

BIRMINGHAM CITY COMMISSION AGENDA
NOVEMBER 22, 2021
MUNICIPAL BUILDING, 151 MARTIN
7:30 P.M.

I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Therese Longe, Mayor

II. ROLL CALL

Alexandria Bingham, City Clerk

III. PROCLAMATIONS, CONGRATULATORY RESOLUTIONS, AWARDS, APPOINTMENTS, RESIGNATIONS AND CONFIRMATIONS, ADMINISTRATION OF OATHS, INTRODUCTION OF GUESTS AND ANNOUNCEMENTS.

ANNOUNCEMENTS

- COVID-19 cases remain high in Michigan, and Oakland County continues to be at a high level of community transmission. As a result, the CDC recommends vaccinated and unvaccinated individuals wear a facemask indoors while in public. The City requires masks in City Hall for all employees, board and commission members, and the public.

APPOINTMENTS

- A. Board of Review
1. Thomas Loafman
 2. Scott Tappan
 3. Cynthia Rose
 4. Elicia Katrib

To appoint _____ to the Board of Review as a regular member to serve a three year term to expire December 31, 2024.

To appoint _____ to the Board of Review as a regular member to serve a three year term to expire December 31, 2024.

To appoint _____ to the Board of Review as a regular member to serve the remainder of a three year term to expire December 31, 2023.

IV. OPEN TO THE PUBLIC FOR MATTERS NOT ON THE AGENDA

V. CONSENT AGENDA

All items listed on the consent agenda are considered to be routine and will be enacted by one motion and approved by a roll call vote. There will be no separate discussion of the items unless a commissioner or citizen so requests, in which event the item will be removed from the general order of business and considered under the last item of new business.

- A. Resolution to approve the City Commission meeting minutes of November 8, 2021.

- B. Resolution to approve the warrant list, including Automated Clearing House payments, dated November 10, 2021, in the amount of \$694,588.33.
- C. Resolution to approve the warrant list, including Automated Clearing House payments, dated November 17, 2021, in the amount of \$1,009,029.05.
- D. Resolution authorizing the IT department to purchase the Nutanix Hyper-converged system from CDWG at total cost not to exceed \$10,283.71. Funds are available in the Machinery and Equipment fund account # 636-228.000-971.0100.
- E. Resolution authorizing the IT department to renew the Laserfiche support contract with MCCi for a total cost of \$13,084.20. Funds are available in the IT Computer Maintenance Fund Account: 636-228.000-933.0600.
- F. Resolution providing direction to authorize the City Clerk to complete the Local Approval Notice at the request of Casa Godi, LLC approving the liquor license request of Casa Godi, LLC requesting a new Class C license to be issued pursuant to MCL 436.1521 (A)(1)(B) with Sunday Sales (AM/PM), Catering Permit and an Outdoor Service Permit (1 Area) located at 470 N Old Woodward, Birmingham, Oakland County, MI 48009.
- G. Resolution to approve the installation of a permit exempt 2 hour time zone from 9 a.m. to 6 p.m. on Greenwood St. from Willits St. to Harmon St. Further, to direct the Chief of Police and the City Clerk to sign the traffic control order on behalf of the City.
- H. Resolution to approve the Fourth Amendment with Plante & Moran Cresa, LLC in the amount not to exceed \$11,200.00, with the term ending December 8, 2021 for assisting with capital planning and operational review consulting services for the Birmingham Ice Arena. Funds are available for this work in the Capital Projects - Ice Arena - Buildings account #401-901.001-977.0000.
- I. Resolution to approve all 19 Verizon Wireless applications for placement of Verizon Wireless' small cell equipment on DTE's utility poles, and further approving 7 of the 19 applications to exceed the 45 foot height limitations as described in the agreement.
- J. Resolution to approve an amendment to the extension of the 2021 Sidewalk Trip Elimination Program through the addendum of the Contact #6-18 (SW) for the 2021 sidewalk program repair area, at 2018 contract prices, to Precision Concrete, Inc., in the amount of \$260,000.00 (net increase of \$135,000.00 over the existing contract). All costs shall be charged to account number 101-444.001-981.0100. Further, authorizing the Mayor to sign the approved contract addendum authorizing this work.

| |
|--------------------------------|
| VI. UNFINISHED BUSINESS |
|--------------------------------|

VII. NEW BUSINESS

- A. Fiscal Year 2020-2021 Audit Report Presentation
- B. Resolution providing direction to the Mayor to sign a letter of consent on behalf of the city and to authorize staff to submit application to the National Park Service to nominate Greenwood Cemetery to the National Underground Railroad Network to Freedom.
- C. Resolution to approve the contract with Gallagher Benefit Services, Inc. in the amount of \$49,000.00 annually, for a three year term, to provide benefit consulting services for the City. Funds are available from the Risk Management Fund, account #677-851.000-811.0000; Further, to direct the Mayor and City Clerk to sign the agreement on behalf of the City.
- D. Commission discussion on items from prior meeting
(none)
- E. Commission Items for Future Discussion. A motion is required to bring up the item for future discussion at the next reasonable agenda, no discussion on the topic will happen tonight.

VIII. REMOVED FROM CONSENT AGENDA

IX. COMMUNICATIONS

X. REPORTS

- A. Commissioner Reports
 - 1. Notice of Intention to Appoint to the Birmingham Triangle District Corridor Improvement Authority
- B. Commissioner Comments
- C. Advisory Boards, Committees, Commissions' Reports and Agendas
- D. Legislation
- E. City Staff
 - 1. 1st Quarter Budget Report
 - 2. 1st Quarter Investment Report
 - 3. City Manager's Report

INFORMATION ONLY

XI. ADJOURN

Should you wish to participate in this meeting, you are invited to attend the meeting in person or virtually through ZOOM: <https://zoom.us/j/655079760> Meeting ID: 655 079 760
You may also present your written statement to the City Commission, City of Birmingham, 151 Martin Street, P.O. Box 3001, Birmingham, Michigan 48012-3001 prior to the hearing.

NOTICE: Individuals requiring accommodations, such as mobility, visual, hearing, interpreter or other assistance, for effective participation in this meeting should contact the City Clerk's Office at (248) 530-1880 (voice), or (248) 644-5115 (TDD) at least one day in advance to request mobility, visual, hearing or other assistance.

Las personas que requieren alojamiento, tales como servicios de interpretación, la participación efectiva en esta reunión deben ponerse en contacto con la Oficina del Secretario Municipal al (248) 530-1880 por lo menos el día antes de la reunión pública. (Title VI of the Civil Rights Act of 1964).



**NOTICE OF INTENTION TO APPOINT TO
BOARD OF REVIEW**

The City Commission intends to appoint three regular members: two regular members to serve three-year terms to expire December 31, 2024, and one regular member to serve the remainder of a three-year term to expire December 31, 2023. Applicants must be property owners and electors of the City of Birmingham.

