customers who wanted to look good and purchase quality, tailored suits. Their philosophy is what's kept **Eli of Troy** in business since 1970; and

**WHEREAS**, **Randy** bought the store in 1995 when **Eli** retired, and has continued offering tailored suits, along with shirts, ties, shoes, socks and casual sport coats. **Eli of Troy** has been a huge community supporter for many years, including Troy Baseball Boosters and Troy High and Athens High School All-Night Parties, as well as Troy School District sports teams; and

**WHEREAS**, **Eli of Troy** sold high school varsity jackets; tuxedos for proms and weddings, as well as doing the measurements for Troy's Fire department Class A uniforms. Many Troy employees and generations of residents were loyal customers over the many years **Eli's** was open; and

**WHEREAS**, A combination of the COVID Pandemic, people working from home, and people not dressing up forced **Randy** to make the tough decision and close **Eli of Troy Menswear** and retire;

**NOW, THEREFORE, BE IT RESOLVED**, That the Mayor and City Council of the City of Troy sincerely thank **Randy Norman and Eli Of Troy Menswear for 50 years** of commitment and serving the Troy community; and

**BE IT FURTHER RESOLVED**, That the Mayor, City Council and City Management join the citizens of this community in saying a fond farewell to **Randy Norman and Eli of Troy Menswear**, sadly the end of an era for this small Troy business owner, and extends wishes of prosperity, good health and happiness to **Randy** during his well-deserved retirement years.

Presented this 8<sup>th</sup> day of February 2021.



500 West Big Beaver  
Troy, MI 48084  
troymi.gov

I-04

## CITY COUNCIL AGENDA ITEM

Date: February 3, 2021

To: Mayor and Troy City Council Members

From: Lori Grigg Bluhm, City Attorney

Subject: Proposed Revisions to Troy City Council Code of Ethics and Rules of Procedure

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As a result of City Council's comprehensive review of its City Council Code of Ethics, there was unanimous support to consider some amendments that could provide even greater clarity. The attached proposed red line version hopefully captures the revisions discussed at the February 1, 2021 City Council meeting. City Council members may have different suggested verbiage, or after a few days of reflection, may seek additional amendments to these documents.

There was also unanimous consensus for City Administration to draft a new ethics ordinance that comprehensively pulls together ethical regulations governing City Council members from multiple sources, such as the Troy Charter and State law and administrative materials. This would provide additional transparency, as well as a possible road map for employees and the general public. City Council affirmed that this is a priority project, and encouraged completion as soon as possible, recognizing that the drafting may take some time and would compete with other deadlines.

City Administration's memo and supporting documents and the power point presentation can be accessed via the City's website as part of the back-up documentation for the February 1, 2021 City Council meeting.

Please let me know if you have any questions or concerns.



# Troy City Council Code of Ethics

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## 1. The Troy City Council shall:

- Respect the confidentiality of privileged information;
- Recognize that an individual council member has no authority to speak or act for Council;
- Work with other council members to establish effective policies;
- Delegate authority for the running of the City to the administrative staff;
- Encourage the free expression of opinion by all council members;
- Seek systematic communications between council, administrative staff, and all elements of the community;
- Render all decisions **in a fair and impartial manner**, based on the available facts and independent judgment rather than succumbing to the influence of individuals or special interest groups;
- Make every effort to attend all meetings;
- Become informed concerning the issues to be considered at each meeting;
- Avoid actual or apparent conflicts of interest, and make appropriate disclosures;
- Refrain from using this position for personal benefit, nor for the benefit of family members or business associates;
- Use the same care and caution when using electronic media as would be exercised when speaking face-to-face or through written memorandum;
- Avoid use of derogatory or denigrating language;
- Treat all people fairly and with dignity and respect;
- Abstain from harassing or discriminatory behavior of any kind;
- ~~• Other than receiving de minimis food and beverage in the course of official duties, such as grand openings, refuse any gift or gratuity or reward for an official action, and avoid any situation that could undermine public confidence.~~
- **Avoid any situation that could undermine public confidence, and neither solicit nor accept gifts offered for any official actions. There may be times when unsolicited items of a trivial value (less than \$25) are provided to City Council members in connection with marketing of new businesses or economic development, and such items can be retained as long as the aggregate value of gifts per year does not exceed \$250. City Council members and/or their significant others can accept invitations for ribbon cutting/grand openings and other ceremonial or celebratory events where food and/or beverages will be consumed, as long as the invitation is extended to the entire City Council and is consistent with the performance of Council's official duties, and at least 25 people are also expected to attend the event.**
- Adhere to the following tenets in the ICMA Code of Ethics (revised **June 2020** ~~10/2019~~):
  - Affirm the dignity and worth of local government services and maintain a deep sense of social responsibility as a trusted public servant. (Tenet 2)
  - Demonstrate by word and action the highest standards of ethical conduct and integrity in all public, professional, and personal relationships in order to merit the trust and respect of elected and appointed officials, employees, and the public. (Tenet 3)
  - Serve the best interest of the people. (Tenet 4)

2. Any City Council member may detail a suspected violation of this Code of Ethics by another City Council member, and forward this to the Troy City Council for action. The accused City Councilmember shall have an opportunity to respond to the allegations. If after considering all of the information, the Troy City Council determines that there was a violation of this Code of Ethics, then City Council may censure the offending City Council member, or take any other action that is allowed under the law, including but not limited to a request for a criminal misconduct investigation.

3. **City Council shall thoroughly review this Code of Ethics at least once each calendar year at a City Council meeting, and thoughtfully consider and discuss its effectiveness and/or the need for any revisions.**

Signed this ~~9th~~ day of **February** ~~November, 2020.~~ **2021**



**RULES OF PROCEDURE FOR THE  
CITY COUNCIL  
CITY OF TROY, MICHIGAN**

**Adopted: February 8, 2021**

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**1. APPOINTMENT OF MAYOR PRO TEM:**

The selection of Mayor Pro Tem shall rotate annually in the following order: Brooks, Erickson Gault, Chamberlain-Creanga, Hodorek, Abraham, Hamilton

**2. CODE OF ETHICS:**

**a) CITY COUNCIL CODE OF ETHICS:**

City Council shall thoroughly review its Code of Ethics at least once each calendar year at a City Council meeting, and thoughtfully consider and discuss its effectiveness and/or the need for any revisions. ~~City Council shall review and revisit the City Council Code of Ethics in November of each calendar year, and all~~ In November of each year, all City Council members shall agree to abide by the approved City Council Code of Ethics, and shall evidence this agreement by affixing their signature to a written copy of the Code of Ethics at the earliest opportunity, and providing an executed copy to the City Clerk. The Council Code of Ethics shall be prominently placed on the City's website. City Council members shall hold themselves to the highest level of integrity.

**b) BOARD AND COMMITTEE CODE OF ETHICS:**

City Council shall review and revisit the Board and Committee Code of Ethics in November of each calendar year, and upon appointment, all Board and Committee members shall agree to abide by the adopted Board and Committee Code of Ethics, and shall evidence this agreement by affixing their signature to a written copy of the Code of Ethics at the earliest opportunity, and providing an executed copy to the City Clerk. A copy of the Board and Committee Code of Ethics shall be prominently placed on the City's website, and this shall be a generic version that is applicable to all City Boards and Committees.

**3. DESIGNATION OF ACTING MAYOR:**

In the absence or disability of both the Mayor and the Mayor Pro Tem, the Council Member present who has served longest shall be designated Acting Mayor and shall perform the duties of the Mayor.

**4. SPECIAL MEETINGS:**

Special meetings may be called in accordance with the City Charter and the Open Meetings Act. Special meetings shall be held at 6:00 P.M. in the Council Board Room unless the written notice to each member of the Council provides for a different time and/or place.

**a) SPECIAL MEETING AGENDAS:**

The City Manager shall be responsible for the preparation of an agenda for each special meeting. The agenda packet, excluding material exempt from disclosure by state or federal statute, shall be posted on the City's website and distributed to the City Council at least eighteen (18) hours in advance of the meeting.

**b) SPECIAL MEETING ORDER OF BUSINESS:**

- A. Call to Order
- B. Roll Call
- C. Public Comment
- D. Business Stated in the Special Meeting Notice
- E. Other Business (Only with consent in accordance with City Charter Section 4.3).
- F. Adjournment

**5. REGULAR MEETINGS:**

Regular meetings shall be held at 7:30 P.M. in the Council Chambers. A schedule of regular meetings for the subsequent calendar year shall be adopted by resolution in accordance with the City Charter and the Open Meetings Act.

**a) REGULAR MEETING AGENDAS:**

The City Manager shall be responsible for the preparation of an agenda for each regular meeting. The agenda packet, excluding material exempt from disclosure by state or federal statute, shall be posted on the City's website and distributed to the City Council at least forty-eight (48) hours in advance of the meeting. When City Council meets in a closed session pursuant to MCL 15.268 (c), for strategy and negotiation sessions connected with the negotiation of a collective bargaining agreement, the collective bargaining agreement shall be identified on the agenda. When City Council meets in a closed session pursuant to MCL 15.268 (e), to consult with its attorney regarding trial or settlement strategy in connection with specific pending litigation, the specific pending litigation shall be identified on the agenda.

**b) REGULAR MEETING ORDER OF BUSINESS:**

- A. Call to Order
- B. Roll Call
- C. Certificates of Recognition and Special Presentations
- D. Carryover Items
- E. Public Hearings
- F. Public Comment for Items On the Agenda
- G. City Council/City Administration Response/Reply to Public Comment
- H. Postponed Items

- I. Regular Business
- J. Consent Agenda
- K. Memorandums and Future Council Agenda Items
- L. Public Comment for Items Not on the Agenda
- M. City Council/City Administration Response/Reply to Public Comment – Any Responses/Replies will be provided after all persons have finished addressing City Council
- N. Council Referrals - Items appearing under Council Referrals are items intended for City Council action that are brought forward by the Mayor or Council Members in accordance with the Rules of Procedure
- O. Reports
- P. Council Comments - Items for the good of the order brought forward by Mayor and Council
  
- Q. Closed Session
- R. Adjournment

**6. BROADCASTING OF CITY COUNCIL MEETINGS:**

All regular meetings of the City Council will be broadcast on the City's government access cable channel and/or made available through online streaming or similar media formats.

**7. MINUTES:**

The draft City Council meeting minutes will be available on the City's website prior to their inclusion in the next regular agenda packet. The requested approval of the minutes will be included on the Consent Agenda.

**8. PROCLAMATIONS AND CONGRATULATORY CERTIFICATES:**

City Council receives requests for proclamations to honor or celebrate milestones or achievements of Troy residents and businesses, and also to raise awareness of certain events or causes. Proclamations are intended to positively impact the community and convey an affirmative message to Troy residents, and are discretionary. Any person requesting a proclamation for presentation at a regular City Council meeting shall submit a written request to the City Manager or his/her designee. Proclamations must be approved by City Council at a regular meeting preceding the requested presentation date. If a presentation is requested, the proclamation will be included under the topic of Certificates of Recognition and Special Presentations.

Congratulatory certificates are public announcements made by City Council at ribbon cutting ceremonies, grand openings and other events outside of regular City Council meetings. Any

request for such a congratulatory certificate should be submitted to the City Manager or his/her designee in advance of the planned business celebration and will not require City Council action.

**9. RECONSIDERATION OF RESOLUTIONS:**

A motion to reconsider any vote of the Council may be made by either side of the voted motion and shall require the affirmative vote of the majority of the Council Members elect. A motion to reconsider can be made only if no action was taken as a result of the previous vote. If such a motion to reconsider passes, and new information has been brought forward, then any member of Council may move to take action on the motion that is to be reconsidered, and any such motion would pass by an affirmative vote of the majority of the Council Members elect.

**10. RESCISSION OF RESOLUTIONS**

Rescission of any vote of the Council shall require the affirmative vote of the majority of the Council Members elect only if no action was taken as a result of the previous vote.

**11. PUBLIC HEARINGS:**

Public hearings will be held after required notice has been provided. The City Council may upon affirmative vote of a majority of its members "continue" said hearing at a future date designated in the resolution, without the necessity of re-notification. If the City Council elects to continue the public hearing it will appear in the designated meeting agenda under the topic of Public Hearings.

**12. CONSENT AGENDA:**

The Consent Agenda includes items of a routine nature and will be approved with one motion. That motion will approve the recommended action for each item on the Consent Agenda. Any Council Member may remove an item from the Consent Agenda and have it considered as a separate item. Any item(s) so removed from the Consent Agenda shall be considered after approval of the motion for all non-removed items on the consent portion of the agenda. Public comment on Consent Agenda items will be permitted pursuant to the Rules of Procedure.

**13. APPOINTMENTS TO BOARDS AND COMMITTEES:**

**a) MAYORAL APPOINTMENTS:**

The Mayor shall, with City Council concurrence, appoint members of the following

boards or committees as governed by state statute or city ordinances: Board of Review, Brownfield Redevelopment Authority, Civil Service Commission (Act 78), Downtown Development Authority, Economic Development Corporation, Global Troy Advisory Committee, Local Development Finance Authority, Planning Commission, Volunteer Firefighter Incentive Board

**b) CITY COUNCIL APPOINTMENTS:**

The Mayor Pro Tem shall contact candidates or incumbents for City Council appointments to determine their interest in being nominated or reappointed. Any Council Member, but usually the Mayor Pro Tem, may put forth nominees to the following boards or committees: Animal Control Appeal Board, Building Code Board of Appeals, Charter Revision Committee, Election Commission, Historic District Commission, Liquor Advisory Committee, Municipal Building Authority, Parks and Recreation Board, Personnel Board, Retiree Health Care Benefits Plan & Trust, SOCRRA, SEMCOG, Sustainable Design Review Committee, Traffic Committee, Zoning Board of Appeals

**c) NOMINATIONS:**

The Mayor or any Council Member desiring to nominate a person for appointment to a board, commission, or committee shall submit the person's name for nomination at a regular meeting during the item Board and Committee Nominations. The person's name will be placed on the agenda for the next regular meeting under the item Board and Committee Appointments. A brief summary of background and personal data as to nominee's qualifications (or a resume) should be submitted on or before the time of nomination, except that such a resume shall not be required for the re-nomination of a current board or commission member, or if the Council unanimously agrees that a resume is not necessary. In the event that more nominees are put forth than positions available, the City Clerk will conduct a roll call vote.

**14. CITY COUNCIL REPRESENTATION ON BOARDS AND COMMITTEES:**

**a) SEMCOG (Southeastern Michigan Council of Governments) Representation:**

The Mayor and City Council shall appoint one delegate and one alternate to serve on the SEMCOG General Assembly for a term of two-years expiring at 7:30 PM on the Monday following the City Council general election.

**b) SOCRRA (South Oakland County Resource Recovery Authority) Representation:**

The Mayor and City Council shall appoint one delegate and one alternate to serve on the SOCRRA Board for a term of one-year expiring on June 15<sup>th</sup>.

**c) No member of the City Council shall serve on any committee, commission or board of the City of Troy, except the Retirement System Board of Trustees, Retiree Health Care**

Benefits Plan and Trust, Volunteer Firefighter Incentive Plan & Trust, Global Troy Advisory Committee, Downtown Development Authority and Local Development Finance Authority (LDFA), unless membership is required by ordinance, statute or the City Charter.

- d) Because quasi-judicial boards and commissions are appointed by Council, and make recommendations to the Council, these recommendations should be made independent of the influence of individual Council Members. As a result, members of City Council shall not appear before or attend meetings of City boards or commissions if they are not appointed members of the City board or committee.

## 15. MEMBERS OF THE PUBLIC AND VISITORS:

Any person not a member of the City Council may address the Council with recognition of the Chair, after clearly stating the nature of his/her inquiry or comment. **NOTE TO THE PUBLIC:** *City Council requests that if you do have a question or concern, to bring it to the attention of the appropriate department(s) whenever possible. If you feel that the matter has not been resolved satisfactorily, you are encouraged to bring it to the attention of the City Manager, and if still not resolved satisfactorily, to the Mayor and Council.*

- Petitioners of items that are included in the pre-printed agenda booklet shall be given a fifteen (15) minute presentation time that may be extended with the majority consent of City Council.
- Any member of the public, not a petitioner of an item, shall be allowed to speak for up to three (3) minutes to address any Public Hearing item.
- Any member of the public, not a petitioner of an item, does not have the right to engage in discussion or debate with City Council during the Public Comment portions of the meeting.
- All members of the public who wish to address the Council at a meeting shall be allowed to speak only if they have signed up to speak within thirty minutes before or within fifteen minutes after the meeting's start time. Signing up to speak requires each speaker provide his or her name. If the speaker is addressing an item(s) that appears on the pre-printed agenda, then the speaker shall also identify each such agenda item number(s) to be addressed.
- City Council may waive the requirements of this section by a consensus of the City Council.
- Agenda items that are related to topics where there is significant public input anticipated should initiate the scheduling of a special meeting for that specific purpose.

Prior to Public Comment for Items On the Agenda, the Mayor may provide a verbal notification of the rules of decorum for City Council meetings or refer to the pre-printed agenda booklet, which will include the following language, as approved by City Council:

*The audience should be aware that all comments are to be directed to the Council rather than to City Administration or the audience. Anyone who wishes to address the Council is required to sign up to speak within thirty minutes before or within fifteen minutes of the start of the meeting. There are three Public Comment portions of the agenda. For Items On the Agenda, visitors can sign up to address Postponed, Regular Business, Consent Agenda, or*

*Study items or any other item on the agenda. All other topics are addressed under Items Not on the Agenda. There is a timer on the City Council table in front of the Mayor that turns yellow when there is one minute of speaker time remaining, and turns red when the speaker's time is up. In order to make the meeting more orderly and out of respect, please do not clap during the meeting, and please do not use expletives or make derogatory or disparaging comments about any one person or group. If you do so, then there may be immediate consequences, including having the microphone turned off, being asked to leave the meeting, and/or the deletion of speaker comments for any re-broadcast of the meeting. Speakers should also be careful to avoid saying anything that would subject them to civil liability, such as slander and defamation. Please avoid these consequences and voluntarily assist us in maintaining the decorum befitting this great City.*

**16. RULES OF ORDER:**

Robert's Rules of Order Newly Revised, as clarified by the City Clerk, is hereby adopted, except as modified by these Rules of Procedure, the Charter, or the City Code.

**17. ABSENCES AT COUNCIL MEETINGS:**

Members of Council who are unable to attend a Council meeting and desire an excused absence shall notify the City Attorney or City Manager of their absence in writing as soon as possible prior to the meeting and indicate the reason for the absence. The reason shall be entered in the proceedings of the Council at the time of each absence.

**18. SUSPEND RULES:**

The Rules of Procedure may be waived by a simple majority vote, unless specifically noted that a consensus of City Council is sufficient.

**19. COUNCIL DISCUSSION:**

No member of Council shall speak a second time on any item under discussion until all other members desiring to speak on that item have been heard. No member of Council shall be allowed to speak for more than five (5) minutes at a time.

**20. AGENDA ITEMS SUBMITTED BY COUNCIL MEMBERS:**

Timely submitted agenda items that, in the City Manager's judgment, do not require a professional opinion from City Administration, will be placed on the next regular agenda for City Council action. These items include, but are not limited to proclamations and celebratory matters. If the City Manager believes that City Council could benefit from additional input from City Administration prior to voting on a referral, then the next regular

agenda will contain only a resolution directing City Administration to provide additional input to accompany the Council referral for a future City Council meeting.

**21. WIRE COMMUNICATIONS BY AND TO COUNCIL MEMBERS DURING ANY MEETING OF COUNCIL:**

Members of Council shall not engage in electronic communication with each other or a member of the public during a regular or special meeting. Electronic communication is defined as e-mail, text message, instant message, website, social media, blog posting, or any other form of communication transmitted or retrieved through the use of an electronic device. This rule does not apply to participation of a Council Member in a meeting via electronic means, subject to the approval of City Council for such participation.



500 West Big Beaver  
Troy, MI 48084  
troymi.gov

I-05

## CITY COUNCIL AGENDA ITEM

Date: January 28, 2021

To: Mark F. Miller, City Manager

From: Robert J. Bruner, Assistant City Manager  
Rob Maleszyk, Chief Financial Officer  
Jeanette Menig, Human Resources Director

Subject: Goal Review and Recommendation Consulting Services (Introduced by: Robert J. Bruner)

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### **History**

City Council held special meetings on November 16, 2020 and November 25, 2020 to discuss fiscal year 2021-2022 budget priorities. The discussion included prioritizing both Community Engagement and Diversity, Equity, and Inclusion. Several options were discussed including creating one or more positions and hiring consultants.

Since then, City staff has been reviewing the City's existing policies, practices and resources related to these priorities and researching best practices in order to develop specific recommendations for the City Manager's fiscal year 2021-2022 budget proposal. However, progress has been slow because these issues are complex and City staff time and resources are stretched thin.

In order to develop recommendations in time for the fiscal year 2021-2022 budget, City staff solicited a proposal from GovHR USA Vice President Jaymes Vettraino. Mr. Vettraino worked with the City on the city manager search and more recently with City Council personnel evaluations. The proposal also includes GovHR Senior Vice President Dele Lowman Smith working on the project with Vettraino. Between them, we believe they understand the City's needs and have the experience to develop recommendations.

Although City Code Chapter 7 section 2 gives the City Manager the authority to make purchases of \$10,000 or less, City management believes it is in the best interest of the City for the City Council to consider this matter. Competitive bidding is not required in the employment of professional services (Code Chapter 7; section 5.6).

### **Financial**

Expenditures will be charged to account number #101.7801.100 – Professional Services Special Studies & Research.

### **Recommendation**

City management recommends the City award a contract to GovHR USA of Northbrook, IL to provide consulting services as detailed in the attached proposal in the estimated total amount of \$5,300.00.



**CITY OF TROY, MI  
GOAL REVIEW AND RECOMMENDATIONS**

**PROPOSAL  
January 26, 2021**

**UNDERSTANDING OF ENGAGEMENT**

GovHR USA LLC ("GovHR") is pleased to present this Proposal for Goal Review and Recommendations to the City of Troy ("City").

The City of Troy has identified two strategic goals that it desires GovHR to review and provide recommendations.

Strategic Goal #1: Improve City's communication of important information to the community and the engagement of the community with the City.

Strategic Goal #2: Develop a plan to further incorporate diversity, equity and inclusion in the City's values and day-to-day operations.

The City wishes to engage the services of GovHR to perform goal review work as needed (staff meetings, policy review, best practices research, etc.) and provide a summary report of findings (recommendations, next step suggestions, budget estimates, etc.).

**FIRM BACKGROUND AND EXPERIENCE**

GovHR is a public management consulting firm serving municipal clients and other public-sector entities on a national basis. Our headquarters offices are in Northbrook, Illinois. We are a certified Female Business Enterprise in the State of Illinois and work exclusively in the public sector. We have 11 full time and 8 part time employees and 31 project consultants. GovHR offers customized executive recruitment services and completes other management studies and consulting projects for communities.

GovHR Vice President Jaymes Vettraino will be responsible for the City's Goal Review and Recommendation project. His biography is attached to this proposal and his contact information is:

Jaymes Vettraino  
Vice President  
GovHR USA  
248-379-8923  
jvettraino@govhrusa.com

GovHR Senior Vice President Dele Lowman Smith will work with Jaymes on the project, providing research, review, and recommendations for the project. Her biography is attached to this proposal and her contact information is:

Dele Lowman Smith  
Senior Vice President  
GovHR USA  
404-516-6025  
dlowman@govhrusa.com

## **SCOPE OF WORK**

Based on our understanding of the engagement and information the City has offered we propose that the following described services shall be provided for this engagement:

### **Review the City's Current Status (Phase 1)**

Conduct a review of the existing goal statements, policies, and other associated documents. Engage in a dialog with the City Manager's office to develop clear expectations for both strategic goals. Interview identified City personnel and review day-to-day operation activities. Document findings.

### **Research and Consider Best Practices (Phase 2)**

Within the context of the City's current status, research and identify potential policies, staffing and operational activities that could be implemented by the City.

### **Summary Report Preparation and Transmittal (Phase 3)**

Prepare and transmit a report of findings and recommendations.

## **CLIENT RESPONSIBILITIES**

GovHR understands that the following responsibilities will be assumed by the City and its' representatives in proceeding with the scope of work as described above:

- Identify a primary City contact person thru which GovHR can coordinate efforts relating to this engagement
- Provide information to GovHR regarding organizational, policy and documents as may be needed to advance and complete the work described herein.
- Distribute documents as needed to elected officials and staff.

## **FEE PROPOSAL FOR SERVICES**

The proposed fee to perform services in conjunction with the engagement referenced herein is as follows:

<u><i>Phase</i></u>	<u><i>Est Hours</i></u>	<u><i>Lum Sum Cost</i></u>
Phase 1	10	\$1,250
Phase 2	20	\$2,500
Phase 3	10	\$1,250
<b><i>Project Cost</i></b>		<b>\$5,000</b>
Expenses	Not to Exceed	\$300
<b><i>Project Cost &amp; Expenses</i></b>		<b>\$5,300</b>

We are carefully monitoring recommendations from the federal, state and local governments and working with clients on alternatives to in person meetings. We are fully operational and can work with you via video and by utilizing electronic files.

Consultant travel expenses and in-person meetings are not included in the price proposal. Dependent on travel and Covid-19 related restrictions, If the consultant is requested to travel to the client and/or have in-person meetings with staff or the City Council, an additional fee will be mutually agreed upon by the parties.

Invoice for services will be provided at the end of the phase 3 and is payable within 30 days of receipt.

## **AUTHORIZATION OF ADDITIONAL SERVICES**

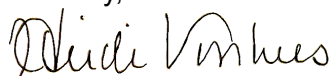
Additional services related to this engagement will be provided by GovHR upon authorization by the City as evidenced in writing. The fees for additional services will be based upon the standard \$125 per hour consulting rate and determined through mutual agreement in advance of any additional services being provided.

## **CONCLUDING REMARKS**

We believe we have provided you with a comprehensive proposal; however, if you would like a service that you do not see in our proposal, please let us know. We can most likely accommodate your request.

This proposal will remain in effect for a period of three months. We look forward to working with you on this important project.

Sincerely,



Heidi Voorhees  
Co-Owner and President, GovHRUSA, LLC

**Jaymes Vettraino**

Vice President

Jaymes Vettraino is a Vice President with GovHR USA, and provides municipal management consulting services to communities. His focus is on assisting with employee recruitment, classification/compensation, financial planning, operational management, human resources, community relations and economic development.

Prior to starting his consulting service, Jaymes spent 17 years as a City Manager, most recently as the City Manager of Rochester, MI. In Rochester, he had the opportunity to lead a dynamic management team to simultaneously reduce expenses and increase the level of community service during years of the “great recession.” During his time as the Manager of Kutztown, PA, Jaymes had the opportunity to lead the college town in the development of its own fiber optic network and improve its relations with Kutztown University. Jaymes also had the chance to be the first Manager of Pen Argyl, PA, where he led the community in creating a city manager form of government and implemented many grant funded quality of life improvement initiatives and projects.

Jaymes is a graduate of Michigan State University (BA - Political Science) and Lehigh University (MBA). He is a faculty member in Rochester University's School of Business, focusing on not-for-profit management, organizational behavior and strategy. Jaymes lives in Rochester, MI with his wife and two children.

**Dele Loman Smith**

Senior Vice President

Dele Lowman Smith is a past local government executive and professional facilitator, consultant, trainer, and coach who uses her 20+ years of experience to lead individuals, teams, and organizations to higher levels of performance. Her public sector management experience spans nonprofit, state, and local government where she has overseen strategic planning, human resources, communications, information technology, finance, legislative affairs, and various other functional areas. She cut her teeth in organizational improvement at the Florida Sterling Council, a public-private partnership with the Executive Office of the Governor. This experience connected Ms. Lowman Smith with some of the most innovative and lauded companies and organizations in Florida and informed her local government service.

Prior to beginning her consulting career, Ms. Lowman Smith was appointed Assistant City Manager for the City of Fayetteville, North Carolina, where she supervised the Finance, Human Resources, Information Technology, and Communication departments, along with the City Clerk, strategic planning, and legislative affairs functions. Previously, she served as Assistant County Manager for Fulton County in Atlanta, Georgia, a county with a population of nearly one million and close to 6,000 employees. There she oversaw the HR and IT departments and supervised the communications, Fulton Government Television (FGTV), training, and performance management divisions. During that time, she led the creation and implementation of the first countywide strategic plan. Ms. Lowman Smith also served multiple chief executives in Broward County, Florida.

Ms. Lowman Smith is a graduate of National Urban Fellows, Leadership ICMA, America's Leaders of Change, the Atlanta Regional Commission Regional Leadership Institute, and Leadership Broward. She currently serves as a Board Member for the DeKalb County Board of Elections. A proud Florida A & M University and Baruch College graduate, Ms. Lowman Smith currently resides in metro Atlanta with her family.

**A. CALL TO ORDER:**

A Regular Meeting of the Troy City Council was held electronically on Monday, January 25, 2021. Mayor Baker called the meeting to order at 7:30 PM.

**B. ROLL CALL:**

- a) Mayor Ethan Baker
- Edna Abraham
- Mayor Pro Tem Theresa Brooks
- Rebecca A. Chamberlain-Creangă
- Ann Erickson Gault
- David Hamilton
- Ellen Hodorek

**C. CERTIFICATES OF RECOGNITION AND SPECIAL PRESENTATIONS:**

- C-1** Proclamation to Recognize Celebration of “Yoga for Health, Health for Humanity Surya Namaskar Yajna 2021” – January 16-31, 2021

**D. CARRYOVER ITEMS:**

- D-1** No Carryover Items

**E. PUBLIC HEARINGS:**

- E-1** No Public Hearings

**F. PUBLIC COMMENT FOR ITEMS ON THE AGENDA:**

John Hillert	Commented that he is find with the applicant requesting chickens.
County Commissioner Tom Kuhn (Dist. #11)	Provided an update on Oakland County's COVID vaccine response and a legislative update.

**G. CITY COUNCIL/CITY ADMINISTRATION RESPONSE/REPLY TO PUBLIC COMMENT:**

Council Member Hamilton thanked Commissioner Kuhn for his update. He commented that he signed up his family with “Save Your Spot” on Oakland County’s website.

Council Member Hamilton asked for the status of request for chickens with the Animal Control Appeal Board. City Attorney Bluhm commented that there is an Animal Control Appeal Board meeting this week and the public comment will be forwarded to the board.

Mayor Baker thanked Commissioner Kuhn for the legislative update.

