CALL 38th COUNCIL TO ORDER
APPROVAL OF AGENDA
INVOCATION — PASTOR ADAM GROH
PLEDGE OF ALLEGIANCE
PUBLIC COMMENT — ITEMS ON THE AGENDA
ORDER OF BUSINESS

Consent Agenda

1. **APPROVAL OF THE MINUTES**: Matter of approving the minutes of the 38th Regular City Council Meeting on Monday, March 15, 2021.

2. **PROCLAMATION P-08-21**: Matter of celebrating the 149th Anniversary of Arbor Day and designating the week of Sunday, April 25 - Saturday, May 1, 2021 as Arbor Week.

3. **PROCLAMATION P-09-21**: Matter of proclaiming and recognizing the volunteers of the City of Berkley and declaring the week of Sunday, April 18 - Saturday, April 24, 2021 as Volunteer Week.

Regular Agenda

1. **MOTION NO. M-21-21**: Matter of awarding the Cross Connection Control Program to HydroCorp located at 5700 Crooks Road, Troy, Michigan for a (3) three-year term.

2. **MOTION NO. M-22-21**: Matter of approving the City of Berkley Fund Balance Policy.

PUBLIC COMMENT — ITEMS NOT ON THE AGENDA

COMMUNICATIONS

ADJOURN


The City of Berkley is hosting electronic meetings in cooperation with the Michigan Open Meetings Act, as amended. Anyone wishing to submit correspondence for inclusion during the meeting may send an email to clerk@berkleymich.net or call 248-658-3310. The City of Berkley will provide necessary reasonable auxiliary aids and services to individuals with disabilities at the meeting upon four working days’ notice to the City. Individuals with disabilities requiring auxiliary aids or services should contact the City by writing or calling: Victoria Mitchell, ADA Contact, Berkley City Hall, 3338 Coolidge Highway, Berkley, MI 48072 (1-248-658-3310).
THE ELECTRONIC REGULAR MEETING OF THE THIRTY-EIGHTH COUNCIL OF THE CITY OF BERKLEY, MICHIGAN WAS CALLED TO ORDER AT 7:01 PM ON MONDAY, MARCH 15, 2021 BY MAYOR TERBRACK

PRESENT:
Steve Baker, Berkley, Oakland County, Michigan
Jack Blanchard, Berkley, Oakland County, Michigan
Bridget Dean, Berkley, Oakland County, Michigan
Ross Gavin, Berkley, Oakland County, Michigan
Dennis Hennen, Berkley, Oakland County, Michigan
Natalie Price, Berkley, Oakland County, Michigan
Daniel Terbrack, Berkley, Oakland County, Michigan

APPROVAL OF AGENDA
Councilmember Blanchard moved to approve the Agenda
Seconded by Councilmember Gavin
Ayes: Blanchard, Dean, Gavin, Hennen, Price, Baker, and Terbrack
Nays: None
Motion Approved.

INVOCATION: Pastor Josh Ray

PUBLIC COMMENT – ITEMS ON THE AGENDA
There was no one present wishing to speak.

Clerk Mitchell received one email:

Elizabeth Petry, Berkley, regarding her concerns with the Berkley Days application. She urges Council to deny the application.

Consent Agenda
Mayor Pro Tem Dean moved to approve the following Consent Agenda, seconded by Councilmember Hennen.

APPROVAL OF THE MINUTES: Matter of approving the minutes of the 38th Regular City Council Meeting on Monday, March 1, 2021.

WARRANT: Matter of approving Warrant No. 1360.

PROCLAMATION P-04-21: Matter of proclaiming April 2021 as Child Abuse Prevention and Awareness Month.

PROCLAMATION P-05-21: Matter of proclaiming April 2021 as Sexual Assault Awareness Month.

PROCLAMATION P-06-21: Matter of proclaiming April 2021 as Autism Awareness Month.

PROCLAMATION P-07-21: Matter of proclaiming April 2021 as Fair Housing Month.
Ayes: Dean, Gavin, Hennen, Price, Baker, Blanchard, and Terbrack
Nays: None
Motion Approved.

Regular Agenda

PRESENTATION: Matter of receiving a presentation from Senator Mallory Mc Morrow’s Office.

Liz Trombley, constituent director for Sen. Mallory Mc Morrow, stated she is filling in for the senator as she is on maternity leave. Ms. Trombley provided an update to Council on the following items:

- Beginning April 5th, vaccinations will be open to those 16 and older in the State of Michigan. She said Ford Field will be a mass vaccination site for eight weeks open 8:30 a.m.-8 p.m. seven days a week. She said the goal is to put 6,000 shots in arms a day.
- The Covid Stimulus Relief Package was approved. Gov. Gretchen Whitmer vetoed two bills that were tie-barred to the funding that would have restricted her and local health offices from making their own choices on various issues.
- There is still a lot of money left to be negotiated. There are a lot of moving parts, but within the money that did get released there is $283 million in federal rent assistance; $2.25 per hour wage increase for direct care workers; $110 million for vaccine distribution; and $555 million for testing and contract tracing.
- From what they are hearing regarding the Open Meetings Act, most of the House does not want to extend meeting virtually. She said the ability was extended through March 31st. She stated the governor wants further extension to be taken care of legislatively. She stated the Republicans in the House do not want to extend anything. She said as of right now, it does not look like it will be extended.

Mayor Terbrack thanked Ms. Trombley for the update, especially the last item as that is something Council is concerned about and following. He said Council will be taking its own steps tonight hopefully to remedy that, to continue meeting safely, and to keep everyone safe in the interim.

Councilmember Hennen asked if she knows what the hesitancy is regarding the Open Meetings Act? He asked if there is anything Council as a whole or individual members could do?

Ms. Trombley explained the background of support Sen. Mc Morrow’s Office has demonstrated regarding the ability to meet remotely. She said she does not know exactly what the hesitancy is as they have not been involved in those conversations.

Councilmember Blanchard asked why Senate Bill 207 has been bottlenecked in Committee?

Ms. Trombley said she doesn't know, but it is surprising as Senate Bill 207 was introduced by a Republican member of the Senate.

Councilmember Baker thanked Ms. Trombley for the update and all of the great work done by Sen. Mc Morrow’s Office. He asked what else she could share regarding how the State will begin leveraging relief fund dollars that are coming through from the federal level. He stated they in Berkley are having conversations about the best ways to apply that to move the City forward. He asked if she had any insight to help take a positive step forward to leverage some of the recently released funding?

Ms. Trombley said she doesn't know yet as that funding is so new. She said talks are still occurring with Congressional partners. She said they have a meeting tomorrow to learn more. She said they are still working on allocating funds from the first federal funding package.