The Board of Review, consisting of two panels of three local citizens who must be property owners and electors, is appointed by the City Commission for three-year terms. Although a general knowledge of the City is very helpful, more important are good judgment and the ability to listen carefully to all sides of an issue before making a decision. Approximately three weeks in March are scheduled for taxpayers to protest their assessments and one day each in July and December for correcting clerical errors and mutual mistakes of fact. Two training sessions in February are also required.

Interested citizens may submit an application available at the Clerk’s office or online at www.bhamgov.org/boardopportunities. Applications must be submitted to the City Clerk’s office on or before noon on Wednesday, Nov. 17, 2021. These documents will appear in the public agenda for the regular meeting at which time the City Commission will interview applicants and may make nominations and vote on appointments.

Board members are paid \$110 per diem.

Applicant(s) Presented For City Commission Consideration:

| Applicant Name | Criteria/Qualifications |
|-----------------------|--|
| | Applicants must be property owners and electors (registered voters) of the City of Birmingham. |
| Thomas Loafman | Property owner and Elector |
| Scott Tappan | Property owner and Elector |
| Cynthia Rose | Property owner and Elector |
| Elicia Katrib | Property owner and Elector |

NOTE: All members of boards and commissions are subject to the provisions of City of Birmingham City Code Chapter 2, Article IX, Ethics and the filing of the Affidavit and Disclosure Statement.

SUGGESTED RESOLUTION:

To appoint _____ to the Board of Review as a regular member to serve a three-year term to expire December 31, 2024.

To appoint _____ to the Board of Review as a regular member to serve a three-year term to expire December 31, 2024.

To appoint _____ to the Board of Review as a regular member to serve the remainder of a three-year term to expire December 31, 2023.



BOARD OF REVIEW

City Charter – Chapter III, Section 14

Terms: Three Years

Members: Members must be property owners and electors of the City of Birmingham

Appointed by the City Commission

The Board of Review hear appeals from property owners regarding their assessments. Approximately three weeks in March are scheduled for taxpayers to protest their assessments and one day each in July and December for correcting clerical errors and mutual mistakes of fact. Two training sessions in February are also required.

| Last Name | First Name | Home Business E-Mail | Appointed | Term Expires |
|---------------------------------------|-----------------|---|-----------|--------------|
| Devereaux 1019 Rivenoak | Kathleen | (248) 840-5310 <i>kddevereaux@wowway.com</i> | 2/22/2016 | 12/31/2022 |
| Di Placido 726 Lakeside Dr. | Guy | (248) 644-1708 | 1/10/1994 | 12/31/2023 |
| Feiste 1474 Maryland | Leland | (248) 644-3948 <i>lwfeiste@yahoo.com</i> | 1/22/2001 | 12/31/2022 |
| Katrib 1832 East Lincoln | Elicia | (248) 379-3577 <i>e.katrib@gmail.com</i> | 2/22/2016 | 12/31/2021 |
| Rose 1011 Clark | Cynthia | (248) 752-2667 <i>crose@cbwm.com</i> | 3/2/2009 | 12/31/2021 |

| Last Name | First Name | Home Business E-Mail | Appointed | Term Expires |
|--------------------------------------|---------------|--|------------------------|--------------|
| Rosenberg 1590 E. Maple | Harvey | (313) 510-0190 <i>harvey48301@yahoo.com</i> | 2/13/2017 alternate | 12/31/2022 |
| Stress 784 Westchester Way | Jill | (586) 246-6700 <i>jill.stress@yahoo.com</i> | 2/13/2017 alternate | 12/31/2023 |
| VACANT | | | | 12/31/2023 |

CITY BOARD/COMMITTEE ATTENDANCE RECORD

Board/Committee: **Board of Review**

Year: **2019**

| MEMBER NAME | 2/13 | 3/5 | 3/11 | 3/12 | 3/14 | 3/15 | 7/16 | 12/10 | | | | | Total Mtgs. Att. | Total Absent | Percent Attend |
|------------------------|------|-----|------|------|------|------|------|-------|--|--|---|--|------------------|--------------|----------------|
| REGULAR MEMBERS | | | | | | | | | | | | | | | |
| DEVEREAUX, KATHLEEN | P | P | P | P | P | P | NM | | | | | | 6 | 0 | 100% |
| DIPLACIDO, GUY | P | P | P | P | P | P | P | | | | | | 7 | 0 | 100% |
| FEISTE, LELAND | P | P | P | P | P | P | NM | | | | | | 6 | 0 | 100% |
| KATRIB, ELICIA | P | P | A | A | P | P | P | | | | | | 5 | 2 | 71% |
| RICHEY, LESTER | P | P | P | P | P | P | NM | | | | | | 6 | 0 | 100% |
| ROSE, CYNTHIA | P | P | P | P | P | P | NM | | | | | | 6 | 0 | 100% |
| Reserved | | | | | | | | | | | | | | | |
| Reserved | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | |
| ALTERNATES | | | | | | | | | | | | | | | |
| MONAHAN, JASON | NM | NM | NM | NM | NM | NM | NM | NM | | | * | | 0 | | |
| STRESS, JILL | P | P | P | P | NM | P | | | | | | | 5 | 0 | 100% |
| Reserved | | | | | | | | | | | | | | | |
| Reserved | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | |
| Members in attendance | 7 | 7 | 6 | 6 | 6 | 7 | 2 | 0 | | | | | | | |

KEY: A = Absent
P = Present
NM = No Meeting
na = not appointed at that time


 Department Head Signature

*Unable to attend training. Unable to participate on Board for 2019

CITY BOARD/COMMITTEE ATTENDANCE RECORD

Board/Committee: **Board of Review**

Year: **2020**

| MEMBER NAME | 2/11 | 3/3 | 3/9 | 3/10 | 3/12 | 3/13 | 7/21 | 12/15 | | | | | Total Mtgs. Att. | Total Absent | Percent Attend |
|------------------------|------|-----|-----|------|------|------|------|-------|--|--|--|--|------------------|--------------|----------------|
| REGULAR MEMBERS | | | | | | | | | | | | | | | |
| DEVEREAUX, KATHLEEN | P | P | P | A | P | P | A | P | | | | | 6 | 2 | 75% |
| DIPLACIDO, GUY | P | P | P | P | P | P | P | A | | | | | 7 | 1 | 88% |
| FEISTE, LELAND | P | P | P | P | P | P | A | A | | | | | 6 | 2 | 75% |
| KATRIB, ELICIA | P | P | P | P | P | P | A | A | | | | | 6 | 2 | 75% |
| RICHEY, LESTER | P | P | P | A | P | P | A | A | | | | | 5 | 3 | 63% |
| ROSE, CYNTHIA | P | P | P | A | P | P | P | A | | | | | 6 | 2 | 75% |
| Reserved | | | | | | | | | | | | | | | |
| Reserved | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | |
| ALTERNATES | | | | | | | | | | | | | | | |
| ROSENBERG, HARVEY | P | P | P | A | P | P | P | A | | | | | 6 | | |
| STRESS, JILL | P | P | P | A | P | A | A | P | | | | | 5 | 3 | 63% |
| Reserved | | | | | | | | | | | | | | | |
| Reserved | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | |
| Members In attendance | 8 | 8 | 8 | 3 | 8 | 7 | 3 | 2 | | | | | | | |

