

City of Flint, Michigan

*Third Floor, City Hall
1101 S. Saginaw Street
Flint, Michigan 48502
www.cityofflint.com*



Meeting Agenda - Final

Monday, September 24, 2018

5:00 PM

Committee Room

GOVERNMENTAL OPERATIONS COMMITTEE

Santino J. Guerra, Chairperson, Ward 3

*Eric Mays, Ward 1
Kate Fields, Ward 4
Herbert J. Winfrey, Ward 6
Allan Griggs, Ward 8*

*Maurice D. Davis, Ward 2
Jerri Winfrey-Carter, Ward 5
Monica Galloway, Ward 7
Eva L. Worthing, Ward 9*

Inez M. Brown, City Clerk

ROLL CALL

RESOLUTIONS

None

APPOINTMENTS

180483 Appointment/Local Officers Compensation Commission (LOCC)/Martin J. Banks/Ward 3

Resolution resolving that the Flint City Council approves the recommendation and appointment of Martin J. Banks (4512 Maines Street, Flint, MI 48502) to serve the balance of a seven-year term on the Local Officers Compensation Commission (LOCC), commencing September 25, 2018, and expiring August 7, 2019. [By way of background, Mr. Banks is replacing Barry Wolf, who was appointed in 2012 and recently resigned.]

180499 Appointment/Flint District Library Board/Kathy R. Jackson

Resolution resolving that the Flint City Council approves the appointment of Kathy R. Jackson (132 West First Street, Flint, Michigan, 48502) to the Flint District Library Board for a three-year term, commencing October 1, 2018, and expiring September 30, 2021, as requested by Mayor Karen Weaver. [NOTE: By way of background, Ms. Jackson is replacing Matthew Schlinker, who has served three terms, which makes him ineligible for another term.]

DISCUSSION ITEMS

180453 Discussion Item/Flint City Council Leadership (Officers)

A discussion item as requested by Councilperson Mays, re: He would like to discuss the "next leadership" of the city council (i.e. president, vice president). [Referral Action Date: 8/27/2018 @ City Council Meeting.]

180475 Referral/Use of Random Predictive Software/Location of Lead Pipes

A referral as requested by Councilperson Guerra to FIN/DPW: He would like to know if the city used Random Predictive Software to predict the location of lead pipes. If so, why did the city stop using it and what was the success rate. If not, why not. [Referral Action Date: 9/5/2018 @ Governmental Operations Committee Meeting.]

180486 Discussion Item/Absentee Voter Ballots

A discussion item as requested by Councilperson Mays, re: He would like to discuss the Michigan Election Law concerning absent voter ballots and collection

thereof. [Referral Action Date: 9/10/2018 @ Special Affairs Committee Meeting.]

180487 Discussion Item/Genesee County Warning Sirens

A discussion item as requested by Councilperson Guerra, re: He would like to discuss the county's warning (tornado) sirens that are tested on the first Saturday of each month (from March through November) because he has been getting complaints from residents who can't hear the warning. [Referral Action Date: 9/10/2018 @ Special Affairs Committee Meeting.]

180488 Discussion Item/Landlord Task Force

A discussion item as requested by Councilperson Guerra, re: He would like to discuss the possibility of having a task force whose responsibility would be checking on landlords and their properties with regard to code enforcement and other rules/laws. [Referral Action Date: 9/10/2018 @ Special Affairs Committee Meeting.]

OLD, OUTSTANDING DISCUSSION ITEMS

160112 Discussion/Genesee County Land Bank/Immunity Agreement

Councilperson Eric Mays would like to discuss the Genesee County Land Bank's Immunity Agreement.

160410 Status/Speech Dictation Software

Referral made by Councilperson Eric Mays to CITY ADMINISTRATOR/POLICE CHIEF: He would like to know the status of speech dictation software. Please provide in writing for all councilpersons.

170024 Referral/Contract and Information/Natalie Pruett/Rebuild Flint the Right Way

Referral by Councilperson Fields to ADMIN, re: She requests a copy of the contract between the City and Natalie Pruett, as well a copy of the work produced for funding to this point for the Rebuild Flint the Right Way Project. [Referral Action Date: 1/09/2017 @ Special Affairs Committee Meeting.]

170123 Referral/Personnel Policy on Nepotism and Cronyism

Referral by Councilperson Fields to LEGAL/HUMAN RESOURCES/ADMIN, re: During the February 27th Special Affairs Committee meeting, representatives from the Human Resources Department stated that, sometime during the last year, they submitted to Legal a personnel policy regarding nepotism and/or cronyism for its review. Ms. Fields asks that HR provide a copy of this draft document to the City Council for its perusal. [Referral Action Date: 2/27/2017 @ Special Affairs Committee Meeting.]

170253 Referral/Organization Chart

Referral by Councilperson Fields to MAYOR/ADM, She would like a detailed organization chart for the city that lists titles and the name of the person who currently holds each position. [Referral Action Date: 5/3/2017 @ Governmental Operations Committee Meeting.]

170255 Referral/Road Construction Plan/PACER Report

Referral by Councilperson Fields: She would like to know if there is a road reconstruction plan. If there is she would like a copy. She would also like the latest PACER report, broken down by ward. [Referral Action Date: 5/3/2017 @ Governmental Operations Committee Meeting.]