Councilmember Baker said it takes time and if there are ways communities could be involved in the communication process to be of help to let them know. He said Sen. Mc Morrow’s office does a great job keeping them posted on what is going on and where things are at.
Mayor Terbrack thanked Ms. Trombley for being at the meeting and asked her to extended Council’s congratulations to the Senator and her family, and also Council’s gratitude for the work she is doing and efforts to keep everything moving as safely as possible while trying to regain a sense of normalcy. He also thanked Ms. Trombley for the very open lines of communication with her office.

**PRESENTATION:** Matter of receiving a presentation from HAVEN.

Melissa Sinclair, HAVEN social action program director, stated she supervises all of the court first response and personal protection order advocates. She said advocates are assigned to one specific city. She discussed Berkley’s advocate, Lindsay Garascia. She said Ms. Garascia chairs the High Risk Response Team and they would be back at another time to discuss that team.

Ms. Sinclair provided her background including being in the victim advocacy field for about 10 years and with HAVEN for about five years. She stated in addition to her supervisor role, she oversees all of the High Risk Response Teams in Oakland County. She stated she is an expert in the field and discussed the areas of her expertise.

Ms. Sinclair discussed the new, state-of-the-art 37,000-square-foot HAVEN facility opening in 2015. She said the facility houses all of HAVEN’s programs.

Ms. Sinclair stated HAVEN is Oakland County’s only organization that offers comprehensive programs for survivors of sexual assault and domestic violence. HAVEN’s vision is to eradicate sexual assault and intimate partner violence and heal those affected by its injustice. HAVEN’s mission is to empower survivors through advocacy and social change.

Ms. Sinclair discussed the Center’s crisis and support line. It is open 24-hours a day, seven days a week. She stated it is free and confidential and provides crisis intervention; understanding and support; safety planning; and referrals. She said staff is fully trained in sexual assault and domestic violence dynamics. There is also an online chat service.

Ms. Sinclair stated one in four women is a survivor which shows a lot of people in the community could benefit from this service. She stated HAVEN is a safe space and offers free, confidential counseling. She said HAVEN does not bill insurance nor does it disclose anything so people can feel confident no one will know they are using the center’s services. She said HAVEN serves those 5 and older and now offers telehealth.

Ms. Sinclair discussed the credentials of those participating in the Counseling Program. She discussed the types of therapy available as well as support groups.

Ms. Sinclair discussed Social Action. She stated HAVEN’s first response/court advocates are available around the clock. She said they provide immediate crisis intervention and emotional support for victims and their family members at Oakland County hospitals and police stations following an assault. She stated they provide immediate crisis intervention, forensic exams, rape kits, and serve as advocates in courts, hospitals, and police stations.

Ms. Sinclair discussed further the Start-Safe Therapeutic Assault Response Team. She said licensed, forensic nurse examiners provide comprehensive medical forensic exams and compassionate emotional care for survivors of sexual assault. She said examiners are trained in evidence collection and court testimony. She discussed the three-fold purpose of the exams. She stated they also conduct pediatric exams.

Ms. Sinclair discussed HAVEN’s Resources and Community Partnership Program. She said it is a one-stop resource for survivors to realize their path to stability. She said the program provides survivors with resources for medical, financial, governmental, and legal services. She said monthly workshops and one-on-one assistance are available. She discussed transitional housing and the different skills taught. She discussed further services available like Mobile Dentist.
Ms. Sinclair discussed prevention education. She said skilled, experienced educators train audiences of all ages. She said they work with students, pre-school age through college; their teachers; and their parents. They also provide training to law enforcement, health care providers and the general public. She provided detail on what topics and subject matters are taught. She stated this is a community-safety issue and the more people that are educated on the warning signs and what to do, the sooner they can begin eradicating that issue and holding the offenders accountable.

Ms. Sinclair discussed HAVEN’s residential program. She stated HAVEN is Oakland County’s only 24-hour emergency shelter exclusively for domestic and sexual violence survivors and their children. She stated this was not closed a single day during the pandemic along with their other services. She stated the longest stay is generally a month and during that time as many resources are provided as possible. She described further the residential experience. She said the shelter is often full. She discussed the impact the pandemic has had on victims.

Ms. Sinclair said nothing would be possible without volunteers and interns. She stated interns earn college credit and volunteer opportunities range from one day to long-term assignments.

Ms. Sinclair reiterated that all HAVEN programs are free and accessed through the crisis and support-line by calling 248-334-1274, 1-877-922-1274, or TTY: 248-3341290. They also have a chat program that may be accessed through HAVEN’s website.

Ms. Sinclair concluded her presentation with a shout out to Mayor Pro Tem Dean for her involvement with HAVEN and bringing about more awareness in the Berkley community including with starting the High Risk Response Team.

Mayor Terbrack stated they have been supporters of HAVEN in the community for quite some time. He said he doesn’t think everyone really understood the full breadth and depth of what HAVEN offers so the presentation went a long way. He thanked Ms. Sinclair for being at the meeting.

Councilmember Price thanked Ms. Sinclair for being there and for raising awareness regarding the impact COVID has had on domestic violence victims. She thanked Ms. Sinclair and other members of HAVEN for helping community members get and stay safe.

Councilmember Baker echoed the gratitude for her time tonight and the services HAVEN provides to Berkley and the region. He thanked her for already answering his questions regarding HAVEN’s services and the pandemic. He asked Ms. Sinclair to let everyone know HAVEN’s website address and asked if City Administration would make the slides from the presentation available to the public.

Ms. Sinclair said the website address is www.haven-oakland.org.

Mayor Terbrack said City Administration will publish the slides and get the information out to as many folks as possible.

Mayor Pro Tem Dean said Lindsay and Melissa are two dynamos and she connected with them due to the High Risk Response Team. She said she continues to learn so much from both of them. She stated they are very passionate about what they do and their knowledge base is incredible. She thanked them both for their energy, commitment, hard work, and patience. She said it is unfortunate that we need something like this, but how grateful we all are to have HAVEN serving our community. She thanked Ms. Sinclair for her time and education. She reiterated the Start Program is a free service and the upside too is that not only is the nurse doing the exams specifically trained in forensic exams, but its free and no insurance is involved. She said there will not be an EOB coming in the mail to the house and it truly is a safe space. She said she would love to have zero barriers to service, but if anyone thought they couldn’t because of the cost or mail coming to the house, rest assured that won’t happen.
Ms. Sinclair said the more that we believe survivors and the more that we say it’s not their fault and there is help out there for them, the more that healing becomes possible.

Mayor Terbrack reiterated thanks.

**MOTION NO. M-15-21**: Matter of awarding the Catch Basin Cleaning Machine Rental to the lowest qualified bidder, Jack Doheny Company of Northville, Michigan, in an amount not to exceed $20,000 in accordance with the MITN/BidNet public bid documents.