KEY: A = Absent
P = Present
NM = No Meeting
na = not appointed at that time



Department Head Signature

CITY BOARD/COMMITTEE ATTENDANCE RECORD

Board/Committee: **Board of Review**

Year: 2021

| MEMBER NAME | 3/2 | 3/8 | 3/9 | 3/11 | 3/12 | 3/15 | 7/20 | | | | | | | | | Total Mtgs. Att. | Total Absent | Percent Attend |
|------------------------|-----|-----|-----|------|------|------|------|---|--|--|--|--|--|--|--|------------------------|-----------------|-------------------|
| REGULAR MEMBERS | | | | | | | | | | | | | | | | | | |
| DEVEREAUX, KATHLEEN | P | P | P | P | P | P | A | | | | | | | | | 6 | 1 | 86% |
| DIPLACIDO, GUY | P | P | P | P | P | P | P | | | | | | | | | 7 | 0 | 100% |
| FEISTE, LELAND | A | A | A | A | A | A | A | | | | | | | | | 0 | 7 | 0% |
| KATRIB, ELICIA | P | P | P | P | P | P | A | | | | | | | | | 6 | 1 | 86% |
| RICHEY, LESTER | P | P | P | P | P | P | A | | | | | | | | | 6 | 1 | 86% |
| ROSE, CYNTHIA | P | P | P | P | P | P | P | | | | | | | | | 7 | 0 | 100% |
| Reserved | | | | | | | | | | | | | | | | | | |
| Reserved | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | |
| ALTERNATES | | | | | | | | | | | | | | | | | | |
| ROSENBERG, HARVEY | A | A | A | A | A | A | A | | | | | | | | | 0 | | |
| STRESS, JILL | P | P | A | P | P | P | P | | | | | | | | | 6 | 1 | 86% |
| Reserved | | | | | | | | | | | | | | | | | | |
| Reserved | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | |
| Members in attendance | 6 | 6 | 5 | 6 | 6 | 6 | 3 | 0 | | | | | | | | | | |

KEY: A = Absent
P = Present
NM = No Meeting
na = not appointed at that time



Department Head Signature



| | |
|--|---|
| OFFICE USE ONLY | |
| Meets Requirements? | <input checked="" type="radio"/> Yes <input type="radio"/> No |
| <input checked="" type="radio"/> Will Attend | <input type="radio"/> Unable to Attend |

APPLICATION FOR CITY BOARD OR COMMITTEE

Thank you for your interest in serving on a Board or Committee. The purpose of this form is to provide the City Commission with basic information about applicants considered for appointment. NOTE: Completed applications are included in the City Commission agenda packets. The information included on this form is open to the public. All Board and Committee members are subject to the provisions of the Ethics Ordinance (Chapter 2, Article IX of the City Code).

Information on various Boards and Committees and a list of current openings can be found on the City website at www.bhamgov.org/boardopportunities.

(Please print clearly)

Board/Committee of Interest Board of Review

Specific Category/Vacancy on Board Regular Member (see back of this form for information)

Name Thomas Loftman

Phone 248 840-6678

Residential Address 580 Oakland Ave.

Email * thosloftman@gmail.com

Residential City, Zip Birmingham 48009

Length of Residence 2 year

Business Address _____

Occupation Retired

Business City, Zip _____

Reason for Interest: Explain how your background and skills will enhance the board to which you have applied _____

After 40 years of executive leadership, first as CPO of Volkswagen, I have learned how to mediate many differences, opinion or disputes

List your related employment experience Chief Procurement Officer, Volkswagen

List your related community activities Recently moved into Bham and am looking to serve.

List your related educational experience Business degree from Michigan State Univ. Northwestern, Kellogg School of Business, Executive Development

To the best of your knowledge, do you or a member of your immediate family have any direct financial or business relationships with any supplier, service provider or contractor of the City of Birmingham from which you or they derive direct compensation or financial benefit? If yes, please explain: No

Do you currently have a relative serving on the board/committee to which you have applied? No

Are you an elector (registered voter) in the City of Birmingham? Yes

Signature of Applicant Thomas Loftman

Date 27 Aug. 2021

Return the completed and signed application form to: City of Birmingham, City Clerk's Office, 151 Martin, Birmingham, MI 48009 or by email to clerk@bhamgov.org or fax to 248.530.1080. Updated 11/18/2020

*By providing your email to the City, you agree to receive news & notifications from the City. If you do not wish to receive these messages, you may unsubscribe at any time.



| |
|--|
| OFFICE USE ONLY Meets Requirements? <input checked="" type="radio"/> Yes <input type="radio"/> No <input checked="" type="radio"/> Will Attend / <input type="radio"/> Unable to Attend |
|--|

APPLICATION FOR CITY BOARD OR COMMITTEE

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(Please print clearly)

Board/Committee of Interest **Board of Review**
Specific Category/Vacancy on Board **Regular Member**

Name **Scott Tappan**

Phone **(248) 515-8799**

Residential Address **160 Catalpa Drive**

Email scott.tappan1@gmail.com

Residential City, Zip **Birmingham, 48009**

Length of Residence **25 Years**

Business Address **(same as above)**

Occupation **Fractional Sales Executive**

Business City, Zip

Reason for Interest: Explain how your background and skills will enhance the board to which you have applied

Throughout my 30+ years as a sales executive, I spent decades mediating issues between automotive dealers and customers at General Motors and as VP of sales, marketing and operations with SiriusXM Radio. As an outsourced sales executive, I spend significant time resolving problems between small business owners, their family members and senior leaders within the company.

List your related employment experience – **Worked in various leadership positions during my 22-year career at General Motors. Negotiated contracts with all automotive OEMs while at SiriusXM Radio. I am currently an outsourced VP of sales helping small and mid-sized local businesses.**

List your related community activities – **Currently President of the Board of Directors for the Society of Automotive Analysts, past VP of operations for iMatter for Kids, Birmingham and an executive mentor for TechStars Mobility, Detroit.**

List your related educational experience – **BS, Organizational Leadership, Purdue University / Master's in Marketing, Central Michigan University**

To the best of your knowledge, do you or a member of your immediate family have any direct financial or business relationships with any supplier, service provider or contractor of the City of Birmingham from which you or they derive direct compensation or financial benefit? If yes, please explain: **No; however, my wife works in the city clerk's office.**

Do you currently have a relative serving on the board/committee to which you have applied? **No**

Are you an elector (registered voter) in the City of Birmingham? **Yes**



Signature of Applicant

11/14/2021

Date

Return the completed and signed application form to: City of Birmingham, City Clerk's Office, 151 Martin, Birmingham, MI 48009 or by email to clerksoffice@bhamgov.org or by fax to 248.530.1080. Updated 05/11/17



| | |
|--|---|
| OFFICE USE ONLY | |
| Meets Requirements? | <input checked="" type="radio"/> Yes <input type="radio"/> No |
| <input checked="" type="radio"/> Will Attend | <input type="radio"/> Unable to Attend |