**H. POSTPONED ITEMS:****H-1 No Postponed Items****I. REGULAR BUSINESS:****I-1 Board and Committee Appointments: a) Mayoral Appointments – None; b) City Council Appointments – Historic District Study Committee, Parks and Recreation Board****a) Mayoral Appointments: None****b) City Council Appointments:**

Resolution #2021-01-009

Moved by Brooks

Seconded by Erickson Gault

RESOLVED, That Troy City Council hereby **APPOINTS** the following nominated person(s) to serve on the Boards and Committees as indicated:

**Historic District Study Committee**

Appointed by Council

3 Members

Ad Hoc

**Nominations to the Historic District Study Committee:****Term Expires: Ad-Hoc****Barbara Chambers****Term Expires: Ad-Hoc****Timothy McGee****Term Expires: Ad-Hoc****W. Kent Voigt**

Yes: All-7

No: None

**MOTION CARRIED**

Resolution #2021-01-010

Moved by Brooks

Seconded by Hamilton

RESOLVED, That Troy City Council hereby **APPOINTS** the following nominated person(s) to serve on the Boards and Committees as indicated:

**Parks and Recreation Board**

Appointed by Council

7 Regular Members and 1 Troy School Board of Education Representative  
Regular Member: 3 Year Term / Troy School Board Member: 1 Year Term

**Nominations to the Parks and Recreation Board:****Term Expires: 7/31/2021****Tim Fulcher****Troy School Board  
of Education Rep.**

Term currently held by: Tim Fulcher

**Term Expires: 9/30/2021****John Chuck Shepherd**Term currently held by: Vacancy- Laurie Huber resigned  
12/5/2020

Yes: All-7  
No: None

**MOTION CARRIED****I-2 Board and Committee Nominations: a) Mayoral Nominations – None; b) City Council Nominations – None****a) Mayoral Nominations: None****b) City Council Nominations: None****I-3 Request for Closed Session**

Resolution #2021-01-011  
Moved by Baker  
Seconded by Erickson Gault

BE IT RESOLVED, That Troy City Council **SHALL MEET** in Closed Session, as permitted by MCL 15.268 (h)(MCL 15.243(1)(g)).

Yes: All-7  
No: None

**MOTION CARRIED****I-4 2021 City Council Meeting Schedule (Introduced by: Robert J. Bruner, Assistant City Manager)**

Resolution #2021-01-012  
Moved by Erickson Gault  
Seconded by Chamberlain-Creangă

RESOLVED, That Troy City Council **SHALL HOLD** a Joint Meeting with the following Boards and Committees:

Downtown Development Authority  
Global Troy Advisory Committee

February 3, 2021 at 6:00 PM  
March 10, 2021 at 6:00 PM

BE IT FURTHER RESOLVED, That Troy City Council **MAY RESCHEDULE** and/or **SCHEDULE** additional Joint Meetings in accordance with the City Charter and Michigan Open Meetings Act.

Yes: All-7  
No: None

### MOTION CARRIED

#### **I-5 Budget Amendment – Grand Revenue, Other Revenue, and Election Expenditures** *(Introduced by: Rob Maleszyk, Chief Financial Officer)*

Resolution #2021-01-013  
Moved by Abraham  
Seconded by Hodorek

RESOLVED, That Troy City Council hereby **AUTHORIZES** City Management to amend the Current 2021 General Fund Budget as detailed below:

#### Revenue Increases

##### Federal Grants

Cares Act	101.000.4528.100	\$ 2,141,030
First Responders	101.000.4528.105	\$ 148,000
CRLGG	101.000.4528.110	\$ 115,785
PSPHPR	101.000.4528.115	\$ 1,588,195

##### Other Grants:

Local	101.000.4590.200	\$ 58,390
		<b>\$ 4,051,400</b>

#### Revenue (Decreases):

Senior Activity	101.000.4651.074	(\$ 208,000)
CC Passes	101.000.4651.075	(\$1,200,000)
CC Swim	101.000.4651.076	(\$ 140,000)
CC Fitness Classes	101.000.4651.077	(\$ 25,000)
CC Programs/Events	101.000.4651.078	(\$ 20,000)
Use and Admin	101.000.4651.080	(\$ 910,000)
CC-Rent Income	101.000.4667.025	(\$ 300,000)
Fines-Court	101.000.4655.010	(\$ 300,000)
Admin Fee	101.000.4447.000	(\$ 400,000)
Non-Business Lic/Permits	101.000.4476.150	(\$ 400,000)
		<b>(\$3,903,000)</b>

<b>Total Amendment to Revenues</b>	<b>\$ 148,400</b>
Expenditures	
City Clerk-Election           101.215.262.7704	\$ 55,000
<b>Total Amendment to Expenditures</b>	<b>\$ 55,000</b>
<b>General Fund-Fund Balance Net Increase</b>	<b>\$ 93,400</b>

Yes: All-7  
No: None

#### **MOTION CARRIED**

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#### **I-6 Standard Purchasing Resolution 5: Approval to Expend Budgeted Funds – Town Center Parking Lot Replacement (*Introduced by: Kurt Bovensiepe, Public Works Director*)**

Resolution #2021-01-014  
Moved by Chamberlain-Creangă  
Seconded by Hodorek

RESOLVED, That Troy City Council hereby **APPROVES** to expend budgeted capital funds to *OHM Advisors, of Livonia, MI*, for the design of the parking lot renovation located on the north side of the Community Center property adjacent to Town Center Drive as presented for a total estimated cost of \$43,000 but not to exceed budgetary limitations.

Yes: All-7  
No: None

#### **MOTION CARRIED**

#### **J. CONSENT AGENDA:**

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##### **J-1a Approval of “J” Items NOT Removed for Discussion**

Resolution #2021-01-015-J-1a  
Moved by Erickson Gault  
Seconded by Hamilton

RESOLVED, That Troy City Council hereby **APPROVES** all items on the Consent Agenda as printed.

Yes: All-7  
No: None

#### **MOTION CARRIED**

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**J-1b Address of “J” Items Removed for Discussion by City Council**

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**J-2 Approval of City Council Minutes**

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Resolution #2021-01-015-J-2

RESOLVED, That Troy City Council hereby **APPROVES** the following Minutes as submitted:

- a) City Council Minutes-Draft – January 11, 2020

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**J-3 Proposed City of Troy Proclamations:**

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Resolution #2021-01-015-J-3

- a) Service Commendation for Fire Chief David Roberts
- b) Proclamation to Thank Randy Norman and Eli of Troy Menswear 50 Years in Business

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**J-4 Standard Purchasing Resolutions:**

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- a) **Standard Purchasing Resolution 2: Award to Low Bidder Meeting Specifications - Tactical Vests**

Resolution #2021-01-015-J-4a

RESOLVED, That Troy City Council hereby **AWARDS** a contract for one (1) year requirements to provide new Tactical Vests for the Police Department, to the low bidder meeting specifications, *On Duty Gear, LLC, of Port Huron, MI*, for an estimated total cost of \$45,050.00 at unit prices contained in the bid tabulation opened January 14, 2021, a copy of which shall be **ATTACHED** to the original Minutes of this meeting, with the contract expiring March 1, 2022.

BE IT FURTHER RESOLVED, That the award is **CONTINGENT** upon the company's submission of properly executed bid and contract documents, including insurance certificates and all other specified requirements.

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**J-5 Standard Purchasing Resolution 5: Approval to Expend Budgeted Funds – Ventilation System Design – Department of Public Works**

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Resolution #2021-01-015-J-5

RESOLVED, That Troy City Council hereby **APPROVES** expending budgeted capital funds to *OHM Advisors of Livonia, MI*, which is one of the City's professional service engineering firms (Resolution #2017-06-105-J-4a), for the design of ventilation system improvements at the Department of Public Works for a total estimated cost of \$36,500.

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**J-6 School Property Tax Collection Authorization – Warren Consolidated Schools**

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Resolution #2021-01-015-J-6

WHEREAS, The City of Troy has collected 100% of the Warren Consolidated School millage levy on the summer tax bill since the 1994/1995 fiscal year; and,

WHEREAS, The Warren Consolidated School District requests that the City of Troy continue to collect 100% of their school millage levy on the summer tax bill;

THEREFORE, BE IT RESOLVED, That Troy City Council **AGREES** to continue to collect 100% of the Warren Consolidated School millage levy on the summer 2021/2022 fiscal year tax bill, and forward, until a change is requested by the Warren Consolidated School District.

BE IT FURTHER RESOLVED, That the Mayor and City Clerk of the City of Troy are **AUTHORIZED** to sign the attached agreement between the City of Troy and the Warren Consolidated School District concerning the collection of taxes on the summer billing.

BE IT FINALLY RESOLVED, That the City Clerk of the City of Troy shall **FORWARD** a certified copy of this Resolution, and a fully executed original agreement to the Warren Consolidated School District.

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#### **J-7 Deficit Elimination Plan – City of Troy Sanctuary Lake Golf Course**

Resolution #2021-01-015-J-7

WHEREAS, City of Troy's Sanctuary Golf Course has a \$7,033 deficit in its current ratio (current assets less current liabilities) on June 30, 2020 due to the unanticipated impact of COVID; and,

WHEREAS, 1971 PA 140, Section 21(2) (MCL 141.921) requires that a Deficit Elimination Plan be formulated by the local unit of government and filed with the Michigan Department of Treasury;

NOW, THEREFORE, BE IT RESOLVED, That Troy City Council hereby **ADOPTS** the following as the City of Troy's Sanctuary Golf Course Fund Deficit Elimination Plan:

CA-CL (Deficit) July 1, 2020	<b>(\$7,033)</b>
Revenues	1,738,800
Expenditures	(1,838,473)
Add back Depreciation	350,000
CA-CL June 30, 2020	243,294
Revenues:	
Charges for Services	1,734,800
Golf Course Rental	4,000
Total Revenues	1,738,800
Expenditures:	
Operating - Indigo Contractual	1,274,505
City Expenditures Bond Interest	209,388
Other	4,580
Depreciation	350,000
Total Expenditures	1,838,473

BE IT FURTHER RESOLVED, That Troy City Council hereby **APPROVES** the transfer of \$1,000,000 from the General Fund to the Sanctuary Lake Golf Course Fund for the fiscal year 2021 to address the deficit, as required by 1971 PA 140. This amount covers the annual bond indebtedness of \$700,000, plus interest and other costs and expenses. The entire \$1,000,000 is expected to be paid back to the General Fund from the Sanctuary Lake Golf Course Fund once the issued bonds for the purchase and development of the golf course are repaid, which is anticipated in 2028. The golf course was built on a landfill and required a \$13 million bond in 2004. This took the place of other remediation costs for the landfill.

BE IT FINALLY RESOLVED, That the City of Troy's Chief Financial Officer **SHALL SUBMIT** the Deficit Elimination Plan to the Michigan Department of Treasury for certification.

---

**J-8 Wendy and Thomas Boike v City of Troy and Troy ZBA**

Resolution #2021-01-015-J-8

RESOLVED, That the City Attorney's Office is hereby **AUTHORIZED** and **DIRECTED** to represent the City of Troy in the matter of *Wendy and Thomas Boike v. City of Troy and City of Troy Zoning Board of Appeals* (Oakland County Circuit Court Case No. 2021-185503 AV).

BE IT FURTHER RESOLVED, That the City Attorney's Office is **AUTHORIZED** to pay necessary costs and expenses to adequately represent the City.

**K. MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:**

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**K-1 Announcement of Public Hearings: None Submitted**

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**K-2 Memorandums (Items submitted to City Council that may require consideration at some future point in time): None Submitted**

**L. PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA:**

**M. CITY COUNCIL/CITY ADMINISTRATION RESPONSE/REPLY TO PUBLIC COMMENT:**

**N. COUNCIL REFERRALS:**

Items Advanced to the City Manager by the Mayor and City Council Members for Placement on the Agenda

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**N-1 No Council Referrals**

**O. REPORTS:**

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**O-1 Minutes – Boards and Committees:**

- a) Employees' Retirement System Board of Trustees-Final – August 12, 2020
  - b) Retiree Healthcare Benefits Plan & Trust Board-Final – August 12, 2020
  - c) Volunteer Firefighters' Incentive Plan & Trust Board of Trustees-Final – August 12, 2020
  - d) Employees' Retirement System Board of Trustees-Final – October 21, 2020
  - e) Building Code Board of Appeals-Final – November 4, 2020
  - f) Planning Commission-Final – November 10, 2020
  - g) Employees' Retirement System Board of Trustees-Final – November 11, 2020
  - h) Building Code Board of Appeals-Final – December 2, 2020
  - i) Planning Commission-Draft – December 8, 2020
  - j) Building Code Board of Appeals-Draft – January 6, 2021
- Noted and Filed

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**O-2 Department Reports:**

- a) Risk Limiting Audit Report – November 3, 2020 General Election
  - b) Resident Engagement and Priority Study
- Noted and Filed

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**O-3 Letters of Appreciation: None Submitted**

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**O-4 Proposed Proclamations/Resolutions from Other Organizations: None Submitted**

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**P. COUNCIL COMMENTS:**

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**P-1 Council Comments**

Council Member Chamberlain-Creangă thanked City Management for the Resident Engagement and Priority Study report. She asked about sending the survey two ways. Assistant City Manager Bruner responded that the survey will be mailed and any participants who do not respond in the first wave will be sent another survey.

Council Member Hodorek commented on the Risk Limiting Audit Report. She said she is impressed with the knowledge of election officials' and their dedication to serve the public in a fair and accurate way.

Council Member Hamilton commented that the Special Meetings for the Code of Ethics and the Downtown Development Authority are next week. He requested that any materials, such as backup materials and presentations be forwarded before the weekend so City Council has time to review before the meetings.

Mayor Baker requested that for the Special Meeting regarding the Code of Ethics, City Council Members come prepared to discuss the topics they wish to discuss and forward specific questions to Administration ahead of the meeting.

Council Member Hamilton said he has done some research on Code of Ethics, and he requested City Administration provide examples, different options, and pros/cons for each option.

Council Member Chamberlain-Creangă commented that Wednesday, January 27<sup>th</sup> is International Holocaust Remembrance Day, and she encouraged residents to take a moment to reflect on the meaning of this day.

Council Member Chamberlain-Creangă commented on small businesses during this time. She asked City Administration who to refer small business owners to for questions and resources available to them. City Manager Miller responded that they should refer small business owners to Glenn Lapin, Economic Development Specialist.

The Meeting **RECESSED** at 8:34 PM.

The Meeting **RECONVENED** at 8:46 PM.

## **Q. CLOSED SESSION**

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### **Q-1 Closed Session**

## **R. ADJOURNMENT:**

The Meeting **ADJOURNED** at 9:47 PM.

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Mayor Ethan Baker

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M. Aileen Dickson, MMC, MiPMC II  
City Clerk

**2021 SCHEDULED SPECIAL CITY COUNCIL MEETINGS:**

February 1, 2021 .....	City Council Code of Ethics
March 23, 2021 .....	Personnel Evaluations
April 19, 2021 .....	Budget Discussions
April 22, 2021 .....	Budget Discussions

**2021 SCHEDULED REGULAR CITY COUNCIL MEETINGS:**

February 8, 2021 .....	Regular Meeting
February 22, 2021 .....	Regular Meeting
March 8, 2021 .....	Regular Meeting
March 22, 2021 .....	Regular Meeting
April 12, 2021 .....	Regular Meeting
April 26, 2021 .....	Regular Meeting
May 10, 2021 .....	Regular Meeting
May 24, 2021 .....	Regular Meeting
June 14, 2021 .....	Regular Meeting
June 28, 2021 .....	Regular Meeting
July 12, 2021 .....	Regular Meeting
July 26, 2021 .....	Regular Meeting
August 9, 2021 .....	Regular Meeting
August 30, 2021 .....	Regular Meeting
September 13, 2021 .....	Regular Meeting
September 27, 2021 .....	Regular Meeting
October 11, 2021 .....	Regular Meeting
October 25, 2021 .....	Regular Meeting
November 8, 2021 .....	Regular Meeting
November 22, 2021 .....	Regular Meeting
December 6, 2021 .....	Regular Meeting
December 13, 2021 .....	Regular Meeting

**A. CALL TO ORDER:**

A Special Meeting of the Troy City Council was held electronically on Monday, February 1, 2021. Mayor Baker called the meeting to order at 6:01 PM.

**B. ROLL CALL:**

- (a) Mayor Ethan Baker
- Edna Abraham
- Mayor Pro Tem Theresa Brooks
- Rebecca Chamberlain-Creangă
- Ann Erickson Gault
- David Hamilton
- Ellen Hodorek

**C. PUBLIC COMMENT:**

Rodger Walters	Commented on his mayoral campaign
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**D. BUSINESS STATED IN THE SPECIAL MEETING NOTICE:****D-1 City Council Ethics Study Session**

City Attorney Bluhm presented the topic and provided discussion points.

Council Member Hamilton asked how to determine if gifts received by a member of City Council would become “corrupt intent”, and warrant removal from office. City Attorney Bluhm commented that perhaps a judge in a criminal case, or a decision after an investigation, would make that determination. She said that in some instances, an ordinance would have a specific dollar amount. She said it is difficult to write a code of ethics that would not have any ambiguity in it, and it’s very difficult to prevent someone from finding a way to circumvent the rules.

Council Member Chamberlain-Creangă asked if the goal is to meet the recommendation of Plante & Moran. City Attorney Bluhm commented that it is up to City Council to decide what they’d like to do, and to review the Code of Ethics annually.

City Manager Miller commented that he is having a meeting tomorrow with Asst. City Manager Bruner to discuss the Plante & Moran review. He said that many City departments have their own set of ethics and rules, for example the Police Department.

Council Member Hodorek emphasized having ethics training on an annual basis to help prevent encountering any gray areas. She encouraged City Council to be proactive on establishing and revisiting ethics training for current and future City Council Members.

Mayor Baker asked City Manager Miller and City Attorney Bluhm what ethics training they and other City Administration have received. City Attorney commented on her ethics training background. City Manager Miller commented on his ethics training background. City Attorney

Bluhm also commented that many professional organizations have their own code of ethics and City employees are required to sign off on the City Handbook, Ad Memos, and Code of Conduct. Mayor Baker commented that he would like to make ethics training a standard process going forward.

Mayor Baker asked about Ad Memos being available to City Council. City Attorney Bluhm raised concerns with some Ad Memos being available to the public; however, she said the Whistleblower and Discrimination Policy could be available on the website. City Manager Miller said the Ad Memos are electronic and available on the City's internal internet.

Council Member Hodorek reaffirmed that City Council is responsible for setting policy, and she commented on the importance of following the same code. She asked about the controller's role, professional training, and financial oversight. City Manager Miller commented that he can prepare a report for City Council. City Attorney Bluhm commented that Troy's finances are transparent and available on the Open Troy webpage on the City website.

Council Member Erickson Gault asked if there are any provisions in place for a member of the public to file an ethical violation against City Council that would be investigated, and how would the public know how to lodge a complaint. City Attorney Bluhm responded that the Ad Memos apply to Council Members and City employees and there is a Citizens Complaint/Inquiry portal on the City website where the public can lodge a complaint. Council Member Erickson Gault asked if there is a benefit for having an independent board where someone can file a confidential complaint. City Attorney Bluhm commented on some feedback from other communities that have boards of ethics.

Council Member Abraham asked what powers would a board of ethics have to investigate complaints. City Attorney Bluhm responded that the investigative powers depend on who the complaint is made against, whether it is an appointed or elected official or an employee.

Council Member Brooks commented that she was originally looking for more consequences for ethics violations and she was frustrated to learn the options are limited. She suggests focusing on being more proactive rather than reactive with the ethics policy.

Council Member Abraham commented that there are good protections in place for ethics violations by employees, but more is needed for violations by elected officials. She said one option available for a violation by an elected official is censure, and she asked what it entails and means for highlighting the ethics violation. City Attorney Bluhm said they would need to publicly detail the misconduct before censuring the individual, or if the actions warranted, direct that it be referred for criminal investigation.

The Meeting **RECESSED** at 7:18 PM.

The Meeting **RECONVENED** at 7:23 PM.

City Attorney Bluhm introduced the discussion point of continuing the separation of ethics provisions for employees and elected officials.

Mayor Baker asked the benefit for discontinuing the separation for employees and elected officials. City Attorney Bluhm said it would still be remanded to the City Manager for the administrative process for employees. City Manager Miller said Troy operates a Council-Manager form of government and other Strong Mayor form of governments have ethical boards because there is an added political dimension.

Council Member Erickson Gault said she is hesitant to have City Council micromanage how the City Manager and Department Heads conduct the business of the City. She said City Council's main role is to set policy, and it is the responsibility of the City Manager, City Attorney, and Department Heads to conduct business within their realm. She raised concerns about having one blanket code of ethics policy in that there are different ethical situations for elected officials versus employees.

Council Abraham agreed that the roles are different and that employees and elected officials should be separated. She mentioned that different departments, such as police and finance, may have different training requirements and should be held annually at a minimum.

Council Member Chamberlain-Creangă commented that the organizational chart determines who City Council and employees are held accountable to and they are different, so it makes sense to keep them separate.

Mayor Baker summed up City Council comments and said they do not think a blanket policy is necessary, but training across the board is a good idea.

City Attorney Bluhm discussed the next discussion point and options for ethics training and asked if there is a need for a separate ethics ordinance.

Council Member Erickson Gault said she believes so. She said it is important to have one central location that covers ethics, such as an ordinance, that would be more difficult for future City Council Members to amend.

Council Member Hamilton agreed about having a comprehensive ordinance, but he also believes there is a role of having something in the City Charter allowing for more longevity.

Council Member Hodorek agreed with Council Member Erickson Gault with having one central location for ethics. She recommends having annual ethics training.

Mayor Baker asked City Attorney Bluhm the timeframe for amending current Code of Ethics versus drafting a new ordinance. City Attorney Bluhm responded with the timeframes. She also commented that there are State Law provisions that prohibit amending some of the critical elements of a code of ethics or conduct.

Council Member Chamberlain-Creangă commented that she supports having an ethics ordinance. She asked about the time and resources for initiating a Charter amendment. City Attorney Bluhm said there is a lot of work involved and some financial expenses for a proposed Charter amendment.

Council member Abraham said she would like to get some changes established or modified sooner than later. She recommends modifying the current code of ethics as a start and then continue discussions on whether to establish an ordinance or amend the City Charter. She

asked City Attorney Bluhm on the timeline to amend or draft an ordinance. City Attorney Bluhm responded that it is difficult to determine a timeframe due to limitations on staffing and current workloads.

Mayor Pro Tem Brooks supports having an ethics ordinance and would like to think further on a Charter amendment.

Mayor Baker supports a comprehensive ethics ordinance and agrees with required annual training, and he supports making changes in stages. He said from a policy standpoint, an ethics ordinance should be high priority.

Council Member Hodorek said the Code of Ethics is on the City Council webpage, and she recommends adding the background materials for this meeting to the webpage.

City Attorney Bluhm introduced the next discussion point on establishing an Ethics Board.

Council Member Chamberlain-Creangă commented that she would like more information on an Ethics Board. She commented that she would like a mechanism in place to hold City Council and their direct reports accountable. She said she would like to know more background on other communities and why they have Ethics Boards.

Council Member Hamilton commented on finding out why some of the surrounding communities' Ethics Boards are not very active. City Attorney Bluhm commented that the ICMA survey results indicated that a low percentage of communities have an Ethics Board. Assistance City Manager Bruner commented that it is less important to have a Board of Ethics and more important that there is a clear process for reporting issues. He commented that people feel censure is unfulfilling, but it does send the message that ethical behavior is important to the organization and will not go unchecked.

Mayor Pro Tem Brooks commented that she originally thought an Ethics Board was a great idea, but has since decided that having a process is most important.

Council Member Erickson Gault questioned if it would be best to establish an ordinance and spend more time discussing the option of an Ethics Board. She said she also agrees with making the changes in steps by starting with amending the Code of Ethics.

Council Member Abraham said she was originally intrigued by an Ethics Board. She said she has questions and expressed concerns with creating an Ethics Board.

Council Member Hodorek commented it is worth exploring, but she is not sure the City needs an Ethics Board.

Mayor Baker commented that City Council is in support of establishing an ethics ordinance. He also said that there are processes currently in place and noted that the City had a successful recall election not too long ago.

City Attorney Bluhm introduced the next discussion point on the Code of Ethics and Rules of Procedure.

Mayor Baker asked about requiring training and if it could be incorporated in the Code of Ethics or Rules of Procedure. City Attorney Bluhm commented that it can be in both, and she also commented that the Rules of Procedure can be waived.

Council Member Erickson Gault commented that there is consensus for adding a training element and where should it be incorporated. City Attorney Bluhm responded that it could be in the Code of Ethics or Rules of Procedure, or both. She said that an element of ethics training for employees can be added to Chapter 4 of the Code of Ordinances.

City Council reviewed the Council Code of Ethics.

Mayor Baker questioned de minimis gifts, specifically referencing only food and beverage. City Manager Miller provided an example where a local business sent him a package of candy, coffee and sauces, and he commented that he makes it available to and shares it with line staff. City Attorney Bluhm commented that the ethics can be clarified and tweaked.

Council Member Hodorek commented on the ICMA Code of Ethics, the reason why it was added to the Council Code of Ethics, and the importance of reviewing it annually.

Council Member Abraham commented on de minimis gifts and if it is possible to deter business owners from offering gifts to elected officials or employees. Mayor Baker provided an example where a business owner offered gift cards, and it was suggested that they donate it to a non-profit organization.

Mayor Baker asked if there are any thoughts on adding language in the Code of Ethics regarding de minimis gifts. Assistant City Manager Bruner commented that having a specific gift policy or monetary gift threshold in place will help. City Manager Miller commented that some restaurants will invite elected officials and City Staff to a trial run dinner prior to their grand opening. He welcomed City Council's input and guidance for those situations.

Council Member Hodorek commented that there is a difference between partnering with a business by providing bodies to help train staff, etc., to help them during their startup versus businesses giving away gifts.

Council Member Erickson Gault said de minimis gifts should be incorporated into ethics training to cover the gray areas.

Council Member Hodorek commented on the importance from an economic development relationship standpoint that elected officials support new businesses during their startup. She said it is not a situation where the business is receiving something from the City in return. She said Council Members can go to the City Manager, City Attorney, and Assistant City Manager to talk through any ethical issues.

Council Member Chamberlain-Creangă asked about duty of impartiality as elected officials and does it exist in the current Code of Ethics. City Attorney Bluhm responded that one component in the Code of Ethics is to treat all people fairly and with dignity and respect. She said it is helpful to have this discussion and convey to the public that ethics is high on City Council's list of priorities.

City Manager Miller commented on his ethical obligations as a City Planner. He said they are exploring citizen engagement and equity and inclusion and that may feed into the Code of Ethics. He asked Assistant City Manager Bruner to provide more information. Assistant City Manager Bruner commented that they reached out to Gov HR to provide a proposal to look at the goals and best practices for public engagement and equity and inclusion and provide recommendations on how to proceed with the items discussed back in November. City Manager Miller commented that from a professional standpoint, doing this achieves part of their ethical obligations.

Council Member Hodorek commented if a bullet point in the Code of Ethics hits on the point that Council Member Chamberlain-Creangă mentioned. Council Member Chamberlain-Creangă commented that there are hints in the current language, but she recommends addressing impartiality since it is a fiduciary responsibility.

Mayor Baker asked for consensus from City Council to have City Attorney Bluhm add some language addressing impartiality. There was consensus of City Council.

Mayor Baker asked if it is possible to include the Council Code of Ethics in the City Council Agenda for each meeting.

Council Member Hamilton commented to have City Council and City Staff consider adding provisions to the City Charter since has more long-term effect.

Mayor Baker commented that City Council discussed issues and potential amendments to the Charter back in 2019. He said a lot has changed since then and City Council will need to revisit that discussion.

Council Member Hamilton also noted the importance for being very careful with changes to the City Charter.

City Attorney Bluhm consolidated the discussion from tonight's meeting and highlighted some of the proposed revisions to the current Code of Ethics, adding language regarding ethics training into the Code of Ethics and/or Rules of Procedure, eventually create an ethics ordinance for Council Members and appointed officials, and add training information to the employee Code of Conduct. She added about a possible Charter amendment if City Council provides direction.

Council Member Erickson Gault said she is grateful to serve on a Council that prioritizes ethics.

Mayor Baker expressed his appreciation for having a City Manager, Assistant City Manager, and City Attorney that values ethics.

Mayor Baker reminded everyone of the February 3, 2021 Special Joint City Council and Downtown Development Authority Meeting.

## **E. OTHER BUSINESS:**

**F. ADJOURNMENT:**

The Meeting **ADJOURNED** at 9:09 PM.

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Mayor Ethan Baker

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M. Aileen Dickson, MMC, MiPMC II  
City Clerk

**2021 SCHEDULED SPECIAL CITY COUNCIL MEETINGS:**

February 3, 2021 .....Joint Meeting with Downtown Development Authority  
March 10, 2021 ..... Joint Meeting with Global Troy Advisory Committee  
March 23, 2021 ..... Personnel Evaluations  
April 19, 2021 .....Budget Discussions  
April 22, 2021 .....Budget Discussions

**2021 SCHEDULED REGULAR CITY COUNCIL MEETINGS:**

February 8, 2021 ..... Regular Meeting  
February 22, 2021 ..... Regular Meeting  
March 8, 2021 ..... Regular Meeting  
March 22, 2021 ..... Regular Meeting  
April 12, 2021 ..... Regular Meeting  
April 26, 2021 ..... Regular Meeting  
May 10, 2021..... Regular Meeting  
May 24, 2021..... Regular Meeting  
June 14, 2021 ..... Regular Meeting  
June 28, 2021 ..... Regular Meeting  
July 12, 2021 ..... Regular Meeting  
July 26, 2021 ..... Regular Meeting  
August 9, 2021 ..... Regular Meeting  
August 30, 2021 ..... Regular Meeting  
September 13, 2021 ..... Regular Meeting  
September 27, 2021 ..... Regular Meeting  
October 11, 2021..... Regular Meeting  
October 25, 2021..... Regular Meeting  
November 8, 2021 ..... Regular Meeting  
November 22, 2021 ..... Regular Meeting  
December 6, 2021 ..... Regular Meeting  
December 13, 2021 ..... Regular Meeting

## **SERVICE COMMENDATION RECREATION DIRECTOR ELAINE BO**

**WHEREAS, Elaine Bo** began her employment with the City of Troy on January 6, 1992 as a Recreation Supervisor with Troy's Parks and Recreation Department. Prior to Troy, Elaine worked as a Playground Supervisor with Woodhaven Parks and Recreation, Recreation Coordinator for the Downtown Recreation Commission in Algonac, and Youth Coordinator for West Bloomfield Parks and Recreation; and

**WHEREAS,** As a Troy Recreation Supervisor **Elaine** organized and administered enrichment classes, special events, summer day camps, babysitting service, ski program, year-round preschool, tennis and dance programs. She was responsible for a program budget of \$750,000; preparing and maintaining records, reports, and promotional materials; and hiring, training and supervising 45 part-time/seasonal employees and up to 100 volunteers; and

**WHEREAS,** In 2000 through 2011, **Elaine** also worked as a Building Supervisor for the Community Center, supervising the full-time custodial and front desk staff, processing permits, and handling patron concerns in addition to her programming responsibilities. She was one of the Recreation Team members for the design and construction of the 130,000 square foot Community Center; and

**WHEREAS,** In 2002, **Elaine** became responsible for designing the quarterly Recreation Department magazine and marketing the department. In 2011, **Elaine** took on the responsibility for organizing, administering, and marketing all fitness programs, personal trainers, massage therapists, and fitness center pass sales; and

**WHEREAS,** On December 21, 2013, **Elaine** became the City of Troy's Recreation Director working tirelessly with her staff to provide outstanding recreation programs, classes, events, and services to the Troy community. Some of **Elaine's** major accomplishments include securing the DMC agreement in 2017 to provide a clinic within TCC; securing long term contracts with Troy Racquet Club, Indigo Golf and Troy Nature Society; successfully launching the Dog Park memberships, coordinated with IT, DPW and Finance Departments; and meeting budget expectations every year with the exception of COVID in 2020; and

**WHEREAS, Elaine** received her Bachelor of Arts degree in Parks and Recreation Administration with a concentration in Community Recreation from Central Michigan University. During her career **Elaine** served as a member of the Michigan Recreation and Parks Association for many years, and served as Board Member from 1998-2000; and

**WHEREAS, Elaine** retired from the City of Troy on March 5, 2021 after 29 years of dedicated service and the utmost respect from the Troy employees, Community Center patrons, and countless members of the Michigan Recreation and Parks Association; and

**WHEREAS, Elaine** will now enjoy more time with her husband **Keith** (married 31 years on November 11), daughter **Sarah** and son **Greg**; as well as traveling, spending time up north on the water, finishing scrapbooking projects, and long walks with Tucker, their golden retriever;

**NOW, THEREFORE, BE IT KNOWN,** That the Mayor and City Council of the City of Troy take this opportunity to express their appreciation to **Recreation Director Elaine Bo** for her professionalism and her many contributions to the Troy Recreation Department for the betterment of the community; and

**BE IT FURTHER KNOWN,** That the Mayor and City Council of the City of Troy, City Management, and the citizens of the City of Troy, extends wishes of prosperity, good health and happiness to **Elaine** during her well-deserved retirement years.