Councilmember Blanchard moved to approve Motion No. M-15-21

Seconded by Councilmember Gavin

Ayes: Gavin, Hennen, Price, Baker, Blanchard, Dean, and Terbrack

Nays: None

Motion Approved.

**MOTION NO. M-16-21**: Matter of awarding the contract for the 2021 Sidewalk Replacement Program to the lowest qualified bidder, Luigi Ferdinandi & Son Cement Co., via Change Order #1 in an amount of $392,189. In addition, allocate $78,930.17 for construction engineering services to Hubbell, Roth & Clark and $39,218.90 for construction contingencies.

Councilmember Hennen moved to approve Motion No. M-16-21

Seconded by Councilmember Baker

Ayes: Hennen, Price, Baker, Blanchard, Dean, Gavin, and Terbrack

Nays: None

Motion Approved.

**MOTION NO. M-17-21**: Matter of authorizing the City of Berkley to approve a grant of easement (easement #59287533-59287540) to DTE Energy to perform work at Merchants park located at 2100 Bacon, Berkley, MI 48072.

Mayor Pro Tem Dean moved to approve Motion No. M-17-21

Seconded by Councilmember Price

Ayes: Price, Baker, Blanchard, Dean, Gavin, Hennen, and Terbrack

Nays: None

Motion Approved.


Councilmember Baker moved to approve Resolution No. R-09-21

Seconded by Councilmember Blanchard

Ayes: Baker, Blanchard, Dean, Gavin, Hennen, Price, and Terbrack

Nays: None

Motion Approved.

**MOTION NO. M-18-21**: Matter of approving “Berkley Days 2021” event beginning Wednesday, May 19, 2021 and ending on Sunday, May 23, 2021 located at the Berkley Community Center, 2400 Robina. Approval is conditional upon the submission of required items and documents prior to event dates. The Council reserves the right to rescind the permit due to health and pandemic protocols.

Mayor Pro Tem Dean moved to approve Motion No. M-18-21

Seconded by Councilmember Price

Ayes: None

Nays: Blanchard, Dean, Gavin, Hennen, Price, Baker, and Terbrack

Motion Failed.

**MOTION NO. M-19-21**: Matter of authorizing the City Manager to enter into a three-year Professional Services Agreement with Systemp Corporation of Rochester Hills, Michigan to perform Heating, Ventilation, and Air Conditioning (HVAC) Equipment Preventative Maintenance Services for the City of Berkley municipal buildings, not to exceed $10,100 annually. This expenditure will be charged to
account numbers 101-265-931-000, 101-310-931-000, 101-738-931-000, 614-105-933-000, and 101-441-931-000.
Councilmember Gavin moved to approve Motion No. M-19-21
Seconded by Councilmember Blanchard
Ayes: Dean, Gavin, Hennen, Price, Baker, Blanchard, and Terbrack
Nays: None
Motion Approved.

MOTION NO. M-20-21: Matter of awarding the contract for the replacement of the Historic Fire Hall Roof to the lowest qualified bidder, Schena Roofing and Sheet Metal, 28299 Kehrig Drive, Chesterfield, MI 48047 in an amount not to exceed $29,885 from account 101-265-976-000.
Councilmember Baker moved to approve Motion No. M-20-21
Seconded by Councilmember Hennen
Ayes: Gavin, Hennen, Price, Baker, Blanchard, Dean, and Terbrack
Nays: None
Motion Approved.

PUBLIC COMMENT – ITEMS NOT ON THE AGENDA

There was no one present wishing to speak.

COMMUNICATIONS

COUNCILMEMBER HENNEN: stated the Tree Board met earlier this month and reviewed some of the recommendations for Oxford Merchants Park. He stated he also asked members to review the City’s policy on tapping street trees to make syrup, as we have at least one individual interested in doing that. He said the Board’s recommendation is that while that could be fine for wild trees, with the stress that city trees are under, tapping them could compromise their health. He said going forward the City is not going to be permitting tapping street trees. He said the Tree Board will next meet on April 12th. Councilmember Hennen said at the Zoning Board of Appeals (ZBA) meeting, they denied the next request for a generator in the side yard, again consistent with the new law that Council passed and will go into effect at the end of the month. He said they also denied a requested lot split after a lot of very thoughtful deliberation. He said the ZBA has two cases to hear at the April 12th meeting. Councilmember Hennen said last week he was able to attend the virtual National League of Cities Conference. He said there were a lot of good sessions, but one that he wanted to highlight was the Federal Lead and Copper Rules. He said they are coming and even if we didn’t have the unfunded mandate from the State, we would have one from the federal government anyway. He said it is something, of course, we will have to address. He said he has been preparing and maintaining a list of COVID vaccination resources including who is giving out vaccinations; where you can sign up; and where you can go for the most recent authoritative information. He said that is at his website, DennisHennen.com/Covid. He said there has been a lot of changes in just the past couple of days so he needs to make a few updates tonight. He said he is hoping that as many people as possible, as soon as you are eligible, get vaccinated so we can start getting life back to normal.

COUNCILMEMBER GAVIN: stated the Planning Commission will meet 7 p.m. March 23rd. He said the next Master Plan Steering Committee meeting is tomorrow, the 16th, at 7 p.m. He stated the virtual Master Plan Open House will take place 7 p.m. March 25th. He said the Environmental Advisory Committee will meet 6:30 p.m. March 18th.

MAYOR PRO TEM DEAN: provided a Parks & Recreation update. She said there are still spots available for the Spring Fling outdoor dance on March 30th. She said the rain date is March 31st. She said while this is a free event, registration is required so the Department can adequately distance. She said there are three time slots to choose from when registering. She said it will take place in the Community Center parking lot. She said to register, call Parks & Rec or visit www.Berkley.maxgalaxy.net. She said Parks & Recreation is hiring one seasonal outdoor maintenance employee. She said the job description and the
application may be found on the City’s website. She said Parks & Recreation will have summer day camp information at the end of the month. She said outdoor programs will begin in April. She said to also please remember the Shamrock Hunt starts unofficially on the 16th and officially on Wednesday, March 17th. She said participants can find shamrocks in all of our parks and it is asked when participants find the shamrocks, that they leave them where they were found. She said participants can take photos with the shamrocks and post them to social media with BerkleyShamrockHunt. Mayor Pro Tem Dean wished everyone a Happy St. Patrick’s Day and said she hopes everyone enjoys the Shamrock Hunt and all things green.