170402 Discussion Item/Michigan Civil Rights Commission (MCRC)/Resolution for Racial Equity

A discussion item as requested by Councilperson Mays, re: He would like to discuss the recommendations/resolution mentioned during a July 10th MCRC presentation on racial equity. [Referral Action Date: 7/10/2017 @ City Council Meeting.]

170443 Discussion Item/Fund for High Water Bill Assistance

Discussion Item proposed by Councilperson Mays: He would like to discuss setting aside \$200,000.00 to \$300,000.00 to help constituents with high water bills. [Referral Action Date: 8/9/2017 @ Governmental Operations Committee Meeting.]

170472 Referral/Report on New Water Meters

Referral by Councilperson Fields to PURCHASING/WATER PLANT, re: She would like an update on the new water meters/transponders that have been installed within the city. Is there software available to utilize these new meters to their fullest capacity (e.g. more accurate usage/billing)? If so, how much will this software cost? [Referral Action Date: 8/28/2017 @ Special Affairs Committee Meeting.]

170498 Referral/State Law/Pawning of Municipal Equipment

A referral for LAW as requested by Councilpersons Mays, re: He would like a copy of state law that talks about pawn shops not accepting governmental property. [Referral Action Date: 9/6/2017 @ Governmental Operations Committee Meeting.]

170530 Discussion Item/Transition Houses

Discussion item proposed by Councilperson Mays, re: He would like to discuss

prison transition houses and what can be done about them.

170583 Allocate Dollars/High Water Bills

Referral from Councilperson Mays to FIN: He asks the Finance Director to set aside money for high water bills. [Referral Action Date: 11/21/17 @ Governmental Operations Committee Meeting.]

170599 Council Review/Rules Governing Meetings of the Council

Per the "Rules Governing Meetings of the Council", the Flint City Council shall review the "Rules Governing Meetings of the Council." [NOTE: The "Rules Governing Meetings of the Council" were originally adopted by the City Council on May 10, 1976, with a 1st Amendment adopted May 24, 2010, a 2nd Amendment adopted on April 27, 2015, and a 3rd Amendment adopted on June 12, 2017.]

180005 Referral/Police Investigation/Clubs With Recent Violations

A referral by Councilperson Galloway for LAW/POLICE: She would like to know the status of the investigations into clubs with recent violations, including one on Saginaw Street and Piece of the Rock on Dort Highway. [Referral Action Date: 1/3/2018 @ Governmental Operations Committee Meeting.]

180018 Discussion Item/City of Flint Charter

Discussion item proposed by Councilperson Mays, re: He would like a discussion of the new Flint City Charter on the next Governmental Operations Agenda. [Referral Action Date: 1/3/2018 @ Governmental Operations Committee Meeting.]

180056 Referral/Legal Opinion/Harassment and Discrimination in the Workplace

Referral by Councilperson Fields to CITY ATTORNEY, re: She asks for a legal opinion as to whether or not Councilperson Mays' conduct during some council/committee meetings rises to the level of harassment, threats and/or intimidation, particularly in light of the City's Harassment and Discrimination Policy as adopted by EM Ambrose in April of 2015. [Referral Action Date: 2/12/2018 @ Special Affairs Committee Meeting.]

180059 Discussion Item/"Pilot Program"/Tax Reverted Property

Discussion Item as requested by Councilperson Mays, re: He would like to discuss the necessary rules, policies, procedures, etc. for establishing a "pilot program" for the disposal of seven (7) homes recently reverted to the City's ownership by way tax reverted property. [Referral Action Date: 2/13/2018 @ Special City Council Meeting.]

180086 Referral/Interim Positions/Timelines

A referral from Councilperson Galloway to ADMIN/LAW, re: She would like to discuss interim positions and timelines for those positions, including how many positions are interim, is there movement to appoint a permanent replacement and what does the new Charter say about interim appointments/positions. [Referral Action Date: 2/21/2018 @ Governmental Operations Committee Meeting.]

180087 Discussion Item/Ethics Board/Ombudsperson

A discussion item from Councilperson Fields to ADMIN/LAW, re: She would like to discuss setting up basic criteria for the Ethics Board and job qualifications for the Ombudsperson. [Referral Action Date: 2/21/2018 @ Governmental Operations Committee Meeting.]

180183 Referral/Certification/Files Shredded in Human Resources/Labor Relations

A referral as requested by Councilperson Fields to Human Resources Director: She would like a copy of the certification for the files recently shredded in Human Resources/Labor Relations (as discussed at the April 4, 2018 Governmental Operations Meeting). [Referral Action Date: 4/4/2018 @ Governmental Operations Committee Meeting.]

180236 Revenue/Downtown Parking Meters

Referral from Councilperson Guerra to LEGAL: re, he would like to know if the city can take back the revenue from parking meters from the Downtown Development Authority (DDA). [Referral Action Date: 5/9/2018 @ Governmental Operations Committee Meeting.]

180293 Discussion Item/Chief Public Health Advisor

Discussion Item as requested by Councilperson Worthing, re: What is the exact role of the City's Chief Public Health Advisor?

180348 Referral/Question/Use of Electronic Cigarettes in Restaurants

Referral by Councilperson Guerra to CITY ATTORNEY, re: He would like to know if the use of electronic cigarettes (vaping) is a health concern inside restaurants. [Referral Action Date: 6/20/2018 @ Finance Committee Meeting.]