**Presented the 22<sup>nd</sup> day of February 2021.**



500 West Big Beaver  
Troy, MI 48084  
troymi.gov

J-04a

## CITY COUNCIL AGENDA ITEM

Date: February 1, 2021

To: Mark F. Miller, City Manager

From: Robert J. Bruner, Assistant City Manager  
Rob Maleszyk, Chief Financial Officer  
Lisa Burnham, Controller  
Elaine Bo, Recreation Director  
Kurt Bovensiep, Public Works Director  
Dennis Trantham, Facilities and Grounds Operations Manager  
Emily Frontera, Purchasing Manager

Subject: Standard Purchasing Resolution 4: US Communities/OMNIA Cooperative and  
Standard Purchasing Resolution 5: Approval to Expend Budgeted Funds – Troy Family  
Aquatic Center Deck Lighting Upgrade

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### History

- Over the past several years, the Facilities Division of the Department of Public Works has replaced and retrofitted many lighting fixtures throughout the City of Troy facilities.
- The original deck lighting at the Troy Family Aquatic Center, High-Intensity Discharge (HID) Flood Lights, have reached the end of their useful lives requiring numerous costly repairs, many of which have been failing over the past several years and are becoming extremely unreliable.
- The deck lights are used for evening rentals and special events as well as some swim lessons.
- Existing HID fixtures will be replaced with energy efficient LED fixtures.
- Installation will be performed by the street lighting contractor Harlan Electric Company.

### Purchasing

- Pricing for the Troy Family Aquatic Center LED Deck Lighting upgrade materials has been secured from *Graybar of Belleville, MI* through the US Communities/OMNIA Purchasing Cooperative Contract #EV-2370.
- City Council authorized participation in the Cooperative Purchasing Programs on November 9, 2020 (Resolution #2020-11-165-J-8).
- Pricing for the installation for the lighting upgrade has been secured from the City's street lighting contractor *Harlan Electric Company of Rochester Hills, MI* approved by City Council on December 7, 2020 (Resolution #2020-12-174-J-4a).

### Financial

Funds are budgeted and available in the Aquatic Center Capital Fund under Project Number 2021C0125 for the 2021 fiscal year. Expenditures will be charged to account number 587.789.7978.010.



500 West Big Beaver  
Troy, MI 48084  
troymi.gov

## CITY COUNCIL AGENDA ITEM

### **Recommendation**

City Management recommends awarding a contract to *Graybar* of *Belleville, MI* for the Troy Family Aquatic Center Deck Lighting Upgrade as detailed in the attached proposal for an estimated cost of \$35,090.89 as per the US Communities/OMNIA Purchasing Cooperative Contract #EV-2370 and to grant authority to expend budgeted capital funds for installation to *Harlan Electric Company* of *Rochester Hills, MI* at an estimated cost of \$18,000 for an estimated total cost of \$53,090.89 with a 10% contingency not to exceed budgetary limitations.



8350 HAGGERTY RD  
BELLEVILLE MI 48111-1667  
Phone: 734-252-8212  
Fax: 734-957-5501

To: CITY OF TROY-ELE  
500 W BIG BEAVER  
TROY MI 48084  
Attn: Dennis Trantham  
Phone: 248-524-1305  
Fax: 248-526-2656  
Email: david.dobosz@graybar.com

Date: 01/14/2021  
Proj Name:  
GB Quote #: 0237033199  
Release Nbr:  
Purchase Order Nbr: 20700699000OB  
Additional Ref#  
Valid From: 01/14/2021  
Valid To: 02/13/2021  
Contact: DAVID DOBOSZ  
Email: david.dobosz@graybar.com

## Proposal

We Appreciate Your Request and Take Pleasure in Responding As Follows

**Notes: PRICING IS IN COMPLIANCE WITH  
U.S. COMMUNITIES CONTRACT # EV-2370**

Item	Item/Type	Quantity	Supplier	Catalog Nbr	Description	Price	Unit	Ext.Price
100		10 EA	CREE LIGHTING	OSQ-A-NM-WSN- U-40K-UL-BZ		\$928.57	1	\$9,285.70
***Item Note:***		OSQ Area - No Mount Wide Sign 26000lm/215W 4000K 70CRI 120-277V Bronze						
200		10 EA	CREE LIGHTING	OSQ-B-AABZ		\$51.95	1	\$519.50
***Item Note:***		OSQ ADJ ARM MT ADAPTER BZ						
300		5 EA	CREE LIGHTING	PB-2R3.00BZ		\$285.71	1	\$1,428.55
***Item Note:***		CREE Twin for 3" Round Pole, 180 deg. (fits 2.57" [2 27/64"] to 3.00" [3"] pole tops)						
400		16 EA	CREE LIGHTING	OSQ-A-NM-WSN- U-40K-UL-BZ		\$928.57	1	\$14,857.12
***Item Note:***		OSQ Area - No Mount Wide Sign 26000lm/215W 4000K 70CRI 120-277V Bronze						
500		16 EA	CREE LIGHTING	OSQ-B-AABZ		\$51.95	1	\$831.20
***Item Note:***		OSQ ADJ ARM MT ADAPTER BZ						
600		4 EA	CREE LIGHTING	PB-4R3.0(90)BZ		\$415.58	1	\$1,662.32
***Item Note:***		CREE 90° Quad for 3" Round Pole (fits 2.57" [2 27/64"] to 3.00" [3"] pole tops)						

This equipment and associated installation charges may be financed for a low monthly payment through Graybar Financial Services (subject to credit approval). For more information call 1-800-241-7408 to speak with a leasing specialist.

To learn more about Graybar, visit our website at [www.graybar.com](http://www.graybar.com)

24-Hour Emergency Phone#: 1-800-GRAYBAR

This Graybar quote is based on the terms of sale in the EV2370 Master Agreement which can be found by clicking the link found at  
[https://www.omniapartners.com/hubfs/PUBLIC%20SECTOR/Supplier%20Information/Graybar/EV2370\\_Graybar\\_MAD\\_2017\\_12\\_20.pdf](https://www.omniapartners.com/hubfs/PUBLIC%20SECTOR/Supplier%20Information/Graybar/EV2370_Graybar_MAD_2017_12_20.pdf)

To: CITY OF TROY-ELE  
500 W BIG BEAVER  
TROY MI 48084  
Attn: Dennis Trantham

Date: 01/14/2021  
Proj Name:  
GB Quote #: 0237033199

## Proposal

We Appreciate Your Request and Take Pleasure in Responding As Follows

700	6 EA CREE LIGHTING OSQ-A-NM-WSN- U-40K-UL-BZ	\$928.57	1	\$5,571.42
***Item Note:***	OSQ Area - No Mount Wide Sign 26000lm/215W 4000K 70CRI 120-277V Bronze			
800	6 EA CREE LIGHTING OSQ-B-AABZ	\$51.95	1	\$311.70
***Item Note:***	OSQ ADJ ARM MT ADAPTER BZ (GEN B)			
900	2 EA CREE LIGHTING PB-3R3.00BZ	\$311.69	1	\$623.38
***Item Note:***	CREE Triple for 3" Round Pole (fits 2.57" [2 27/64"] to 3.00" [3"] pole tops)			

Total in USD (Tax not included): \$35,090.89

This equipment and associated installation charges may be financed for a low monthly payment through Graybar Financial Services (subject to credit approval). For more information call 1-800-241-7408 to speak with a leasing specialist.

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24-Hour Emergency Phone#: 1-800-GRAYBAR

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To: CITY OF TROY-ELE  
500 W BIG BEAVER  
TROY MI 48084  
Attn: Dennis Trantham

Date: 01/14/2021  
**Proj Name:**  
**GB Quote #:** 0237033199

## Proposal

We Appreciate Your Request and Take Pleasure in Responding As Follows

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**Signed:**\_\_\_\_\_

This equipment and associated installation charges may be financed for a low monthly payment through Graybar Financial Services (subject to credit approval). For more information call 1-800-241-7408 to speak with a leasing specialist.

**To learn more about Graybar, visit our website at [www.graybar.com](http://www.graybar.com)**

**24-Hour Emergency Phone#: 1-800-GRAYBAR**

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This Graybar quote is based on the terms of sale in the EV2370 Master Agreement which can be found by clicking the link found at [https://www.omniapartners.com/hubfs/PUBLIC%20SECTOR/Supplier%20Information/Graybar/EV2370\\_Graybar\\_MAD\\_2017\\_12\\_20.pdf](https://www.omniapartners.com/hubfs/PUBLIC%20SECTOR/Supplier%20Information/Graybar/EV2370_Graybar_MAD_2017_12_20.pdf)

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500 West Big Beaver  
Troy, MI 48084  
troymi.gov

## CITY COUNCIL AGENDA ITEM

Date: February 1, 2021

To: Mark F. Miller, City Manager

From: Robert Bruner, Assistant City Manager  
Robert C. Maleszyk, Chief Financial Officer  
Lisa Burnham, Controller  
Kurt Bovensiepe, Public Works Director  
William J. Huotari, City Engineer

Subject: Standard Purchasing Resolution #1: Award to Low Bidder  
Contract 20-05 – Axtell/Maxwell/Stutz Water Main Replacement

### **History**

The cast iron water mains on Axtell, Maxwell and Stutz streets, located west of Crooks and north of Maple, are over 45 years old and have exceeded their service life. This project will replace and upsize these mains to meet current size and fire flow standards while eliminating costly main breaks that are common with older water mains. Work will include replacing the existing 8" water mains on the above noted streets with 12" water main. The work is anticipated to start in March and be completed in July.

Engineering consultant Anderson Eckstein & Westrick (AEW) prepared bid documents and construction plans for this project. AEW also confirmed the bid tabulation, reviewed the contractor's work experience, and has provided the attached recommendation. City staff agrees with the recommendation to award the project to the second bidder DiPonio Contracting, Inc.

### **Purchasing**

Bids were received and publicly read on January 27, 2021. The recommended bid of \$877,535.00 was submitted by Diponio Contracting, Inc., 51251 Simone Industrial Dr., Shelby Twp., MI 48316 as shown on the attached bid tab.

Work was competitively bid and publicly opened with eight (8) bidders responding. The award is contingent upon submission of proper contract and bid documents, including bonds, insurance certificates and all specified requirements.

### **Financial**

Funds for this work are included in the 2020/2021 Water Fund. The budgeted amount includes funds for construction, inspection, testing, and contingencies.

### **Recommendation**

It is recommended that City Council award the Axtell/Maxwell/Stutz Water Main Replacement contract to Diponio Contracting, Inc., 51251 Simone Industrial Dr., Shelby Twp., MI 4816, for their bid amount of \$877,535.00.



500 West Big Beaver  
Troy, MI 48084  
troymi.gov

## **CITY COUNCIL AGENDA ITEM**

In addition, we are requesting authorization to approve additional work, if needed, not to exceed 15% of the original project cost due to unknown conflicts with existing underground utilities and underground conditions that may arise during construction.

A copy of the bid tab and recommendation shall be attached to the original Minutes of this meeting.

SF\G:\Contracts\Contracts - 2020\20-05 - Maxwell-Stutz Water Main Replacement\Bid Award.docx



**ANDERSON, ECKSTEIN & WESTRICK, INC.**

**CIVIL ENGINEERS - SURVEYORS - ARCHITECTS**

51301 Schoenherr Road, Shelby Township, MI 48315  
586.726.1234 | [www.aewinc.com](http://www.aewinc.com)

January 28, 2021

William J. Huotari  
City Engineer  
City of Troy  
500 W. Big Beaver  
Troy, Michigan 48084

**Reference: Recommendation of Award**

Fiscal Year 2021 Water Mains – Axtell/Maxwell/Stutz  
AEW Project No. 0238-0011

Dear Mr. Huotari:

Anderson, Eckstein and Westrick, Inc. (AEW) prepared plans and specifications for the Fiscal Year 2021 Water Mains – Axtell/Maxwell/Stutz project. This project consists of replacing existing water main along Maxwell drive, Stutz drive and nearby easements. The subgrade material includes debris material, complicating the excavation and subgrade operations.

The City of Troy received bids for this project on Wednesday, January 27, 2021. Eight bids were received and the low bidder was HMC, LLC, with a total bid amount of \$799,760.50. HMC's bid was 9% less than the next bidder or approximately \$78,000 less and 18% less than the engineer's estimate or approximately \$173,000 less. AEW has limited experience with HMC; and we have concern that they may be missing costs in their bid price.

Review of HMC's previous work shows that they have limited experience in the installation of water main. A former water main replacement project along Maxwell and Stutz was terminated with the last contractor due to project complications and contractor inexperience. Therefore, it is crucial that the contractor selected for this project is experienced in similar work.

The next closest bidder was DiPonio Contracting, Inc., with a total bid amount of \$877,535.00. AEW has worked with DiPonio Contracting in the past and they are qualified to conduct the work included in this project.



William J. Huotari  
January 28, 2021  
Page 2

Therefore, based upon past experience working with DiPonio Contracting, Inc., the available funding and the necessity of completing this project, we recommend that the City of Troy contract with DiPonio Contracting, Inc., 51251 Simone Industrial Dr, Shelby Twp, MI 48316, for the above referenced project with a total bid amount of \$877,535.00.

Sincerely,

Taylor Sting, PE  
Licensed Engineer

Enclosure: Bid Tabulation

cc: G. Scott Finlay, PE  
Kyle Seidel, PE, CFM

M:\0238\0238-0011\Gen\Letters\Recommendation of Award.docx



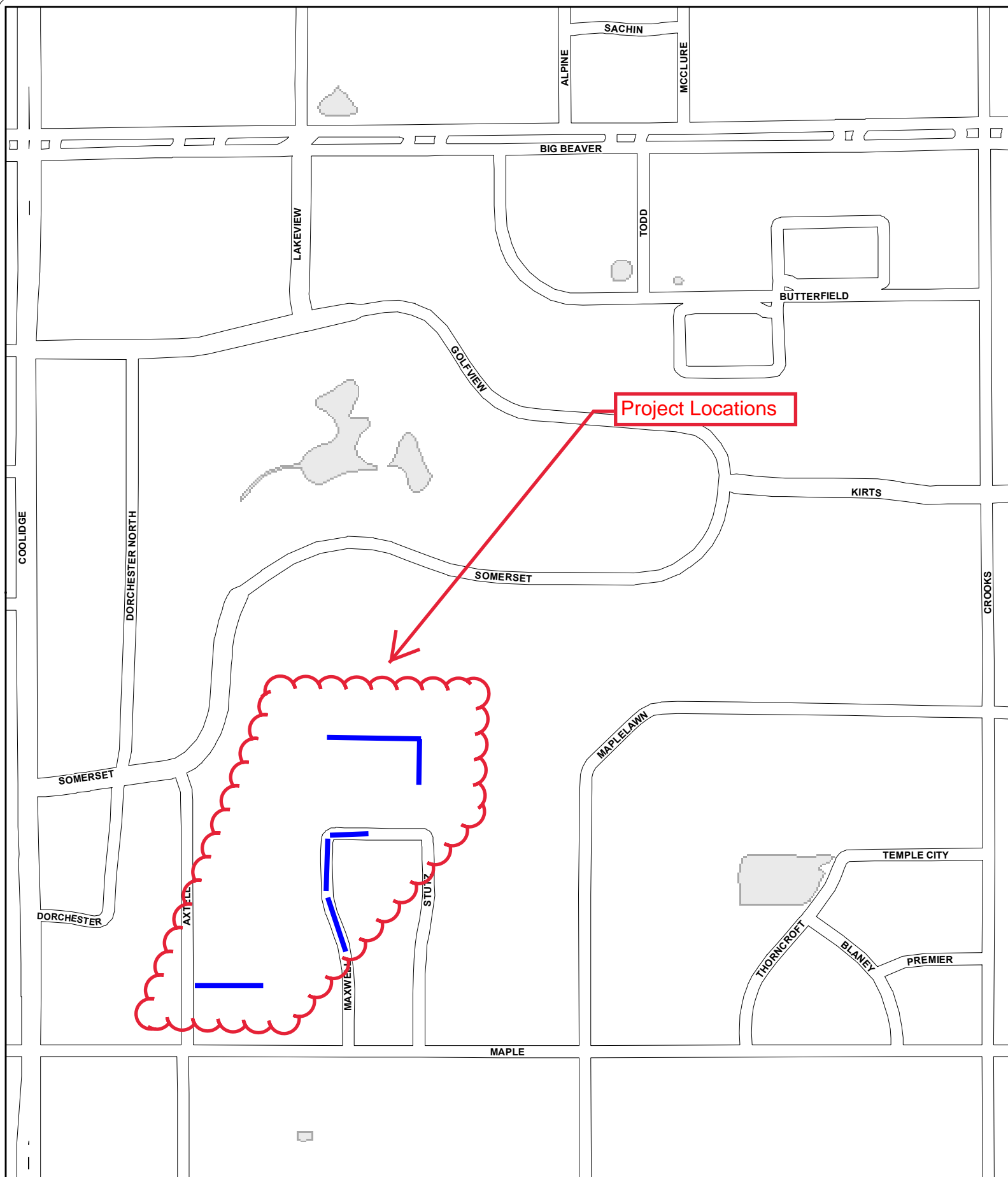
**TABULATION OF BIDS**  
FISCAL YEAR 2021  
WATER MAINS AXTELL/MAXWELL/STUTZ  
CITY OF TROY CONTRACT # 20-05  
AEW PROJECT NO. 0238-0011

DATE: 1/27/2021  
TIME: 10:00 AM

Prepared by: Anderson, Eckstein and Westrick, Inc.  
51301 Schoenherr Road  
Shelby Township, MI 48315

**VENDOR RANKING**

<i>RANK</i>	<i>VENDOR NAME</i>		<i>TOTAL BID</i>
1	HMC, LLC	\$	799,760.50
2	DiPonio Contracting, Inc.	\$	877,535.00
3	Superior Excavating, Inc.	\$	916,870.00
4	Pamar Enterprises, Inc.	\$	935,504.00
5	F.D.M. Contracting, Inc.	\$	967,711.00
6	Bricco Excavating Company, LLC	\$	988,351.00
7	C & P Construction Co. Inc.	\$	992,442.50
8	Springline Excavating, LLC	\$	999,450.50





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J-05

## CITY COUNCIL AGENDA ITEM

Date: February 3, 2021

To: Mark F. Miller, City Manager

From: Robert Bruner, Assistant City Manager  
Robert C. Maleszyk, Chief Financial Officer

Subject: City of Troy Investment Policy and Establishment of Investment Accounts

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### **History**

The current investment policy was initially approved in February, 2020. The current policy has served us well and is in compliance with Act 20 PA 1943, as amended.

### **Financial**

We would also like to update our resolution authorizing the establishment of investment accounts at the following institutions: Comerica; Bank of America; Citizen's Bank; Independent Bank; Level One Bank; Fifth Third Bancorp; Flagstar Bank; Huntington Bancshares; JP Morgan Chase & Co.; Robinson Capital; Michigan Class-MBIA; Bank of NY Mellon; Morgan Stanley Smith Barney; PNC Financial Services; and TCF National Bank.

This policy is established in order to provide for the safety and diversification of investment accounts.

### **Legal Considerations**

The investment policy is in compliance with Act 20 PA 1943, as amended.

### **Recommendation**

It is recommended that City Council approve the attached investment policy and listing of approved investment institutions.

**CITY OF TROY INVESTMENT POLICY**  
To Comply with Act 20 PA 1943, as amended

**Purpose:** It is the policy of the City of Troy to invest its funds in a manner which will provide a high level of security of principal while meeting the daily cash flow needs of the City and providing a reasonable rate of return along with compliance with all State statutes.

**Scope:** This investment policy applies to all financial assets of the City. These assets are accounted for in the various funds of the City and include the general fund, special revenue funds, debt service funds, and capital project funds (unless bond ordinances and resolutions are more restrictive), enterprise funds, internal service funds, trust and agency funds, and any new fund established by the City.

**Objectives:** The primary objectives, in priority order, of the City's investment activities shall be:

Safety – Safety of principal is the foremost objective of the investment program. Investments shall be undertaken in a manner that seeks to insure the preservation of capital in the overall portfolio.

Diversification – The investments will be diversified by security type and institution in order that potential losses on individual securities do not exceed the income generated from the remainder of the portfolio.

Liquidity – The investment portfolio shall remain sufficiently liquid to meet all operating requirements that may be reasonably anticipated.

Return on Investment – The investment portfolio shall be designed with the objective of obtaining a rate of return throughout the budgetary and economic cycles, taking into account the investment risk constraints and the cash flow characteristics of the portfolio.

**Delegation of Authority to Make Investments:** Authority to manage the investment program is derived from the following: City of Troy City Council's most current resolution establishing investment accounts (2020-02-040-J-5). Management responsibility for the investment program is hereby delegated to the Chief Financial Officer who shall establish written procedures and internal controls for the operation of the investment program consistent with this investment policy. Procedures should include references to safekeeping, cash purchase or delivery vs. payment, investment accounting, repurchase agreements, wire transfer agreements, collateral/depository agreements and banking service contracts. No person may

engage in an investment transaction except as provided under the terms of this policy and the procedures established by the Chief Financial Officer. The Chief Financial Officer shall be responsible for all transactions undertaken and shall establish a system of controls. The Investment Policy shall be reviewed and approved by the City Council annually.

**List of Authorized Investments:** The Chief Financial Officer is limited to investments authorized by Act 20 of 1943, as amended, and may invest in the following:

- (a) Bonds, securities, and other obligations of the United States or an agency or instrumentality of the United States.
- (b) Certificates of deposit, savings accounts, deposit accounts, or depository of a financial institution. Authorized depositories shall be designated by the City of Troy City Council.
- (c) Commercial paper rated at the time of purchase with the highest classifications established by not less than two standard rating services and that matures not more than 270 days after the date of purchase.
- (d) Repurchase agreements consisting of instruments listed in (a).
- (e) Bankers' acceptances of United States banks.
- (f) Obligations of this state or any of its political subdivisions that at the time of purchase are rated investment grade by not less than one standard rating service.
- (g) Investment pools through an interlocal agreement under the urban cooperation act of 1967, 1987 (Ex Sess) PA 7, MCL 124.501 to 124.512
- (h) Investment pools organized under the surplus funds investment pool act, 1982 PA 367, 129.111 to 129.118.
- (i) The investment pools organized under the local government investment pool act, 1986 PA 121, MCL 129.141 to 129.150.

**Safekeeping and Custody:** All security transactions, including collateral for repurchase agreements and financial institution deposits, entered into by the Chief Financial Officer may be on a cash basis or a delivery vs. payment basis as determined by the Chief Financial Officer. Securities may be held by a third party custodian designated by the Chief Financial Officer and evidenced by safekeeping receipts as determined by the Chief Financial Officer.

**Prudence:** Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion, and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived.



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Troy, MI 48084  
troymi.gov

J-06

## CITY COUNCIL AGENDA ITEM

Date: January 21, 2021

To: Mark F. Miller, City Manager

From: Robert J. Bruner, Assistant City Manager  
Robert C. Maleszyk, Chief Financial Officer  
Lisa Burnham, Controller  
Kurt Bovensiepe, Public Works Director

Subject: 2021 Specialized Services Operating Assistance Program

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### **History**

Community Municipal Credits are funds collected by the Suburban Mobility Authority for Regional Transportation (SMART) through property taxes from communities opting in to regional transportation. A portion of these funds are divided among every city, township and village in Oakland, Wayne and Macomb Counties based on the specialized services it provides. Prior to the city starting the Troy R.Y.D.E (Reach Your Destination Easily) program, Specialized Services funds were distributed directly to Troy MediGo. The Troy R.Y.D.E. continues to be eligible to receive this funding as it is operating in accordance with SMART's Community Partnership Program. The available funding to the City of Troy is the same from the previous year.

### **Financial**

The Specialized Services funding for 2021 through SMART allows the City of Troy to use an additional \$27,692.00 towards the Troy R.Y.D.E. service.

### **Recommendation**

It is recommended that the City enter into a contract for the Specialized Services Operation Assistance Program with SMART for \$27,692.00. These funds are utilized for transportation service for senior citizens and persons with disabilities through the new Troy R.Y.D.E service.

### **Legal Review**

The subject contract or agreement was submitted to the City Attorney and approved with respect to its form and legality pursuant to City Charter Section 12.2 (Contracts).

## **SPECIALIZED SERVICES OPERATING ASSISTANCE PROGRAM THIRD-PARTY CONTRACT**

**THIS AGREEMENT** ("Agreement" or "Contract") is made and entered between the Suburban Mobility Authority for Regional Transportation (hereinafter referred to as "**AUTHORITY**"), whose address is 535 Griswold Suite 600, Detroit, Michigan 48226, and the **City of Troy** (hereinafter referred to as "**SUBRECIPIENT**"), whose address is 500 W. Big Beaver, Troy MI 48083

### **SECTION 1. - DEFINITIONS**

<b>PROGRAM</b>	Means the Michigan Specialized Services Operating Assistance Program designed primarily for seniors and persons with disabilities as defined under Section 10e(4)(c)(i) of Act 51, of the Public Acts of 1951, as amended; MCL 247.660e(4)(c)(i).
<b>DEPARTMENT</b>	Means the Michigan Department of Transportation.
<b>BUREAU</b>	Means the Bureau of Urban and Public Transportation of the Michigan Department of Transportation.
<b>AUTHORITY</b>	Means the Suburban Mobility Authority for Regional Transportation (SMART).
<b>PROJECT</b>	Means the providing of SPECIALIZED SERVICES.
<b>SPECIALIZED SERVICES</b>	Means public transportation services primarily designed for persons with disabilities or who are sixty-five (65) years of age or older.
<b>STATE</b>	Means the State of Michigan.
<b>SUBRECIPIENT</b>	Means <b>City of Troy</b> , which will provide the transit services with funds received under this Contract.
<b>APPLICATION</b>	Means the <b>AUTHORITY</b> 's application, submitted in cooperation with the <b>SUBRECIPIENT</b> , for funding from this <b>PROGRAM</b> for the period from <b>October 1, 2019</b> to <b>September 30, 2020</b> .

## **SECTION 2. - PURPOSE**

The purpose of this Contract is to pass through operating assistance funding received from the DEPARTMENT PROGRAM, to the SUBRECIPIENT. The transit services provided shall be as described in the APPLICATION submitted by the SUBRECIPIENT through the AUTHORITY and approved for funding by the DEPARTMENT.

## **SECTION 3. - FUNDING**

The AUTHORITY is only obligated to provide funds under this Contract to the extent that funds for the PROGRAM are made available to it and approved by the DEPARTMENT as outlined in the Contract Authorization provided to us by the DEPARTMENT.

The SUBRECIPIENT is eligible for contract costs in the amount of **\$27,692.00**.

The maximum amount of the AUTHORITY funds to be given the SUBRECIPIENT shall not be increased without a prior written amendment to this Contract. DEPARTMENT funds made available to the AUTHORITY, through legislative appropriation, are based on projected revenue estimates. In the event that revenue actually received is insufficient to support the appropriation, it may necessitate a reduction in the maximum amount of said funds available to the SUBRECIPIENT. In such event, the AUTHORITY reserves the right, without notice, to reduce the maximum obligation of funds for the SUBRECIPIENT by the amount of any reduction by the DEPARTMENT to the AUTHORITY.

## **SECTION 4. - BUDGET ADJUSTMENTS**

Budget adjustments must be requested in writing by the SUBRECIPIENT. Upon receipt of the request, the AUTHORITY shall have thirty-five (35) business days to provide written approval or disapproval of the budget adjustment. If no action is taken within thirty-five (35) working days, the budget adjustment shall be deemed approved. Expenditure of funds in excess of any line-item will not be considered an eligible PROJECT cost. The addition of any new line-item, or any line-item changes which represent a deviation from the PROJECT as described in the APPLICATION, shall require a prior written amendment to this Contract.

## **SECTION 5. - PROJECT COSTS AND REVENUES**

The SUBRECIPIENT shall complete and submit to the AUTHORITY the information required by the DEPARTMENT, on the quarterly reporting form (available online at SMARTbus.org), within ten (10) days after the end of each state of Michigan fiscal year quarter. Failure to provide the quarterly report within thirty (30) days after the end of each state of Michigan fiscal year quarter, may result in a loss of a portion of or all funding. The AUTHORITY reserves the right to withhold payment of PROJECT funds if the SUBRECIPIENT fails to file reports as required in this paragraph.

If the SUBRECIPIENT also receives funding under 1951 P.A. 51, Section 10e(4)(a); MCL 247.660e(4)(a), as amended as its cost allocation plans must be submitted to the BUREAU for approval. Any PROJECT costs in excess of revenues reported on the quarterly reporting form will

not be eligible under any other state and federal program administered by the AUTHORITY or the DEPARTMENT.

#### **Section 6. - BILLING, PAYMENTS AND QUARTERLY REPORTS**

Notwithstanding the provisions set-forth in Section 3 of this Contract, the AUTHORITY shall provide to the SUBRECIPIENT the STATE funds designated for the eligible project costs incurred in performance of this Contract within ten (10) business days of the receipt of said funds from the DEPARTMENT.

The AUTHORITY may appropriately reduce payments if written reports submitted by the SUBRECIPIENT as required under this section indicate that the level of service described in the APPLICATION has been reduced.

Actual reimbursement shall be based on a rate per mile, or one-way passenger trips of SPECIALIZED SERVICES up to the maximum amount provided for herein.

The actual reimbursement method selected by the SUBRECIPIENT is the amount allowed – currently **\$1.20 per mile**, but subject to change.

Should the per-mile rate method be selected by SUBRECIPIENT, actual reimbursement may be subject to change, per BUREAU reimbursement rate modifications.

#### **SECTION 7. - TERMINATION OR SUSPENSION**

For any violation of this Contract or legislative change, the AUTHORITY may, by thirty (30) days written notice, suspend any and all of the rights and obligations under this Contract until such time as the event or condition resulting in such suspension has ceased or been corrected, or the AUTHORITY may, by thirty (30) days written notice to the SUBRECIPIENT, terminate any and all of the rights and obligations under this Contract.

#### **SECTION 8. - ACCOUNTING RECORDS, AUDITS, AND DOCUMENTATION**

##### **(a) Establishment and Maintenance of Accounting Records**

The SUBRECIPIENT shall maintain books, records, documents, and other accounting records in accordance with generally accepted governmental accounting principles. Said records shall be sufficient to properly reflect all costs of whatever nature claimed to have been incurred or anticipated to be incurred in the performance of the identified PROJECT. To facilitate the administration of the PROJECT, separate records shall be established and maintained. The SUBRECIPIENT shall assure that the records to support the miles traveled and the passengers carried as reported pursuant to Section 6 of this Contract are established and maintained.