COUNCILMEMBER BAKER: stated the Downtown Development Authority (DDA) met last week Wednesday, the 10th, and the next meeting is April 14th. He said like all of the departments in the City, the DDA is talking about budgets and priorities for the upcoming fiscal year and beyond. He said they had a good discussion regarding the crosswalks on Coolidge Highway. He said wayfinding work is underway as well. He said wayfinding will add and replace signs within our downtown and the city perimeter to help folks find all the cool and awesome things to enjoy as a community. He said for more information regarding DDA initiatives and the upcoming Ladies Night Out event titled, “Take Me Out to Berkley,” visit downtownberkley.com. Councilmember Baker said the Historical Committee did not meet this month and the next meeting will take place Tuesday, May 11th. He said as mentioned earlier, members are excited about the new roof and not needing gloves and a hat when they go upstairs. He said kudos to the group for braving the weather up there as they found more historic photos and slides to scan and add to the archives for folks to be able to see. Councilmember Baker said the Technology Advisory Committee will meet April 21st. He said the cyber tip of the month from the Committee is when using social media, be skeptical and cautious with what you share. He said shamrocks are Committee approved, but as you read and review things, be conscious of the intent and motivations behind things that people post. He said from a cybersecurity perspective, don’t click links that seem suspicious or ask you to provide personal information. Councilmember Baker said it was Jack London who said, “Life is not always a matter of holding good cards, but sometimes playing a poor hand well.” He said collectively we have been dealt a pretty bad hand coming into 2020, and he thinks the community, this team, and others have done great work to try to understand which way is up and how to move forward. He said as also mentioned, the game is not over and it’s not time to celebrate yet. He said please continue to take care of yourselves. He said at the opening of the meeting we had the update from the Senator’s Office about vaccination appointments. He said he hopes the City’s social media feeds and website will provide links on where to go. He said there is a way to text for an appointment or there are some phone numbers to call. He said the important thing is to get in line, get an appointment, and take care of yourselves so hopefully we can come back together and do great things in person as we look forward to deal ourselves a better hand moving forward.

COUNCILMEMBER PRICE: thanked City leadership, department directors, and staff who are prioritizing safety as they carefully consider potential events and reopening doors to the public. She said she also wanted to thank them for all of the innovative and exceptional service they continue to deliver from a physical distance. Councilmember Price said the Berkley Public Library is a great example of that. She said it’s currently offering curbside book browsing with photos of available books and related recommendations. She said patrons may also fill out a request form online for a librarian to hand-select a stack of books determined by interest. She said curbside pickup and porch delivery continues. She said all of the details may be found on the library’s website or by giving them a call. Councilmember Price said last week she also had the privilege of attending the National League of Cities Congressional City Conference. She said she was able to connect with other city leaders from across the country and advocate for issues like municipal funding and infrastructure that affects all of our cities. She thanked our Congressional representatives who continue to sponsor and support bills that benefit our municipalities.

COUNCILMEMBER BLANCHARD: reminded everyone that our restaurants and retail stores are still open during the pandemic and they need our support. He said to try and eat local, dine local and purchase local as much as you can because they definitely need our support. Councilmember Blanchard said the American Legion fish fry continues and will take place again this Friday from 5-8 p.m. He said it is carryout only. He said the call-in number is 248-591-9220 or people can go in and order and then wait for it there. Councilmember Blanchard said after listening to Councilmember Baker for many years with his
quotes, maybe he should have one. He said he found an emergency management quote by author unknown, “In an emergency, we rise or fall to the level of our training.”

**CITY MANAGER BAUMGARTEN:** thanked members of Council for their continued support of staff. He said tomorrow marks a year since our emergency declaration that also coincides with one of the last days we were able to be open and serve the public directly. He said as he has said many times, you get into public service to interact with the public and not being able to do that has been incredibly difficult and made easier only by the support we continue to get from this Council and members of the community. He said that he has friends and peers that are not as lucky and have not had the support of their community in keeping staff safe and taking those appropriate steps. He said he is incredibly blessed to live, work, and serve in Berkley, a fantastic community, and he hopes it continues for many years.

**ATTORNEY STARAN:** stated he is looking forward to virtually attending on Wednesday morning the Michigan Association of Municipal Attorneys Advanced Legal Institute. He said he believes several members who are on his screen here may also be participating to some degree in that conference. Attorney Staran said among other things, he is expecting to hear more about legislative updates which may be of interest to municipal attorneys and municipalities as well as the latest and greatest on civil rights complaints. Attorney Staran said he is staying on top of things so he can best serve the Council and the community.

**MAYOR TERBRACK:** said he too attended the National League of Cities virtual Congressional City Conference last week. He said a couple of things stood out to him. He said one is the respect that our community has across the state. He said yes this was a national event, but there were many sessions with his colleagues and peers from across the state and he received many compliments regarding our community. He said additionally, they had the opportunity to speak with the offices of our congressional delegates as Councilmember Price mentioned earlier. He said Congressman Andy Levin and senators Gary Peters and Debbie Stabenow, specifically, regarding the American Rescue Plan. He said aside form the direct help to citizens and businesses, it also provides assistance to municipalities, especially smaller municipalities that were skipped over in the first rounds of support. He said in fact, Berkley is entitled to about one-and-a-half million dollars from the American Rescue Plan. He said they had the opportunity to discuss the challenges that we know we'll face as well as acknowledging that there are things we can't predict. He said full impact of Covid may not be realized for us years into the future. He said infrastructure concerns and short-term and long-term impacts dominated the majority of the conversation, but he also wanted to thank those elected officials for their support of the American Rescue Plan. He said at least for our officials, we know that we have open, transparent lines of communication. Mayor Terbrack said to wrap up the Berkley Days conversation, it is incredibly unfortunate that we’re not going to be able to move forward with Berkley Days this year. He said it is sad and it is unfair, but safety will always come first. He said he is very hopeful that with the access to vaccines increasing, we still may be able to have some of our incredible community events later on in the year even if they are in modified capacity. He said he looks forward to being able to get out and celebrate again with our community. Mayor Terbrack wished everyone a happy St. Patrick’s Day. He quipped he can’t quite express that as his predecessor would as he doesn’t have the accent.

**CLOSED SESSION:** Matter of considering whether to meet in closed session to consider the City Manager’s periodic performance evaluation.
Mayor Pro Tem Dean motioned to move into Closed Session
Seconded by Councilmember Blanchard
Ayes: Price, Baker, Blanchard, Dean, Gavin, Hennen, and Terbrack
Nays: None
Motion Approved.

A closed session of the thirty-eighth council of the City of Berkley, Michigan was called to order at 9:24 p.m. by Mayor Terbrack.

**PRESENT:**  Steve Baker, Berkley, Oakland County, Michigan
Councilmember Baker moved to suspend the rules to go beyond the 10 p.m. meeting deadline
Seconded by Mayor Pro Tem Dean
Ayes: Blanchard, Dean, Gavin, Hennen, Price, Baker, and Terbrack
Nays: None
Motion Approved.