180368 Update/Schedule for Mowing Right-of-Ways

Referral by Councilperson Winfrey-Carter to TRANSPORTATION: She would like to know when the right-of-ways will be cut, particularly in the area of Dayton and Mason. [Referral Action Date: 7/18/2018 @ Governmental Operations Committee Meeting.]

NEW BUSINESS

ADJOURNMENT

180483

RESOLUTION NO.: _____
PRESENTED: 9-24-18
ADOPTED: _____

RESOLUTION APPROVING THE APPOINTMENT OF MARTIN J. BANKS TO THE LOCAL OFFICERS COMPENSATION COMMISSION TO REPLACE BARRY WOLF.

BY THE MAYOR:

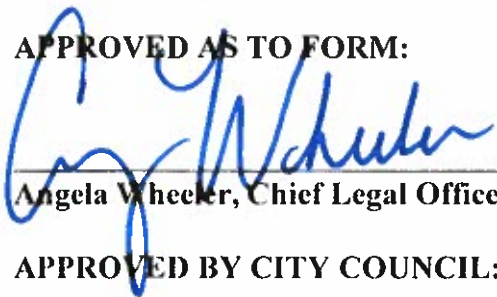
WHEREAS, The City of Flint established the Local Officers Compensation Commission of the City of Flint (the "LOCC") under Act 279, Public Acts of Michigan, 1909, as amended and

ARTICLE III, Section 2-12, of the City of Flint Code of Ordinances provides that the LOCC shall consist of seven members who are registered electors of the city, and shall be appointed by the mayor subject to confirmation by a majority of the members elected and serving on the city council. On August 8, 2012 Barry Wolf was appointed to the Local Officers Compensation Committee for a term expiring August 7, 2019. On September 13, 2018 Mr. Wolf submitted his letter of resignation.

THE MAYOR, recommends the appointment of Martin J. Banks (4512 Maines St. Flint MI 48505) serve the remainder of his term on the Local Officers Compensation Commission to fill a vacancy, commencing September 25, 2018 and expiring August 7, 2019.

IT IS RESOLVED that the Flint City Council approves the recommendation and appointment of Martin J. Banks (4512 Maines St. Flint, MI 48505), to serve the balance of the vacant term on the Local Officers Compensation Commission, commencing on September 25, 2018 and expiring August 7, 2019.

APPROVED AS TO FORM:



Angela Wheeler, Chief Legal Officer

FOR THE CITY OF FLINT:



Dr. Karen W. Weaver, Mayor

APPROVED BY CITY COUNCIL:

Herbert Winfrey, City Council President

Martin J. Banks

4512 Maines Street Flint, Michigan 48505

Home: 810-787-0206 Cell 810-397-1614

Email marmjbnks@aol.com

OBJECTIVE:

A professional Management Career position with an established company where I can utilize my clinical experience and interpersonal relationship/listening skills to benefit your clients.

PERSONAL PROFILE:

- Accomplished people-oriented team player who is committed to creating a caring, open, and trustful environment to achieve the best possible results for clients.
- Personal, out-going, calm, and compassionate; administer excellent personalized care during the grieving period immediately following the death of a loved one.
- Demonstrate dedication to provide outstanding clinical results, as well as meeting client's interpersonal needs on a highly compassionate basis.
- Motivated by personal sense of achievement by going the extra mile to achieve peace of mind for clients.
- Display enthusiasm and willingness to develop continually evolving skills to maximum efficiency.

EDUCATION:

- MBA, Regis University, 2010
- Bachelor of Science, Wayne State University, 2002
- Michigan Mortuary Science Licensee #7091
- Associate of Science, Mott Community College, 2000
- High School Diploma, Flint Beecher High School, 1986

SKILLS:

- Embalming procedures and techniques including restorative art techniques
- Adept at representing employer during visitations; first call removals from institutions; funerals /funeral processions; and post-funeral programs
- Supervising and directing employees
- Ability to provide marketing and quality assurance through market research and analysis
- Ability to design, measure and implement effective strategies to ensure above average returns
- Ability to lead and work together to achieve company's financial and overall goals
- Leadership ability
- Good communication skills
- High level of compassion and integrity
- Problem solving skills
- Ability to multi-task and set priorities
- Knowledge of Microsoft Office suite, including Word and Excel

EXPERIENCE:

Owner and Operator Martin J Banks Funeral Home Inc Flint, MI 48502	Oct 2012 - Present
Manager of Serenity Funeral Chapel Flint, MI 48505	Dec 2010 – May 2015
Paradise Funeral Chapel Saginaw, Michigan Manager	Dec 2008 – Dec 2010
Family Funeral Home Benton Harbor, Michigan Manager	Jan 2005 – Jan 2008
Anthony Burton & Associates of Funeral Directors Flint, Michigan Manager	June 2003 – 2006
Flint Community School District Flint, Michigan Guest Teacher	Jan 2002 – Sept 2012
Swanson Funeral Home Flint, Michigan Apprentice	Feb 1997 – Dec 2001
Lawrence E. Moon Funeral Home Flint, Michigan	Apr 1990 - Feb 1997
Greene Home for Funerals Flint, Michigan	June 1983 - Apr 1990

180499

RESOLUTION NO.: _____

PRESENTED: 9-24-18

ADOPTED: _____

RESOLUTION APPROVING THE APPOINTMENT OF KATHY R. JACKSON TO THE FLINT PUBLIC LIBRARY BOARD TO REPLACE MATTHEW SCHLINKER

BY THE MAYOR:

WHEREAS, the Library Agreement between the City of Flint and the Board of Education that created the Flint District Library requires that the City of Flint to make regular appointments to the seven member Board of the Flint Public Library,

WHEREAS, Matthew Schlinker will complete his full third term. Term limits prevent him from seeking another appointment. Kathy Jackson (132 W. First Street Flint, MI 48502) has been selected to succeed him.