(b) Audit

The SUBRECIPIENT shall permit the AUTHORITY and/or the DEPARTMENT or the authorized representatives of the AUTHORITY to audit all data and records relating to the performance of this contract. The SUBRECIPIENT shall retain and allow access to, and require its contractors to retain and allow access to all data and records pertaining to the PROJECT for a period of not less than six (6) years after the final payment by the AUTHORITY pursuant to the Contract.

The period of access, examination, and retention of data and records which relate to litigation or the settlement, of claims arising out of the performance of this Contract, or costs of this Contract as to which exception has been taken by the AUTHORITY or the DEPARTMENT or the authorized representative of the AUTHORITY or the DEPARTMENT, shall continue until such litigation, claims, or exceptions have been disposed of.

(c) Costs Supported by Documentation

PROJECT costs shall be supported by properly executed canceled checks, invoices or vouchers evidencing the nature and propriety of the charges.

(d) Accuracy of Financial Documentation

If a third-party contract is required for rendering of the services herein, then the SUBRECIPIENT is responsible for the accuracy of the financial and non-financial data and reports submitted for reimbursement.

(e) Revenue Expense Guidelines

If the SUBRECIPIENT also receives funding under 1951 P.A. 51, Section 10e(4)(a); MCL 247.660e(4)(a), as amended, determination of PROJECT costs shall be in conformity with the criteria set forth in the DEPARTMENT'S Office of Passenger Transportation's "Local Public Transit Revenue and Expense Manual." All other providers of service shall use the "Specialized Services Manual" (effective October 1, 2015, and any subsequent revisions, amendments and replacements).

**SECTION 9. - THIRD-PARTY CONTRACT PROCEDURE**

The SUBRECIPIENT shall **not** enter into contracts with third parties for provision of services herein without prior written approval from the AUTHORITY; notice of potential third-party contracts shall be submitted to the AUTHORITY for approval in writing. Approval or denial of said third-party contract will be submitted, in writing, to SUBRECIPIENT by the AUTHORITY. The AUTHORITY shall approve any third-party contracts at its sole discretion.

Approval does not constitute an assumption of liability, a waiver or an estoppel to enforce any of the requirements of this Contract, nor shall any such approval by the AUTHORITY be construed as a warranty of the third-party's qualifications, professional standards, ability to perform the work being subcontracted, or financial integrity.

## **SECTION 10 - ACCESS**

SUBRECIPIENT agrees to provide, and will require its contractors to provide, access by the AUTHORITY and/or the DEPARTMENT to all technical data, reports, documents and work in progress pertaining to the PROJECT. Copies of technical data and reports shall be provided by the SUBRECIPIENT or its contractors to the AUTHORITY upon request.

## **SECTION 11. - INDEMNIFICATION**

Notwithstanding any other provision in this Agreement, SUBRECIPIENT shall indemnify, defend and save harmless AUTHORITY, its officers, agents, employees, and members of its Board of Directors from any and all claims, losses and damages, including costs and attorney fees, occurring or resulting from any act or omission the SUBRECIPIENT or its officers, agents, employees, subcontractors, successors or assigns arising out of and/or pursuant to this Agreement without regard to the negligence of the SUBRECIPIENT.

## **SECTION 12. - ENTIRE AGREEMENT**

This Contract, along with any exhibits, addendums, schedules, and amendments hereto, merges and concludes the entire agreement of SUBRECIPIENT and the AUTHORITY. Any previous communications, whether oral or written, are superseded through by this document. The SUBRECIPIENT and AUTHORITY acknowledge, by executing this document that said parties have not relied on any representation, assertion, guarantee, warranty, ancillary contract or other assurance, except those set out in this AGREEMENT. SUBRECIPIENT hereby waives all rights and remedies, at law or in equity, which may arise as the result of said party's reliance on such representation, assertion, guarantee, warranty, ancillary contract or other assurance, provided that no clause herein shall be construed as a restriction or limitation of said party's right to remedies associated with the gross negligence, willful misconduct or fraud of any person or party taking place prior to, or contemporaneously with, the execution of this Agreement.

## **SECTION 13. - PROHIBITED DISCRIMINATION**

The SUBRECIPIENT shall not discriminate against any passenger because of race, color, sex, age, handicap, religion, ancestry, marital status, national origin, place of birth or sexual orientation in accordance with the State of Michigan provisions for "Prohibition of Discrimination in State Contracts", dated August of 1985, which is hereby incorporated by reference.

The SUBRECIPIENT shall not discriminate based upon race, color, creed, national origin, sex, age, disability, height, weight, familial status, marital status, or sexual orientation, in accordance with Civil Rights Act of 1964, being P.L. 88-352, 78 Stat. 241, as amended, being Title 42 U.S.C. Sections 1971, 1975a-1975d, and 2000a-2000h-6, Section 303 of the Age Discrimination Act of 1975, Section 202 of the Americans with Disabilities Act of 1990, 49 U.S.C. Section 5332, the Michigan Elliot-Larsen Civil Rights Act, MCLA 37.2101 et seq., and SMART policy.

The SUBRECIPIENT shall comply with FTA Circular C 9070.1G, as may be amended or updated, with respect to all provisions on Civil Rights and discrimination including, but not limited to, Chapter VIII, §9.

The SUBRECIPIENT shall require similar covenants on the part of any contractor or subcontractor employed in the performance of the PROJECT for which this Contract is made.

#### **SECTION 14. - MBE/WBE**

In accordance with 1980 P.A. 278, MCL 423.321 *at seq*; MCL 445.901 *et seq*, the SUBRECIPIENT, in the performance of this Agreement, shall not enter into a Contract with a subcontractor, manufacturer, or supplier listed in the register maintained by the STATE, Department of Labor, of employers who have been found in contempt of court by a federal court of appeals, on not less than three (3) occasions involving different violations during the preceding seven (7) years, for failure to correct an unfair labor practice, as prohibited by Section 8 of Chapter 372 of the National Labor Relations Act, 29 U.S.C. 158. The AUTHORITY may void this Contract if the name of the SUBRECIPIENT, or the name of a subcontractor, manufacturer, or supplier utilized by the SUBRECIPIENT in the performance of this Contract subsequently appears in the register during the performance period of this Contract.

#### **SECTION 15. - MISCELLANEOUS PROVISIONS**

(a) If any provision of this contract is held invalid, the remainder of this Contract shall not be affected, if any such remainder continues to conform to the provisions and requirements of applicable law.

(b) The SUBRECIPIENT shall commence, carry on, and complete the PROJECT in accordance with all applicable laws. Nothing in this Contract shall require the SUBRECIPIENT to observe, comply, or do any other thing in contravention of any STATE, Local or Federal law.

(c) The SUBRECIPIENT warrants that it has no interest and shall not acquire any interest, direct or indirect, which would conflict in any manner or degree with the performance of SPECIALIZED SERVICES required to be performed under this Contract. The SUBRECIPIENT further warrants that in the performance of this Contract, no person having any such interest shall be employed.

(d) None of the funds, materials, property, or services obtained by the AUTHORITY or the SUBRECIPIENT under this Contract shall be used for any partisan political activity, or to further the election or defeat of any political activity or candidate for public office.

(e) The SUBRECIPIENT shall not assign any interest in this Contract without the prior written approval of the AUTHORITY, however, that compensation due to the SUBRECIPIENT under this Contract may be assigned to a bank, trust company, or other financial institution without such approval. Notice of any such assignment shall be furnished promptly to the AUTHORITY in writing. Any such assignment does not relieve the SUBRECIPIENT of its obligations under this Contract.

(f) If the SUBRECIPIENT enters into any contracts with other governmental agencies for the purposes of providing SPECIALIZED SERVICES outside of its jurisdictional boundaries, as defined

and provided by law, it shall immediately provide the BUREAU with a copy of any contracts and true copies of any resolutions passed by its governing board which relate to the providing of service under such contracts.

**SECTION 16. - TERM OF CONTRACT**

Upon execution, this Contract shall cover the period commencing **October 1, 2019**, and extending through **September 30, 2020**.

The SUBRECIPIENT agrees to notify the AUTHORITY of any event which may have significant potential impact on PROJECT progress, direction, control or cost.

**SECTION 17. - EXECUTION**

This Contract shall become binding on the parties hereto upon the execution thereof by the duly authorized official(s) for the SUBRECIPIENT and the AUTHORITY; and upon the adoption of a resolution approving said Contract and authorizing the signatures thereto of the respective official(s) of the SUBRECIPIENT, a certified copy of which resolution shall be attached to this Contract.

**SUBURBAN MOBILITY AUTHORITY  
FOR REGIONAL TRANSPORTATION**

**CITY of TROY**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Signature

\_\_\_\_\_  
John C. Hertel

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
General Manager

\_\_\_\_\_  
Title

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date



## CITY COUNCIL AGENDA ITEM

Date: January 26, 2021

To: Mark F. Miller, City Manager

From: Robert J. Bruner, Assistant City Manager  
M. Aileen Dickson, City Clerk

Subject: Request for Recognition as a Nonprofit Organization from Alex's Saints

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### **History**

Attached is a request from Alex's Saints seeking recognition as a nonprofit organization for the purpose of obtaining a charitable gaming license for fundraising purposes.

### **Financial**

There are no financial considerations associated with this item.

### **Recommendation**

It has been City Management's practice to support the approval of such requests.

### **City Attorney's Review as to Form and Legality**

There are no legal considerations associated with this item.

MAD, G:\City Council\Agenda\Clerk Council Agenda Items\Gaming Licenses\Agenda\Gaming License Request-Gaming License Request-20210208 Agenda – Alex's Saints



January 12, 2021

Mayor Ethan Baker &  
City Counsel  
500 W. Big Beaver Rd.  
Troy, MI 48084

**Re: Request for Recognition as a Non-Profit Organization for Purposes of Obtaining a Gaming License**

Dear Mayor and Counsel,

The Alex's Saints Foundation is recognized 501(c)(3) not-for-profit organization. The foundation was established by 2013 graduates of Athens High School in honor of their classmate, Alex St. Pierre. Alex lost his life in August 2019 from an accidental overdose of a recreational drug that was laced with fentanyl. The mission of the foundation is to provide life-changing emotional and financial assistance to young adults and their families, who struggle with addiction, while empowering long term recovery. We focus on young adults in Oakland and Macomb counties. Our website can be found at [www.alexssaints.org](http://www.alexssaints.org).

On April 10, 2021, the foundation will be holding a fundraising annual Gala event at the San Marino club in Troy. As part of the evening's events, we would like to hold a 50-50 raffle, which requires approval from the State of Michigan's Charitable Gaming Commission. To proceed with the request with the State, we first need to be recognized by the City of Troy as a nonprofit organization operating in the community for the purpose of obtaining a charitable gaming license. We have completed the application with the City of Troy's clerk's office and provided all required documentation. We have also attached a draft resolution that meets the requirements of the State Charitable Gaming Commission.

Your consideration and a favorable response to this resolution would be greatly appreciated by our board. If you have any questions, I may be reached at 248-736-1397.

Sincerely yours,

A handwritten signature in blue ink, appearing to read "Eric R. Hunt". The signature is stylized with a large initial "E" and a long, sweeping underline.

Eric R. Hunt, J.D.  
Member, Board of Directors  
Alex's Saints Foundation



Charitable Gaming Division  
Box 30023, Lansing, MI 48909  
OVERNIGHT DELIVERY:  
101 E. Hillsdale, Lansing MI 48933  
(517) 335-5780  
www.michigan.gov/cg

## LOCAL GOVERNING BODY RESOLUTION FOR CHARITABLE GAMING LICENSES

(Required by MCL.432.103(K)(ii))

At a \_\_\_\_\_ meeting of the \_\_\_\_\_  
REGULAR OR SPECIAL TOWNSHIP, CITY, OR VILLAGE COUNCIL/BOARD

called to order by \_\_\_\_\_ on \_\_\_\_\_  
DATE

at \_\_\_\_\_ a.m./p.m. the following resolution was offered:  
TIME

Moved by \_\_\_\_\_ and supported by \_\_\_\_\_

that the request from Alex's Saints Foundation of Madison Heights,  
NAME OF ORGANIZATION CITY

county of Oakland, asking that they be recognized as a  
COUNTY NAME

nonprofit organization operating in the community for the purpose of obtaining charitable

gaming licenses, be considered for \_\_\_\_\_.  
APPROVAL/DISAPPROVAL

### APPROVAL

Yeas: \_\_\_\_\_

Nays: \_\_\_\_\_

Absent: \_\_\_\_\_

### DISAPPROVAL

Yeas: \_\_\_\_\_

Nays: \_\_\_\_\_

Absent: \_\_\_\_\_

I hereby certify that the foregoing is a true and complete copy of a resolution offered and  
adopted by the \_\_\_\_\_ at a \_\_\_\_\_  
TOWNSHIP, CITY, OR VILLAGE COUNCIL/BOARD REGULAR OR SPECIAL

meeting held on \_\_\_\_\_.  
DATE

SIGNED: \_\_\_\_\_  
TOWNSHIP, CITY, OR VILLAGE CLERK

PRINTED NAME AND TITLE

ADDRESS

COMPLETION: Required.  
PENALTY: Possible denial of application.

BSL-CG-1153(R6/09)



# CITY OF TROY

## SOLICITATION – FUND RAISING

Date Received: \_\_\_\_\_

File the following information with the City Clerk's Office at least 21 days prior to the time when the permit is desired. TIME SPAN FOR PERMIT IS NOT TO EXCEED NINETY (90) DAYS.

Name of Organization:

Alex's Saints Foundation

Phone:

248-990-0905

Local Address:

31535 Meadows Ave

City/Zip:

Madison Heights 48071

Home Address (if different):

See above

City/Zip:

Name of Parent Organization:

None

Address:

Local Representative/Officers:

Name	Title	Phone
Tyler Bettelon	Chairman & Founder	248-990-0905
Eric Hunt	Member, Board of Directors	248-736-1397

Person in Charge of Solicitations: Eric Hunt

How are funds solicited: In person ticket sales for 50/50 charitable raffle

Locations/Dates/Times:

Locations	Dates	Times
San Marino Club	April 10, 2021	5:00 pm to 10:00 pm

To what purpose will you put these funds: To support the mission of the Alex's Saints Foundation

What is the requested amount for contribution: Individual tickets will be \$5.00



# CITY OF TROY

## SOLICITOR'S APPLICATION

Date filed: \_\_\_\_\_

Please complete all information and return with all required solicitation documents to the City Clerk, 500 West Big Beaver, Troy, Michigan 48084

NAME	LOCAL ADDRESS	HOME ADDRESS
Alex's Saints Foundation	31535 Meadows Ave. Madison Heights, MI 48071	Same
Tyler Bettelon	31535 Meadows Ave, Madison Heights, MI 48071	Same
Eric Hunt		316 Brookhaven Pl, Lake Mary, Florida, 32746
John St. Pierre		2900 Dina Dr., Troy, MI 48085
Glen Kozeli		45742 Warwick, Macomb, MI 48044
Brett Schmitz		724 Princeton Rd, Berkley, MI 48072
Hannah Callis		4304 Clarke Dr., Troy, MI 48085
Michael Bordas		2525 Carlisle St., Apt. 713 Dallas, TX 75201
Jack Benson		420 W. Morehouse Ave. Hazel Park, MI 48030
Tom St. Pierre		722 Estuary Dr., Bradenton FL, 34209
Jeff Bettelon		824 Plowson, Rd., Mt. Juliet TN 37122

INTERNAL REVENUE SERVICE  
P. O. BOX 2508  
CINCINNATI, OH 45201

DEPARTMENT OF THE TREASURY

Date: JUL 17 2020

ALEXS SAINTS FOUNDATION  
31535 MEADOWS AVE  
MADISON HEIGHTS, MI 48071

Employer Identification Number:  
85-0799820

DLN:  
26053529003520

Contact Person:

CHU H PAEK

ID# 11247

Contact Telephone Number:  
(877) 829-5500

Accounting Period Ending:  
December 31

Public Charity Status:  
170(b)(1)(A)(vi)

Form 990/990-EZ/990-N Required:  
Yes

Effective Date of Exemption:  
May 5, 2020

Contribution Deductibility:  
Yes

Addendum Applies:  
No

Dear Applicant:

We're pleased to tell you we determined you're exempt from federal income tax under Internal Revenue Code (IRC) Section 501(c)(3). Donors can deduct contributions they make to you under IRC Section 170. You're also qualified to receive tax deductible bequests, devises, transfers or gifts under Section 2055, 2106, or 2522. This letter could help resolve questions on your exempt status. Please keep it for your records.

Organizations exempt under IRC Section 501(c)(3) are further classified as either public charities or private foundations. We determined you're a public charity under the IRC Section listed at the top of this letter.

If we indicated at the top of this letter that you're required to file Form 990/990-EZ/990-N, our records show you're required to file an annual information return (Form 990 or Form 990-EZ) or electronic notice (Form 990-N, the e-Postcard). If you don't file a required return or notice for three consecutive years, your exempt status will be automatically revoked.

If we indicated at the top of this letter that an addendum applies, the enclosed addendum is an integral part of this letter.

For important information about your responsibilities as a tax-exempt organization, go to [www.irs.gov/charities](http://www.irs.gov/charities). Enter "4221-PC" in the search bar to view Publication 4221-PC, Compliance Guide for 501(c)(3) Public Charities, which describes your recordkeeping, reporting, and disclosure requirements.

Letter 947

ALEXS SAINTS FOUNDATION

Sincerely,

*Stephen A. Martin*

Director, Exempt Organizations  
Rulings and Agreements

**LARA** Corporations  
Online Filing System  
Department of Licensing and Regulatory Affairs

Form Revision Date 07/2016

**ARTICLES OF INCORPORATION**

For use by DOMESTIC NONPROFIT CORPORATION

*Pursuant to the provisions of Act 162, Public Acts of 1982, the undersigned corporation executes the following Articles:*

**ARTICLE I**

The name of the corporation is:

ALEX'S SAINTS FOUNDATION

**ARTICLE II**

The purpose or purposes for which the corporation is formed are:

The organization is organized exclusively for charitable and educational purposes under section 501(c)(3) of the Internal Revenue Code, or corresponding section of any future federal tax code. The purpose is to raise funds to help pay for rehab or funeral fees of young adults who are affected by drug use in the State of Michigan.

**ARTICLE III**

The Corporation is formed upon  basis.

If formed on a stock basis, the total number of shares the corporation has authority to issue is

If formed on a nonstock basis, the description and value of its real property assets are (if none, insert "none"):

none

The description and value of its personal property assets are (if none, insert "none"):

none

The corporation is to be financed under the following general plan:

Fundraising and donations.

The Corporation is formed on a  basis.

**ARTICLE IV**

The street address of the registered office of the corporation and the name of the resident agent at the registered office (P.O. Boxes are not acceptable):

1. Agent Name: TYLER BETTELON

2. Street Address: 31535 MEADOWS AVE.

Apt/Suite/Other:

City: MADISON HEIGHTS

State: MI

Zip Code: 48071

3. Registered Office Mailing Address:

P.O. Box or Street Address: 31535 MEADOWS AVE.

Apt/Suite/Other:

City: MADISON HEIGHTS

State: MI

Zip Code: 48071

ARTICLE V

The name(s) and address(es) of the incorporator(s) is (are) as follows:

Name	Residence or Business Address
TYLER BETTELON	31535 MEADOWS AVE., MADISON HEIGHTS, MI 48071 USA

Signed this 5th Day of May, 2020 by the incorporator(s).

Signature	Title	Title if "Other" was selected
Tyler Bettelon	Incorporator	

By selecting ACCEPT, I hereby acknowledge that this electronic document is being signed in accordance with the Act. I further certify that to the best of my knowledge the information provided is true, accurate, and in compliance with the Act.

 Decline       Accept

***MICHIGAN DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS***  
***FILING ENDORSEMENT***

***This is to Certify that the*** ARTICLES OF INCORPORATION

***for***

ALEX'S SAINTS FOUNDATION

***ID Number:*** 802444680

***received by electronic transmission on*** May 05, 2020 ***, is hereby endorsed.***

***Filed on*** May 05, 2020 ***, by the Administrator.***

***The document is effective on the date filed, unless a subsequent effective date within 90 days after received date is stated in the document.***



***In testimony whereof, I have hereunto set my hand and affixed the Seal of the Department, in the City of Lansing, this 6th day of May, 2020.***

*Linda Clegg*

***Linda Clegg, Interim Director***

***Corporations, Securities & Commercial Licensing Bureau***

**BYLAWS**  
**OF**  
**ALEX’S SAINTS FOUNDATION, INC.**

**ARTICLE I**

**NATURE AND PURPOSE OF CORPORATION**

1.1 Exempt Corporation. As an exempt corporation organized in accordance with 162-1982 Nonprofit Corporation Act of the State of Michigan, Alex’s Saints Foundation, Inc. (the “Corporation”) shall have no capital stock and no shareholders, and no part of the net earnings, income, or profit of the Corporation shall inure to the benefit of or be distributable to its directors, officers, or other private individuals except that the Corporation may pay reasonable compensation for services rendered and expenses incurred and may make payments and distributions in furtherance of its charitable purposes.

1.2 Purposes. The purpose of the Corporation is to engage in any lawful act or activity for which corporations may be organized under the General Corporation Law of Michigan. This Corporation shall be a nonprofit corporation. It shall be organized, and at all times thereafter operated, exclusively for public charitable, educational, and scientific uses and purposes within the meaning of section 501(c)(3) of the Internal Revenue Code. To the extent consistent with section 501(c)(3) of the Internal Revenue Code, such purposes shall include, but not be limited to, providing financial assistance and access to services to Michigan families that have a qualified family member, as defined and established by the Board of Directors, in need of narcotic rehabilitation or that has passed away from an accidental drug overdose. In furtherance of such purposes, the Corporation shall have full power and authority:

(a) To acquire or receive from any person or organization, by deed, gift, purchase, bequest, devise, appointment, or otherwise, cash, securities and other property, tangible or intangible, real or personal, and to hold, administer, manage, invest, reinvest, and disburse the principal and income thereof solely for the charitable purposes hereof;

(b) To distribute property for such charitable purposes in accordance with the terms of gifts, bequests, or devises to the corporation not inconsistent with its purposes, as set forth in these bylaws and its Articles of Incorporation, or in accordance with determinations made by the Board of Directors pursuant to these bylaws or its Articles of Incorporation; and

(c) To perform all other acts necessary or incidental to the above and to do whatever is deemed necessary, useful, advisable, or conducive, directly or indirectly, as determined by the Board of Directors in its discretion, to carry out any of the purposes of the corporation, as set forth in these bylaws or its Articles of Incorporation, including the exercise of all other power and authority enjoyed by corporations generally by virtue of applicable provisions of the Nonprofit Corporation Act of the State of Michigan (within and subject to the limitations of section 501(c)(3) of the Internal Revenue Code).

(d) The corporation shall serve only such purposes and functions and shall engage only in such activities as are consonant with the purposes set forth in this Article I, the Articles of Incorporation, and as are exclusively charitable and are entitled to charitable status under section 501(c)(3) of the Internal Revenue Code.

(e) A family or individual is eligible for one grant per year (with a lifetime cap of two grants) unless there is a re-occurrence or death. The Board of Directors reserves the right to take any grant with special circumstances under advisement by majority vote of the Board of Directors.

## ARTICLE II

### BOARD OF DIRECTORS

2.1 Number; Duty. The Board of Directors shall be composed of no fewer than three (3) members and no more than eleven (11) members. The Board of Directors may by resolution adopted by a majority of the directors then in office fix the precise number of members between the stated limits. No member shall hold more than one elected Officer position at a time and shall have a fiduciary duty to the Corporation.

2.2 Initial Directors; Term of Office of Directors; Manner of Appointment and Election; Succession. The initial directors shall be named by the Incorporator and shall serve until the third annual meeting of the Board of Directors. Following the expiration of the initial terms of office, all successor members of the Board of Directors shall be elected at the annual meeting by vote of the Board of Directors and shall serve for a term of three (3) years and until such member's successor is elected and has qualified, or until his or her earlier death, resignation, or removal from the Board of Directors. The term of office of each member shall commence upon the adjournment of the annual meeting at which such member is elected. A director shall be eligible for reelection to succeed himself or herself and there shall be no limitation on the number of successive terms of office for which a director may serve.

2.3 Suspension; Removal. A director may be censured, suspended, or removed at any time and for any reason, with or without cause, by an affirmative vote of a majority of the directors then in office.

2.4 Vacancies. Any vacancy in the Board of Directors arising at any time and from any cause, including the authorization of an increase in the number of directors, may be filled for the unexpired term by vote of the Board of Directors. Each director so appointed shall hold office until the end of such unexpired term until his or her successor is elected and has qualified, or until his or her earlier death, resignation, retirement, removal, disqualification, or departure from the Company.

2.5 Qualifications of Members. Members of the Board of Directors will serve without pay, shall be at least eighteen (18) years old, be committed to raising at least \$2,500 annual in support of the Corporation and may reside within or without the State of Michigan at

the time of their election or appointment.

2.6 Authority. The Board of Directors shall direct and supervise the management of the business and affairs of the Corporation and may exercise all powers of the Corporation, subject to any restrictions imposed by law, the Articles of Incorporation, or these Bylaws.

2.7 Annual and Regular Meetings. The annual meeting of the Board of Directors for the purpose of electing directors and officers, receiving a financial report from the Treasurer and transacting such other business as may be brought before the meeting, shall be held each year at such time, on such date, and at such place as the Board of Directors may by resolution prescribe. Other regular meetings of the Board of Directors may be held from time to time, but at least quarterly, between annual meetings at such times, on such dates, and at such places as the Board of Directors may by resolution prescribe.

2.8 Special Meetings. Special meetings of the Board of Directors may be called by the Chairman or by any two (2) members of the Board of Directors, and written notice of the time and place of such meeting shall be given to each member of the Board of Directors per the notice requirements in section 2.9.

2.9 Notice; Waiver of Notice. All meeting notices must be in writing via email or fax at a minimum of 7 days' notice. Any member of the Board of Directors may execute a waiver of notice either before or after any meeting and shall be deemed to have waived notice if he or she is present at such meeting.

2.10 Quorum. A majority of the directors in office at any time shall constitute a quorum for the transaction of business at any meeting. When a quorum is present, the vote of a majority of directors present shall be the act of the Board of Directors, unless a greater vote is required by law, the Articles of Incorporation, or these Bylaws. Each member of the Board of Directors shall have one vote and shall not be permitted to vote by proxy. In the event of a tie vote, the Chairman shall cast the deciding vote.

2.11 Telephone and Similar Meetings. Directors may participate in and hold a meeting by means of conference telephone or similar communications equipment by means of which all persons participating in the meeting can hear each other. Participation in such a meeting shall constitute presence in person at the meeting.

2.12 Action by Directors Without a Meeting. Any action required or permitted to be taken at a meeting of the Board of Directors may be taken without a meeting if consents in writing or by electronic transmission, setting forth the action so taken, are received from all the members of the Board of Directors. Such consent shall have the same force and effect as a majority vote at a meeting duly called. The consents shall be placed in the minute book of the Corporation.

2.13 Committees of Directors. The Board of Directors may provide for such committees of the Board as it deems necessary or desirable and discontinue any such committee at its discretion. It shall be the function and purpose of each such committee to advise the Board

of Directors and each such committee shall have such powers and perform such specific duties or functions, not inconsistent with the Articles of Incorporation or these Bylaws, as may be prescribed for it by the Board of Directors.

2.14 Trustees. The Board of Directors may appoint and approve a maximum of five (5) Trustees to serve on behalf of the Corporation. Trustees must be nominated by a director or officer and approved by a majority vote of the Board. Trustees shall perform duties and functions and serve on committees as assigned by the Board of Directors.

## ARTICLE III

### OFFICERS

3.1 In General. The officers of the Corporation shall consist of a Chairman, Vice-Chairman, Secretary, and Treasurer, and may include such other officers or assistant officers as may be elected by the Board of Directors. Officers shall be elected at the annual meeting of the Board of Directors by vote of the Board of Directors. Each officer shall hold office until the end of the annual meeting of the Board of Directors for two (2) years following the date of his or her election and until his or her successor is elected and has qualified, or until his or her earlier death, resignation, retirement, removal, or disqualification. An officer shall be eligible for reelection to succeed himself or herself and there shall be no limitation on the number of successive terms of office for which a director may serve. Directors voting for officers are encouraged to consider length of service on the Board of Directors; ability of the candidate to provide the necessary time commitment; ability to represent the Corporation in a professional manner, and past performance of the individual.

3.2 Chairman. The Chairman shall preside at all meetings of the Board of Directors and shall perform such duties as are generally incumbent upon the office and as may be required by the Board of Directors.

3.3 Vice-Chairman. The Vice-Chairman shall assist the Chairman in the performance of duties in support of the Corporation as may be required by the Board of Directors and shall preside at meetings of the Board of Directors in the absence of the Chairman.

3.4 Secretary. The Secretary shall give notice of all meetings of the Board of Directors for which notice is required, shall keep the minutes of the proceedings of the Board of Directors, and shall maintain the general records of the Corporation.

3.5 Treasurer. The Treasurer shall be responsible for the maintenance of proper financial books and records of the Corporation and shall have custody of its funds and other assets. The Treasurer shall provide the Board of Directors with an update on the financials of the Corporation at each annual and quarterly meeting of the Board of Directors.

3.6 Other Authority and Duties. Each officer, employee, and agent of the Corporation shall have such other duties and authority as may be conferred upon him or her by the Board of Directors or delegated to him or her by the Chairman.

3.7 Removal. Any officer may be removed at any time, with or without cause, by the Board of Directors, and such vacancy may be filled by a majority vote of the Board of Directors.

3.8 Compensation. No salaries shall be paid to members of the Board of Directors or officers for their services in such capacity, but the Board of Directors may authorize reimbursement of expenses incurred by them on behalf of the Corporation. The Board of Directors may authorize reasonable compensation for the services of any officers who serve as employees or agents of the Corporation.

## ARTICLE IV

### DEPOSITORIES, SIGNATURES, AND SEAL

4.1 Depositories. All funds of the Corporation shall be deposited in the name of the Corporation in such bank, banks, or other financial institutions as the Board of Directors may from time to time designate and shall be drawn out on checks, drafts, or other orders signed on behalf of the Corporation by such person or persons as the Board of Directors may from time to time designate.

4.2 Execution of Legal and Financial Instruments. All contracts, deeds, checks and other financial and legal instruments shall be signed on behalf of the Corporation by the Chairman or by such other officer, officers, agent, or agents as the Board of Directors may from time to time provide.

4.3 Seal. The seal of the Corporation (of which there may be one or more exemplars) shall be in such form as the Board of Directors may from time to time determine.

## ARTICLE V

### INDEMNIFICATION AND INSURANCE

5.1 Indemnification. In the event that any person who was or is a party to or is threatened to be made a party to any threatened, pending or completed action, suit or proceeding, whether civil, criminal, administrative or investigative, seeks indemnification from the corporation against expenses, including attorneys' fees (and in the case of actions other than those by or in the right of the corporation, judgments, fines and amounts paid in settlement), actually and reasonably incurred by him or her in connection with such action, suit, or proceeding by reason of the fact that such person is or was a director, officer, employee, trustee, or agent of the Corporation, or is or was serving at the request of the corporation as a director, officer, employee, trustee, or agent of another corporation, domestic or foreign, non-profit or for profit, partnership, joint venture, trust, or other enterprise, then, unless such indemnification is ordered by a court, the corporation shall determine, or cause to be determined, in the manner

provided under Michigan law whether or not indemnification is proper under the circumstances because the person claiming such indemnification has met the applicable standards of conduct set forth in Michigan law; and, to the extent it is so determined that such indemnification is proper, the person claiming such indemnification shall be indemnified to the fullest extent now or hereafter permitted by Michigan law.