Councilmember Baker moved to adjourn the Closed Session at 10:10 p.m.
Seconded by Councilmember Gavin
Ayes: Dean, Gavin, Hennen, Price, Baker, Blanchard, and Terbrack
Nays: None
Motion Approved.

The electronic regular meeting of the thirty-eighth council of the city of Berkley, Michigan was called back to order at 10:12 p.m. on Monday, March 15, 2021 by Mayor Terbrack

PRESENT:
Steve Baker, Berkley, Oakland County, Michigan
Jack Blanchard, Berkley, Oakland County, Michigan
Bridget Dean, Berkley, Oakland County, Michigan
Ross Gavin, Berkley, Oakland County, Michigan
Dennis Hennen, Berkley, Oakland County, Michigan
Natalie Price, Berkley, Oakland County, Michigan
Daniel Terbrack, Berkley, Oakland County, Michigan

ADJOURNMENT
Councilmember Gavin moved to adjourn the Regular Meeting at 10:13 p.m.
Seconded by Councilmember Baker
Ayes: Price, Hennen, Gavin, Blanchard, Baker, Dean, and Terbrack
Nays: None
Motion Approved.
A PROCLAMATION
of the Council of the City of Berkley, Michigan
Celebrating the 149th Anniversary of Arbor Day
and Designating the week of
Sunday, April 25 – Saturday, May 1, 2021 as Arbor Week

WHEREAS, Arbor Day was first celebrated in 1872 in Nebraska as a special day set aside for planting trees, and that first year it was observed by planting more than a million trees; and

WHEREAS, Arbor Day is now observed throughout the nation and the world; and

WHEREAS, The City of Berkley is proud to be a recipient of the Tree City USA Award for the 31st consecutive year; and

WHEREAS, In 2004 Berkley became the first community in the State of Michigan to receive the Sterling Award as a leader and innovator in community forestry; and

WHEREAS, Trees can reduce erosion by wind and water, cut heating and cooling cost, moderate the temperature, clean the air, provide habitat for wildlife, increase property values, enhance the economic vitality of business areas, and beautify our community; and

WHEREAS, Trees in our city increase property values, enhance the economic vitality of our business areas, and beautify our community; and

WHEREAS, Trees play a critical role in controlling stormwater runoff by reducing the amount of water that enters combined sewer systems.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF BERKLEY HEREBY PROCLAIMS

SECTION 1: That Friday, April 30, 2021 shall be designated as Arbor Day in the City of Berkley.

SECTION 2: That the week of Sunday, April 25 – Saturday, May 1, 2021 shall be designated as Arbor Week in the City of Berkley.

SECTION 3: The City of Berkley urges all citizens, government agencies, public and private institutions, businesses, and schools in the City of Berkley to nurture and care for existing trees, as well as plant new ones, and to become aware of how beneficial trees are to the Earth’s beauty and environment.

SECTION 4: The City of Berkley urges all residents to support the Berkley Tree Board, celebrating their 31st Anniversary, pursuing various programs with the goal of making the community aware of the importance of trees and other natural vegetation.

Proclaimed this 5th day of April 2021 at a Regular Meeting of the Berkley City Council.

Daniel J. Terbrack, Mayor

Attest:

Victoria Mitchell, City Clerk
A PROCLAMATION
of the Council of the City of Berkley, Michigan
Recognizing the Volunteers of the City of Berkley and
Declaring the week of Sunday, April 18 – Saturday, April 24, 2021
as Volunteer Week

WHEREAS, Throughout the history of the United States, the State of Michigan, and right here in the City of Berkley, citizens have actively volunteered their time, talent, and energy to improve the community; and

WHEREAS, Volunteers in Berkley enhance the quality of life of others by volunteering with service organizations, in schools, places of worship, hospitals, youth groups, as members of community boards, and with other organizations that benefit our community; and

WHEREAS, Volunteer service has been needed more than ever since the onset of the COVID-19 pandemic, with many individuals stepping up to assist others in need; and

WHEREAS, The spirit of volunteerism grows stronger in the face of even the most challenging situations; and

WHEREAS, National Volunteer Week was established 47 years ago in 1974 by President Nixon, as a special time to recognize the amazing contributions of volunteers.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF BERKLEY HEREBY PROCLAIMS

SECTION 1: That the week of Sunday, April 18 – Saturday, April 24, 2021 shall be recognized as Volunteer Week in the City of Berkley.

SECTION 2: The Council of the City of Berkley extends immense gratitude to the many Berkley volunteers that devote countless hours each year to enhance and uplift our entire community.

Proclaimed this 5th day of April 2021 at a Regular Meeting of the Berkley City Council.

Daniel J. Terbrack, Mayor

Attest:

Victoria Mitchell, City Clerk
April 5, 2021 City Council Meeting

Moved by Councilmember __________________________ and seconded by Councilmember __________________________ to award the Cross Connection Control Program to HydroCorp located at 5700 Crooks Road, Troy, Michigan for a (3) three-year term.

Ayes:

Nays:

Motion:
Transmittal Memo

To: Matthew Baumgarten, City Manager
Cc: Mark Pollock, Finance Director
From: Derrick Schueller, DPW Director
Date: March 29, 2021
Subject: Cross Connection Control Program Services Recommendation for Award-HydroCorp

The State of Michigan Public Act 399 requires water utilities to have a comprehensive cross connection control program to help protect the drinking water supply from contamination due to cross connections. A cross connection is defined as any connection or piping arrangement through which contaminants could enter the water system in the event of a reversal of flow. This turnkey program has many components including public education, generating notices, on-site inspections, data management and reporting. Coverage includes commercial properties as well as residential homes.

HydroCorp, Inc. of Troy, Michigan was previously awarded the cross connection services contact via competitive bid back in 2016. This contract, and a more recent extension, is set to expire in April 2021. As a result, the DPW prepared a Request for Proposal (RFP) and published electronically via BidNet/MITN with a bid opening held on March 25, 2021. A single bid was received (see attached table and documentation). HydroCorp was the sole bidder with unit pricing identical to the 2016 bid ($1,658 per month or $19,896 per year). The term of the agreement is for three (3) years with an option to extend one additional period.

HydroCorp is a certified and insured company with over 35 years of backflow protection experience. They annually complete over 71,000 inspections in five (5) different states. Closer to home, they provide similar service to many of our neighbors including Royal Oak and West Bloomfield. Their primary goal is to keep drinking water safe through cost effective compliance.

HydroCorp has successfully met all EGLE cross connection requirements and has completed approximately 1,200 on-site inspections within the City of Berkley. We recommend a three (3) year award to HydroCorp at the submitted bid prices.

Funding is allocated each year under the Water Service account #592-536-822-000 (Cross Connections).