WHEREAS, Mayor Weaver recommends and supports the appointment of Kathy R. Jackson to the Flint District Library Board.

IT IS RESOLVED, that the Flint City Council approves the appointment of Kathy R. Jackson (132 W. First Street Flint, MI 48502), to the Flint District Library Board for a three year term September 30, 2018 and expiring September 30, 2021.

APPROVED AS TO FORM:



Angela Wheeler, Chief Legal Officer

FOR THE CITY OF FLINT:






Dr. Karen W. Weaver, Mayor

APPROVED BY CITY COUNCIL:

Herbert Winfrey, City Council President

Kathy R. Jackson

132 W. First St., Flint, MI 48502 
810-341-1227 
healthydollar@ymail.com 

Current Activities

Ms. Jackson is the owner and operator of Healthy Dollar Store in downtown Flint, MI. Born and raised in Flint, she returned to the community in 2011 after a career in Detroit and on the west coast, with the aim of contributing to the revitalization of downtown and becoming involved in Flint's economic comeback. She owns the building at 132 W. First Street and resides in an apartment above the store.

Since returning to Flint, she has served on Flint Public Library's Finance Committee and served on the board of Career Alliance (now MI Works). She is also involved in many community conversations about improving the City for everyone and bringing jobs and entrepreneurship to Flint.

Recent Employment History

2011 TO PRESENT

Owner-Operator/ Healthy Dollar Store, Flint, MI

1989 TO 2010

Journalist / Automotive News

Automotive News, a publication of Crain Communications, is the leading source of news about the global automotive industry.

1984 TO 1989

Journalist / Crain's Detroit Business

During her tenure with Crain's Ms. Jackson had an opportunity to take a three-month intensive course in economics and finance for journalists at The Wharton School at the University of Pennsylvania.

Education

1968

High School Diploma / Northwestern High School, Flint

1972

B.A. Journalism / Wayne State University, Detroit

1983

Eurocentre / Barcelona, Spain

Certificate in Spanish language.

2000

M.A. Education / Wayne State University, Detroit

Major in exercise physiology.



August 9, 2018

The Honorable Karen Weaver
Mayor of the City of Flint
1101 S. Saginaw Street
Flint, MI 48502

RE: Flint District Library Board of Trustees Appointment

Dear Mayor Weaver:

The Library Agreement between the City of Flint and the Flint Board of Education that created the District Library in the City of Flint requires that the City make regular appointments to the seven-member Board of the Flint Public Library.

On September 30, 2018, Board member Mr. Matthew Schlinker will complete his third full term. Term limits prevent him from seeking another appointment. At its August 2, 2018 meeting the Board voted to recommend Ms. Kathy Jackson to the City for appointment to a three year term ending 9/30/21.

Ms. Jackson owns and operates the Healthy Dollar Store at the corner of First and Beach, which opened in 2011. Ms. Jackson was born and raised in Flint and has been a valued member of Flint Public Library's Finance Committee for the past five years.

An appointment made by September 30 would mean that Ms. Jackson could be seated at the October 4, 2018 Board meeting. For your information, I have enclosed a schedule of the three City of Flint appointees and the four Flint Community Schools appointees to the Flint District Library Board, along with their term expirations.

We look forward to your taking action on this matter. If we can provide you with any additional information, please feel free to contact me at 810-249-2038.

Sincerely,

A handwritten signature in black ink that reads "Kay Schwartz". The signature is fluid and cursive, with the first name "Kay" being particularly prominent.

Kay Schwartz
Director of Library Services
Flint District Library

Encl.

**Flint District Library Board Members
August 2018**

President

Linda Pylypiw
720 Church Street
Flint, MI 48502

Appointed by City of Flint ✓
Term ending September 30, 2017

Vice President

Brian Larkin
722 W. Hamilton Avenue
Flint, MI 48504

Appointed by Flint Board of Education
Term ending September 30, 2019

Secretary

Reta Stanley
2211 Brownell Boulevard
Flint, MI 48504

Appointed by Flint Board of Education
Term ending September 30, 2019

Treasurer

James Richardson
915 E. Court Street, Apt. 402
Flint, MI 48503

Appointed by City of Flint ✓
Term ending September 30, 2019

Members:

Matthew Schlinker
915 E. Court Street, Apt. 405
Flint, MI 48503

Appointed by City of Flint ✓
Term ending September 30, 2018

David McGhee
2601 Terrace Drive
Flint, MI 48507

Appointed by Flint Board of Education
Term ending September 30, 2020

Moses Bingham
Flint YMCA, 411 E. Third Street
Flint, MI 48503

Appointed by Flint Board of Education
Term ending September 30, 2018

Flint District Library Board Terms

Appointing Party	Initial Term Ending 9/30	3 Year Term Ending 9/30	3 Year Term Ending 9/30	3 Year Term Ending 9/30	3 Year Term Ending 9/30	3 Year Term Ending 9/30	3 Year Term Ending 9/30	3 Year Term Ending 9/30	3 Year Term Ending 9/30	3 Year Term Ending 9/30
City Appointee #1:	1999 Claude Verbal (One year term)	2002 Claude Verbal	2005 Claude Verbal Resigned effective 9/30/03 Robert MacDonald sworn in 8/05/04	2008 Robert MacDonald	2011 Robert MacDonald (3 yr term)	2014 Linda Pyypiw sworn in 10/27/11 (3 yr term)	2017 Linda Pyypiw sworn in 11/6/14 (3 yr term)	2020		
City Appointee #2:	2000 Cora Edmonds-Dixon (Two year term)	2003 Cora Edmonds-Dixon	2006 Cora Edmonds-Dixon Resigned 9/1/05	2009 Rev. Ernest Garsion sworn in 3/1/07	2012 Matthew Schliker sworn in 10/1/09 (3 yr term)	2015 Matthew Schliker sworn in 11/1/12 (3 yr term)	2018 Matthew Schliker sworn in 6/2/16 (3 yr term)	2021		
City Appointee #3:	2001 JT Morrison (Three year term) Resigned 7/06/00 Sally Kegerer sworn in 3/1/01	2004 Sally Kegerer	2007 Sally Kegerer	2010 Sally Kegerer	2013 James Richardson sworn in 10/14/10 (3 yr term)	2016 James Richardson sworn in 8/27/13 at City Clerk's office (3 yr term)	2019 James Richardson sworn in 10/6/16 (3 yr term)	2022		

Flint District Library Board Terms

Appointing Party	Initial Term Ending 9/30	3 Year Term Ending 9/30	3 Year Term Ending 9/30	3 Year Term Ending 9/30	3 Year Term Ending 9/30	3 Year Term Ending 9/30	3 Year Term Ending 9/30	3 Year Term Ending 9/30	3 Year Term Ending 9/30	3 Year Term Ending 9/30
School District Appointee #1:	1999 Caroline Panzer (One year term)	2002 Caroline Panzer	2005 Caroline Panzer	2008 Caroline Panzer	2011 David McGhee sworn in 9/10/09 (2 yr term)	2014 David McGhee sworn in 10/6/11 (3 yr term)	2017 David McGhee sworn in 10/2/14 (3 yr term)	2020 David McGhee sworn in 10/5/17 (3 yr term)		
School District Appointee #2:	2000 Katherine Saunders (Two year term)	2003 Katherine Saunders	2006 Debra Martin sworn in 10/2/03	2009 Debra Martin	2012 Tanya Jefferson sworn in 11/5/09 (3 yr term)	2015 Tanya Jefferson sworn in 10/4/12 (3 yr term)	2018 Erycka Hunter sworn in 10/1/15 (3 yr term) Resigned 5/4/17	2021 Moses Birmingham sworn in 10/5/17 (1 yr term)		
School District Appointee #3:	2001 Orlando Roberts (Three year term)	2004 Orlando Roberts	2007 Orlando Roberts deceased 6/1/05 Dr. Nathel Burtley sworn in 1/5/06	2010 Dr. Nathel Burtley	2013 Dr. Nathel Burtley sworn in 10/14/10 (3 yr term)	2016 C. Ann Thomas sworn in 10/3/13 (3 yr term) Resigned 4-2014 Reta Stanley sworn in 1/8/15 for remainder of term	2019 Reta Stanley sworn in 10/6/16 (3 yr term)	2022		
School District Appointee #4:	2001 Pamela Loving (Three year term)	2004 Pamela Loving	2007 Pamela Loving Resigned 2/6/07 Jacqueline Reynolds sworn in 6/7/07	2010 Jacqueline Reynolds	2013 Jacqueline Reynolds sworn in 10/14/10 (3 yr term)	2016 Brian Larlin sworn in 10/3/13 (3 yr term)	2019 Brian Larlin sworn in 10/6/16 (3 yr term)	2022		



P.O. Box 30007
717 West Allegan St.
Lansing, MI 48909

October 1, 1998

Ms. Gloria Coles, Director
Flint Public Library
1026 E. Kearsley Street
Flint, MI 48503

Re: Flint Public Library

Dear Gloria:

The Flint Public Library is recognized by the Library of Michigan as a legally established district library pursuant to the District Library Establishment Act, 1989 PA 24 (MCL 397.171 et seq.)

The District Library Agreement, effective this date, and the resolutions are hereby approved as follows:

- (1) The participating municipalities include the City of Flint and the School District of the City of Flint.
- (2) The district library board is a seven-member appointed board.
- (3) The district library district is comprised of all that territory located within the City of Flint and that territory within the jurisdictional limits of the Flint Public schools as of the effective date of the district library agreement.

Congratulations on the establishment of the new district library. If you have any questions regarding your new status or district library law, please feel free to contact me or Ellen J. Richardson, Library Law Specialist, at the Library of Michigan.