APPLICATION FOR CITY BOARD OR COMMITTEE

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(Please print clearly)

Board/Committee of Interest BOARD OF REVIEW

Specific Category/Vacancy on Board REAPPOINTMENT

Name CYNTHIA ROSE

Phone 248-752-2667

Residential Address 1011 CLARK STREET

Email CROSE@CBWM.COM

Residential City, Zip BIRMINGHAM, 48009

Length of Residence 35 YEARS

Business Address 294 E. BROWN

Occupation REALTOR
COLDWELL BANKER WEIR MANUEL

Business City, Zip BIRMINGHAM MI, 48009

Reason for Interest: Explain how your background and skills will enhance the board to which you have applied
I HAVE SERVED ON THIS BOARD OVER 10 YEARS AND WOULD BE PLEASED TO SERVE AGAIN

List your related employment experience I AM AN ASSOCIATE BROKER AT COLDWELL BANKER WEIR MANUEL WITH 25 YEARS EXPERIENCE

List your related community activities REGULARLY ATTEND PARKS AND RECREATION AND PUBLIC ARTS BOARD MEETINGS

List your related educational experience MICHIGAN STATE UNIVERSITY

To the best of your knowledge, do you or a member of your immediate family have any direct financial or business relationships with any supplier, service provider or contractor of the City of Birmingham from which you or they derive direct compensation or financial benefit? If yes, please explain: NO

Do you currently have a relative serving on the board/committee to which you have applied? NO

Are you an elector (registered voter) in the City of Birmingham? YES

[Signature]
Signature of Applicant

Date Nov. 17, 2021



| | |
|--|---|
| OFFICE USE ONLY | |
| Meets Requirements? | <input checked="" type="radio"/> Yes <input type="radio"/> No |
| <input checked="" type="radio"/> Will Attend | <input type="radio"/> Unable to Attend |

APPLICATION FOR CITY BOARD OR COMMITTEE

Thank you for your interest in serving on a Board or Committee. The purpose of this form is to provide the City Commission with basic information about applicants considered for appointment. NOTE: Completed applications are included in the City Commission agenda packets. The information included on this form is open to the public. All Board and Committee members are subject to the provisions of the Ethics Ordinance (Chapter 2, Article IX of the City Code).

Information on various Boards and Committees and a list of current openings can be found on the City website at www.bhamgov.org/boardopportunities.

(Please print clearly)

Board/Committee of Interest _____

Specific Category/Vacancy on Board _____ (see back of this form for information)

Name _____

Phone _____

Residential Address _____

Email * _____

Residential City, Zip _____

Length of Residence _____

Business Address _____

Occupation _____

Business City, Zip _____

Reason for Interest: Explain how your background and skills will enhance the board to which you have applied _____

List your related employment experience _____

List your related community activities _____

List your related educational experience _____

To the best of your knowledge, do you or a member of your immediate family have any direct financial or business relationships with any supplier, service provider or contractor of the City of Birmingham from which you or they derive direct compensation or financial benefit? If yes, please explain: _____

Do you currently have a relative serving on the board/committee to which you have applied? _____

Are you an elector (registered voter) in the City of Birmingham? _____



_____ Date

Return the completed and signed application form to: City of Birmingham, City Clerk's Office, 151 Martin, Birmingham, MI 48009 or by email to Ahauff@bhamgov.org or by fax to 248.530.1080. Updated 3/24/2021

**By providing your email to the City, you agree to receive news & notifications from the City. If you do not wish to receive these messages, you may unsubscribe at any time.*

Birmingham City Commission Minutes

November 8, 2021

7:30 p.m.

Municipal Building, 151 Martin

Vimeo Link: <https://vimeo.com/638919728>

I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Pierre Boutros, Mayor, opened the meeting with the Pledge of Allegiance.

II. ROLL CALL

Alexandria Bingham, City Clerk, called the roll.

Present: Mayor Boutros
Mayor Pro Tem Longe
Commissioner Baller
Commissioner Hoff
Commissioner Host
Commissioner Nickita
Commissioner Sherman

Absent: None

Administration: City Manager Markus, City Clerk Bingham, Assistant City Manager Ecker, Parks and Recreation Manager Laird, Human Resources Manager Lambert, City Attorney Kucharek, Department of Public Services Director Wood, Assistant City Engineer Zielinski

III. PROCLAMATIONS, CONGRATULATORY RESOLUTIONS, AWARDS, APPOINTMENTS, RESIGNATIONS AND CONFIRMATIONS, ADMINISTRATION OF OATHS, INTRODUCTION OF GUESTS AND ANNOUNCEMENTS.

- COVID-19 cases remain high in Michigan, and Oakland County continues to be at a high level of community transmission. As a result, the CDC recommends vaccinated and unvaccinated individuals wear a facemask indoors while in public. The City requires masks in City Hall for all employees, board and commission members, and the public.
- The Clerk's Office would like to thank all of the Election Inspectors and City Staff that helped with conducting a successful November 2nd Election. We appreciate all of the voters who participated safely, turnout for this election was 27.28%, which was above the 22.27% average for Oakland County.
- The Piety Hill Chapter of the National Society Daughters of the American Revolution invites the public to Birmingham's annual Veterans Day Ceremony in Shain Park on Thursday, Nov. 11 at 11 a.m. The program features guest speaker and veteran advocate Mike Schloff, a Vietnam veteran and Birmingham resident, and will recognize state and city officials.

CA Kucharek stated that the Oakland County Board of Canvassers certified the ballot and the results of the November 2, 2021 election.

Mayor Boutros recognized Commissioners Hoff, Sherman, and Nickita.

Commissioners Hoff, Sherman, and Nickita made statements regarding their time as Commissioners.

Commissioners-elect Haig, McClain, and Schafer were sworn in by City Clerk Bingham.

Library Board Members-elect Mark, Pisano, Rock, and Rumble were sworn in by City Clerk Bingham.

11-280-21 Nomination of Temporary Chair for Purposes of Conducting the Election of Mayor and Mayor Pro Tem

MOTION: Nomination by Mayor Pro Tem Longe, seconded by Commissioner Baller:
To nominate Mayor Boutros as Temporary Chair of the City Commission for purposes of conducting the election of the Mayor and Mayor Pro Tem.

VOICE VOTE: Ayes, Mayor Pro Tem Longe
Commissioner Baller
Commissioner Haig
Mayor Boutros
Commissioner McClain
Commissioner Schafer
Commissioner Host

Nays, None

11-281-21 Election of Mayor

Commissioner Baller nominated Mayor Pro Tem Longe to serve as Mayor.

MOTION: Nomination by Commissioner Baller:
To elect Mayor Pro Tem Longe to serve as Mayor.

VOICE VOTE: Ayes, Mayor Pro-Tem Longe
Commissioner Baller
Commissioner Haig
Mayor Boutros
Commissioner McClain
Commissioner Schafer
Commissioner Host

Nays, None

11-282-21 Election of Mayor Pro Tem

Commissioner Host nominated Commissioner Boutros to serve as Mayor Pro Tem. Commissioner Baller spoke in concurrence with Commissioner Host's nomination.