Feel free to contact our office with any questions or concerns.

Thank you.

Attachments
DLS
\:\Water Dept\Cross Connection\2021 Bid Year\Council\Cross Connection Control Services Recommendation Council 3-29-21.doc
CITY OF BERKLEY
“Cross Connection Control Program Services”
For the Department of Public Works
Bid Opening: Thursday, March 25, 2021 @ 3 PM

<table>
<thead>
<tr>
<th>Business Name</th>
<th>Address</th>
<th>Bid (Base Services)</th>
<th>References</th>
<th>Conflict of Interest</th>
</tr>
</thead>
<tbody>
<tr>
<td>HydroCorp</td>
<td>5700 Crooks Road Suite 100</td>
<td>$19,896.00</td>
<td>Y/Y/Y</td>
<td>Y/Y/Y</td>
</tr>
</tbody>
</table>
CITY OF BERKLEY, MICHIGAN
CROSS CONNECTION CONTROL PROGRAM
BASIS OF AWARD

CONTACT INFORMATION AND QUALIFICATIONS

| Company Name:     | HydroCorp               |
| Service Address:  | 5700 Crooks Road, Suite 100 |
| City:             | Troy                    |
| State:            | MI                      |
| Zip:              | 48098                   |
| Telephone Number: | 248-250-5000            |
| Fax Number:       | N/A                     |
| Representative's Name: | Paul M. Patterson     |
| Representative's Title: | Senior Vice President |
| Signature:        |                         |
| Email Address:    | npatterson@hydrocorpinc.com |
| Emergency Contact Person and Phone Number: | Paul Patterson - 248-250-5022 |

Type of Organization:  Individual Partnership Corporation Other

Date Organization Established: 1983

Number of Years' Experience in this Work: 38

Current Full Time Employees: 84  Current Part Time Employees: 0

Total Number of Cross Connection Inspections Completed Annually: 71,000 (5 States)

Names of Certified Drinking Water Operators (S License) Employed by Company:
Gary Bendes, Jerome Hoffman, Christopher Duberg

Please Identify which Professional Organizations your Company is a Member of:
Michigan Rural Water Association, AWWA (National and MI, IN, WI Chapters), APWA-MI
American Society of Sanitary Engineers, IAPMO

Briefly Describe your Customer Service Philosophy and Quality Control Initiatives:
Please see section 6.3 of attached proposal for customer service info. There are quality control processes in place for both field and administrative staff which include spot checks on inspections by senior inspectors, administrative review of field data prior to sending any notices to customers, continuous training and education programs for internal staff, etc..

Please Outline Procedures for Securing Off-site Data and Sensitive Information:
Please refer to section 6.1 of attached proposal.

Company has Visited the City of Berkley and is Familiar with the Existing Conditions? [YES] NO

Any Exceptions, Substitutions, Deviations, etc. from these Specifications must be stated below:  N/A
CITY OF BERKLEY, MICHIGAN
CROSS CONNECTION CONTROL PROGRAM
BASIS OF AWARD

**PRICING**

<table>
<thead>
<tr>
<th>PROVIDE MONTHLY FLAT CHARGE AND YEARLY TOTAL BELOW (NOT-TO-EXCEED)</th>
</tr>
</thead>
<tbody>
<tr>
<td>$ 1,658.00</td>
</tr>
</tbody>
</table>

The RFP response must include the submission of the following forms as found at [www.berkleymich.org/bids](http://www.berkleymich.org/bids):

1. Conflict of Interest Disclosure Form
2. Contractor/Vendor References
3. Hold Harmless and Indemnity Form
4. Iran Business Relationship Affidavit
5. Non-Collusive Affidavit
6. Non-Discrimination Affidavit
PERSONNEL

Provide a list of personnel that will be responsible for performance of the contract (Berkley project team). List shall include name, title, years of experience, and relevant certifications/training classes. Attach additional sheets, if necessary.

Jerry Ayers - Director of Municipal Division - ASSE Certified in Cross Connection Control Surveys, Backflow Assembly Testing, and Backflow Program Administration

John Crable - Regional Manager/Field Services - ASSE Certified in Cross Connection Control Surveys and Backflow Program Administration. Also Certificate of Completion from University of Southern California in Cross Connection Control

Jerry and John are the primary individuals responsible for the City of Berkley program. Additional staff info can be found in the attached proposal.
CITY OF BERKLEY BID OPPORTUNITY
NON-DISCRIMINATION AFFIDAVIT

BID OPPORTUNITY: Cross Connection Control Program

THIS AFFIDAVIT SHALL BE SUBMITTED AND MADE A PART OF EACH AND EVERY BID PROPOSAL
TO THE CITY OF BERKLEY, MICHIGAN

STATE OF MICHIGAN
COUNTY OF OAKLAND

Paul M. Patterson, BEING DULY SWORN
deposes and says that:

1. In compliance with the City of Berkley Non-Discrimination Policy, the Contractor shall not
discriminate against an employee or an applicant for employment in hiring, any terms and
conditions of employment or matters related to employment regardless of race, color, religion,
sex, sexual orientation, gender identity or expression, national origin, age, genetic information,
height, weight, disability, veteran status, familial status, marital status or any other reason, that is
unrelated to the person’s ability to perform the duties of a particular job or position, in accordance
with applicable federal and state laws.

2. The undersigned is duly authorized to execute this affidavit on behalf of the bidder.

Authorized Signature

Paul M. Patterson
Printed Name of Signatory

HydroCorp
Company Name

5700 Crooks Road, Suite 100
Address

Troy, MI 48098
City, State, Zip Code

248-250-5000
Area Code & Phone Number

PLEASE NOTE: City of Berkley employees cannot notarize this document.
CITY OF BERKLEY BID OPPORTUNITY
IRAN BUSINESS RELATIONSHIP AFFIDAVIT

BID OPPORTUNITY: Cross Connection Control Program

THIS AFFIDAVIT SHALL BE SUBMITTED AND MADE A PART OF EACH AND EVERY BID PROPOSAL
TO THE CITY OF BERKLEY, MICHIGAN

STATE OF MICHIGAN
COUNTY OF OAKLAND

Paul M. Patterson, being duly sworn

deposes and says that:

1. Pursuant to the Michigan Iran Economic Sanctions Act, 2012 P.A. 517, by submitting a bid, proposal or
response, the respondent certifies, under civil penalty for false certification, that it is not an “Iran linked
business,” as that term is defined in the Act.