Yours truly,

George M. Needham
State Librarian

GMN/tid

cc: James E. Ray, Flint School District Superintendent
Inez Brown, Flint City Clerk
Woodrow Stanley, City of Flint Mayor
Cynthia B. Faulhaber, Esq.
Ellen J. Richardson, Library Law Specialist

A Legislative Council Service

Administration: 517-373-1580

Information: 517-373-5400

981264
PRESENTED: SEP 1 4 1998

ADOPTED: SEP 1 4 1998

**Resolution Authorizing an Agreement
Between the City of Flint and the Flint Public Schools
For a District Library**

BY THE MAYOR:

WHEREAS, the Flint Public Schools (the "School District") and the City of Flint (the "City") (the "Parties") each desire to establish a district library pursuant to the District Library Establishment Act (M.C.L. 397.17 et seq.) ("the Act") in order to provide adequate and improved library services to the City of Flint residents and the Flint Public Schools, and

WHEREAS, the governing boards of each of the parties have determined that it is in the best interests of the residents of their respective communities to provide library services by establishing a district library, and

WHEREAS, the Parties have agreed that the library shall be named the "Flint Public Library" (the "District Library") and shall have all of the powers granted to such district libraries by the Act and shall be governed by a board (the "Board") which shall consist of 4 members appointed by the School District and 3 members appointed by the City, and

WHEREAS, after June 30, 1998, funds necessary for the operation of the District Library shall be derived from state aid, penal fines, donations and bequests, if any, and

WHEREAS, any and all other terms of agreement between the parties shall be governed by the formal agreement, a copy of which is attached hereto, as Attachment "A".

NOW, THEREFORE, BE IT RESOLVED, that the appropriate officials be and are hereby authorized to enter into an agreement to establish a district library pursuant to the District Library Establishment Act.

APPROVED AS TO FORM:

Karen E. McDonald
Karen E. McDonald
Chief Legal Officer

APPROVED BY
CITY COUNCIL

SEP 1 4 1998

H. Green

attachment

15.1 District Library Agreement

Under current State law, forming a separate District Library requires an agreement between the existing governing Board and one other municipality. In the case of the Flint Board of Education, the City Council of the City of Flint has expressed its willingness to enter into such an agreement that would result in the establishment of an independent Flint District Library.

Key elements of the agreement include:

The setting of the new public library's boundaries as the jurisdictional limits of the City of Flint and the Flint Public Schools as of the effective date of the agreement.

The establishment of a new District Library Board to which the School District shall appoint four (4) members and the City Council shall appoint three (3) members for staggered terms beginning September 30, 1999. The agreement also provides that the School District will continue funding through June 30, 1999 after which time all funds necessary for the operation of the District Library shall be derived from State Aid penal fines, donations, grants and bequests, if any; and a district-wide millage, if any, authorized to be levied upon all taxpayers of the District. Until July 1, 1999, the School District will act as fiscal agent for the District Library in accordance with a contract to be negotiated between the School District and the District Library Board.

As of July 1, 1999 all library funds on hand with the School District designated as Public Library funds will transfer to the District Library. The School District will transfer all property related to the former Flint Public Library to the District Library under the condition that it will require the District Library to offer employment to those School personnel working at the Flint Public Library on June 30, 1999.

On the basis of the preceding information, the following resolution is proposed:

Be it Resolved, That

The Flint Board of Education

- a. Reaffirms the action it took on November 5, 1997 and adopts the attached District Library Agreement
- b. Authorizes the President to sign the proposed District Library Agreement on behalf of the Board of Education and the School District of the City of Flint.
- c. Authorizes the Superintendent or his designee to forward the signed document to the City Council of the City of Flint for their agreement.

Adoption of the foregoing resolution 15.1 moved by Helen R. Williams,
supported by Chris Martin:

Ayes:	Evans	Tipper
	Tamox-Kehoe	Williams
	Wells	Martin
	Haviland	Lewis
	Talifarro	

Nays:

Resolution declared adopted.

DISTRICT LIBRARY AGREEMENT

THIS DISTRICT LIBRARY AGREEMENT is entered into as of the ___ day of _____, 1998 (the "Effective Date of the Agreement"), by and between the School District of the City of Flint (the "School District") and the City of Flint (the "City") pursuant to the District Library Establishment Act (MCL 397.171 et seq.) (the "Act").

PREMISES

The School District and the City (the "Parties"), each desire to establish a district library pursuant to the Act in order to provide adequate and improved library services to the area described on Exhibit A attached hereto and made a part hereof. The governing boards of each of the Parties have determined that it is in the best interests of the residents of their respective communities to provide library services by establishing a district library. The governing body of the former Flint Public Library, being the Board of Education of the School District and the only public library recognized by the Library of Michigan as a legally established public library currently located in the proposed district has approved the establishment of a district library under this Agreement.

Therefore, in consideration of the premises and other mutual obligations and promises, the Parties agree as follows:

1. **Establishment/Name of Library.** The Parties hereby establish as of the Effective Date of this Agreement a district library pursuant to the Act, to be known as the "Flint Public Library," (the "District Library") having all of the powers granted to such district libraries by the Act.

2. **Territory.** The territory of the Parties included within the District Library district shall be as described in Exhibit A (the "District").

3. **Board.** The District Library shall be governed by a board (the "Board") which shall consist of seven (7) members, three (3) of whom shall be appointed by the City and four (4) of whom shall be appointed by the School District. An individual appointed as a member of the Board shall be a qualified elector of the Party which appoints the member on the date the appointment is made and a resident of the District Library district. The terms of the initial appointees shall begin the Effective Date and shall end on September 30 of the year shown below. Thereafter, each appointee shall serve for a term of three (3) years beginning on an October 1 and ending on the September 30 occurring three calendar years later.