5.2 Indemnification Not Exclusive of Other Rights. The indemnification provided in Article 5.1 above shall not be deemed exclusive of any other rights to which those seeking indemnification may be entitled under the Articles of Incorporation or these Bylaws, or any agreement, vote of members or disinterested directors, or otherwise, both as to action in his or her official capacity and as to action in another capacity while holding such office, and shall continue as to a person who has ceased to be a director, officer, employee, trustee or agent, and shall inure to the benefit of the heirs, executors, and administrators of such a person.

5.3 Insurance. To the extent permitted by Michigan law, the Corporation may purchase and maintain insurance on behalf of any person who is or was a director, officer, employee, trustee, or agent of the Corporation, or is or was serving at the request of the Corporation as a director, officer, employee, trustee or agent of another corporation, domestic or foreign, nonprofit or for profit, partnership, joint venture, trust or other enterprise.

## ARTICLE VI

### AMENDMENT OF CERTIFICATE OF INCORPORATION OR BYLAWS

The Board of Directors shall have the power to alter and amend the Articles of Incorporation or Bylaws and to repeal the Bylaws or to adopt new Bylaws. Action by the directors with respect to the Articles of Incorporation or Bylaws shall be taken by an affirmative vote of at least two-thirds of all of the directors then in office.

## ARTICLE VII

### DISOLUTION

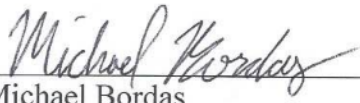
Upon dissolution of the corporation, the Board of Directors, shall, after paying or making provision for payment of all of the liabilities of the corporation, dispose of all of the assets of the corporation by distributing those assets to such organization or organizations, with a purpose similar to the corporation's, organized and operated exclusively for public charitable uses and purposes as shall at the time qualify as exempt from taxation under section 501(c)(3) of the Internal Revenue Code, as the Board of Directors shall determine. Any such assets not so disposed of shall be disposed of by a court of competent jurisdiction for the county in which the principal office of the corporation is then located, exclusively for such purposes or to such organization or organizations as said court shall determine, which are organized and operated exclusively for such purposes similar to those of the corporation's. In the event that the court

shall find that this section is applicable but that there is no qualifying organization known to it which has a charitable purpose, which, at least generally, includes a purpose similar to this corporation, then the court shall direct the distribution of its assets lawfully available for distribution to the Treasurer of the State of Michigan to be added to the general fund.

## ARTICLE VIII

### ADOPTION OF BYLAWS

Alex's Saints Foundation, Inc. was organized under the laws of the State of Michigan on May 5, 2020. These Bylaws were adopted by resolution of the incorporator of the Corporation effective on May 19, 2020.

  
\_\_\_\_\_  
Michael Bordas  
Secretary



**The form you are looking for begins on the next page of this file.** Before viewing it, please see the important update information below.

### **New Mailing Address**

The mailing address for certain forms have change since the forms were last published. The new mailing address are shown below.

Mailing Address for Forms **1023, 1024, 1024-A, 1028, 5300, 5307, 5310, 5310-A, 5316, 8717, 8718, 8940:**

Internal Revenue Service  
TE/GE Stop 31A Team 105  
P.O. Box 12192  
Covington, KY 41012-0192

Deliveries by private delivery service (PDS) should be made to:

Internal Revenue Service  
7940 Kentucky Drive  
TE/GE Stop 31A Team 105  
Florence, KY 41042

This update supplements these forms' instructions. Filers should rely on this update for the change described, which will be incorporated into the next revision of the form's instructions.

This page intentionally left blank.

**Application for Recognition of Exemption  
Under Section 501(c)(3) of the Internal Revenue Code**

► **Do not enter social security numbers on this form as it may be made public.**  
► **Go to [www.irs.gov/Form1023](http://www.irs.gov/Form1023) for instructions and the latest information.**

OMB No. 1545-0056  
**Note:** If exempt status is approved, this application will be open for public inspection.

Use the instructions to complete this application and for a definition of all **bold** items. For additional help, call IRS Exempt Organizations Customer Account Services toll-free at 1-877-829-5500. Visit our website at [www.irs.gov](http://www.irs.gov) for forms and publications. If the required information and documents are not submitted with payment of the appropriate user fee, the application may be returned to you.

Attach additional sheets to this application if you need more space to answer fully. Put your name and EIN on each sheet and identify each answer by Part and line number. Complete Parts I – XI of Form 1023 and submit only those Schedules (A through H) that apply to you.

**Part I Identification of Applicant**

<b>1</b> Full name of organization (exactly as it appears in your <b>organizing document</b> ) <b>Alex's Saints Foundation</b>		<b>2</b> c/o Name (if applicable) <b>Tyler Bettelon</b>
<b>3</b> <b>Mailing address</b> (Number and street) (see instructions) <b>31535 Meadows Ave.</b>	Room/Suite	<b>4</b> Employer Identification Number (EIN) <b>85-0799820</b>
City or town, state or country, and ZIP + 4 <b>Madison Heights, MI 48071</b>		<b>5</b> Month the annual accounting period ends (01 – 12) <b>12</b>
<b>6</b> Primary contact (officer, director, trustee, or <b>authorized representative</b> ) <b>a</b> Name: <b>Tyler Bettelon</b>		<b>b</b> Phone: <b>248-990-0905</b> <b>c</b> Fax: (optional)
<b>7</b> Are you represented by an authorized representative, such as an attorney or accountant? If "Yes," provide the authorized representative's name, and the name and address of the authorized representative's firm. Include a completed Form 2848, <i>Power of Attorney and Declaration of Representative</i> , with your application if you would like us to communicate with your representative. <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span>		
<b>8</b> Was a person who is not one of your officers, directors, trustees, employees, or an authorized representative listed in line 7, paid, or promised payment, to help plan, manage, or advise you about the structure or activities of your organization, or about your financial or tax matters? If "Yes," provide the person's name, the name and address of the person's firm, the amounts paid or promised to be paid, and describe that person's role. <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span>		
<b>9a</b> Organization's website:		
<b>b</b> Organization's email: (optional)		
<b>10</b> Certain organizations are not required to file an information return (Form 990 or Form 990-EZ). If you are granted tax-exemption, are you claiming to be excused from filing Form 990 or Form 990-EZ? If "Yes," explain. See the instructions for a description of organizations not required to file Form 990 or Form 990-EZ. <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span>		
<b>11</b> Date incorporated if a corporation, or formed, if other than a corporation. (MM/DD/YYYY) / /		
<b>12</b> Were you formed under the laws of a <b>foreign country</b> ? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span> If "Yes," state the country.		

**Part II Organizational Structure**

You must be a corporation (including a limited liability company), an unincorporated association, or a trust to be tax exempt. See instructions. **DO NOT file this form unless you can check "Yes" on lines 1, 2, 3, or 4.**

- 1** Are you a **corporation**? If "Yes," attach a copy of your articles of incorporation showing **certification of filing** with the appropriate state agency. Include copies of any amendments to your articles and be sure they also show state filing certification. ☐ Yes ☒ No
- 2** Are you a **limited liability company (LLC)**? If "Yes," attach a copy of your articles of organization showing certification of filing with the appropriate state agency. Also, if you adopted an operating agreement, attach a copy. Include copies of any amendments to your articles and be sure they show state filing certification. Refer to the instructions for circumstances when an LLC should not file its own exemption application. ☐ Yes ☒ No
- 3** Are you an **unincorporated association**? If "Yes," attach a copy of your articles of association, constitution, or other similar organizing document that is dated and includes at least two signatures. Include signed and dated copies of any amendments. ☐ Yes ☒ No
- 4a** Are you a **trust**? If "Yes," attach a signed and dated copy of your trust agreement. Include signed and dated copies of any amendments. ☐ Yes ☒ No
- b** Have you been funded? If "No," explain how you are formed without anything of value placed in trust. ☐ Yes ☐ No
- 5** Have you adopted **bylaws**? If "Yes," attach a current copy showing date of adoption. If "No," explain how your officers, directors, or trustees are selected. ☒ Yes ☐ No

**Part III Required Provisions in Your Organizing Document**

The following questions are designed to ensure that when you file this application, your organizing document contains the required provisions to meet the organizational test under section 501(c)(3). Unless you can check the boxes in both lines 1 and 2, your organizing document does not meet the organizational test. **DO NOT file this application until you have amended your organizing document.** Submit your original and amended organizing documents (showing state filing certification if you are a corporation or an LLC) with your application.

- 1** Section 501(c)(3) requires that your organizing document state your exempt purpose(s), such as charitable, religious, educational, and/or scientific purposes. Check the box to confirm that your organizing document meets this requirement. Describe specifically where your organizing document meets this requirement, such as a reference to a particular article or section in your organizing document. Refer to the instructions for exempt purpose language. ☒  
Location of Purpose Clause (Page, Article, and Paragraph): **Article II**
- 2a** Section 501(c)(3) requires that upon dissolution of your organization, your remaining assets must be used exclusively for exempt purposes, such as charitable, religious, educational, and/or scientific purposes. Check the box on line 2a to confirm that your organizing document meets this requirement by express provision for the distribution of assets upon dissolution. If you rely on state law for your dissolution provision, do not check the box on line 2a and go to line 2c. ☒
- b** If you checked the box on line 2a, specify the location of your dissolution clause (Page, Article, and Paragraph). Do not complete line 2c if you checked box 2a. **Article VI**
- c** See the instructions for information about the operation of state law in your particular state. Check this box if you rely on operation of state law for your dissolution provision and indicate the state: ☐

**Part IV Narrative Description of Your Activities**

Using an attachment, describe your *past*, *present*, and *planned* activities in a narrative. If you believe that you have already provided some of this information in response to other parts of this application, you may summarize that information here and refer to the specific parts of the application for supporting details. You may also attach representative copies of newsletters, brochures, or similar documents for supporting details to this narrative. Remember that if this application is approved, it will be open for public inspection. Therefore, your narrative description of activities should be thorough and accurate. Refer to the instructions for information that must be included in your description.

**Part V Compensation and Other Financial Arrangements With Your Officers, Directors, Trustees, Employees, and Independent Contractors**

- 1a** List the names, titles, and mailing addresses of all of your officers, directors, and trustees. For each person listed, state their total annual **compensation**, or proposed compensation, for all services to the organization, whether as an officer, employee, or other position. Use actual figures, if available. Enter "none" if no compensation is or will be paid. If additional space is needed, attach a separate sheet. Refer to the instructions for information on what to include as compensation.

Name	Title	Mailing address	Compensation amount (annual actual or estimated)
<b>Tyler Bettelon</b>	<b>Chairman</b>	-----	<b>none</b>
<b>Glen Kozeli</b>	<b>Vice Chairman</b>	-----	<b>none</b>
<b>Brett Schmitz</b>	<b>Treasurer</b>	-----	<b>none</b>
	<b>Secretary</b>	-----	<b>none</b>

**Part V Compensation and Other Financial Arrangements With Your Officers, Directors, Trustees, Employees, and Independent Contractors (Continued)**

- b** List the names, titles, and mailing addresses of each of your five highest compensated employees who receive or will receive compensation of more than \$50,000 per year. Use the actual figure, if available. Refer to the instructions for information on what to include as compensation. Do not include officers, directors, or trustees listed in line 1a.

Name	Title	Mailing address	Compensation amount (annual actual or estimated)

- c** List the names, names of businesses, and mailing addresses of your five highest compensated **independent contractors** that receive or will receive compensation of more than \$50,000 per year. Use the actual figure, if available. Refer to the instructions for information on what to include as compensation.

Name	Title	Mailing address	Compensation amount (annual actual or estimated)

The following "Yes" or "No" questions relate to *past, present, or planned* relationships, transactions, or agreements with your officers, directors, trustees, highest compensated employees, and highest compensated independent contractors listed in lines 1a, 1b, and 1c.

- 2a** Are any of your officers, directors, or trustees **related** to each other through **family** or **business relationships**? If "Yes," identify the individuals and explain the relationship. ☐ Yes ☒ No

- b** Do you have a business relationship with any of your officers, directors, or trustees other than through their position as an officer, director, or trustee? If "Yes," identify the individuals and describe the business relationship with each of your officers, directors, or trustees. ☐ Yes ☒ No

- c** Are any of your officers, directors, or trustees related to your highest compensated employees or highest compensated independent contractors listed on lines 1b or 1c through family or business relationships? If "Yes," identify the individuals and explain the relationship. ☐ Yes ☒ No

- 3a** For each of your officers, directors, trustees, highest compensated employees, and highest compensated independent contractors listed on lines 1a, 1b, or 1c, attach a list showing their name, qualifications, average hours worked, and duties.

- b** Do any of your officers, directors, trustees, highest compensated employees, and highest compensated independent contractors listed on lines 1a, 1b, or 1c receive compensation from any other organizations, whether tax exempt or taxable, that are related to you through **common control**? If "Yes," identify the individuals, explain the relationship between you and the other organization, and describe the compensation arrangement. ☐ Yes ☒ No

- 4** In establishing the compensation for your officers, directors, trustees, highest compensated employees, and highest compensated independent contractors listed on lines 1a, 1b, and 1c, the following practices are recommended, although they are not required to obtain exemption. Answer "Yes" to all the practices you use.

- a** Do you or will the individuals that approve compensation arrangements follow a conflict of interest policy? ☒ Yes ☐ No
- b** Do you or will you approve compensation arrangements in advance of paying compensation? ☒ Yes ☐ No
- c** Do you or will you document in writing the date and terms of approved compensation arrangements? ☒ Yes ☐ No

**Part V Compensation and Other Financial Arrangements With Your Officers, Directors, Trustees, Employees, and Independent Contractors (Continued)**

- d** Do you or will you record in writing the decision made by each individual who decided or voted on compensation arrangements? ☒ **Yes** ☐ **No**
- e** Do you or will you approve compensation arrangements based on information about compensation paid by **similarly situated** taxable or tax-exempt organizations for similar services, current compensation surveys compiled by independent firms, or actual written offers from similarly situated organizations? Refer to the instructions for Part V, lines 1a, 1b, and 1c, for information on what to include as compensation. ☒ **Yes** ☐ **No**
- f** Do you or will you record in writing both the information on which you relied to base your decision and its source? ☒ **Yes** ☐ **No**
- g** If you answered "No" to any item on lines 4a through 4f, describe how you set compensation that is **reasonable** for your officers, directors, trustees, highest compensated employees, and highest compensated independent contractors listed in Part V, lines 1a, 1b, and 1c.

- 5a** Have you adopted a **conflict of interest policy** consistent with the sample conflict of interest policy in Appendix A to the instructions? If "Yes," provide a copy of the policy and explain how the policy has been adopted, such as by resolution of your governing board. If "No," answer lines 5b and 5c. ☒ **Yes** ☐ **No**
- b** What procedures will you follow to assure that persons who have a conflict of interest will not have influence over you for setting their own compensation?
- c** What procedures will you follow to assure that persons who have a conflict of interest will not have influence over you regarding business deals with themselves?
- Note:** A conflict of interest policy is recommended though it is not required to obtain exemption. Hospitals, see Schedule C, Section I, line 14.

- 6a** Do you or will you compensate any of your officers, directors, trustees, highest compensated employees, and highest compensated independent contractors listed in lines 1a, 1b, or 1c through **non-fixed payments**, such as discretionary bonuses or revenue-based payments? If "Yes," describe all non-fixed compensation arrangements, including how the amounts are determined, who is eligible for such arrangements, whether you place a limitation on total compensation, and how you determine or will determine that you pay no more than reasonable compensation for services. Refer to the instructions for Part V, lines 1a, 1b, and 1c, for information on what to include as compensation. ☐ **Yes** ☒ **No**

- b** Do you or will you compensate any of your employees, other than your officers, directors, trustees, or your five highest compensated employees who receive or will receive compensation of more than \$50,000 per year, through non-fixed payments, such as discretionary bonuses or revenue-based payments? If "Yes," describe all non-fixed compensation arrangements, including how the amounts are or will be determined, who is or will be eligible for such arrangements, whether you place or will place a limitation on total compensation, and how you determine or will determine that you pay no more than reasonable compensation for services. Refer to the instructions for Part V, lines 1a, 1b, and 1c, for information on what to include as compensation. ☐ **Yes** ☒ **No**

- 7a** Do you or will you purchase any goods, services, or assets from any of your officers, directors, trustees, highest compensated employees, or highest compensated independent contractors listed in lines 1a, 1b, or 1c? If "Yes," describe any such purchase that you made or intend to make, from whom you make or will make such purchases, how the terms are or will be negotiated at **arm's length**, and explain how you determine or will determine that you pay no more than **fair market value**. Attach copies of any written contracts or other agreements relating to such purchases. ☐ **Yes** ☒ **No**

- b** Do you or will you sell any goods, services, or assets to any of your officers, directors, trustees, highest compensated employees, or highest compensated independent contractors listed in lines 1a, 1b, or 1c? If "Yes," describe any such sales that you made or intend to make, to whom you make or will make such sales, how the terms are or will be negotiated at arm's length, and explain how you determine or will determine you are or will be paid at least fair market value. Attach copies of any written contracts or other agreements relating to such sales. ☐ **Yes** ☒ **No**

- 8a** Do you or will you have any leases, contracts, loans, or other agreements with your officers, directors, trustees, highest compensated employees, or highest compensated independent contractors listed in lines 1a, 1b, or 1c? If "Yes," provide the information requested in lines 8b through 8f. ☐ **Yes** ☒ **No**

- b** Describe any written or oral arrangements that you made or intend to make.
- c** Identify with whom you have or will have such arrangements.
- d** Explain how the terms are or will be negotiated at arm's length.
- e** Explain how you determine you pay no more than fair market value or you are paid at least fair market value.
- f** Attach copies of any signed leases, contracts, loans, or other agreements relating to such arrangements.

- 9a** Do you or will you have any leases, contracts, loans, or other agreements with any organization in which any of your officers, directors, or trustees are also officers, directors, or trustees, or in which any individual officer, director, or trustee owns more than a 35% interest? If "Yes," provide the information requested in lines 9b through 9f. ☐ **Yes** ☒ **No**

**Part V Compensation and Other Financial Arrangements With Your Officers, Directors, Trustees, Employees, and Independent Contractors (Continued)**

- b** Describe any written or oral arrangements you made or intend to make.
- c** Identify with whom you have or will have such arrangements.
- d** Explain how the terms are or will be negotiated at arm's length.
- e** Explain how you determine or will determine you pay no more than fair market value or that you are paid at least fair market value.
- f** Attach a copy of any signed leases, contracts, loans, or other agreements relating to such arrangements.

**Part VI Your Members and Other Individuals and Organizations That Receive Benefits From You**

The following "Yes" or "No" questions relate to goods, services, and funds you provide to individuals and organizations as part of your activities. Your answers should pertain to *past*, *present*, and *planned* activities. See instructions.

- 1a** In carrying out your exempt purposes, do you provide goods, services, or funds to individuals? If "Yes," describe each program that provides goods, services, or funds to individuals. ☒ **Yes** ☐ **No**
- b** In carrying out your exempt purposes, do you provide goods, services, or funds to organizations? If "Yes," describe each program that provides goods, services, or funds to organizations. ☐ **Yes** ☒ **No**
- 2** Do any of your programs limit the provision of goods, services, or funds to a specific individual or group of specific individuals? For example, answer "Yes," if goods, services, or funds are provided only for a particular individual, your members, individuals who work for a particular employer, or graduates of a particular school. If "Yes," explain the limitation and how recipients are selected for each program. ☐ **Yes** ☒ **No**
- 3** Do any individuals who receive goods, services, or funds through your programs have a family or business relationship with any officer, director, trustee, or with any of your highest compensated employees or highest compensated independent contractors listed in Part V, lines 1a, 1b, and 1c? If "Yes," explain how these related individuals are eligible for goods, services, or funds. ☐ **Yes** ☒ **No**

**Part VII Your History**

The following "Yes" or "No" questions relate to your history. See instructions.

- 1** Are you a **successor** to another organization? Answer "Yes," if you have taken or will take over the activities of another organization; you took over 25% or more of the fair market value of the net assets of another organization; or you were established upon the conversion of an organization from for-profit to nonprofit status. If "Yes," complete Schedule G. ☐ **Yes** ☒ **No**
- 2** Are you submitting this application more than 27 months after the end of the month in which you were legally formed? If "Yes," complete Schedule E. ☐ **Yes** ☒ **No**

**Part VIII Your Specific Activities**

The following "Yes" or "No" questions relate to specific activities that you may conduct. Check the appropriate box. Your answers should pertain to *past*, *present*, and *planned* activities. See instructions.

- 1** Do you support or oppose candidates in **political campaigns** in any way? If "Yes," explain. ☐ **Yes** ☒ **No**
- 2a** Do you attempt to **influence legislation**? If "Yes," explain how you attempt to influence legislation and complete line 2b. If "No," go to line 3a. ☐ **Yes** ☒ **No**
- b** Have you made or are you making an **election** to have your legislative activities measured by expenditures by filing Form 5768? If "Yes," attach a copy of the Form 5768 that was already filed or attach a completed Form 5768 that you are filing with this application. If "No," describe whether your attempts to influence legislation are a substantial part of your activities. Include the time and money spent on your attempts to influence legislation as compared to your total activities. ☐ **Yes** ☒ **No**
- 3a** Do you or will you operate bingo or **gaming** activities? If "Yes," describe who conducts them, and list all revenue received or expected to be received and expenses paid or expected to be paid in operating these activities. **Revenue and expenses** should be provided for the time periods specified in Part IX, Financial Data. ☐ **Yes** ☒ **No**
- b** Do you or will you enter into contracts or other agreements with individuals or organizations to conduct bingo or gaming for you? If "Yes," describe any written or oral arrangements that you made or intend to make, identify with whom you have or will have such arrangements, explain how the terms are or will be negotiated at arm's length, and explain how you determine or will determine you pay no more than fair market value or you will be paid at least fair market value. Attach copies or any written contracts or other agreements relating to such arrangements. ☐ **Yes** ☒ **No**
- c** List the states and local jurisdictions, including Indian Reservations, in which you conduct or will conduct gaming or bingo.

**Part VIII Your Specific Activities (Continued)**

- 4a** Do you or will you undertake **fundraising**? If "Yes," check all the fundraising programs you do or will conduct. See instructions. ☒ **Yes** ☐ **No**
- |   |  |
|---|--|
| <input checked="" type="checkbox"/> mail solicitations              | <input checked="" type="checkbox"/> phone solicitations                        |
| <input checked="" type="checkbox"/> email solicitations             | <input checked="" type="checkbox"/> accept donations on your website           |
| <input checked="" type="checkbox"/> personal solicitations          | <input type="checkbox"/> receive donations from another organization's website |
| <input type="checkbox"/> vehicle, boat, plane, or similar donations | <input type="checkbox"/> government grant solicitations                        |
| <input checked="" type="checkbox"/> foundation grant solicitations  | <input type="checkbox"/> Other   |
- Attach a description of each fundraising program.
- b** Do you or will you have written or oral contracts with any individuals or organizations to raise funds for you? If "Yes," describe these activities. Include all revenue and expenses from these activities and state who conducts them. Revenue and expenses should be provided for the time periods specified in Part IX, Financial Data. Also, attach a copy of any contracts or agreements. ☐ **Yes** ☒ **No**
- c** Do you or will you engage in fundraising activities for other organizations? If "Yes," describe these arrangements. Include a description of the organizations for which you raise funds and attach copies of all contracts or agreements. ☐ **Yes** ☒ **No**
- d** List all states and local jurisdictions in which you conduct fundraising. For each state or local jurisdiction listed, specify whether you fundraise for your own organization, you fundraise for another organization, or another organization fundraises for you.
- e** Do you or will you maintain separate accounts for any contributor under which the contributor has the right to advise on the use or distribution of funds? Answer "Yes" if the donor may provide advice on the types of investments, distributions from the types of investments, or the distribution from the donor's contribution account. If "Yes," describe this program, including the type of advice that may be provided and submit copies of any written materials provided to donors. ☐ **Yes** ☒ **No**
- 
- 5** Are you **affiliated** with a governmental unit? If "Yes," explain. ☐ **Yes** ☒ **No**
- 
- 6a** Do you or will you engage in **economic development**? If "Yes," describe your program. ☐ **Yes** ☒ **No**
- b** Describe in full who benefits from your economic development activities and how the activities promote exempt purposes.
- 
- 7a** Do or will persons other than your employees or volunteers **develop** your facilities? If "Yes," describe each facility, the role of the developer, and any business or family relationship(s) between the developer and your officers, directors, or trustees. ☐ **Yes** ☒ **No**
- b** Do or will persons other than your employees or volunteers **manage** your activities or facilities? If "Yes," describe each activity and facility, the role of the manager, and any business or family relationship(s) between the manager and your officers, directors, or trustees. ☐ **Yes** ☒ **No**
- c** If there is a business or family relationship between any manager or developer and your officers, directors, or trustees, identify the individuals, explain the relationship, describe how contracts are negotiated at arm's length so that you pay no more than fair market value, and submit a copy of any contracts or other agreements.
- 
- 8** Do you or will you enter into **joint ventures**, including partnerships or **limited liability companies** treated as partnerships, in which you share profits and losses with partners other than section 501(c)(3) organizations? If "Yes," describe the activities of these joint ventures in which you participate. ☐ **Yes** ☒ **No**
- 
- 9a** Are you applying for exemption as a childcare organization under section 501(k)? If "Yes," answer lines 9b through 9d. If "No," go to line 10. ☐ **Yes** ☒ **No**
- b** Do you provide childcare so that parents or caretakers of children you care for can be **gainfully employed** (see instructions)? If "No," explain how you qualify as a childcare organization described in section 501(k). ☐ **Yes** ☒ **No**
- c** Of the children for whom you provide childcare, are 85% or more of them cared for by you to enable their parents or caretakers to be gainfully employed (see instructions)? If "No," explain how you qualify as a childcare organization described in section 501(k). ☐ **Yes** ☒ **No**
- d** Are your services available to the general public? If "No," describe the specific group of people for whom your activities are available. Also, see the instructions and explain how you qualify as a childcare organization described in section 501(k). ☐ **Yes** ☒ **No**
- 
- 10** Do you or will you publish, own, or have rights in music, literature, tapes, artworks, choreography, scientific discoveries, or other **intellectual property**? If "Yes," explain. Describe who owns or will own any copyrights, patents, or trademarks, whether fees are or will be charged, how the fees are determined, and how any items are or will be produced, distributed, and marketed. ☐ **Yes** ☒ **No**

**Part VIII Your Specific Activities (Continued)**

- 11** Do you or will you accept contributions of: real property; conservation easements; closely held securities; intellectual property such as patents, trademarks, and copyrights; works of music or art; licenses; royalties; automobiles, boats, planes, or other vehicles; or collectibles of any type? If "Yes," describe each type of contribution, any conditions imposed by the donor on the contribution, and any agreements with the donor regarding the contribution. ☐ **Yes** ☒ **No**
- 
- 12a** Do you or will you operate in a **foreign country** or **countries**? If "Yes," answer lines 12b through 12d. If "No," go to line 13a. ☐ **Yes** ☒ **No**
- b** Name the foreign countries and regions within the countries in which you operate.
- c** Describe your operations in each country and region in which you operate.
- d** Describe how your operations in each country and region further your exempt purposes.
- 
- 13a** Do you or will you make grants, loans, or other distributions to organization(s)? If "Yes," answer lines 13b through 13g. If "No," go to line 14a. ☐ **Yes** ☒ **No**
- b** Describe how your grants, loans, or other distributions to organizations further your exempt purposes.
- c** Do you have written contracts with each of these organizations? If "Yes," attach a copy of each contract. ☐ **Yes** ☒ **No**
- d** Identify each recipient organization and any **relationship** between you and the recipient organization.
- e** Describe the records you keep with respect to the grants, loans, or other distributions you make.
- f** Describe your selection process, including whether you do any of the following.
- (i)** Do you require an application form? If "Yes," attach a copy of the form. ☒ **Yes** ☐ **No**
- (ii)** Do you require a grant proposal? If "Yes," describe whether the grant proposal specifies your responsibilities and those of the grantee, obligates the grantee to use the grant funds only for the purposes for which the grant was made, provides for periodic written reports concerning the use of grant funds, requires a final written report and an accounting of how grant funds were used, and acknowledges your authority to withhold and/or recover grant funds in case such funds are, or appear to be, misused. ☐ **Yes** ☒ **No**
- g** Describe your procedures for oversight of distributions that assure you the resources are used to further your exempt purposes, including whether you require periodic and final reports on the use of resources.
- 
- 14a** Do you or will you make grants, loans, or other distributions to foreign organizations? If "Yes," answer lines 14b through 14f. If "No," go to line 15. ☐ **Yes** ☒ **No**
- b** Provide the name of each foreign organization, the country and regions within a country in which each foreign organization operates, and describe any relationship you have with each foreign organization.
- c** Does any foreign organization listed in line 14b accept contributions earmarked for a specific country or specific organization? If "Yes," list all earmarked organizations or countries. ☐ **Yes** ☒ **No**
- d** Do your contributors know that you have ultimate authority to use contributions made to you at your discretion for purposes consistent with your exempt purposes? If "Yes," describe how you relay this information to contributors. ☒ **Yes** ☐ **No**
- e** Do you or will you make pre-grant inquiries about the recipient organization? If "Yes," describe these inquiries, including whether you inquire about the recipient's financial status, its tax-exempt status under the Internal Revenue Code, its ability to accomplish the purpose for which the resources are provided, and other relevant information. ☐ **Yes** ☒ **No**
- f** Do you or will you use any additional procedures to ensure that your distributions to foreign organizations are used in furtherance of your exempt purposes? If "Yes," describe these procedures, including site visits by your employees or compliance checks by impartial experts, to verify that grant funds are being used appropriately. ☐ **Yes** ☒ **No**

**Part VIII** Your Specific Activities (Continued)

- |           |  |   |
|-----------|--|---|
| <b>15</b> | Do you have a <b>close connection</b> with any organizations? If "Yes," explain.   | <input type="checkbox"/> <b>Yes</b> <input checked="" type="checkbox"/> <b>No</b> |
| <b>16</b> | Are you applying for exemption as a <b>cooperative hospital service organization</b> under section 501(e)? If "Yes," explain.  | <input type="checkbox"/> <b>Yes</b> <input checked="" type="checkbox"/> <b>No</b> |
| <b>17</b> | Are you applying for exemption as a <b>cooperative service organization of operating educational organizations</b> under section 501(f)? If "Yes," explain.  | <input type="checkbox"/> <b>Yes</b> <input checked="" type="checkbox"/> <b>No</b> |
| <b>18</b> | Are you applying for exemption as a <b>charitable risk pool</b> under section 501(n)? If "Yes," explain.   | <input type="checkbox"/> <b>Yes</b> <input checked="" type="checkbox"/> <b>No</b> |
| <b>19</b> | Do you or will you operate a <b>school</b> ? If "Yes," complete Schedule B. Answer "Yes," whether you operate a school as your main function or as a secondary activity.   | <input type="checkbox"/> <b>Yes</b> <input checked="" type="checkbox"/> <b>No</b> |
| <b>20</b> | Is your main function to provide <b>hospital</b> or <b>medical care</b> ? If "Yes," complete Schedule C.   | <input type="checkbox"/> <b>Yes</b> <input checked="" type="checkbox"/> <b>No</b> |
| <b>21</b> | Do you or will you provide <b>low-income housing</b> or housing for the <b>elderly</b> or <b>handicapped</b> ? If "Yes," complete Schedule F.  | <input type="checkbox"/> <b>Yes</b> <input checked="" type="checkbox"/> <b>No</b> |
| <b>22</b> | Do you or will you provide scholarships, fellowships, educational loans, or other educational grants to individuals, including grants for travel, study, or other similar purposes? If "Yes," complete Schedule H. | <input type="checkbox"/> <b>Yes</b> <input checked="" type="checkbox"/> <b>No</b> |

**Note: Private foundations** may use Schedule H to request advance approval of individual grant procedures.

**Part IX Financial Data**

For purposes of this schedule, years in existence refer to completed tax years.