MOTION: Nomination by Commissioner Host:
To elect Commissioner Boutros to serve as Mayor Pro Tem.

VOICE VOTE: Ayes, Mayor Longe
Commissioner Baller
Commissioner Haig
Commissioner Boutros
Commissioner McClain
Commissioner Schafer
Commissioner Host

Nays, None

Mayor Longe and Mayor Pro Tem Boutros each briefly spoke and thanked their fellow Commissioners for electing them to the Mayor and Mayor Pro Tem positions.

Mayor Longe and Mayor Pro Tem Boutros were sworn in as Mayor and Mayor Pro Tem by City Clerk Bingham.

Mayor Longe presented Mayor Pro Tem Boutros with a gavel in appreciation of his two consecutive terms as Birmingham Mayor.

Mayor Pro Tem Boutros briefly reflected on his service as Mayor.

The Commission paused its proceedings for an intermission at 8:15 p.m.

The Commission returned from intermission at 8:29 p.m.

APPOINTMENTS

11-283-21 Appointment of Therese Longe, Mayor, to the Retirement Board

MOTION: Nomination by Mayor Longe:
To appoint Therese Longe, Mayor, to the Retirement Board.

VOICE VOTE: Ayes, Mayor Longe
Commissioner Baller
Commissioner Haig
Mayor Pro Tem Boutros
Commissioner McClain
Commissioner Schafer
Commissioner Host

Nays, None

11-284-21 Appointment of Pierre Boutros, Mayor Pro Tem, to the Retirement Board

MOTION: Nomination by Mayor Longe:
To appoint Pierre Boutros, Mayor Pro Tem, to the Retirement Board.

VOICE VOTE: Ayes, Mayor Longe
Commissioner Baller
Commissioner Haig
Mayor Pro Tem Boutros
Commissioner McClain
Commissioner Schafer
Commissioner Host

Nays, None

11-285-21 Appointment of Therese Longe, Mayor, to the Retirees Health Care Fund Committee

MOTION: Nomination by Mayor Longe:
To appoint Therese Longe, Mayor, to the Retirees Health Care Fund Committee.

VOICE VOTE: Ayes, Mayor Longe
Commissioner Baller
Commissioner Haig
Mayor Pro Tem Boutros
Commissioner McClain
Commissioner Schafer
Commissioner Host

Nays, None

11-286-21 Appointment of Clinton Baller, Commissioner, to the to the Triangle District Corridor Improvement Authority

MOTION: Nomination by Mayor Longe:
To appoint Clinton Baller, Commissioner, to the Triangle District Corridor Improvement Authority.

VOICE VOTE: Ayes, Mayor Longe
Commissioner Baller
Commissioner Haig
Mayor Pro Tem Boutros
Commissioner McClain
Commissioner Schafer
Commissioner Host

Nays, None

IV. OPEN TO THE PUBLIC FOR MATTERS NOT ON THE AGENDA

Brad Coulter characterized the discourse leading up to the November 2, 2021 election as 'hateful' and asked the Commission to weigh in on whether that type of rhetoric should be acceptable for future campaigns.

V. CONSENT AGENDA

All items listed on the consent agenda are considered to be routine and will be enacted by one motion and approved by a roll call vote. There will be no separate discussion of the items unless a commissioner or citizen so requests, in which event the item will be removed from the general order of business and considered under the last item of new business.

11-287-21 Consent Agenda

The following items were pulled from the Consent Agenda:

- Commissioner Baller: Item G – Tree Inventory Update
- CM Markus: Item I – City Recognition of Martin Luther King Jr. Day

MOTION: Motion by Commissioner Baller, seconded by Commissioner Schafer:
To approve the Consent Agenda with the exception of Items G and I.

- ROLL CALL VOTE: Ayes, Commissioner Baller
Commissioner Schafer
Commissioner Host
Mayor Longe
Commissioner Haig
Mayor Pro Tem Boutros
Commissioner McClain

Nays, None

- A. Approval of City Commission minutes from October 25, 2021.
- B. Approval of warrant list, including Automated Clearing House payments, of October 27, 2021 in the amount of \$958,541.82.
- C. Approval of warrant list, including Automated Clearing House payments, of November 3, 2021 in the amount of \$2,181,472.39.
- D. Resolution to set December 6, 2021 as the public hearing date for the Program Year 2022 Community Development Block Grant Program.
- E. Resolution to set a public hearing date of December 6th, 2021 to consider the Special Land Use Permit Amendment, Final Site Plan and Design Review application for 203 Pierce Street – Toast – to amend their hours of operation. Set PH
- F. Resolution to set a public hearing for December 6th, 2021 to consider the following amendments:

To amend Chapter 126, Article 7, Section 7.41-7.46 – Processes, Permits, and Fees to create a review process for wall art;

AND

To amend Chapter 126, Article 9, Section 9.02 Definitions to create a definition for wall art.

- H. Resolution providing direction to approve an agreement with Anderson, Eckstein, & Westrick for professional engineering design services for barrier-free enhancements in the Birmingham

Museum Pond Zone, and authorizing an expenditure in the amount of \$17,460; to be charged to the Allen House Other Contractual Services account, #101-804.002- 811.0000; and further authorizing the Mayor and City Clerk to sign the Agreement on behalf of the City.

11-288-21 (Item G) Tree Inventory Update

Commissioner Baller stated he pulled this item to highlight the tree inventory process for the public.

PRM Laird confirmed that the City does use software to maintain a database of City-owned trees to track maintenance issues and requests, and tree locations, sizes, and conditions.

MOTION: Motion by Commissioner Baller, seconded by Commissioner Schafer: To provide direction to approve an agreement through December 31, 2024 with Davey Resource Group, Inc. to update the City's Tree Inventory Program in an amount not to exceed a total of \$69,850, which amount includes a maximum amount of \$10,000 to add new inventory. Funding for this project has been budgeted in the Local Streets Fund-Forestry Services account #203-449.005-819.0000, the Major Streets Fund-Forestry Services Contract account #202-449.005-819.0000, and the Parks-Forestry Services account #101-751.000-819.0000. Further, to authorize the Mayor and City Clerk to sign the agreement on behalf of the City.

ROLL CALL VOTE: Ayes, Commissioner Baller
Commissioner Schafer
Commissioner Host
Mayor Longe
Commissioner Haig
Mayor Pro Tem Boutros
Commissioner McClain

Nays, None

11-289-21 (Item I) City Recognition of Martin Luther King Jr. Day

CM Markus clarified that there would be a cost for adding the holiday, though it would be difficult to say precisely what the cost would be. He noted that some of the cost is already taken into account because the contracts of the Police, Public Works Department, and Teamsters provide that they be paid for Martin Luther King Jr. Day. He noted others are in the process of negotiating to be paid on Martin Luther King Jr. Day. He noted that productivity, hours worked and possible overtime would effect the costs.

CM Markus stated that Martin Luther King Jr. Day is a significant day in the United States and merits recognition by the City.