2. The undersigned is duly authorized to execute this affidavit on behalf of the bidder.

Subscribed and sworn to before me this 24th day of March, 2021

a notary public in and for said County,

Notary Public

My Commission expires: May 12, 2024

Authorized Signature
Paul M. Patterson
Printed Name of Signatory
HydroCorp
Company Name
5700 Crooks Rd, Suite 100
Address
Troy, MI 48098
City, State, Zip Code
248-250-5000
Area Code & Phone Number

PLEASE NOTE: City of Berkley employees cannot notarize this document.
CITY OF BERKLEY BID OPPORTUNITY
NON-COLLUSIVE AFFIDAVIT

BID OPPORTUNITY: Cross Connection Control Program

THIS AFFIDAVIT SHALL BE SUBMITTED AND MADE A PART OF EACH AND EVERY BID PROPOSAL
TO THE CITY OF BERKLEY, MICHIGAN

STATE OF MICHIGAN
COUNTY OF OAKLAND

Paul M. Patterson, BEING DULY SWORN
deposes and says that:

1. The bid has been arrived at by the bidder independently and has been submitted without
collusion with, and without any agreement, understanding, or planned common course of action
with any other vender of materials, supplies, equipment, or services described in the invitation to
bid, designed to limit independent bidding or competition; and

2. The contents of the bid have not been communicated by the bidder or its employees or agents to
any person not an employee or agent of the bidder or its surety on any bond furnished with the
bid and will not be communicated to any such person prior to the official opening of the bid.

3. The undersigned is duly authorized to execute this affidavit on behalf of the bidder.

Authorized Signature

Paul M. Patterson
Printed Name of Signatory

HydroCorp
Company Name

5700 Crooks Road, Suite 100
Address

Troy, MI 48098
City, State, Zip Code

248-250-5000
Area Code & Phone Number

PLEASE NOTE: City of Berkley employees cannot notarize this document.
PURPOSE:

To the fullest extent permitted by law, the CONTRACTOR expressly agrees to indemnify and hold harmless the City of Berkley (City), its elected and appointed officials, its employees and volunteers and others working on behalf of the City, from and against all loss, cost, expense, damage, liability or claims (whether groundless or not) arising out of bodily injury, sickness or disease (including death resulting at anytime there from) which may be sustained or claimed by any person or persons.

This includes damage or destruction of any property (including loss of use) based on any act or omission (negligent or otherwise) of the CONTRACTOR or anyone acting on its behalf in connection with or incident to this agreement.

The CONTRACTOR shall, at its own cost and expense, defend any such claim and any suit, action, or proceeding which may be commenced hereunder. In the event of any suit, action or proceeding, the CONTRACTOR shall pay:

- Any and all judgments which may be recovered.
- Any and all expenses including, but not limited to, costs, attorneys' fees and settlement expenses which may be incurred.

The CONTRACTOR shall not be responsible to the City on indemnity for damages caused by or resulting from the City's sole negligence.

PLEASE PRINT:

HydroCorp
Contractor Name
5700 Crooks Rd, Suite 100
Contractor Street Address
Troy, MI 48098
City, State, Zip Code
248-250-5000
Telephone

Paul M. Patterson
Authorized Representative
Signature
03/24/2021
Date
Witness
CITY OF BERKLEY BID OPPORTUNITY
CONFLICT OF INTEREST DISCLOSURE FORM

BID OPPORTUNITY: Cross Connection Control Program

<table>
<thead>
<tr>
<th>Name</th>
<th>Company</th>
</tr>
</thead>
<tbody>
<tr>
<td>Paul M. Patterson</td>
<td>HydroCorp</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Title</th>
<th>Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>Senior Vice President</td>
<td>5700 Crooks, Troy, MI 48098</td>
</tr>
</tbody>
</table>

Please describe any relationships, transactions, positions you hold (as owner, director or volunteer of a for-profit or nonprofit organization) or other circumstances you believe could contribute to an actual or perceived conflict of interest between the City of Berkley and your personal interest. (Use additional paper if necessary.)

☐ I have the following conflict of interest to report.

☐ I have the following potential conflict of interest to report.

☑ I have no circumstances that I believe could contribute to an actual or perceived conflict of interest.

Signature
3/24/2021
Date
<table>
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<tr>
<th>REFERENCE 1:</th>
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<tbody>
<tr>
<td><strong>COMPANY NAME</strong></td>
</tr>
<tr>
<td>City of Royal Oak, MI</td>
</tr>
<tr>
<td><strong>ADDRESS</strong></td>
</tr>
<tr>
<td>1600 N. Campbell Rd., Royal Oak, MI 48067</td>
</tr>
<tr>
<td><strong>TELEPHONE</strong></td>
</tr>
<tr>
<td>248-248-3313</td>
</tr>
<tr>
<td><strong>CONTACT PERSON</strong></td>
</tr>
<tr>
<td>Aaron Filipski</td>
</tr>
<tr>
<td><strong>CONTRACT DATES</strong></td>
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<tr>
<td>7/1/2012 - Present</td>
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<td><strong>DESCRIPTION OF WORK</strong></td>
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<td>Commercial and Residential Cross Connection Control Program Management and Inspections.</td>
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<table>
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<th>REFERENCE 2:</th>
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<tbody>
<tr>
<td><strong>COMPANY NAME</strong></td>
</tr>
<tr>
<td>West Bloomfield Township, MI</td>
</tr>
<tr>
<td><strong>ADDRESS</strong></td>
</tr>
<tr>
<td>2400 Haggerty Road, West Bloomfield, MI 48323</td>
</tr>
<tr>
<td><strong>TELEPHONE</strong></td>
</tr>
<tr>
<td>248-451-4837</td>
</tr>
<tr>
<td><strong>CONTACT PERSON</strong></td>
</tr>
<tr>
<td>Timothy Sobczak</td>
</tr>
<tr>
<td><strong>CONTRACT DATES</strong></td>
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<tr>
<td>1/1/2006 - Present</td>
</tr>
<tr>
<td><strong>DESCRIPTION OF WORK</strong></td>
</tr>
<tr>
<td>Commercial and Residential Cross Connection Control Program Management and Inspections.</td>
</tr>
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</table>

<table>
<thead>
<tr>
<th>REFERENCE 3:</th>
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</thead>
<tbody>
<tr>
<td><strong>COMPANY NAME</strong></td>
</tr>
<tr>
<td>City of Allen Park, MI</td>
</tr>
<tr>
<td><strong>ADDRESS</strong></td>
</tr>
<tr>
<td>16125 White Street, Allen Park, MI 48108</td>
</tr>
<tr>
<td><strong>TELEPHONE</strong></td>
</tr>
<tr>
<td>313-434-1194</td>
</tr>
<tr>
<td><strong>CONTACT PERSON</strong></td>
</tr>
<tr>
<td>Tom Murray</td>
</tr>
<tr>
<td><strong>CONTRACT DATES</strong></td>
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<tr>
<td>11/1/2006 - Present</td>
</tr>
<tr>
<td><strong>DESCRIPTION OF WORK</strong></td>
</tr>
<tr>
<td>Commercial and Residential Cross Connection Control Program Management and Inspections.</td>
</tr>
</tbody>
</table>
April 5, 2021 City Council Meeting

Moved by Councilmember ______________________ and seconded by Councilmember ______________________ to approve the City of Berkley Fund Balance Policy.