1. If in existence less than 5 years, complete the statement for each year in existence and provide projections of your likely revenues and expenses based on a reasonable and good faith estimate of your future finances for a total of:
  - a. Three years of financial information if you have not completed one tax year, or
  - b. Four years of financial information if you have completed one tax year. See instructions.
2. If in existence 5 or more years, complete the schedule for the most recent 5 tax years. You will need to provide a separate statement that includes information about the most recent 5 tax years because the data table in Part IX has not been updated to provide for a 5th year. See instructions.

**A. Statement of Revenues and Expenses**

	Type of revenue or expense	Current tax year	3 prior tax years or 2 succeeding tax years				(e) Provide Total for (a) through (d)
		(a) From _____ To _____	(b) From _____ To _____	(c) From _____ To _____	(d) From _____ To _____		
<b>Revenues</b>	<b>1</b> Gifts, grants, and contributions received (do not include unusual grants)						
	<b>2</b> Membership fees received						
	<b>3</b> Gross investment income						
	<b>4</b> Net unrelated business income						
	<b>5</b> Taxes levied for your benefit						
	<b>6</b> Value of services or facilities furnished by a governmental unit without charge (not including the value of services generally furnished to the public without charge)						
	<b>7</b> Any revenue not otherwise listed above or in lines 9–12 below (attach an itemized list)						
	<b>8</b> Total of lines 1 through 7						
	<b>9</b> Gross receipts from admissions, merchandise sold or services performed, or furnishing of facilities in any activity that is related to your exempt purposes (attach itemized list)						
	<b>10</b> Total of lines 8 and 9						
	<b>11</b> Net gain or loss on sale of capital assets (attach schedule and see instructions)						
	<b>12</b> <b>Unusual grants</b>						
	<b>13</b> Total Revenue Add lines 10 through 12						
<b>Expenses</b>	<b>14</b> Fundraising expenses						
	<b>15</b> Contributions, gifts, grants, and similar amounts paid out (attach an itemized list)						
	<b>16</b> Disbursements to or for the benefit of members (attach an itemized list)						
	<b>17</b> Compensation of officers, directors, and trustees						
	<b>18</b> Other salaries and wages						
	<b>19</b> Interest expense						
	<b>20</b> Occupancy (rent, utilities, etc.)						
	<b>21</b> Depreciation and depletion						
	<b>22</b> Professional fees						
	<b>23</b> Any expense not otherwise classified, such as program services (attach itemized list)						
	<b>24</b> Total Expenses Add lines 14 through 23						

**Part IX Financial Data (Continued)****B. Balance Sheet (for your most recently completed tax year)**Year End:  
(Whole dollars)

Assets		
1	Cash . . . . .	1
2	Accounts receivable, net . . . . .	2
3	Inventories . . . . .	3
4	Bonds and notes receivable (attach an itemized list) . . . . .	4
5	Corporate stocks (attach an itemized list) . . . . .	5
6	Loans receivable (attach an itemized list) . . . . .	6
7	Other investments (attach an itemized list) . . . . .	7
8	Depreciable and depletable assets (attach an itemized list) . . . . .	8
9	Land . . . . .	9
10	Other assets (attach an itemized list) . . . . .	10
11	Total Assets (add lines 1 through 10) . . . . .	11
Liabilities		
12	Accounts payable . . . . .	12
13	Contributions, gifts, grants, etc. payable . . . . .	13
14	Mortgages and notes payable (attach an itemized list) . . . . .	14
15	Other liabilities (attach an itemized list) . . . . .	15
16	Total Liabilities (add lines 12 through 15) . . . . .	16
Fund Balances or Net Assets		
17	Total fund balances or net assets . . . . .	17
18	Total Liabilities and Fund Balances or Net Assets (add lines 16 and 17) . . . . .	18
19	Have there been any substantial changes in your assets or liabilities since the end of the period shown above? If "Yes," explain. <input type="checkbox"/> Yes <input type="checkbox"/> No	

**Part X Public Charity Status**

Part X is designed to classify you as an organization that is either a **private foundation** or a **public charity**. Public charity status is a more favorable tax status than private foundation status. If you are a private foundation, Part X is designed to further determine whether you are a **private operating foundation**. See instructions.

**1 a** Are you a private foundation? If "Yes," go to line 1b. If "No," go to line 5 and proceed as instructed. If you are unsure, see the instructions. ☒ **Yes** ☐ **No**

**b** As a private foundation, section 508(e) requires special provisions in your organizing document in addition to those that apply to all organizations described in section 501(c)(3). Check the box to confirm that your organizing document meets this requirement, whether by express provision or by reliance on operation of state law. Attach a statement that describes specifically where your organizing document meets this requirement, such as a reference to a particular article or section in your organizing document or by operation of state law. See the instructions, including Appendix B, for information about the special provisions that need to be contained in your organizing document. Go to line 2. ☒

**2** Are you a private operating foundation? To be a private operating foundation you must engage directly in the active conduct of charitable, religious, educational, and similar activities, as opposed to indirectly carrying out these activities by providing grants to individuals or other organizations. If "Yes," go to line 3. If "No," go to the signature section of Part XI. ☒ **Yes** ☐ **No**

**3** Have you existed for one or more years? If "Yes," attach financial information showing that you are a private operating foundation; go to the signature section of Part XI. If "No," continue to line 4. ☐ **Yes** ☒ **No**

**4** Have you attached either (1) an affidavit or opinion of counsel, (including a written affidavit or opinion from a certified public accountant or accounting firm with expertise regarding this tax law matter), that sets forth facts concerning your operations and support to demonstrate that you are likely to satisfy the requirements to be classified as a private operating foundation; or (2) a statement describing your proposed operations as a private operating foundation? ☐ **Yes** ☒ **No**

**5** If you answered "No" to line 1a, indicate the type of public charity status you are requesting by checking one of the choices below. You may check only one box.

The organization is not a private foundation because it is:

**a** 509(a)(1) and 170(b)(1)(A)(i)—a church or a convention or association of churches. Complete and attach Schedule A. ☐

**b** 509(a)(1) and 170(b)(1)(A)(ii)—a **school**. Complete and attach Schedule B. ☐

**c** 509(a)(1) and 170(b)(1)(A)(iii)—a **hospital**, a cooperative hospital service organization, or a medical research organization operated in conjunction with a hospital. Complete and attach Schedule C. ☐

**d** 509(a)(3)—an organization supporting either one or more organizations described in line 5a through c, f, h, or i or a publicly supported section 501(c)(4), (5), or (6) organization. Complete and attach Schedule D. ☐

**Part X Public Charity Status (Continued)**

- e** 509(a)(4) – an organization organized and operated exclusively for testing for public safety. ☐
- f** 509(a)(1) and 170(b)(1)(A)(iv) – an organization operated for the benefit of a college or university that is owned or operated by a governmental unit. ☐
- g** 509(a)(1) and 170(b)(1)(A)(ix) – an agricultural research organization directly engaged in the continuous active conduct of agricultural research in conjunction with a college or university. ☐
- h** 509(a)(1) and 170(b)(1)(A)(vi) – an organization that receives a substantial part of its financial support in the form of contributions from publicly supported organizations, from a governmental unit, or from the general public. ☐
- i** 509(a)(2) – an organization that normally receives not more than one-third of its financial support from gross **investment income** and receives more than one-third of its financial support from contributions, membership fees, and gross receipts from activities related to its exempt functions (subject to certain exceptions). ☐
- j** A publicly supported organization, but unsure if it is described in 5h or 5i. You would like the IRS to decide the correct status. ☐

**6** If you checked box h, i, or j in question 5 above, and you have been in existence more than 5 years, you must confirm your public support status. Answer line 6a if you checked box h in line 5 above. Answer line 6b if you checked box i in line 5 above. If you checked box j in line 5 above, answer both lines 6a and 6b.

- a** **(i)** Enter 2% of line 8, column (e) on Part IX-A Statement of Revenues and Expenses \_\_\_\_\_
- (ii)** Attach a list showing the name and amount contributed by each person, company, or organization whose gifts totaled more than the 2% amount. If the answer is "None," state this.
- b** **(i)** For each year amounts are included on lines 1, 2, and 9 of Part IX-A Statement of Revenues and Expenses, attach a list showing the name and amount received from each **disqualified person**. If the answer is "None," state this.
- (ii)** For each year amounts were included on line 9 of Part IX-A Statement of Revenues and Expenses, attach a list showing the name of and amount received from each payer, other than a disqualified person, whose payments were more than the larger of (1) 1% of Line 10, Part IX-A Statement of Revenues and Expenses, or (2) \$5,000. If the answer is "None," state this.

**7** Did you receive any unusual grants during any of the years shown on Part IX-A Statement of Revenues and Expenses? If "Yes," attach a list including the name of the contributor, the date and amount of the grant, a brief description of the grant, and explain why it is unusual. ☐ **Yes** ☒ **No**

**Part XI User Fee Information and Signature**

You must include the correct user fee payment with this application. If you do not submit the correct user fee, we will not process the application and we will return it to you. Your check or money order must be made payable to the United States Treasury. User fees are subject to change. Check our website at [www.irs.gov](http://www.irs.gov) and type "Exempt Organizations User Fee" in the search box, or call Customer Account Services at 1-877-829-5500 for current information.

**Enter the amount of the user fee paid:** \_\_\_\_\_

I declare under the penalties of perjury that I am authorized to sign this application on behalf of the above organization and that I have examined this application, including the accompanying schedules and attachments, and to the best of my knowledge it is true, correct, and complete.

**Please  
Sign  
Here**



\_\_\_\_\_  
(Signature of Officer, Director, Trustee, or other authorized official)

**Tyler J. Bettelon**

\_\_\_\_\_  
(Type or print name of signer)

\_\_\_\_\_  
(Date)

**Chairman**

\_\_\_\_\_  
(Type or print title or authority of signer)

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**Schedule A. Churches**

<b>1a</b>	Do you have a written creed, statement of faith, or summary of beliefs? If "Yes," attach copies of relevant documents.	<input type="checkbox"/> <b>Yes</b>	<input type="checkbox"/> <b>No</b>
<b>b</b>	Do you have a form of worship? If "Yes," describe your form of worship.	<input type="checkbox"/> <b>Yes</b>	<input type="checkbox"/> <b>No</b>
<b>2a</b>	Do you have a formal code of doctrine and discipline? If "Yes," describe your code of doctrine and discipline.	<input type="checkbox"/> <b>Yes</b>	<input type="checkbox"/> <b>No</b>
<b>b</b>	Do you have a distinct religious history? If "Yes," describe your religious history.	<input type="checkbox"/> <b>Yes</b>	<input type="checkbox"/> <b>No</b>
<b>c</b>	Do you have a literature of your own? If "Yes," describe your literature.	<input type="checkbox"/> <b>Yes</b>	<input type="checkbox"/> <b>No</b>
<b>3</b>	Describe the organization's religious hierarchy or ecclesiastical government.		
<b>4a</b>	Do you have regularly scheduled religious services? If "Yes," describe the nature of the services and provide representative copies of relevant literature such as church bulletins.	<input type="checkbox"/> <b>Yes</b>	<input type="checkbox"/> <b>No</b>
<b>b</b>	What is the average attendance at your regularly scheduled religious services?		
<b>5a</b>	Do you have an established place of worship? If "Yes," refer to the instructions for the information required.	<input type="checkbox"/> <b>Yes</b>	<input type="checkbox"/> <b>No</b>
<b>b</b>	Do you own the property where you have an established place of worship?	<input type="checkbox"/> <b>Yes</b>	<input type="checkbox"/> <b>No</b>
<b>6</b>	Do you have an established congregation or other regular membership group? If "No," refer to the instructions.	<input type="checkbox"/> <b>Yes</b>	<input type="checkbox"/> <b>No</b>
<b>7</b>	How many members do you have?		
<b>8a</b>	Do you have a process by which an individual becomes a member? If "Yes," describe the process and complete lines 8b–8d, below.	<input type="checkbox"/> <b>Yes</b>	<input type="checkbox"/> <b>No</b>
<b>b</b>	If you have members, do your members have voting rights, rights to participate in religious functions, or other rights? If "Yes," describe the rights your members have.	<input type="checkbox"/> <b>Yes</b>	<input type="checkbox"/> <b>No</b>
<b>c</b>	May your members be associated with another denomination or church?	<input type="checkbox"/> <b>Yes</b>	<input type="checkbox"/> <b>No</b>
<b>d</b>	Are all of your members part of the same <b>family</b> ?	<input type="checkbox"/> <b>Yes</b>	<input type="checkbox"/> <b>No</b>
<b>9</b>	Do you conduct baptisms, weddings, funerals, etc.?	<input type="checkbox"/> <b>Yes</b>	<input type="checkbox"/> <b>No</b>
<b>10</b>	Do you have a school for the religious instruction of the young?	<input type="checkbox"/> <b>Yes</b>	<input type="checkbox"/> <b>No</b>
<b>11a</b>	Do you have a minister or religious leader? If "Yes," describe this person's role and explain whether the minister or religious leader was ordained, commissioned, or licensed after a prescribed course of study.	<input type="checkbox"/> <b>Yes</b>	<input type="checkbox"/> <b>No</b>
<b>b</b>	Do you have schools for the preparation of your ordained ministers or religious leaders?	<input type="checkbox"/> <b>Yes</b>	<input type="checkbox"/> <b>No</b>
<b>12</b>	Is your minister or religious leader also one of your officers, directors, or trustees?	<input type="checkbox"/> <b>Yes</b>	<input type="checkbox"/> <b>No</b>
<b>13</b>	Do you ordain, commission, or license ministers or religious leaders? If "Yes," describe the requirements for ordination, commission, or licensure.	<input type="checkbox"/> <b>Yes</b>	<input type="checkbox"/> <b>No</b>
<b>14</b>	Are you part of a group of churches with similar beliefs and structures? If "Yes," explain. Include the name of the group of churches.	<input type="checkbox"/> <b>Yes</b>	<input type="checkbox"/> <b>No</b>
<b>15</b>	Do you issue church charters? If "Yes," describe the requirements for issuing a charter.	<input type="checkbox"/> <b>Yes</b>	<input type="checkbox"/> <b>No</b>
<b>16</b>	Did you pay a fee for a church charter? If "Yes," attach a copy of the charter.	<input type="checkbox"/> <b>Yes</b>	<input type="checkbox"/> <b>No</b>
<b>17</b>	Do you have other information you believe should be considered regarding your status as a church? If "Yes," explain.	<input type="checkbox"/> <b>Yes</b>	<input type="checkbox"/> <b>No</b>

**Schedule B. Schools, Colleges, and Universities**

If you operate a school as an activity, complete Schedule B

**Section I Operational Information**

**1a** Do you normally have a regularly scheduled curriculum, a regular faculty of qualified teachers, a regularly enrolled student body, and facilities where your educational activities are regularly carried on? If "No," do not complete the remainder of Schedule B. ☐ **Yes** ☐ **No**

**b** Is the primary function of your school the presentation of formal instruction? If "Yes," describe your school in terms of whether it is an elementary, secondary, college, technical, or other type of school. If "No," do not complete the remainder of Schedule B. ☐ **Yes** ☐ **No**

**2a** Are you a public school because you are operated by a state or subdivision of a state? If "Yes," explain how you are operated by a state or subdivision of a state. Do not complete the remainder of Schedule B. ☐ **Yes** ☐ **No**

**b** Are you a public school because you are operated wholly or predominantly from government funds or property? If "Yes," explain how you are operated wholly or predominantly from government funds or property. Submit a copy of your funding agreement regarding government funding. Do not complete the remainder of Schedule B. ☐ **Yes** ☐ **No**

**3** In what public school district, county, and state are you located?

**4** Were you formed or substantially expanded at the time of public school desegregation in the above school district or county? ☐ **Yes** ☐ **No**

**5** Has a state or federal administrative agency or judicial body ever determined that you are racially discriminatory? If "Yes," explain. ☐ **Yes** ☐ **No**

**6** Has your right to receive financial aid or assistance from a governmental agency ever been revoked or suspended? If "Yes," explain. ☐ **Yes** ☐ **No**

**7** Do you or will you contract with another organization to develop, build, market, or finance your facilities? If "Yes," explain how that entity is selected, explain how the terms of any contracts or other agreements are negotiated at arm's length, and explain how you determine that you will pay no more than fair market value for services. ☐ **Yes** ☐ **No**

**Note:** Make sure your answer is consistent with the information provided in Part VIII, line 7a.

**8** Do you or will you manage your activities or facilities through your own employees or volunteers? If "No," attach a statement describing the activities that will be managed by others, the names of the persons or organizations that manage or will manage your activities or facilities, and how these managers were or will be selected. Also, submit copies of any contracts, proposed contracts, or other agreements regarding the provision of management services for your activities or facilities. Explain how the terms of any contracts or other agreements were or will be negotiated, and explain how you determine you will pay no more than fair market value for services. ☐ **Yes** ☐ **No**

**Note:** Answer "Yes" if you manage or intend to manage your programs through your own employees or by using volunteers. Answer "No" if you engage or intend to engage a separate organization or independent contractor. Make sure your answer is consistent with the information provided in Part VIII, line 7b.

**Section II Establishment of Racially Nondiscriminatory Policy**Information required by **Revenue Procedure 75-50.**

**1** Have you adopted a racially nondiscriminatory policy as to students in your organizing document, bylaws, or by resolution of your governing body? If "Yes," state where the policy can be found or supply a copy of the policy. If "No," you must adopt a nondiscriminatory policy as to students before submitting this application. See Pub. 557. ☐ **Yes** ☐ **No**

**2** Do your brochures, application forms, advertisements, and catalogues dealing with student admissions, programs, and scholarships contain a statement of your racially nondiscriminatory policy? ☐ **Yes** ☐ **No**

**a** If "Yes," attach a representative sample of each document.

**b** If "No," by checking the box to the right you agree that all future printed materials, including website content, will contain the required nondiscriminatory policy statement. ☐

**3** Have you published a notice of your nondiscriminatory policy in a newspaper of general circulation that serves all racial segments of the community? See the instructions for specific requirements. If "No," explain. ☐ **Yes** ☐ **No**

**4** Does or will the organization (or any department or division within it) discriminate in any way on the basis of race with respect to admissions; use of facilities or exercise of student privileges; faculty or administrative staff; or scholarship or loan programs? If "Yes," for any of the above, explain fully. ☐ **Yes** ☐ **No**

**Schedule B. Schools, Colleges, and Universities** (Continued)

- 5** Complete the table below to show the racial composition for the current academic year and projected for the next academic year, of: (a) the student body, (b) the faculty, and (c) the administrative staff. Provide actual numbers rather than percentages for each racial category.

If you are not operational, submit an estimate based on the best information available (such as the racial composition of the community served).

Racial Category	(a) Student Body		(b) Faculty		(c) Administrative Staff	
	Current Year	Next Year	Current Year	Next Year	Current Year	Next Year
<b>Total</b>						

- 6** In the table below, provide the number and amount of loans and scholarships awarded to students enrolled by racial categories.

Racial Category	Number of Loans		Amount of Loans		Number of Scholarships		Amount of Scholarships	
	Current Year	Next Year	Current Year	Next Year	Current Year	Next Year	Current Year	Next Year
<b>Total</b>								

- 7a** Attach a list of your incorporators, founders, board members, and donors of land or buildings, whether individuals or organizations.

- b** Do any of these individuals or organizations have an objective to maintain segregated public or private school education? If "Yes," explain. ☐ **Yes** ☐ **No**

- 8** Will you maintain records according to the nondiscrimination provisions contained in Revenue Procedure 75-50? If "No," explain. See instructions. ☐ **Yes** ☐ **No**

**Schedule C. Hospitals and Medical Research Organizations**

Check the box if you are a **hospital**. See the instructions for a definition of the term "hospital," which includes an organization whose principal purpose or function is providing **hospital** or **medical care**. Complete Section I below. ☐

Check the box if you are a **medical research organization** operated in conjunction with a hospital. See the instructions for a definition of the term "medical research organization," which refers to an organization whose principal purpose or function is medical research and which is directly engaged in the continuous active conduct of medical research in conjunction with a hospital. Complete Section II. ☐

**Section I Hospitals**

- |           |  |  |
|-----------|--|--|
| <b>1a</b> | Are all the doctors in the community eligible for staff privileges? If "No," give the reasons why and explain how the medical staff is selected.   | <input type="checkbox"/> <b>Yes</b> <input type="checkbox"/> <b>No</b> |
| <b>2a</b> | Do you or will you provide medical services to all individuals in your community who can pay for themselves or have private health insurance? If "No," explain.  | <input type="checkbox"/> <b>Yes</b> <input type="checkbox"/> <b>No</b> |
| <b>b</b>  | Do you or will you provide medical services to all individuals in your community who participate in Medicare? If "No," explain.  | <input type="checkbox"/> <b>Yes</b> <input type="checkbox"/> <b>No</b> |
| <b>c</b>  | Do you or will you provide medical services to all individuals in your community who participate in Medicaid? If "No," explain.  | <input type="checkbox"/> <b>Yes</b> <input type="checkbox"/> <b>No</b> |
| <b>3a</b> | Do you or will you require persons covered by Medicare or Medicaid to pay a deposit before receiving services? If "Yes," explain.  | <input type="checkbox"/> <b>Yes</b> <input type="checkbox"/> <b>No</b> |
| <b>b</b>  | Does the same deposit requirement, if any, apply to all other patients? If "No," explain.  | <input type="checkbox"/> <b>Yes</b> <input type="checkbox"/> <b>No</b> |
| <b>4a</b> | Do you or will you maintain a full-time emergency room? If "No," explain why you do not maintain a full-time emergency room. Also, describe any emergency services that you provide.   | <input type="checkbox"/> <b>Yes</b> <input type="checkbox"/> <b>No</b> |
| <b>b</b>  | Do you have a policy on providing emergency services to persons without apparent means to pay? If "Yes," provide a copy of the policy.   | <input type="checkbox"/> <b>Yes</b> <input type="checkbox"/> <b>No</b> |
| <b>c</b>  | Do you have any arrangements with police, fire, and voluntary ambulance services for the delivery or admission of emergency cases? If "Yes," describe the arrangements, including whether they are written or oral agreements. If written, submit copies of all such agreements.   | <input type="checkbox"/> <b>Yes</b> <input type="checkbox"/> <b>No</b> |
| <b>5a</b> | Do you provide for a portion of your services and facilities to be used for charity patients? If "Yes," answer 5b through 5e.  | <input type="checkbox"/> <b>Yes</b> <input type="checkbox"/> <b>No</b> |
| <b>b</b>  | Explain your policy regarding charity cases, including how you distinguish between charity care and bad debts. Submit a copy of your written policy.   |  |
| <b>c</b>  | Provide data on your past experience in admitting charity patients, including amounts you expend for treating charity care patients and types of services you provide to charity care patients.  |  |
| <b>d</b>  | Describe any arrangements you have with federal, state, or local governments or government agencies for paying for the cost of treating charity care patients. Submit copies of any written agreements.  |  |
| <b>e</b>  | Do you provide services on a sliding fee schedule depending on financial ability to pay? If "Yes," submit your sliding fee schedule.   | <input type="checkbox"/> <b>Yes</b> <input type="checkbox"/> <b>No</b> |
| <b>6a</b> | Do you or will you carry on a formal program of medical training or medical research? If "Yes," describe such programs, including the type of programs offered, the scope of such programs, and affiliations with other hospitals or medical care providers with which you carry on the medical training or research programs.   | <input type="checkbox"/> <b>Yes</b> <input type="checkbox"/> <b>No</b> |
| <b>b</b>  | Do you or will you carry on a formal program of community education? If "Yes," describe such programs, including the type of programs offered, the scope of such programs, and affiliation with other hospitals or medical care providers with which you offer community education programs.   | <input type="checkbox"/> <b>Yes</b> <input type="checkbox"/> <b>No</b> |
| <b>7</b>  | Do you or will you provide office space to physicians carrying on their own medical practices? If "Yes," describe the criteria for who may use the space, explain the means used to determine that you are paid at least fair market value, and submit representative lease agreements.  | <input type="checkbox"/> <b>Yes</b> <input type="checkbox"/> <b>No</b> |
| <b>8</b>  | Is your board of directors comprised of a majority of individuals who are representative of the community you serve? Include a list of each board member's name and business, financial, or professional relationship with the hospital. Also, identify each board member who is representative of the community and describe how that individual is a community representative.   | <input type="checkbox"/> <b>Yes</b> <input type="checkbox"/> <b>No</b> |
| <b>9</b>  | Do you participate in any joint ventures? If "Yes," state your ownership percentage in each joint venture, list your investment in each joint venture, describe the tax status of other participants in each joint venture (including whether they are section 501(c)(3) organizations), describe the activities of each joint venture, describe how you exercise control over the activities of each joint venture, and describe how each joint venture furthers your exempt purposes. Also, submit copies of all agreements. | <input type="checkbox"/> <b>Yes</b> <input type="checkbox"/> <b>No</b> |

**Note:** Make sure your answer is consistent with the information provided in Part VIII, line 8.

**Schedule C. Hospitals and Medical Research Organizations (Continued)****Section I Hospitals (Continued)**

- 10** Do you or will you manage your activities or facilities through your own employees or volunteers? If "No," attach a statement describing the activities that will be managed by others, the names of the persons or organizations that manage or will manage your activities or facilities, and how these managers were or will be selected. Also, submit copies of any contracts, proposed contracts, or other agreements regarding the provision of management services for your activities or facilities. Explain how the terms of any contracts or other agreements were or will be negotiated, and explain how you determine you will pay no more than fair market value for services. ☐ **Yes** ☐ **No**

**Note:** Answer "Yes" if you do manage or intend to manage your programs through your own employees or by using volunteers. Answer "No" if you engage or intend to engage a separate organization or independent contractor. Make sure your answer is consistent with the information provided in Part VIII, line 7b.

- 11** Do you or will you offer recruitment incentives to physicians? If "Yes," describe your recruitment incentives and attach copies of all written recruitment incentive policies. ☐ **Yes** ☐ **No**
- 12** Do you or will you lease equipment, assets, or office space from physicians who have a financial or professional relationship with you? If "Yes," explain how you establish a fair market value for the lease. ☐ **Yes** ☐ **No**
- 13** Have you purchased medical practices, ambulatory surgery centers, or other business assets from physicians or other persons with whom you have a business relationship, aside from the purchase? If "Yes," submit a copy of each purchase and sales contract and describe how you arrived at fair market value, including copies of appraisals. ☐ **Yes** ☐ **No**
- 14** Have you adopted a **conflict of interest policy** consistent with the sample health care organization conflict of interest policy in Appendix A of the instructions? If "Yes," submit a copy of the policy and explain how the policy has been adopted, such as by resolution of your governing board. If "No," explain how you will avoid any conflicts of interest in your business dealings. ☐ **Yes** ☐ **No**

**Section II Medical Research Organizations**

- 1** Name the hospitals with which you have a relationship and describe the relationship. Attach copies of written agreements with each hospital that demonstrate continuing relationships between you and the hospital(s).
- 2** Attach a schedule describing your present and proposed activities for the direct conduct of medical research; describe the nature of the activities, and the amount of money that has been or will be spent in carrying them out.
- 3** Attach a schedule of assets showing their fair market value and the portion of your assets directly devoted to medical research.

**Schedule D. Section 509(a)(3) Supporting Organizations****Section I Identifying Information About the Supported Organization(s)**

- 1** State the names, addresses, and EINs of the supported organizations. If additional space is needed, attach a separate sheet.

Name	Address	EIN

- 2** Are all supported organizations listed in line 1 public charities under section 509(a)(1) or (2)? If "Yes," go to Section II. If "No," go to line 3. ☐ **Yes** ☐ **No**

- 3** Do the supported organizations have tax-exempt status under section 501(c)(4), 501(c)(5), or 501(c)(6)? ☐ **Yes** ☐ **No**  
If "Yes," for each 501(c)(4), (5), or (6) organization supported, provide the following financial information.

- Part IX-A. Statement of Revenues and Expenses, lines 1–13, and
- Part X, lines 6b(i), 6b(ii), and 7.

If "No," attach a statement describing how each organization you support is a public charity under section 509(a)(1) or (2).

**Section II Relationship with Supported Organization(s)—Three Tests**

To be classified as a supporting organization, an organization must meet one of three relationship tests.

Test 1: "Operated, supervised, or controlled by" one or more publicly supported organizations, or

Test 2: "Supervised or controlled in connection with" one or more publicly supported organizations, or

Test 3: "Operated in connection with" one or more publicly supported organizations.

- 1** Information to establish the "operated, supervised, or controlled by" relationship (Test 1)  
Is a majority of your governing board or officers elected or appointed by the supported organization(s)? ☐ **Yes** ☐ **No**  
If "Yes," describe the process by which your governing board is appointed and elected; go to Section III.  
If "No," continue to line 2.

- 2** Information to establish the "supervised or controlled in connection with" relationship (Test 2)  
Does a majority of your governing board consist of individuals who also serve on the governing board of the supported organization(s)? If "Yes," describe the process by which your governing board is appointed and elected; go to Section III. If "No," go to line 3. ☐ **Yes** ☐ **No**

- 3** Information to establish the "operated in connection with" responsiveness test (Test 3)  
Are you a trust from which the named supported organization(s) can enforce and compel an accounting under state law? If "Yes," explain whether you advised the supported organization(s) in writing of these rights and provide a copy of the written communication documenting this; go to Section II, line 5. If "No," go to line 4a. ☐ **Yes** ☐ **No**

- 4** Information to establish the alternative "operated in connection with" responsiveness test (Test 3)
- a** Do the officers, directors, trustees, or members of the supported organization(s) elect or appoint one or more of your officers, directors, or trustees? If "Yes," explain and provide documentation; go to line 4d, below. If "No," go to line 4b. ☐ **Yes** ☐ **No**
- b** Do one or more members of the governing body of the supported organization(s) also serve as your officers, directors, or trustees or hold other important offices with respect to you? If "Yes," explain and provide documentation; go to line 4d, below. If "No," go to line 4c. ☐ **Yes** ☐ **No**
- c** Do your officers, directors, or trustees maintain a close and continuous working relationship with the officers, directors, or trustees of the supported organization(s)? If "Yes," explain and provide documentation. ☐ **Yes** ☐ **No**
- d** Do the supported organization(s) have a significant voice in your investment policies, in the making and timing of grants, and in otherwise directing the use of your income or assets? If "Yes," explain and provide documentation. ☐ **Yes** ☐ **No**
- e** Describe and provide copies of written communications documenting how you made the supported organization(s) aware of your supporting activities.