MOTION: Motion by Commissioner Baller, seconded by Mayor Pro Tem Boutros: To recognize Martin Luther King Jr. Day as one of the City's observed holidays, starting in 2022.

Commissioner Baller thanked CM Markus for making the recommendation.

ROLL CALL VOTE: Ayes, Commissioner Baller
Mayor Pro Tem Boutros
Commissioner Schafer
Commissioner Host

Mayor Longe
Commissioner Haig
Commissioner McClain

Nays, None

VI. UNFINISHED BUSINESS

VII. NEW BUSINESS

11-290-21 Initial Screening for Bistro Applicants – The French Lady – 2022

PD Dupuis presented the item.

Claude Bouly-Pellerin spoke regarding the bistro application for The French Lady.

MOTION: Motion by Commissioner Baller, seconded by Mayor Pro Tem Boutros:
To direct The French Lady’s bistro application to the Planning Board for the process of Special Land Use Permit, Final Site Plan and Design Review.

In reply to Commissioner Schafer, Ms. Bouly-Pellerin stated she had wanted to apply for a bistro license simultaneously to opening but was advised by Planning Department Staff at the time that she had to procure a certificate of occupancy first.

PD Dupuis noted that Ms. Bouly-Pellerin had also applied for a bistro license in April 2021 but the Commission had not chosen to move forward with her application at that time.

CM Markus noted that the relevant ordinance recommends that two new businesses be reviewed for bistro licenses and two extant businesses be reviewed for bistro licenses. He explained that this is because businesses could begin in Birmingham without the intent to sell alcohol but may become interested in being licensed to do so at a later date.

Commissioner Baller and Mayor Pro Tem Boutros spoke in favor of the application.

In reply to Mayor Pro Tem Boutros, Ms. Bouly-Pellerin confirmed she would be continuing outdoor dining in the rear of her establishment and would consider outdoor dining for the front as well if it proves appropriate.

VOICE VOTE: Ayes, Commissioner Baller
Mayor Pro Tem Boutros
Commissioner Schafer
Commissioner Host
Mayor Longe
Commissioner Haig
Commissioner McClain

Nays, None

11-291-21 Initial Screening for Bistro Applicants – Wilder’s Supper Club – 2022

PD Dupuis presented the item.

Samy Eid and Victor Saroki spoke regarding the bistro application for Wilder's Supper Club. It was stated that they hoped to be open by the end of 2022 or the beginning of 2023.

Mr. Saroki stated that the grade in the front and the rear of the restaurant would be kept as is. He confirmed the outdoor dining in the front would be subtly sloping. He confirmed that the plans would add one on-street parking space. He stated that the second floor of the building would be an office, and the third floor would be two small apartments.

Mr. Eid stated he wanted to avoid using an outdoor dining platform, and so would take measures to make the outdoor dining workable in front of the restaurant. He said he was not interested in pursuing year-round outdoor dining for this location.

Mayor Pro Tem Boutros noted that much of this discussion would occur at the Planning Board level, and that the Commission could ask further questions when it returns for review. He recommended that the Commission direct the Planning Board to review this bistro proposal.

MOTION: Motion by Mayor Pro Tem Boutros, seconded by Commissioner Schafer:
To direct Wilder's Supper Club's bistro application to the Planning Board for the process of Special Land Use Permit, Final Site Plan and Design Review.

Mayor Longe said she was concerned about the potential parking impact and the later opening hours, which would mean less activation during the day. She also noted that the hours may mean that the parking needs may not compete as much with other parking demand in the area, which could be a benefit.

VOICE VOTE: Ayes, Mayor Pro Tem Boutros
Commissioner Schafer
Commissioner Host
Mayor Longe
Commissioner Haig
Commissioner McClain
Commissioner Baller

Nays, None

CM Markus stated that a tenant mix analysis would be conducted in the near future to determine the current mix of commercial uses in Birmingham. He said the information would then be provided to the Planning Department to present to the Commission.

11-292-21 Oak St. Bridge Repair Project #9-21(B)

ACE Zielinski presented the item. He confirmed that the contractor would use cold weather practices to ensure that the work is not negatively affected by the colder weather. He stated the work would take seven to nine days with some limited follow-up work being possible.

CM Markus and Mayor Pro Tem Boutros noted the area's popularity with walkers and recommended that the project proceed as soon as possible.

CM Markus also noted that there will be an increased demand for construction once the federal infrastructure funding becomes available, which would mean that completing the project now before that occurs would be beneficial to the City.

MOTION: Motion by Mayor Pro Tem Boutros, seconded by Commissioner Host:
To award the Oak Street Bridge Project #9-21(B) to Z Contractors, Inc. contingent upon execution of the agreement and meeting all insurance and bonding requirements, in the amount of \$ 155,019.00, to be charged to account 202-449.002-981.0100; to authorize the Mayor to sign the contract on behalf of the City; and to approve the appropriation and amendment to the 2021/2022 budget as follows:

Major Street Fund:

Revenues:

Draw from Fund Balance 202-000.000-400.0000 \$130,000

Expenditures:

Construction of Roads and Bridges 202-449.002-981.0100 \$130,000

Commissioner Host stated that this item was a priority since it posed a safety issue.

ROLL CALL VOTE: Ayes, Mayor Pro Tem Boutros
Commissioner Schafer
Commissioner Host
Mayor Longe
Commissioner Haig
Commissioner McClain
Commissioner Baller

Nays, None

11-293-21 2021 Adams Park Concept Plan & Landscape Architectural Services

DPSD Wood, PRM Laird, and Michael J. Dul, landscape architect, presented the item.

Staff stated that:

- The public provided significant input regarding the plans via the nearby neighborhood associations, Engage Birmingham, and discussions at the Parks and Recreation Board;
- Roeper has no ongoing financial commitment in terms of maintenance as specified in the purchase agreement;
- The equipment at Adams will most likely be recycled since it is not up to the City's standards and should not be moved to another park as equipment is very difficult to move and reinstall; and,
- They were unsure how the park would be used by Roeper.

Mr. Dul stated the figures provided as part of this item were an estimate and that the bids would have more precise cost breakdowns for the project.

CM Markus asked if artificial turf might be considered for the sports field since it can be made from recycled material, is less susceptible to damage, and is more permeable than it used to be.

Mr. Dul stated that the City could consider artificial turf for the sports field but cautioned that artificial turf often costs more upfront.

Commissioner Haig asked for a comparison of the net cost over a lifespan for artificial and regular turf.

Mayor Longe recommended the Parks and Recreation be tasked with gathering that information and returning it to Commission.

Commissioner Baller and Mayor Pro Tem Boutros spoke in favor of the Plan.

MOTION: Motion by Mayor Pro Tem Boutros, seconded by Commissioner Host:
To accept the Adams Park Concept Plan dated August 30, 2021, and providing direction to approve an agreement with Michael J. Dul & Associates, Inc. for professional landscape architectural services in an amount not to exceed 8% Cost of Construction for the Construction Drawing Phase, and 5% Cost of Construction for the Implementation Phase based on a minimum construction budget of \$725,000. Funding for this project has been budgeted in Land Improvements account #408-751.000-979.0000. Further to authorize the Mayor and City Clerk to sign the agreement on behalf of the City.