Ayes:

Nays:

Motion:
Mr. Mayor and Members of City Council,

In the course of past budget conversations, Council Members have inquired about a Fund Balance Policy that outlines a target, minimum, and maximum levels of fund balance for the City’s General Fund. As such, I have worked with our Finance Department to create a draft of such a document for your review. The proposed policy applies to the unassigned category specifically and set parameters on what is an allowable minimum, maximum, as well as a target range. This will guide strategic uses of the City’s fund balance as we move forward in uncertain financial times post pandemic.

For illustrative purposes, I have applied this policy to our most recent audited budget from FY 19/20 (ending June 30, 2020). In that fiscal year, we expended $11,848,440 of General Fund dollars and ended the year with a total fund balance of $6,460,972. Of the total fund balance, $3,940,515 was categorized as unassigned. In the example above, the unassigned fund balance is 33.26% of the total expenditures. Which is within the proposed target range of 25 to 35%. The 20% minimum for that fiscal year would have been $2,369,688 while the maximum would have been $4,739,376. Our current budget year, FY 20/21 has a planned fund balance reduction of about $2.2 Million attributed to the purchase of the new ladder truck for Public Safety and the renovation of Merchant/Oxford Park.

The text of the policy was written with the public in mind and defines terms that we are familiar with internally. This proposal also gives spend priorities when we reach specific thresholds. Mark Pollock has reviewed the draft and next steps are to share with the City Council and Plante Moran for guidance on a next draft (if needed).

Thank you for your time,

Matthew Baumgarten
Berkley City Manager
Fund Balance Policy

**Purpose**
The purpose of this policy is to specify the size and composition of the City’s desired fund balance and to identify certain requirements for classifying fund balance in accordance with the Governmental Accounting Standards Board (GASB) Statement No. 54. It is essential that the City maintain adequate levels of unassigned fund balance to mitigate risk that can occur from unforeseen revenue fluctuations. The fund balance also provides cash flow liquidity for the City’s general operations and working capital.

**Definitions**
Fund balance is created from excess revenues over expenditures. There are five components of fund balance, namely:

1. **Non-spendable Fund Balance**: Assets that are not available in a spendable form such as inventory, prepaid expenditures, and long-term receivables not expected to be converted to cash in the near term. It also includes funds that are legally or contractually required to be maintained intact such as the corpus of a permanent fund or foundation.

2. **Restricted Fund Balance**: Amounts that are required by external parties to be used for a specific purpose. Constraints are externally imposed by creditors, grantors, contributors or laws, regulations or enabling legislation.

3. **Committed Fund Balance**: Amounts constrained on the use imposed by formal action of the City Council.

4. **Assigned Fund Balance**: Amounts intended to be used for specific purposes as determined by the City Council or a delegated committee and/or municipal official.

5. **Unassigned Fund Balance**: All other resources; the remaining fund balance after non-spendable, restrictions, commitments, and assignments. This class only occurs in the General Fund, except for cases of negative fund balances. Negative fund balances are always reported as unassigned, no matter which fund the deficit occurs in. Only the General Fund can report a surplus, an *Unassigned Fund Balance*.

**Policy**
Non-spendable and Restricted fund balances are not available for spending due to external enforceable conditions, this fund balance policy is focused on the appropriate level of General Fund Unassigned Fund Balance.

**Utilization of Unassigned Fund Balance**
The City Manager and Finance Director make recommendations to the City Council on use of the Unassigned Funds both as an element of the annual budget submission and from time to time throughout the year as needs may arise. Recommendations will note any state or federal legislation that is applicable in how the unassigned fund balance can be utilized. Except in extraordinary circumstances, Unassigned Fund Balance should not be used to fund any portion of the ongoing and routine year-to-year operating expenditures of the City. It should be used to respond to unforeseen emergencies, to provide cash flow, and to provide overall financial stability.

**Minimum Fund Balance: 20%**
Fund Balance will be a minimum year end Unassigned Fund Balance of at least 20% of the average of the past three fiscal year general fund expenses. The calculation of expenditures will include recurring transfers but should exclude large, one-time transfers. Maintaining at least two months or 16% of Unassigned Fund Balance is generally considered by the Governmental Finance Officers' Association (GFOA) to be a best practice. Twenty percent or below will indicate an emergency or financial distress which shall be reported to the City Council with a corrective action plan. A super majority vote of the Council will be required to budget or expend the Unassigned Fund Balance, if it will result in it going below the minimum fund balance threshold.

When fund balance approaches its minimum threshold the following measures, in priority order, shall be used to build up fund balance:

1. Amend budget to cut or delay pay-as-you-go capital improvements from the Capital Improvement Program (CIP).
2. Amend budget to cut general operating expenses.
3. Approve a transfer of funds that have previously been moved from General Fund to other funds back to the General Fund.

Replenishment: If the City goes below the Minimum Fund Balance, the City will fully replenish the Unassigned Fund Balance to the minimum threshold within two years as part of the multi-year budget proposal.

**Target Fund Balance: 25-35%**

For the General Fund, the budget shall be prepared and activities managed to result in a year end Unassigned Fund Balance of between 25% - 35% of the average of the past three fiscal year general fund expenses. The calculation of expenditures will include recurring transfers but should exclude large, one-time transfers.

**Maximum Fund Balance: 40%**

In the event that year end Unassigned Fund Balance exceeds the maximum of 40% of the average of the past three (3) fiscal year general fund expenditures. The calculation of expenditures will include recurring transfers but should exclude large, one-time transfers.

When fund balance approaches its maximum threshold the following measures, in priority order, shall be used to reduce fund balance. These options are shown in order of priority, however, the City Council may choose to provide additional monies to any combination of these options.

1. Contribute additional funds to MERS Employee Defined Benefit pension.
2. Contribute additional funds to remaining Other Post Employment Benefit liabilities.
3. Pre-fund or accelerate capital improvements in the CIP by transferring funds to the Capital Improvement budgets.
4. Move up the debt schedule for existing bond payments to lower the City’s debt burden.
5. Reduce the millage rate.

**Compliance with Policy**

The Finance Director shall annually submit a report to the City Council outlining the status of the City's various components of the fund balance. This report shall be submitted as part of the budget process and updated after within 30 days of the annual financial audit. Administration will also note the expected effect of requested budget amendments to the General Fund’s unassigned fund balance as they are presented to the City Council over the course of the fiscal year.