Terms of Initial Appointees

APPOINTING PARTY	TERM ENDING SEPTEMBER 30
School District appointee #1	1999
School District appointee #2	2000

School District appointee #3	2001
School District appointee #4	2001
City appointee #1	1999
City appointee #2	2000
City appointee #3	2001

In accordance with Section 8(2) of the Act, the Governor of the State of Michigan shall have the power to remove a member for cause, pursuant to the provisions of Section 10 of Article V of the State Constitution of 1963, as amended. Vacancies shall arise in the event of the removal by the Governor, resignation, death, conviction of a felony, in the event a member ceases to be a resident of the District, or ceases to be a resident of the Party which appointed the member, or otherwise as provided by law. So long as the Board consists of appointed members, in the event of a vacancy, the Party which appointed the member whose position has become vacant shall appoint a replacement therefor within 2 months of the vacancy. In the event no such replacement shall have been appointed by the appropriate Party at the end of such 2-month period, the Board shall have the power to appoint such replacement, whose term shall extend to the end of the term of the former member of the Board or until a replacement has been appointed by the appropriate party.

4. Funding. Until July 1, 1999, the School District will continue to support the operations of the Library from the funds already appropriated for the 1998-99 School District fiscal year. After June 30, 1999, funds necessary for the operation of the District Library shall be derived from state aid, penal fines, donations, grants and bequests, if any, and a districtwide millage, if any, authorized to be levied upon all taxpayers of the District. The School District agrees that, subject to agreement by the District Library Board to satisfy certain conditions relating to the smooth transition of public library services from the School District to the District Library, including the transfer of those employees of the School District providing public library services, the School District will transfer any funds remaining on hand with the School District on June 30, 1999, and designated as Public Library Funds, to the District Library. The School District further agrees that, until July 1, 1999, it will act as fiscal agent for the District Library in accordance with a contract to be negotiated between the School District and the District Library Board.

5. Real and Personal Property.

The School District hereby represents that the property listed at Exhibit B is property of the School District related to the former Flint Public Library as of the Effective Date of this Agreement (the "Library Property"). The School District agrees that it will make all Library Property, including the Main Library and all its branch facilities, available to the District Library Board so long as the District Library Board agrees to offer public library services to the residents of the School District. The School District further agrees that, based on terms and

conditions mutually agreed upon between the School District and the District Library Board, the School District will transfer all tangible and intangible personal property currently recognized as property of the Flint Public Library to the District Library Board by bill of sale.

6. Employee Complement and Transfer.

Until June 30, 1999, the School employees currently working at the Flint Public Library and its branches shall remain employees of the School District, subject to School Board personnel policies and contracts, payable from Library funds. The School District agrees that, as a condition precedent to transfer of any real and personal property to the District Library, it will require the District Library to offer employment to those School personnel working at the Flint Public Library on June 30, 1999.

7. Indemnification. The District Library shall be required to indemnify the Parties against all claims arising from or relating to the operation by the Board of the District Library. The Board shall obtain insurance coverage in amounts reasonably determined by the Board to be adequate to meet such liabilities, and such insurance policies shall name the Parties as additional insured parties.

8. Dissolution of District Library and Distribution of Assets. The District Library may be dissolved and this District Library Agreement may be terminated if all but one of the Parties withdraw. Upon dissolution, all tangible and intangible assets of the District Library, other than the Main Library building, shall be conveyed to the Party which agrees to provide library services to the highest number of residents of the former District (hereinafter the "Successor Library"). The Main Library building shall be reconveyed to the School District.

9. Withdrawal. Any Party may withdraw from the District Library subject to the following conditions:

(a) No Party may adopt a resolution authorizing its withdrawal prior to one year following the Effective Date of the Agreement.

(b) The Party withdrawing shall have made payment or provision for payment to District Library or its creditors of all obligations of the Party.

(c) The governing body of the Party withdrawing shall furnish to the Library of Michigan a plan for continuing, after the Party no longer receives library services from the District Library, public library services for all residents of the jurisdiction of the Party.

(d) In the event the withdrawal of any Party would cause the dissolution of District Library, such withdrawal and dissolution shall be subject to the requirements specified in Section 8 of this Agreement. If no such dissolution results, the assets of the District Library shall remain with the District Library.

10. Addition of a Participating Municipality. Any city, village, township or county (a "Municipality") may become a party to this District Library Agreement upon satisfaction of the following conditions:

(a) The governing body of the municipality resolves by majority vote that the Municipality become a Party to this District Library Agreement and that all or a portion of the territory of the Municipality be added to the District.

(b) The governing body of the Municipality files a certified copy of its resolution with the chairperson of the Board.

(c) The Board adopts a resolution authorizing amendments to this District Library Agreement reflecting the addition of the Municipality and the territory of the Municipality to the District, and specifying the changes in board representation or the percentage of funds necessary for the establishment and operation of the District Library to be provided by the Municipality within six (6) months of the date of receipt of the resolution of the Municipality.

(d) The electors of the Municipality or the portion of the territory of the Municipality to be added to the District shall have approved the levy of the districtwide millage, if any, by majority of the electors voting on the question.

11. Enforcement. In the event of failure by any of the Parties to perform its obligations under this District Library Agreement, the other Parties, and each of them separately, shall have the power to seek such remedies as shall be available to them at law or in equity, including actions for mandamus.

12. Amendment. This District Library Agreement may be amended in writing upon the consent of the governing bodies of each of the Parties.