Public Comment

John Rusche, Pam Graham, and Ann Lipp, members of the Parks and Recreation Board, spoke in support of the Plan.

Greg Appell, President of the Birmingham Estates Homeowners Association, spoke in support of the Plan.

ROLL CALL VOTE: Ayes, Mayor Pro Tem Boutros
Commissioner Host
Mayor Longe
Commissioner Haig
Commissioner McClain
Commissioner Baller
Commissioner Schafer

Nays, None

11-294-21 Settlement Agreement and Contract Renewal with Teamsters Local 214

HRM Lambert presented the item.

MOTION: Motion by Mayor Pro Tem Boutros, seconded by Commissioner Haig:
To approve the settlement agreement dated October 6, 2021 between the City and Teamsters Local 214 for a renewal of the collective bargaining agreement through June 30, 2023, and authorizing staff to execute a collective bargaining agreement consistent with its terms and conditions. Further, to authorize the transfer of funds in the wage adjustment account 101-299.000-709.0000 to the appropriate departments.

ROLL CALL VOTE: Ayes, Mayor Pro Tem Boutros
Commissioner Haig
Commissioner McClain
Commissioner Baller
Commissioner Schafer
Commissioner Host
Mayor Longe

Nays, None

11-295-21 2021-22 Compensation Recommendations for Department Heads and Administrative/Management Employees

HRM Lambert presented the item.

MOTION: Motion by Mayor Pro Tem Boutros, seconded by Commissioner Host:
To approve a 2.5% salary range adjustment and in-range adjustments based upon performance for full-time and part-time employees in the Department Head and Administrative/Management classifications effective July 1, 2021 and approving a 2.5% performance increment through June 30, 2022 with individual eligibility to be in accordance with the attached merit increase guidelines. Further, to authorize the budget amendments from the wage adjustment account 101-299.000-709.0000 to the appropriate departments.

Commissioner Schafer said she supported the motion given the general difficulties employers are currently facing in recruiting and retaining employees.

CM Markus said recruitment continues to become more challenging. He said this recommendation from Staff is an effort towards remaining competitive while also continuing to be fiscally responsible.

Public Comment

Paul Reagan cautioned that adding .5% to the more routine 2% salary range adjustment would do little to attract and retain City employees. He spoke in favor of dramatically increasing remote work opportunities in order to attract and retain employees, as well as a pursuit of a 'total rewards model' to make employment with the City more competitive.

ROLL CALL VOTE: Ayes, Mayor Pro Tem Boutros
 Commissioner Schafer
 Commissioner Host
 Mayor Longe
 Commissioner Haig
 Commissioner McClain
 Commissioner Baller

Nays, None

Commission discussion on items from prior meeting

Commission Items for Future Discussion. A motion is required to bring up the item for future discussion at the next reasonable agenda, no discussion on the topic will happen tonight.

VIII. REMOVED FROM CONSENT AGENDA

IX. COMMUNICATIONS

A. Communication from Charles E. Tholen in regards to the 2nd Draft of The Birmingham Plan

X. REPORTS

- A. Commissioner Reports
- B. Commissioner Comments

Commissioner Host announced that discussion of the second draft of the Master Plan would begin at the Planning Board's meeting on November 10, 2021. He recommended that interested members of the public attend.

Commissioner Host also recommended Commissioners seek out opportunities to experience the work the Fire and Police Departments do. He commended both Departments.

Commissioner McClain implored the public and the Commission to move forward from the November 2, 2021 with the intent to be respectful of all voices.

- C. Advisory Boards, Committees, Commissions' Reports and Agendas
- D. Legislation
- E. City Staff

CM Markus explained that more voice votes were being used since the Commissioners were no longer participating virtually. He noted that any person still had the right to request a roll call vote. CA Kucharek added that she recommended that roll call votes continue to be used for any expenditures.

CM Markus stated that he was interested in finding a way to randomize the roll call for roll call votes.

He explained he provides Bloomfield Township Zoning Board of Appeals items in the Commission's agenda packet when those specific items occur on the border with Birmingham.

1. House Bill 4722 on Short-Term Rentals

CA Kucharek summarized the item.

Commissioner Baller stated HB 4722 would allow short-term rentals in Birmingham neighborhoods. He stated that any who opposed that outcome should write the governor, their state senators, and their state representatives.

INFORMATION ONLY

XI. ADJOURN

Mayor Longe adjourned the meeting at 10:26 p.m.

City of Birmingham

Warrant List Dated 11/10/2021

Meeting of 11/22/2021

| Check Number | Early Release | Vendor # | Vendor | Amount |
|--------------------|---------------|----------|-----------------------------------|-----------|
| <u>PAPER CHECK</u> | | | | |
| 282384 | | 009333 | ACTIVEDOGS.COM | 147.93 |
| 282385 | * | 007266 | AETNA BEHAVIORAL HEALTH LLC | 917.93 |
| 282386 | * | 008015 | ALL PHASE LOCK AND SAFE | 618.10 |
| 282387 | | MISC | ALLIED FIRE SALES & SERVICE LLC | 739.93 |
| 282388 | | 007033 | APPLIED IMAGING | 7,400.28 |
| 282390 | | 000500 | ARTECH PRINTING INC | 64.00 |
| 282391 | * | 006759 | AT&T | 219.48 |
| 282392 | * | 004027 | AUTOMATED BENEFIT SVCS INC | 27,015.66 |
| 282393 | | MISC | B-DRY SYSTEM OF MICHIGAN INC | 100.00 |
| 282395 | | MISC | BALBES CUSTOM BUILDERS INC | 200.00 |
| 282396 | | 001122 | BOB BARKER CO INC | 26.32 |
| 282397 | | MISC | BARRY HARRISON | 1,000.00 |
| 282398 | | 002231 | BILLINGS LAWN EQUIPMENT INC. | 7.13 |
| 282399 | | 004244 | BOLYARD LUMBER | 1,455.06 |
| 282400 | | 003526 | BOUND TREE MEDICAL, LLC | 113.67 |
| 282402 | | 005717 | BSB COMMUNICATIONS, INC. | 600.00 |
| 282403 | | 003907 | CADILLAC ASPHALT, LLC | 628.84 |
| 282408 | | 008540 | CERTIFIED LABORATORIES | 463.86 |
| 282409 | | 000605 | CINTAS CORPORATION | 210.40 |
| 282410 | | 001318 | CLOVERDALE EQUIPMENT CO | 1,495.00 |
| 282411 | * | 004026 | COFINITY | 3,053.00 |
| 282412 | * | 008955 | COMCAST | 339.25 |
| 282413 | | 007774 | COMCAST BUSINESS | 2,504.44 |
| 282414 | | 002668 | CONTRACTORS CLOTHING CO | 1,002.15 |
| 282415 | | 008512 | COOL THREADS EMBROIDERY | 524.93 |
| 282416 | | 008582 | CORE & MAIN LP | 2,086.98 |
| 282417 | * | MISC | CORELOGIC TAX SERVICE | 926.38 |
| 282418 | * | TAXMISC | CORELOGIC TAX SERVICE | 1,469.20 |
| 282419 | | MISC | CORNERSTONE DESIGN & CONSTRUCTION | 200.00 |
| 282420 | * | 005666 | COUNTRYSIDE CONST. CO. INC. | 5,112.00 |
| 282421 | | 009309 | DEALER AUTO PARTS | 469.30 |
| 282422 | * | 006999 | CHRISTOPHER DEMAN | 208.00 |
| 282423 | * | 006907 | DENTEMAX, LLC | 315.90 |
| 282424 | | 008501 | DOWNTOWN IDEA EXCHANGE | 246.50 |
| 282425 | * | 000179 | DTE ENERGY | 171.00 |
| 282426 | * | 000179 | DTE ENERGY | 82.78 |
| 282427 | * | 000179 | DTE ENERGY | 21.91 |
| 282428 | * | 000179 | DTE ENERGY | 37.96 |
| 282429 | * | 000179 | DTE ENERGY | 78.66 |
| 282430 | * | 000179 | DTE ENERGY | 840.18 |
| 282431 | * | 000179 | DTE ENERGY | 33.96 |
| 282432 | * | 000179 | DTE ENERGY | 546.05 |