- 5** Information to establish the "operated in connection with" integral part test (Test 3)  
Do you conduct activities that would otherwise be carried out by the supported organization(s)? If "Yes," explain and go to Section III. If "No," continue to line 6a. ☐ **Yes** ☐ **No**

**Schedule D. Section 509(a)(3) Supporting Organizations (Continued)****Section II Relationship with Supported Organization(s)—Three Tests (Continued)**

- 6** Information to establish the alternative "operated in connection with" integral part test (Test 3)
- a** Do you distribute at least 85% of your annual **net income** to the supported organization(s)? If "Yes," go ☐ **Yes** ☐ **No** to line 6b. See instructions.
- If "No," state the percentage of your income that you distribute to each supported organization. Also explain how you ensure that the supported organization(s) are attentive to your operations.
- b** How much do you contribute annually to each supported organization? Attach a schedule.
- c** What is the total annual revenue of each supported organization? If you need additional space, attach a list.
- d** Do you or the supported organization(s) **earmark** your funds for support of a particular program or activity? If "Yes," explain. ☐ **Yes** ☐ **No**
- 
- 7a** Does your organizing document specify the supported organization(s) by name? If "Yes," state the article and paragraph number and go to Section III. If "No," answer line 7b. ☐ **Yes** ☐ **No**
- b** Attach a statement describing whether there has been an historic and continuing relationship between you and the supported organization(s).

**Section III Organizational Test**

- 1a** If you met relationship Test 1 or Test 2 in Section II, your organizing document must specify the supported organization(s) by name, or by naming a similar purpose or charitable class of beneficiaries. If your organizing document complies with this requirement, answer "Yes." If your organizing document does not comply with this requirement, answer "No," and see the instructions. ☐ **Yes** ☐ **No**
- b** If you met relationship Test 3 in Section II, your organizing document must generally specify the supported organization(s) by name. If your organizing document complies with this requirement, answer "Yes," and go to Section IV. If your organizing document does not comply with this requirement, answer "No," and see the instructions. ☐ **Yes** ☐ **No**

**Section IV Disqualified Person Test**

You do not qualify as a supporting organization if you are **controlled** directly or indirectly by one or more **disqualified persons** (as defined in section 4946) other than **foundation managers** or one or more organizations that you support. Foundation managers who are also disqualified persons for another reason are disqualified persons with respect to you.

- 1a** Do any persons who are disqualified persons with respect to you, (except individuals who are disqualified persons only because they are foundation managers), appoint any of your foundation managers? If "Yes," (1) describe the process by which disqualified persons appoint any of your foundation managers, (2) provide the names of these disqualified persons and the foundation managers they appoint, and (3) explain how control is vested over your operations (including assets and activities) by persons other than disqualified persons. ☐ **Yes** ☒ **No**
- b** Do any persons who have a family or business relationship with any disqualified persons with respect to you, (except individuals who are disqualified persons only because they are foundation managers), appoint any of your foundation managers? If "Yes," (1) describe the process by which individuals with a family or business relationship with disqualified persons appoint any of your foundation managers, (2) provide the names of these disqualified persons, the individuals with a family or business relationship with disqualified persons, and the foundation managers appointed, and (3) explain how control is vested over your operations (including assets and activities) in individuals other than disqualified persons. ☐ **Yes** ☒ **No**
- c** Do any persons who are disqualified persons, (except individuals who are disqualified persons only because they are foundation managers), have any influence regarding your operations, including your assets or activities? If "Yes," (1) provide the names of these disqualified persons, (2) explain how influence is exerted over your operations (including assets and activities), and (3) explain how control is vested over your operations (including assets and activities) by individuals other than disqualified persons. ☐ **Yes** ☒ **No**

**Schedule E. Organizations Not Filing Form 1023 Within 27 Months of Formation**

Schedule E is intended to determine whether you are eligible for tax exemption under section 501(c)(3) from the postmark date of your application or from your date of incorporation or formation, whichever is earlier.

- 1** Are you a church, association of churches, or integrated auxiliary of a church? If "Yes," complete Schedule A and stop here. Do not complete the remainder of Schedule E. ☐ **Yes** ☒ **No**
- 
- 2a** Are you a public charity with annual **gross receipts** that are normally \$5,000 or less? If "Yes," stop here. Answer "No" if you are a private foundation, regardless of your gross receipts. ☐ **Yes** ☒ **No**
- b** If your gross receipts were normally more than \$5,000, are you filing this application within 90 days from the end of the tax year in which your gross receipts were normally more than \$5,000? If "Yes," stop here. ☐ **Yes** ☐ **No**
- 
- 3a** Were you included as a subordinate in a group exemption application or letter? If "No," go to line 4. ☐ **Yes** ☒ **No**
- b** If you were included as a subordinate in a group exemption letter, are you filing this application within 27 months from the date you were notified by the organization holding the group exemption letter or the Internal Revenue Service that you cease to be covered by the group exemption letter? If "Yes," stop here. ☐ **Yes** ☐ **No**
- c** If you were included as a subordinate in a timely filed group exemption request that was denied, are you filing this application within 27 months from the postmark date of the Internal Revenue Service final adverse ruling letter? If "Yes," stop here. ☐ **Yes** ☐ **No**
- 
- 4** Were you created on or before October 9, 1969? If "Yes," stop here. Do not complete the remainder of this schedule. ☐ **Yes** ☒ **No**
- 
- 5** If you answered "No" to lines 1 through 4, we cannot recognize you as tax exempt from your date of formation unless you qualify for an extension of time to apply for exemption. Do you wish to request an extension of time to apply to be recognized as exempt from the date you were formed? If "Yes," attach a statement explaining why you did not file this application within the 27-month period. Do not answer lines 6 or 7. If "No," go to line 6a. ☐ **Yes** ☒ **No**
- 
- 6a** If you answered "No" to line 5, you can only be exempt under section 501(c)(3) from the postmark date of this application. Therefore, do you want us to treat this application as a request for tax exemption from the postmark date? ☒ **Yes** ☐ **No**
- Note:** Be sure your ruling eligibility agrees with your answer to Part X, line 6.
- b** Do you anticipate significant changes in your sources of support in the future? If "Yes," complete line 7 below. ☐ **Yes** ☒ **No**

**Schedule E. Organizations Not Filing Form 1023 Within 27 Months of Formation** (Continued)

- 7** Complete this item only if you answered "Yes" to line 6b. Include projected revenue for the first two full years following the current tax year.

Type of Revenue	Projected revenue for 2 years following current tax year		
	(a) From _____ To _____	(b) From _____ To _____	(c) Total
<b>1</b> Gifts, grants, and contributions received (do not include unusual grants)			
<b>2</b> Membership fees received			
<b>3</b> Gross investment income			
<b>4</b> Net unrelated business income			
<b>5</b> Taxes levied for your benefit			
<b>6</b> Value of services or facilities furnished by a governmental unit without charge (not including the value of services generally furnished to the public without charge)			
<b>7</b> Any revenue not otherwise listed above or in lines 9–12 below (attach an itemized list)			
<b>8</b> Total of lines 1 through 7			
<b>9</b> Gross receipts from admissions, merchandise sold, or services performed, or furnishing of facilities in any activity that is related to your exempt purposes (attach itemized list)			
<b>10</b> Total of lines 8 and 9			
<b>11</b> Net gain or loss on sale of capital assets (attach an itemized list)			
<b>12</b> Unusual grants			
<b>13</b> Total revenue. Add lines 10 through 12			

**Schedule F. Homes for the Elderly or Handicapped and Low-Income Housing****Section I General Information About Your Housing**

**1** Describe the type of housing you provide.

**2** Provide copies of any application forms you use for admission.

**3** Explain how the public is made aware of your facility.

**4a** Provide a description of each facility.

**b** What is the total number of residents each facility can accommodate?

**c** What is your current number of residents in each facility?

**d** Describe each facility in terms of whether residents rent or purchase housing from you.

**5** Attach a sample copy of your residency or homeownership contract or agreement.

**6** Do you participate in any joint ventures? If "Yes," state your ownership percentage in each joint venture, list your investment in each joint venture, describe the tax status of other participants in each joint venture (including whether they are section 501(c)(3) organizations), describe the activities of each joint venture, describe how you exercise control over the activities of each joint venture, and describe how each joint venture furthers your exempt purposes. Also, submit copies of all joint venture agreements. ☐ **Yes** ☐ **No**

**Note:** Make sure your answer is consistent with the information provided in Part VIII, line 8.

**7** Do you or will you contract with another organization to develop, build, market, or finance your housing? If "Yes," explain how that entity is selected, explain how the terms of any contract(s) are negotiated at arm's length, and explain how you determine you will pay no more than fair market value for services. ☐ **Yes** ☐ **No**

**Note:** Make sure your answer is consistent with the information provided in Part VIII, line 7a.

**8** Do you or will you manage your activities or facilities through your own employees or volunteers? If "No," attach a statement describing the activities that will be managed by others, the names of the persons or organizations that manage or will manage your activities or facilities, and how these managers were or will be selected. Also, submit copies of any contracts, proposed contracts, or other agreements regarding the provision of management services for your activities or facilities. Explain how the terms of any contracts or other agreements were or will be negotiated, and explain how you determine you will pay no more than fair market value for services. ☐ **Yes** ☐ **No**

**Note:** Answer "Yes" if you do manage or intend to manage your programs through your own employees or by using volunteers. Answer "No" if you engage or intend to engage a separate organization or independent contractor. Make sure your answer is consistent with the information provided in Part VIII, line 7b.

**9** Do you participate in any government housing programs? If "Yes," describe these programs. ☐ **Yes** ☐ **No**

**10a** Do you own the facility? If "No," describe any enforceable rights you possess to purchase the facility in the future; go to line 10c. If "Yes," answer line 10b. ☐ **Yes** ☐ **No**

**b** How did you acquire the facility? For example, did you develop it yourself, purchase a project, etc. Attach all contracts, transfer agreements, or other documents connected with the acquisition of the facility.

**c** Do you lease the facility or the land on which it is located? If "Yes," describe the parties to the lease(s) and provide copies of all leases. ☐ **Yes** ☐ **No**

**Schedule F. Homes for the Elderly or Handicapped and Low-Income Housing** (Continued)**Section II Homes for the Elderly or Handicapped**

- 1a** Do you provide housing for the elderly? If "Yes," describe who qualifies for your housing in terms of age, infirmity, or other criteria and explain how you select persons for your housing. ☐ **Yes** ☐ **No**
- b** Do you provide housing for the handicapped? If "Yes," describe who qualifies for your housing in terms of disability, income levels, or other criteria and explain how you select persons for your housing. ☐ **Yes** ☐ **No**
- 
- 2a** Do you charge an entrance or founder's fee? If "Yes," describe what this charge covers, whether it is a one-time fee, how the fee is determined, whether it is payable in a lump sum or on an installment basis, whether it is refundable, and the circumstances, if any, under which it may be waived. ☐ **Yes** ☐ **No**
- b** Do you charge periodic fees or maintenance charges? If "Yes," describe what these charges cover and how they are determined. ☐ **Yes** ☐ **No**
- c** Is your housing affordable to a significant segment of the elderly or handicapped persons in the community? Identify your **community**. Also, if "Yes," explain how you determine your housing is affordable. ☐ **Yes** ☐ **No**
- 
- 3a** Do you have an established policy concerning residents who become unable to pay their regular charges? If "Yes," describe your established policy. ☐ **Yes** ☐ **No**
- b** Do you have any arrangements with government welfare agencies or others to absorb all or part of the cost of maintaining residents who become unable to pay their regular charges? If "Yes," describe these arrangements. ☐ **Yes** ☐ **No**
- 
- 4** Do you have arrangements for the healthcare needs of your residents? If "Yes," describe these arrangements. ☐ **Yes** ☐ **No**
- 
- 5** Are your facilities designed to meet the physical, emotional, recreational, social, religious, and/or other similar needs of the elderly or handicapped? If "Yes," describe these design features. ☐ **Yes** ☐ **No**

**Section III Low-Income Housing**

- 1** Do you provide low-income housing? If "Yes," describe who qualifies for your housing in terms of income levels or other criteria, and describe how you select persons for your housing. ☐ **Yes** ☐ **No**
- 
- 2** In addition to rent or mortgage payments, do residents pay periodic fees or maintenance charges? If "Yes," describe what these charges cover and how they are determined. ☐ **Yes** ☐ **No**
- 
- 3a** Is your housing affordable to low income residents? If "Yes," describe how your housing is made affordable to low-income residents. ☐ **Yes** ☐ **No**
- Note:** Revenue Procedure 96-32, 1996-1 C.B. 717, provides guidelines for providing low-income housing that will be treated as charitable. (At least 75% of the units are occupied by low-income tenants or 40% are occupied by tenants earning not more than 120% of the very low-income levels for the area.)
- b** Do you impose any restrictions to make sure that your housing remains affordable to low-income residents? If "Yes," describe these restrictions. ☐ **Yes** ☐ **No**
- 
- 4** Do you provide social services to residents? If "Yes," describe these services. ☐ **Yes** ☐ **No**

**Schedule G. Successors to Other Organizations**

**1a** Are you a **successor** to a **for-profit organization**? If "Yes," explain the relationship with the **predecessor** organization that resulted in your creation and complete line 1b. ☐ **Yes** ☒ **No**

**b** Explain why you took over the activities or assets of a for-profit organization or converted from for-profit to nonprofit status.

**2a** Are you a successor to an organization other than a for-profit organization? Answer "Yes" if you have taken or will take over the activities of another organization; or you have taken or will take over 25% or more of the fair market value of the net assets of another organization. If "Yes," explain the relationship with the other organization that resulted in your creation. ☐ **Yes** ☒ **No**

**b** Provide the tax status of the predecessor organization.

**c** Did you or did an organization to which you are a successor previously apply for tax exemption under section 501(c)(3) or any other section of the Code? If "Yes," explain how the application was resolved. ☐ **Yes** ☒ **No**

**d** Was your prior tax exemption or the tax exemption of an organization to which you are a successor revoked or suspended? If "Yes," explain. Include a description of the corrections you made to re-establish tax exemption. ☐ **Yes** ☒ **No**

**e** Explain why you took over the activities or assets of another organization.

**3** Provide the name, last address, and EIN of the predecessor organization and describe its activities.

**Name:** \_\_\_\_\_ **EIN:** \_\_\_\_\_

**Address:** \_\_\_\_\_

**4** List the owners, partners, principal stockholders, officers, and governing board members of the predecessor organization. Attach a separate sheet if additional space is needed.

Name	Address	Share/Interest (If a for-profit)

**5** Do or will any of the persons listed in line 4, maintain a working relationship with you? If "Yes," describe the relationship in detail and include copies of any agreements with any of these persons or with any for-profit organizations in which these persons own more than a 35% interest. ☐ **Yes** ☐ **No**

**6a** Were any assets transferred, whether by gift or sale, from the predecessor organization to you? If "Yes," provide a list of assets, indicate the value of each asset, explain how the value was determined, and attach an appraisal, if available. For each asset listed, also explain if the transfer was by gift, sale, or combination thereof. ☐ **Yes** ☐ **No**

**b** Were any restrictions placed on the use or sale of the assets? If "Yes," explain the restrictions. ☐ **Yes** ☐ **No**

**c** Provide a copy of the agreement(s) of sale or transfer.

**7** Were any debts or liabilities transferred from the predecessor for-profit organization to you? ☐ **Yes** ☐ **No**  
If "Yes," provide a list of the debts or liabilities that were transferred to you, indicating the amount of each, how the amount was determined, and the name of the person to whom the debt or liability is owed.

**8** Will you lease or rent any property or equipment previously owned or used by the predecessor for-profit organization, or from persons listed in line 4, or from for-profit organizations in which these persons own more than a 35% interest? If "Yes," submit a copy of the lease or rental agreement(s). Indicate how the lease or rental value of the property or equipment was determined. ☐ **Yes** ☐ **No**

**9** Will you lease or rent property or equipment to persons listed in line 4, or to for-profit organizations in which these persons own more than a 35% interest? If "Yes," attach a list of the property or equipment, provide a copy of the lease or rental agreement(s), and indicate how the lease or rental value of the property or equipment was determined. ☐ **Yes** ☐ **No**

**Schedule H. Organizations Providing Scholarships, Fellowships, Educational Loans, or Other Educational Grants to Individuals and Private Foundations Requesting Advance Approval of Individual Grant Procedures****Section I** *Names of individual recipients are not required to be listed in Schedule H.***Public charities and private foundations complete lines 1a through 7 of this section. See the instructions to Part X if you are not sure whether you are a public charity or a private foundation.**

- 1 a** Describe the types of educational grants you provide to individuals, such as scholarships, fellowships, loans, etc.
- b** Describe the purpose and amount of your scholarships, fellowships, and other educational grants and loans that you award.
- c** If you award educational loans, explain the terms of the loans (interest rate, length, forgiveness, etc.).
- d** Specify how your program is publicized.
- e** Provide copies of any solicitation or announcement materials.
- f** Provide a sample copy of the application used.
- 
- 2** Do you maintain case histories showing recipients of your scholarships, fellowships, educational loans, or other educational grants, including names, addresses, purposes of awards, amount of each grant, manner of selection, and relationship (if any) to officers, trustees, or donors of funds to you? If "No," refer to the instructions. ☐ **Yes** ☐ **No**
- 
- 3** Describe the specific criteria you use to determine who is eligible for your program. (For example, eligibility selection criteria could consist of graduating high school students from a particular high school who will attend college, writers of scholarly works about American history, etc.)
- 
- 4 a** Describe the specific criteria you use to select recipients. (For example, specific selection criteria could consist of prior academic performance, financial need, etc.)
- b** Describe how you determine the number of grants that will be made annually.
- c** Describe how you determine the amount of each of your grants.
- d** Describe any requirement or condition that you impose on recipients to obtain, maintain, or qualify for renewal of a grant. (For example, specific requirements or conditions could consist of attendance at a four-year college, maintaining a certain grade point average, teaching in public school after graduation from college, etc.)
- 
- 5** Describe your procedures for supervising the scholarships, fellowships, educational loans, or other educational grants. Describe whether you obtain reports and grade transcripts from recipients, or you pay grants directly to a school under an arrangement whereby the school will apply the grant funds only for enrolled students who are in good standing. Also, describe your procedures for taking action if the terms of the award are violated.
- 
- 6** Who is on the selection committee for the awards made under your program, including names of current committee members, criteria for committee membership, and the method of replacing committee members?
- 
- 7** Are relatives of members of the selection committee, or of your officers, directors, or **substantial contributors** eligible for awards made under your program? If "Yes," what measures are taken to ensure unbiased selections? ☐ **Yes** ☐ **No**

**Note:** If you are a private foundation, you are not permitted to provide educational grants to **disqualified persons**. Disqualified persons include your substantial contributors and foundation managers and certain family members of disqualified persons.

**Section II** **Private foundations complete lines 1a through 4f of this section. Public charities do not complete this section.**

- 1 a** If we determine that you are a private foundation, do you want this application to be considered as a request for advance approval of grant making procedures? ☐ **Yes** ☐ **No** ☐ **N/A**
- b** For which section(s) do you wish to be considered?
- 4945(g)(1)—Scholarship or fellowship grant to an individual for study at an educational institution ☐
  - 4945(g)(3)—Other grants, including loans, to an individual for travel, study, or other similar purposes, to enhance a particular skill of the grantee or to produce a specific product ☐
- 
- 2** Do you represent that you will (1) arrange to receive and review grantee reports annually and upon completion of the purpose for which the grant was awarded, (2) investigate diversions of funds from their intended purposes, and (3) take all reasonable and appropriate steps to recover diverted funds, ensure other grant funds held by a grantee are used for their intended purposes, and withhold further payments to grantees until you obtain grantees' assurances that future diversions will not occur and that grantees will take extraordinary precautions to prevent future diversions from occurring? ☐ **Yes** ☐ **No**
- 
- 3** Do you represent that you will maintain all records relating to individual grants, including information obtained to evaluate grantees, identify whether a grantee is a disqualified person, establish the amount and purpose of each grant, and establish that you undertook the supervision and investigation of grants described in line 2? ☐ **Yes** ☐ **No**

**Schedule H. Organizations Providing Scholarships, Fellowships, Educational Loans, or Other Educational Grants to Individuals and Private Foundations Requesting Advance Approval of Individual Grant Procedures (Continued)****Section II Private foundations complete lines 1a through 4f of this section. Public charities do not complete this section. (Continued)**

- 4a** Do you or will you award scholarships, fellowships, and educational loans to attend an educational institution based on the status of an individual being an *employee of a particular employer*? If "Yes," complete lines 4b through 4f. ☐ **Yes** ☐ **No**
- b** Will you comply with the seven conditions and either the percentage tests or facts and circumstances test for scholarships, fellowships, and educational loans to attend an educational institution as set forth in Revenue Procedures 76-47, 1976-2 C.B. 670, and 80-39, 1980-2 C.B. 772, which apply to inducement, selection committee, eligibility requirements, objective basis of selection, employment, course of study, and other objectives? (See lines 4c, 4d, and 4e, regarding the percentage tests.) ☐ **Yes** ☐ **No**
- c** Do you or will you provide scholarships, fellowships, or educational loans to attend an educational institution to employees of a particular employer? ☐ **Yes** ☐ **No** ☐ **N/A**
- If "Yes," will you award grants to 10% or fewer of the eligible applicants who were actually considered by the selection committee in selecting recipients of grants in that year as provided by Revenue Procedures 76-47 and 80-39? ☐ **Yes** ☐ **No**
- d** Do you provide scholarships, fellowships, or educational loans to attend an educational institution to children of employees of a particular employer? ☐ **Yes** ☐ **No** ☐ **N/A**
- If "Yes," will you award grants to 25% or fewer of the eligible applicants who were actually considered by the selection committee in selecting recipients of grants in that year as provided by Revenue Procedures 76-47 and 80-39? If "No," go to line 4e. ☐ **Yes** ☐ **No**
- e** If you provide scholarships, fellowships, or educational loans to attend an educational institution to children of employees of a particular employer, will you award grants to 10% or fewer of the number of employees' children who can be shown to be eligible for grants (whether or not they submitted an application) in that year, as provided by Revenue Procedures 76-47 and 80-39? ☐ **Yes** ☐ **No** ☐ **N/A**
- If "Yes," describe how you will determine who can be shown to be eligible for grants without submitting an application, such as by obtaining written statements or other information about the expectations of employees' children to attend an educational institution. If "No," go to line 4f.
- Note:** Statistical or sampling techniques are not acceptable. See Revenue Procedure 85-51, 1985-2 C.B. 717, for additional information.
- f** If you provide scholarships, fellowships, or educational loans to attend an educational institution to *children of employees of a particular employer* without regard to either the 25% limitation described in line 4d, or the 10% limitation described in line 4e, will you award grants based on facts and circumstances that demonstrate that the grants will not be considered compensation for past, present, or future services or otherwise provide a significant benefit to the particular employer? If "Yes," describe the facts and circumstances that you believe will demonstrate that the grants are neither compensatory nor a significant benefit to the particular employer. In your explanation, describe why you cannot satisfy either the 25% test described in line 4d or the 10% test described in line 4e. ☐ **Yes** ☐ **No**

# Form 1023 Checklist

(Revised December 2017)

## Application for Recognition of Exemption under Section 501(c)(3) of the Internal Revenue Code

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**Note:** Retain a copy of the completed Form 1023 in your permanent records. Refer to the General Instructions regarding Public Inspection of approved applications.

**Check each box to finish your application (Form 1023). Send this completed Checklist with your filled-in application. If you have not answered all the items below, your application may be returned to you as incomplete.**

- ☐ Assemble the application and materials in this order.
  - Form 1023 Checklist
  - Form 2848, *Power of Attorney and Declaration of Representative* (if filing)
  - Form 8821, *Tax Information Authorization* (if filing)
  - Expedite request (if requesting)
  - Application (Form 1023 and Schedules A through H, as required)
  - Articles of organization
  - Amendments to articles of organization in chronological order
  - Bylaws or other rules of operation and amendments
  - Documentation of nondiscriminatory policy for schools, as required by Schedule B
  - Form 5768, *Election/Revocation of Election by an Eligible Section 501(c)(3) Organization To Make Expenditures To Influence Legislation* (if filing)
  - All other attachments, including explanations, financial data, and printed materials or publications. Label each page with name and EIN.
- ☐ User fee payment placed in envelope on top of checklist. DO NOT STAPLE or otherwise attach your check or money order to your application. Instead, just place it in the envelope.
- ☐ Employer Identification Number (EIN)
- ☐ Completed Parts I through XI of the application, including any requested information and any required Schedules A through H.
  - You must provide specific details about your past, present, and planned activities.
  - Generalizations or failure to answer questions in the Form 1023 application will prevent us from recognizing you as tax exempt.
  - Describe your purposes and proposed activities in specific easily understood terms.
  - Financial information should correspond with proposed activities.
- ☐ Schedules. Submit only those schedules that apply to you and check either "Yes" or "No" below.

Schedule A    Yes \_\_\_    No \_\_\_

Schedule E    Yes \_\_\_    No \_\_\_

Schedule B    Yes \_\_\_    No \_\_\_

Schedule F    Yes \_\_\_    No \_\_\_

Schedule C    Yes \_\_\_    No \_\_\_

Schedule G    Yes \_\_\_    No \_\_\_

Schedule D    Yes \_\_\_    No \_\_\_

Schedule H    Yes \_\_\_    No \_\_\_

- ☐ An exact copy of your complete articles of organization (creating document). Absence of the proper purpose and dissolution clauses is the number one reason for delays in the issuance of determination letters.
  - Location of Purpose Clause from Part III, line 1 (Page, Article and Paragraph Number) \_\_\_\_\_
  - Location of Dissolution Clause from Part III, line 2b or 2c (Page, Article and Paragraph Number) or by operation of state law \_\_\_\_\_
- ☐ Signature of an officer, director, trustee, or other official who is authorized to sign the application.
  - Signature at Part XI of Form 1023.
- ☐ Your name on the application must be the same as your legal name as it appears in your articles of organization.

Send completed Form 1023, user fee payment, and all other required information, to:

Internal Revenue Service  
Attention: EO Determination Letters  
Stop 31  
P.O. Box 12192  
Covington, KY 41012-0192

If you are using express mail or a delivery service, send Form 1023, user fee payment, and attachments to:

Internal Revenue Service  
Attention: EO Determination Letters  
Stop 31  
201 West Rivercenter Boulevard  
Covington, KY 41011

Completed: 01/03/2021  
For Year Ending: 12/31/2020

### Alex's Saints YTD Treasurer Report

	YTD
<b>Income</b>	
Cash Donations	\$ 2,948.00
Check Donations	\$ 6,601.00
Paypal Donations	\$ 20,211.38
Stripe Donations	\$ 874.54
Bottle Return *	\$ 2,872.45
Merchandise Sale *	\$ 1,213.00
Facebook Donations	\$ 4,085.00
Pending**	\$ 2,872.45
<b>Total Income</b>	<b>\$ 41,677.82</b>
<b>Expenses</b>	
Merchandise	\$ 2,597.32
Advertisement	\$ 79.70
Supplies	\$ 1,484.05
Insurance	\$ 624.50
Paypal Fees	\$ 809.34
Bank Fees	\$ 45.96
USPS Box	\$ 148.00
Foundation Startup Fees	\$ 955.82
Cell Phone Plan	\$ 324.75
Family Donation	\$ 1,700.00
Church Donation	\$ 500.00
Other	\$ 2,778.76
<b>Total Expenses</b>	<b>\$ 12,048.20</b>
<b>YTD Balance on Hand:</b>	<b>\$ 26,757.17</b>



500 West Big Beaver  
Troy, MI 48084  
troymi.gov

Date: February 3, 2021

To: Mark F. Miller, City Manager

From: Robert J. Bruner, Assistant City Manager  
Robert C. Maleszyk, Chief Financial Officer  
Lisa Burnham, Controller  
Emily Frontera, Purchasing Manager

Subject: Contract Extension – Audit Services

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### **History**

Rehmann Group, a Troy-based company, has performed Audit Services for the City of Troy beginning with the 2005 fiscal year-end audit as a result of a competitive bid process (Resolution #2005-04-182). Since that time, the auditing service has been renewed unanimously by City Council with three-year contracts through 2019. A market survey performed in 2017 noted that we are receiving incredible value in comparison to other municipalities of like size and characteristics. The fees presented this year will still be below 2008 rates. Last year with new financial leadership, it was decided to renew for one year to evaluate the audit services. After a successful year in 2020, we are prepared to continue the relationship for audit services with Rehmann Group.

### **Purchasing**

- January 29, 2021, the City received a letter from the *Rehmann Group* indicating their interest in continuing to provide audit services for fiscal year 2021 at a rate of \$65,600 and fiscal year 2022 at a rate of \$67,600.
- The *Rehmann Group* continues to meet all expectations and consistently has delivered timely Audit Services.
- Individuals assigned to the City audit have been knowledgeable and have been of great assistance in helping the City successfully adopt the ever changing pronouncements in governmental accounting standards.
- The *Rehmann Group* is the largest public accounting firm with offices located in the City of Troy and a top 5 accounting firm in Southeast Michigan according to Crain's List.
- Based upon the impact of COVID and the Cares Act funding received by the City, we will most likely also be having a Single audit for the fiscal year 2021.

## CITY COUNCIL AGENDA ITEM



500 West Big Beaver  
Troy, MI 48084  
troymi.gov

### **Financial**

- The base audit fee of \$65,600 will be allocated to the following funds/component units based on estimated hours to complete the audit in 2021:

General Fund	\$58,500
Downtown Development Authority	3,200
Brownfield Redevelopment Authority	1,850
Local Development Authority	<u>2,050</u>
Total	\$65,600

- Fees for the Single Audit (\$5,000), *if required*, will be charged to the fund receiving the largest portion of federal grant funding and deemed as a major program for audit purposes.

### **Recommendation**

City management recommends awarding a two (2) year contract extension to the *Rehmann Group of Troy, MI* to provide independent auditing services for the fiscal year ending June 30, 2021 and 2022 for a fee of \$65,600 and \$67,600 and if required \$5,000 and \$5,200 for the Single Audit, for an estimated grand total of \$70,600 and \$72,800 respectively.

January 29, 2021

Robert C. Maleszyk  
Director of Financial Services  
City of Troy  
500 W. Big Beaver Rd.  
Troy, MI 48084

***Re: Proposal to Extend Auditing Services Contract***

Dear Mr. Maleszyk,

We are writing to extend our sincere gratitude to the City for the opportunity we have had to be of service as the City's auditors for the past several years. We value the relationship that we have had with the City and its staff, and trust that you feel that the City has benefited from our professional relationship as well. We would like to offer to extend our professional relationship for the next year under the terms noted below.

	<u>2021</u>	<u>2022</u>
Financial audit	\$ 65,600	\$ 67,600
Single audit, if required <sup>(1)</sup>	5,000	5,200

<sup>(1)</sup> This price proposal includes an audit of up to 2 major programs in each year. Additional major programs, if required, would be billed at an additional \$3,000 each.

These fees are based on the presumption that the City's accounting records will be reasonably adjusted and auditable. If any additional services are required to assist the City in preparing a reasonably adjusted trial balance, we will discuss the related circumstances with management and arrive at a new fee estimate.

These fees are independent of any special projects for which a separate engagement is contracted. We will, of course, continue to be available throughout the year to answer general business questions, and to assist you or your staff with accounting for specific transactions without charge.