13. Governing Law. This District Library Agreement shall be governed by and construed in accordance with the laws of the State of Michigan.

14. Severability. If any clause, provision or section of this District Library Agreement shall be ruled invalid or unenforceable by any court of competent jurisdiction, the invalidity or unenforceability of such clause, provision or section shall not affect any of the remaining clauses, provisions or sections.

15. Counterparts. This Agreement may be executed in two or more counterparts, each of which shall be deemed and all of which shall constitute one and the same agreement, and the signature of any party to any counterpart shall be deemed a signature to and may be appended to any other counterpart.

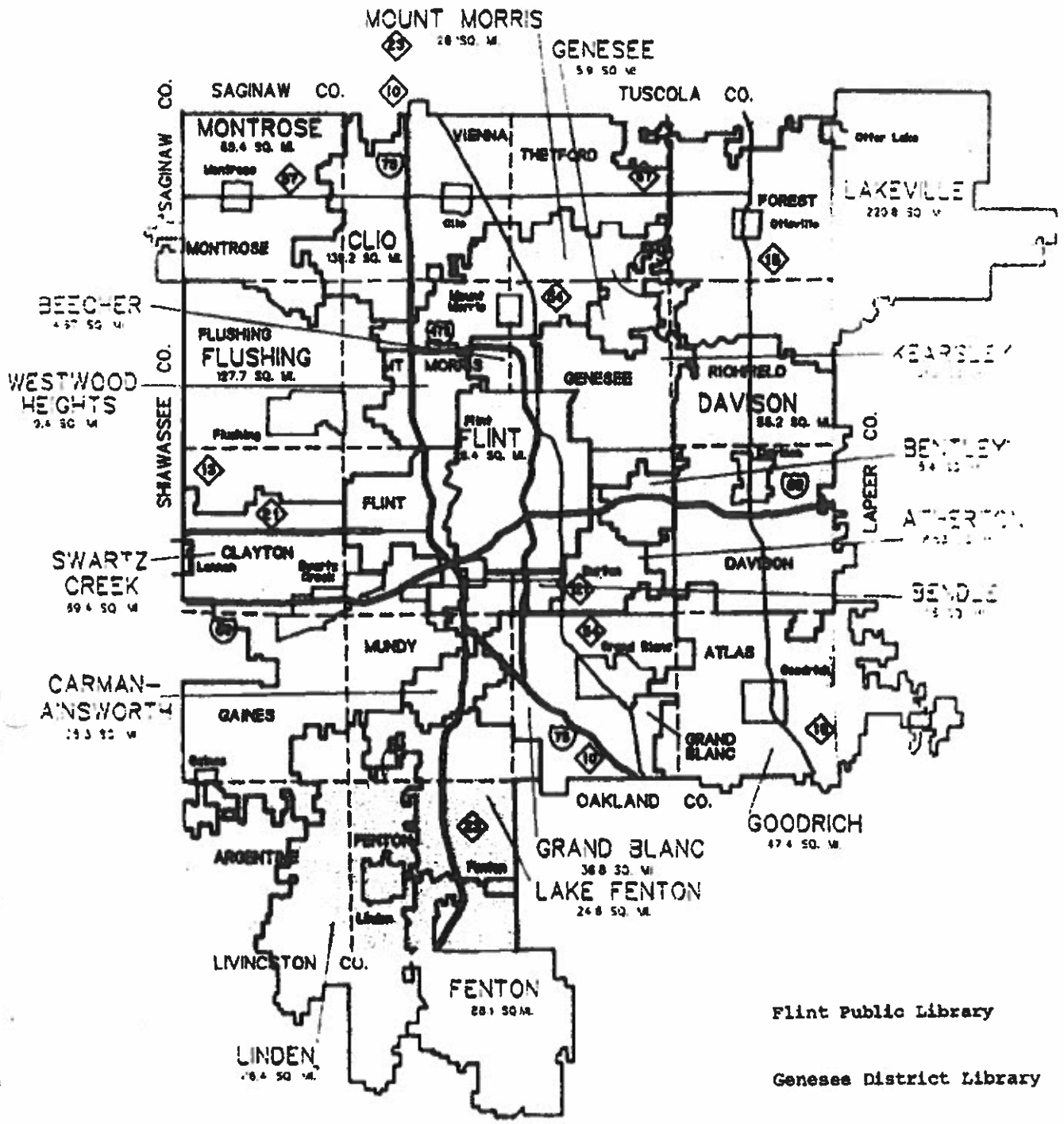
IN WITNESS WHEREOF, the Parties have caused this District Library Agreement to be duly executed as of the date first written above.

SCHOOL DISTRICT OF THE CITY OF FLINT

By Randall H. Tolpelt
Its Board President

CITY OF FLINT

By Scott Kincaid
Its Council President



Flint Public Library
 Genesee District Library



Genesee Co.

EXHIBIT A

The District Library District shall be comprised of all that territory located in the City of Flint and that territory in the jurisdictional limits of the Flint Public Schools as of the Effective Date of this Agreement.

EXHIBIT B

The following property is owned or controlled by the Flint Public Schools and held for public library purposes as of August 19, 1998.

Main Library building and its contents at 1026 East Kearsley Street, bookmobile, and the Library contents at the following leased locations:
Cody Branch, 3519 Fenton Road
North Flint Branch, 5005 Cloverlawn Drive
West Flint Branch, 3601 Beecher Road

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