Again, we thank you for the continuing opportunity to be of service to the City, and we look forward to many more years of exceeding your expectations. If you have any questions regarding this extension, or if we can be of assistance to you in any way, please do not hesitate to contact us.

Very truly yours,

**Rehmann Robson**



Nathan C. Baldermann, CPA, CGFM  
Principal

Rehmann is an independent member of Nexia International.



The above proposal is hereby accepted for an additional two years.

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Signature

---

Date



500 West Big Beaver  
Troy, MI 48084  
troymi.gov

J-09

## CITY COUNCIL AGENDA ITEM

Date: February 1, 2021

To: Mark F. Miller, City Manager

From: Robert J. Bruner, Assistant City Manager  
Robert Maleszyk, Chief Financial Officer  
Jeanette Menig, Human Resources Director

Subject: PA 152 - Publicly Funded Health Care

---

### History

Public Act 152 of 2011 established limits on the amount that public employers pay toward employee medical benefit plans. Coinciding with each medical insurance plan year (beginning April 1), we must address the alternatives and affirm the City's direction in this matter with a City Council resolution. The alternatives are:

- **Hard Cap** - The hard cap limits the amount a public employer can contribute to employee health insurance costs; the employer cannot pay more of the annual costs for health insurance than a total amount equal to:  
  
\$ 7,043.89 – times the number of employees with one-person coverage  
\$14,730.96 – times the number of employees with two-person coverage  
\$19,210.66 – times the number of employees with family coverage
- **80/20** - The 80/20 option states the employer may not pay more than 80% of the total annual costs of all the medical benefit plans it offers or contributes to for its employees.
- **Opt-Out** - The opt-out allows the local unit of government to exercise its discretion to determine what premium share contribution is desired for their organization.

Since the inception of PA 152, the Troy City Council has voted to opt-out each year.

### Financial

The financial impact of each option is estimated below:

#### **Estimated Cost Allocation by Option (FY 2021/22 Rates)**

<b>PA 152 Option</b>	<b>Employee Share</b>	<b>City Share</b>	<b>Total</b>
Opt-Out	298,780	5,676,820	5,975,600
Hard Cap	958,857	5,016,743	5,975,600
80/20	1,195,120	4,780,480	5,975,600

Note that our current medical plan is self-funded; accordingly, actual costs (experience) will differ from illustrative rates used in the above schedule.

While overall cost is one consideration, the impact on each individual is another. This year, the effect of PA 152 options on an individual City employee cost share would be as follows:

**Annual Employee Premium Share (FY 2021/22 Rates)**

<b>Type of Coverage</b>	<b>Current 5% (Opt-Out)</b>	<b>Hard Cap*</b>	<b>80/20</b>
1 person	381	576	1,524
2 person	914	3,549	3,656
Family	1,144	3,669	4,576

\* Hard Cap may be allocated alternatively

It should be noted that any option change would only affect non-union, full-time employees (currently 121 employees) until each union collective bargaining agreement expires and contribution rates can be changed for those groups.

**Recommendation**

We recommend that City Council continues to affirm the City's direction in this matter by selecting the PA 152 opt-out alternative for plan year 2021/22.



500 West Big Beaver  
Troy, MI 48084  
troymi.gov

## CITY COUNCIL AGENDA ITEM

Date: February 3, 2021

To: Mark F. Miller, City Manager

From: Robert J. Bruner, Assistant City Manager  
R. Brent Savidant, Community Development Director  
William J. Huotari, City Engineer  
Larysa Figol, Sr. Right-of-Way Representative

Subject: Request for Acceptance of a Permanent Easement from SD Custom Homes, LLC, Sidwell #88-20-36-276-074

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### **History**

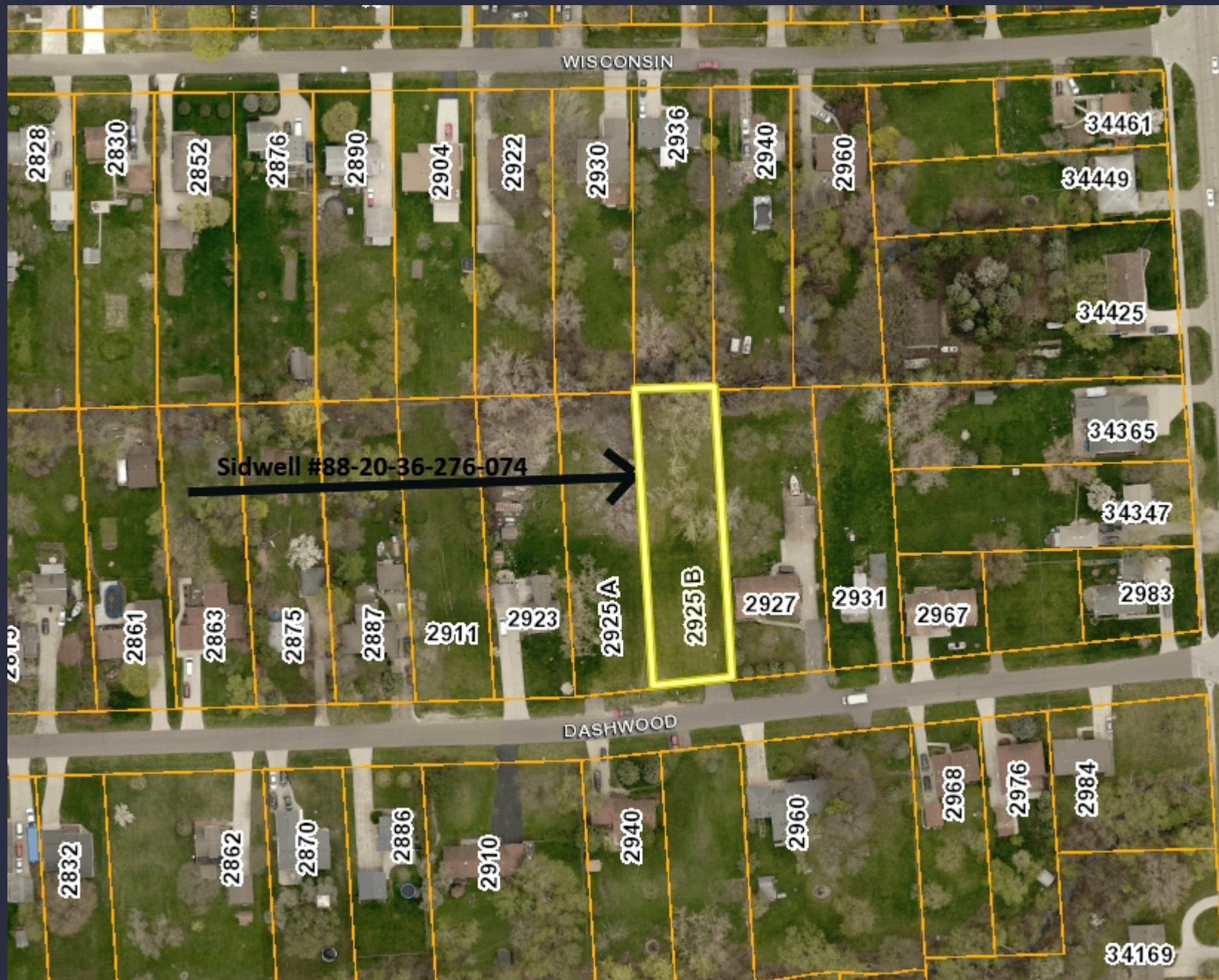
As part of the redevelopment of a residential lot, the City of Troy received a permanent easement for storm sewers and surface drainage from SD Custom Homes, LLC, owner of the property having Sidwell #88-20-36-276-074. The parcel is located in the northeast ¼ of Section 36, on the north side of Dashwood, west of Dequindre.

### **Financial**

The consideration amount on this document is \$1.00.

### **Recommendation**

City Management recommends that City Council accept the attached permanent easement consistent with our policy of accepting easements for development and improvement purposes.



Notes:

SD Custom Homes, LLC  
Storm Sewers & Surface  
Drainage  
#88-20-36-276-074



**PERMANENT EASEMENT  
FOR STORM SEWERS AND SURFACE DRAINAGE**

Sidwell #88-20-36-276-074

**SD CUSTOM HOMES, LLC**, a Michigan limited liability company, Grantor(s), whose address 6755 Shorebrook, Shelby Twp, MI 48316, for and in consideration of the sum of: One and no/100 Dollar (\$1.00) paid by the **CITY OF TROY**, a Michigan municipal corporation, Grantee, whose address is 500 West Big Beaver Road, Troy, Michigan, 48084 grants to the Grantee the right to access, construct, reconstruct, modify, operate, maintain, repair, upgrade, improve, inspect, enlarge or remove and/or replace **storm sewers and surface drainage**, said easement for land situated in the City of Troy, Oakland County, Michigan described as:

The West 6.00 feet of the South 140.00 feet of Lot 15, except the West 75.17 feet of "Dequindre Estates", being Part of the Northeast ¼ of Section 36, Town 2 North, Range 11 East, City of Troy, as recorded in Liber 14, Page 47, Oakland County, Michigan records. Containing 840 Square Feet or 0.019 Acres more or less.

and to enter upon sufficient land adjacent to said improvement(s) for the purpose of the construction, operation, maintenance, repair and/or replacement thereof.

The premises so disturbed by the exercise of any of the foregoing powers shall be reasonably restored to its original condition by the Grantee.

This instrument shall be binding upon and inure to the benefit of the parties hereto, their heirs, representatives, successors and assigns and the covenants contained herein shall run with the land.

IN WITNESS WHEREOF, the undersigned hereunto affixed \_\_\_\_\_ signature(s)  
this 15 day of JAN 2021 A.D. 2021.

SD CUSTOM HOMES, LLC  
a Michigan limited liability company

By  \_\_\_\_\_ (L.S.)

Steven Angeli  
Its: Member

STATE OF MICHIGAN )  
COUNTY OF MACOMB )

The foregoing instrument was acknowledged before me this 15 day of January, 2021, by Steven Angeli, Member of SD Custom Homes, LLC, a Michigan limited liability company, on behalf of the company.

ROSE A. WALKOWIAK  
Notary Public, Macomb County, MI  
Acting in MACOMB  
My Commission Expires: 7-23-2023

  
\*  
Notary Public, \_\_\_\_\_ County, Michigan  
My Commission Expires \_\_\_\_\_  
Acting in \_\_\_\_\_ County, Michigan

Prepared by: Steven Angeli, 6755 Shorebrook, Shelby Twp, MI 48316

Return to: City Clerk, City of Troy, 500 West Big Beaver, Troy, MI 4884



500 West Big Beaver  
Troy, MI 48084  
troymi.gov

J-11

## CITY COUNCIL AGENDA ITEM

Date: February 3, 2021

To: Mark F. Miller, City Manager

From: Robert J. Bruner, Assistant City Manager  
R. Brent Savidant, Community Development Director  
William J. Huotari, City Engineer  
Larysa Figol, Sr. Right-of-Way Representative

Subject: Request for Acceptance of a Permanent Easement from Adam and Rachael Czarnik, Sidwell #88-20-30-127-025

---

### **History**

As part of the development a vacant single family residential parcel located at the southeast corner of Big Beaver and Cedar Ridge roads, a permanent easement for storm sewers and surface drainage was required as part of the construction plans.

Prior to acceptance of the easement rights by City Council, the property developer recorded the easement at the same time as transfer of ownership to Andrew Czarnik and Rachael Czarnik, owners of the property having Sidwell #88-20-30-127-025.

Staff requests that City Council formally accept the permanent easement for storm sewers and surface drainage as recorded in Liber 54186 Page 231 by passing a resolution acknowledging acceptance of this easement.

### **Financial**

The consideration amount on this document is \$1.00.

### **Recommendation**

City Management recommends that City Council accept the permanent easement consistent with our policy of accepting deeds and easements for development and improvement purposes.



Legend:



Notes:

Czarnik, Austin & Rachael  
Storm Sewers & Surface  
Drainage  
#88-20-30-127-025

Map Scale: 1=182  
Created: February 3, 2021



Note: The information provided by this application has been compiled from recorded deeds, plats, tax maps, surveys, and other public records and data. It is not a legally recorded map survey. Users of this data are hereby notified that the source information represented should be consulted for verification.

LIBER 54186 PAGE 231  
\$21.00 MISC RECORDING  
\$4.00 REMONUMENTATION  
\$5.00 AUTOMATION  
05/08/2020 07:53:17 PM RECEIPT# 66343  
PAID RECORDED - Oakland County, MI  
Lisa Brown, Clerk/Register of Deeds

**PERMANENT EASEMENT  
FOR STORM SEWERS AND SURFACE DRAINAGE**

Sidwell #88-20-30-127-025 (pt of)  
Resolution #

*Rachael RC*  
**Austin Czarnik and Rachael Czarnik**, husband and wife, whose address is 2984 Cedar Ridge, Troy, MI 48084, for and in consideration of the sum of: One and no/100 Dollar (\$1.00) paid by the **CITY OF TROY**, a Michigan municipal corporation, Grantee, whose address is 500 West Big Beaver Road, Troy, Michigan, 48084 grants to the Grantee the right to access, construct, reconstruct, modify, operate, maintain, repair, upgrade, improve, inspect, enlarge or remove and/or replace **storm sewers and surface drainage**, said easement for land situated in the City of Troy, Oakland County, Michigan described as:

The East 15.00 of the property described as:

Part of the Northwest  $\frac{1}{4}$  of Section 30, Town 2 North, Range 11 East, described as beginning at a point distant South 00-26-01 West 60.00 feet from the  $\frac{1}{4}$  corner; thence South 00-26-01 West, 120.07 feet, thence North 88-55-17 West, 150.84 feet, thence North 00-25-30 East, 119.79 feet, thence South 89-01-54 East, 150.86 feet to the Point of Beginning. Containing 0.42 Acres, more or less.

and to enter upon sufficient land adjacent to said improvement(s) for the purpose of the construction, operation, maintenance, repair and/or replacement thereof.

The premises so disturbed by the exercise of any of the foregoing powers shall be reasonably restored to its original condition by the Grantee.

This instrument shall be binding upon and inure to the benefit of the parties hereto, their heirs, representatives, successors and assigns and the covenants contained herein shall run with the land.

IN WITNESS WHEREOF, the undersigned hereunto affixed  
this 7 day of February A.D. 2020.

\_\_\_\_\_  
*Austin Czarnik by Rachael Czarnik  
his Attorney in fact* (L.S.)

\*Austin Czarnik

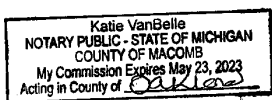
\_\_\_\_\_  
*Rachael Czarnik* (L.S.)

\*Rachael Czarnik

*Rachael RC*

STATE OF MICHIGAN )  
COUNTY OF OAKLAND )

The foregoing instrument was acknowledged before me this 7 day of February, 2020, by Austin Czarnik and *Rachael RC* Rachael Czarnik, husband and wife.



\_\_\_\_\_  
*[Signature]*

Notary Public, \_\_\_\_\_ County, Michigan  
My Commission Expires \_\_\_\_\_  
Acting in \_\_\_\_\_ County, Michigan

Prepared by: Larysa Figol, SR/WA  
City of Troy  
500 W. Big Beaver Road  
Troy, MI 48084

Return to: City Clerk  
City of Troy  
500 W. Big Beaver Road  
Troy, MI 48084



500 West Big Beaver  
Troy, MI 48084  
troymi.gov

## CITY COUNCIL AGENDA ITEM

Date: January 26, 2021

To: Mark F. Miller, City Manager

From: Robert J. Bruner, Assistant City Manager  
R. Brent Savidant, Community Development Director  
William J. Huotari, City Engineer  
Larysa Figol, Sr. Right-of-Way Representative

Subject: Request for Acceptance of a Permanent Easement from Sean Berg and Paul Chambers, Sidwell #88-20-36-276-073

---

### **History**

As part of the redevelopment of a residential lot, the City of Troy received a permanent easement for storm sewers and surface drainage from Sean Berg and Paul Chambers, owners of the property having Sidwell #88-20-36-276-073. The parcel is located in the northeast ¼ of Section 36, on the north side of Dashwood, west of Dequindre.

### **Financial**

The consideration amount on this document is \$1.00.

### **Recommendation**

City Management recommends that City Council accept the attached permanent easement consistent with our policy of accepting easements for development and improvement purposes.



# GIS Online

Legend:



Notes:

Berg & Chambers  
Storm Sewers & Surface  
Drainage  
#88-20-36-276-073

Map Scale: 1=182  
Created: February 2, 2021



Note: The information provided by this application has been compiled from recorded deeds, plats, tax maps, surveys, and other public records and data. It is not a legally recorded map survey. Users of this data are hereby notified that the source information represented should be consulted for verification.

**PERMANENT EASEMENT  
FOR STORM SEWERS AND SURFACE DRAINAGE**

Sidwell #88-20-36-276-073 (part of)

**Sean Berg and Paul Chambers**, whose address is 27085 Gail, Warren, MI 48093 for and in consideration of the sum of: One and no/100 Dollar (\$1.00) paid by the **CITY OF TROY**, a Michigan municipal corporation, Grantee, whose address is 500 West Big Beaver Road, Troy, MI 48084 grant to the Grantee the right to access, construct, reconstruct, modify, operate, maintain, repair, upgrade, improve, inspect, enlarge or remove and/or replace **storm sewers and surface drainage**, said easement for land situated in the City of Troy, Oakland County, Michigan described as:


The East 6.00 feet of the South 140.00 feet of the East 74.52 feet of the West 75.17 feet of Lot 15 of "Dequindre Estates", being Part of the Northeast ¼ of Section 36, Town 2 North, Range 11 East, City of Troy, as recorded in Liber 14, Page 47, Oakland County, Michigan records. Containing 840 Square Feet or 0.019 Acres more or less.

and to enter upon sufficient land adjacent to said improvement(s) for the purpose of the construction, operation, maintenance, repair and/or replacement thereof.

This instrument shall be binding upon and inure to the benefit of the parties hereto, their heirs, representatives, successors and assigns and the covenants contained herein shall run with the land.

IN WITNESS WHEREOF, the undersigned hereunto affixed their signature(s)  
this 1/20/21 day of January, 2021.

By:  (L.S.)  
Sean Berg

By:  (L.S.)  
Paul Chambers

STATE OF MICHIGAN )  
COUNTY OF OAKLAND )

The foregoing instrument was acknowledged before me this 20<sup>th</sup> day of January, 2021, by Sean Berg and Paul Chambers.

**CAROLINA MASTEJ**  
Notary Public, Macomb County MI  
My Commission Expires Oct. 6, 2023  
Acting in Macomb County MI

  
\*  
Notary Public, \_\_\_\_\_ County, Michigan  
My Commission Expires \_\_\_\_\_  
Acting in \_\_\_\_\_ County, Michigan

Prepared by: Sean Berg  
27085 Gail  
Warren, MI 48093

Return to: City Clerk  
City of Troy  
500 West Big Beaver  
Troy, MI 48084



500 West Big Beaver  
Troy, MI 48084  
troymi.gov

## CITY COUNCIL AGENDA ITEM

Date: February 2, 2021

To: Mark F. Miller, City Manager

From: Robert J. Bruner, Assistant City Manager  
Kurt Bovensiep, Public Works Director  
Dennis Trantham, Facilities & Grounds Operations Manager  
Cindy Stewart, Community Affairs Director

Subject: Community Development Block Grant (CDBG) 2021 Funds – Public Hearing Announcement

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### **Background**

Oakland County has advised the City of Troy to use \$178,147.00 as our planning estimate for program year 2021.

The following projects are being recommended for the 2021 CDBG program:

Parks-Recreational Facilities: Continuation of Retrofit at FF Park	\$124,703.00
Public Services – Yard Services (Home Chore)	<u>\$ 53,444.00</u>
Total:	\$178,147.00

Federal regulations require Oakland County as an “urban county” grantee to execute an annual Subrecipient Agreement with each participating community. We will submit the signed Agreement with our application.

### **Recommendation**

It is recommended that City Council hold a Public Hearing on February 22, 2021 at 7:30 pm or as soon thereafter as the agenda will permit, for the purpose of hearing public comments on the Community Development Block Grant Program Year 2021 application in the approximate amount of \$178,147 to fund eligible projects.

Due to the COVID-19 pandemic, Public Act 254 of 2020 allows for virtual meetings. The City Council Meeting will be held electronically and will be streamed live on the City of Troy’s YouTube Channel at <https://www.youtube.com/user/TroyMichiganGov>. City Council Meetings are also aired through normal cable television channels: WOW – Channel 10, Comcast – Channel 17, AT&T – Channel 99.



500 West Big Beaver  
Troy, MI 48084  
troymi.gov

## CITY COUNCIL AGENDA ITEM

Those who wish to be heard during the public comment period of a regular City Council meeting may do so in one of the following ways:

- **Email:** [PublicComment@troymi.gov](mailto:PublicComment@troymi.gov) **by 4:00 PM on the day of the meeting.** Emails will be read during the public comment period of the City Council meeting.
- **Voicemail:** Leave a voicemail at (248) 524-3302 **by 4:00 PM on the day of the meeting.** Voicemails will be played during the public comment period of the City Council meeting.

**Both email and voicemail public comments will be limited to three minutes each.**

**CITY MANAGER  
CITY OF TROY, OAKLAND COUNTY  
500 W. BIG BEAVER ROAD  
TROY, MI 48084**

**STATE OF MICHIGAN  
BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION NOTICE  
OF HEARING  
FOR THE GAS CUSTOMERS OF  
DTE GAS COMPANY  
CASE NO. U-20816**

- DTE Gas Company requests Michigan Public Service Commission's approval of a Gas Cost Recovery Plan, 5-year Forecast and Monthly GCR Factor for the 12 months ending March 31, 2022.
- The information below describes how a person may participate in this case.
- You may call or write DTE Gas Company, One Energy Plaza, Detroit, MI 48226, (800) 477-4747, for a free copy of its application. Any person may review the documents at the offices of DTE Gas Company.
- A pre-hearing will be held:

**DATE/TIME:** Thursday, February 11, 2021 at 9:00 AM

**BEFORE:** Administrative Law Judge Kandra Robbins

**LOCATION:** Video/Teleconferencing

**PARTICIPATION:** Any interested person may participate. Persons needing any assistance to participate should contact the Commission's Executive Secretary at (517) 284-8090, or by email at [mpscedockets@michigan.gov](mailto:mpscedockets@michigan.gov) in advance of the hearing.

The Michigan Public Service Commission (Commission) will hold a pre-hearing to consider DTE Gas Company's (DTE Gas) December 18, 2020 application requesting the Commission to: 1) approve DTE Gas to implement a Gas Cost Recovery (GCR) plan and a maximum base GCR factor of \$2.53 per Mcf that can be adjusted to a new maximum GCR rate by the monthly NYMEX based contingency factor matrix, to be reflected in DTE Gas's monthly gas customer billings beginning April 1, 2021, and continuing through March 31, 2022; 2) approve a Supplier of Last Resort Reservation (SOLR) Charge of an additional \$0.42 per Mcf that is billed to GCR customers while the Reservation Charge billed to GCC customers will be \$0.28 per Mcf; 3) Review DTE Gas's five-year (April 2021-March 2026) forecast of gas requirements, supplies and costs, and gas supply plan, approve the five-year forecast and indicate any cost items in the five-year forecast that cannot be recovered from DTE Gas customers in rates, rate schedules, or gas cost recovery factors established in the future; and 4) grant DTE Gas other and further relief.

All documents filed in this case shall be submitted electronically through the Commission's E-Dockets website at: [michigan.gov/mpscedockets](http://michigan.gov/mpscedockets). Requirements and instructions for filing can be found in the User Manual on the E-Dockets help page. Documents may also be submitted, in Word or PDF format, as an attachment to an email sent to: [mpscedockets@michigan.gov](mailto:mpscedockets@michigan.gov). If you require assistance prior to e-filing, contact Commission staff at (517) 284-8090 or by email at: [mpscedockets@michigan.gov](mailto:mpscedockets@michigan.gov).

Any person wishing to intervene and become a party to the case shall electronically file a petition to intervene with this Commission by February 4, 2021. (Interested persons may elect to file using the traditional paper format.) The proof of service shall indicate service upon DTE Gas Company's attorney, Andrea E. Hayden, One Energy Plaza, Detroit, MI 48226.

The prehearing is scheduled to be held remotely by video conference or teleconference. Persons filing a petition to intervene will be advised of the process to participate in the hearing.

Any person wishing to participate without intervention under Mich Admin Code, R 792.10413 (Rule 413), or file a public comment, may do so by filing a written statement in this docket. The written statement may be mailed or emailed and should reference Case No. **U-20816**. Statements may be emailed to: [mpscedockets@michigan.gov](mailto:mpscedockets@michigan.gov). Statements may be mailed to: Executive Secretary, Michigan Public Service Commission, 7109 West Saginaw Hwy., Lansing, MI 48917. All information submitted to the Commission in this matter becomes public information, thus available on the Michigan Public Service Commission's website, and subject to disclosure. Please do not include information you wish to remain private. For more information on how to participate in a case, you may contact the Commission at the above address or by telephone at (517) 284-8090.

Requests for adjournment must be made pursuant to Michigan Office of Administrative Hearings and Rules R 792.10422 and R 792.10432. Requests for further information on adjournment should be directed to (517) 284-8130.

A copy of DTE Gas Company's application may be reviewed on the Commission's website at: [michigan.gov/mpscedockets](http://michigan.gov/mpscedockets), and at the office of DTE Gas Company. For more information on how to participate in a case, you may contact the Commission at the above address or by telephone at (517) 284-8090.

The Utility Consumer Representation Fund has been created for the purpose of aiding in the representation of residential utility customers in various Commission proceedings. Contact the Chairperson, Utility Consumer Participation Board, Department of Licensing and Regulatory Affairs, P.O. Box 30004, Lansing, Michigan 48909, for more information.

Jurisdiction is pursuant to 1909 PA 300, as amended, MCL 462.2 et seq.; 1919 PA 419, as amended, MCL 460.54 et seq.; 1939 PA 3, as amended, MCL 460.1 et seq.; 1969 PA 306, as amended, MCL 24.201 et seq.; 1982 PA 304, as amended, MCL 460.6h et seq.; and Parts 1 & 4 of the Michigan Office of Administrative Hearings and Rules, Mich. Admin Code, R 792.10106 and R 792.10401 through R 792.10448.

**STATE OF MICHIGAN  
BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION  
NOTICE OF HEARING  
FOR THE GAS CUSTOMERS OF  
CONSUMERS ENERGY COMPANY  
CASE NO. U-20814**

- Consumers Energy Company requests Michigan Public Service Commission's approval of a gas cost recovery plan and authorization of gas cost recovery factors for the 12 months ending March 31, 2022.
- The information below describes how a person may participate in this case.
- You may call or write Consumers Energy Company, One Energy Plaza, Jackson, MI 49201, 517-788-0550 for a free copy of its application. Any person may review the documents at the offices of Consumers Energy Company.
- A pre-hearing will be held:

'21 FEB 1 AM 8:37

**DATE/TIME:** Thursday, February 11, 2021 at 10:00 AM

**BEFORE:** Administrative Law Judge Jonathan Thoits

**LOCATION:** Video/Teleconferencing

**PARTICIPATION:** Any interested person may participate. Persons needing any assistance to participate should contact the Commission's Executive Secretary at (517) 284-8090, or by email at [mpscdockets@michigan.gov](mailto:mpscdockets@michigan.gov) in advance of the hearing.

The Michigan Public Service Commission (Commission) will hold a pre-hearing to consider Consumers Energy Company's (Consumers Energy) December 23, 2020 application requesting the Commission to: 1) authorize Consumers Energy to implement a Gas Cost Recovery (GCR) plan and monthly GCR factors for the period April 2021 through March 2022, consisting of the sum of two parts: (i) a base factor of \$2.6453 per Mcf; plus, (ii) additional amounts contingent upon future events, determined using the GCR Factor Ceiling Price Adjustment (Contingency) Mechanism; 2) review Consumers Energy's plans and projections through March 2026, approve the five-year forecast and indicate any cost items in the five-year forecast that cannot be recovered from Consumers Energy customers in rates, rate schedules, or gas cost recovery factors established in the future; and 3) grant Consumers Energy such other and further relief as is lawful and appropriate, including approval of higher GCR factors than requested.

All documents filed in this case shall be submitted electronically through the Commission's E-Dockets website at: [michigan.gov/mpscdockets](http://michigan.gov/mpscdockets). Requirements and instructions for filing can be found in the User Manual on the E-Dockets help page. Documents may also be submitted, in Word or PDF format, as an attachment to an email sent to: [mpscdockets@michigan.gov](mailto:mpscdockets@michigan.gov). If you require assistance prior to e-filing, contact Commission staff at (517) 284-8090 or by email at: [mpscdockets@michigan.gov](mailto:mpscdockets@michigan.gov).

Any person wishing to intervene and become a party to the case shall electronically file a petition to intervene with this Commission by February 4, 2021. (Interested persons may elect to file using the traditional paper format.) The proof of service shall indicate service upon Consumers Energy Company's Legal Department – Regulatory Group, One Energy Plaza, Jackson, MI 49201.

The prehearing is scheduled to be held remotely by video conference or teleconference. Persons filing a petition to intervene will be advised of the process to participate in the hearing.

Any person wishing to participate without intervention under Mich Admin Code, R 792.10413 (Rule 413), or file a public comment, may do so by filing a written statement in this docket. The written statement may be mailed or emailed and should reference Case No. **U-20814**. Statements may be emailed to: [mpscedockets@michigan.gov](mailto:mpscedockets@michigan.gov). Statements may be mailed to: Executive Secretary, Michigan Public Service Commission, 7109 West Saginaw Hwy., Lansing, MI 48917. All information submitted to the Commission in this matter becomes public information, thus available on the Michigan Public Service Commission's website, and subject to disclosure. Please do not include information you wish to remain private. For more information on how to participate in a case, you may contact the Commission at the above address or by telephone at (517) 284-8090.

Requests for adjournment must be made pursuant to Michigan Office of Administrative Hearings and Rules R 792.10422 and R 792.10432. Requests for further information on adjournment should be directed to (517) 284-8130.

A copy of Consumers Energy Company's application may be reviewed on the Commission's website at: [michigan.gov/mpscedockets](http://michigan.gov/mpscedockets), and at the office of Consumers Energy Company. For more information on how to participate in a case, you may contact the Commission at the above address or by telephone at (517) 284-8090.

The Utility Consumer Representation Fund has been created for the purpose of aiding in the representation of residential utility customers in various Commission proceedings. Contact the Chairperson, Utility Consumer Participation Board, Department of Licensing and Regulatory Affairs, P.O. Box 30004, Lansing, Michigan 48909, for more information.

Jurisdiction is pursuant to 1909 PA 300, as amended, MCL 462.2 et seq.; 1919 PA 419, as amended, MCL 460.54 et seq.; 1939 PA 3, as amended, MCL 460.1 et seq.; 1969 PA 306, as amended, MCL 24.201 et seq.; 1982 PA 304, as amended, MCL 460.6h et seq.; and Parts 1 & 4 of the Michigan Office of Administrative Hearings and Rules, Mich. Admin Code, R 792.10106 and R 792.10401 through R 792.10448.

**CONSUMERS ENERGY COMPANY HAS REQUESTED THE GAS COST RECOVERY FACTORS DESCRIBED IN THIS NOTICE. THE MICHIGAN PUBLIC SERVICE COMMISSION MAY APPROVE, REJECT OR AMEND THE FACTORS AND OTHER PROPOSALS.**