City of Birmingham
Warrant List Dated 11/10/2021

Meeting of 11/22/2021

| Check Number | Early Release | Vendor # | Vendor | Amount |
|--------------|---------------|----------|-------------------------------------|-----------|
| 282433 | * | 000180 | DTE ENERGY | 47,043.72 |
| 282434 | | MISC | DUONG, GIANG T | 100.00 |
| 282436 | * | 007538 | EGANIX, INC. | 720.00 |
| 282437 | | 000196 | EJ USA, INC. | 3,757.37 |
| 282438 | | 004671 | ELDER FORD | 21.79 |
| 282440 | | MISC | FORTUNA CONSTRUCTION | 100.00 |
| 282441 | | MISC | FOUNDATION SYSTEMS OF MICHIGAN INC. | 200.00 |
| 282442 | | MISC | GEORGE MANSOUR | 100.00 |
| 282443 | | 008190 | GLASCO CORPORATION | 1,140.00 |
| 282444 | * | 004604 | GORDON FOOD | 72.88 |
| 282446 | | MISC | GUMMA GROUP, LLC | 100.00 |
| 282448 | * | MISC | H.J. OLDENKAMP CO | 1,144.00 |
| 282449 | * | 001956 | HOME DEPOT CREDIT SERVICES | 1,486.61 |
| 282450 | | 000948 | HYDROCORP | 1,381.00 |
| 282451 | | MISC | IMAGE 360 BRIGHTON | 300.00 |
| 282452 | | MISC | ITEC ENTERPRISES LLC | 500.00 |
| 282453 | | 000344 | J.T. EXPRESS, LTD. | 3,460.68 |
| 282454 | * | MISC | JACK TODD- PETTY CASH | 396.58 |
| 282457 | * | 006283 | K & J VENTILATION | 250.00 |
| 282458 | * | 000362 | KROGER COMPANY | 39.63 |
| 282459 | * | 002438 | LAIRD PLASTICS INC | 250.12 |
| 282460 | | MISC | LARRY KNICELEY | 500.00 |
| 282462 | * | MISC | LERETA LLC | 4,901.80 |
| 282463 | | 006817 | LEXISNEXIS RISK DATA MANAGEMENT INC | 100.00 |
| 282464 | | MISC | M & N GENERAL CONTRACTING, LLC | 500.00 |
| 282465 | | MISC | MAATMAN & ASSOC. LLC | 700.00 |
| 282466 | | MISC | MAC CONSTRUCTION, INC. | 100.00 |
| 282467 | | MISC | MARANGON BUILDERS LLC | 200.00 |
| 282468 | * | TAXMISC | MARIA ROTELLINI | 30.87 |
| 282469 | * | MISC | MAYO WELDING & FABRICATING, INC. | 80.00 |
| 282470 | * | 000369 | MCFI | 607.00 |
| 282471 | | 008793 | MERGE MOBILE, INC. | 73.00 |
| 282471 | * | 008793 | MERGE MOBILE, INC. | 73.00 |
| 282472 | | 001058 | MI HISTORIC PRESERVATION NETWORK | 270.00 |
| 282473 | * | MISC | MICHAEL SIMON | 117.00 |
| 282474 | | 001660 | MICHIGAN CAT | 83.79 |
| 282476 | * | 006461 | MID AMERICA RINK SERVICES | 6,438.00 |
| 282480 | * | 005431 | NILFISK, INC. | 242.88 |
| 282483 | * | 000481 | OFFICE DEPOT INC | 524.06 |
| 282484 | * | MISC | PAUL A COUSINEAU | 100.00 |
| 282485 | | MISC | PCI INDUSTRIES, INC. | 500.00 |
| 282486 | | MISC | PELLA WINDOWS & DOORS, INC. | 500.00 |
| 282487 | * | 000486 | PLANTE & MORAN PLLC | 30,425.00 |

City of Birmingham
Warrant List Dated 11/10/2021

Meeting of 11/22/2021

| Check Number | Early Release | Vendor # | Vendor | Amount |
|------------------------|---------------|----------|------------------------------------|--------------|
| 282488 | | MISC | PRECISION PLUMBING | 4,208.00 |
| 282489 | * | 003629 | PREMIUM AIR SYSTEMS INC | 5,643.93 |
| 282490 | | MISC | PRM CUSTOM BUILDERS LLC | 5,900.00 |
| 282491 | | 002852 | QMI GROUP INC | 20.00 |
| 282492 | | MISC | SAGE, BRUCE J | 100.00 |
| 282494 | | 008815 | SHI INTERNATIONAL CORP. | 966.18 |
| 282496 | | 001005 | STATE OF MICHIGAN | 5,863.16 |
| 282497 | | MISC | STEVE SALEM | 100.00 |
| 282498 | | 004544 | STRYKER SALES CORPORATION | 113.81 |
| 282500 | * | TAXMISC | TIM MULLINS | 186.25 |
| 282503 | * | 005449 | UNEMPLOYMENT INS AGENCY | 27,891.89 |
| 282504 | | 008941 | UPTOWN MARKET OF BIRMINGHAM | 70.27 |
| 282505 | | 009266 | US SIGNAL COMPANY LLC | 1,542.55 |
| 282506 | | 007909 | VARIETY FARMS LLC | 742.00 |
| 282508 | * | 000158 | VERIZON WIRELESS | 76.02 |
| 282509 | * | 000158 | VERIZON WIRELESS | 810.06 |
| 282510 | * | 000158 | VERIZON WIRELESS | 151.36 |
| 282515 | | 004497 | WATERFORD REGIONAL FIRE DEPT. | 284.82 |
| 282517 | * | 000299 | WEINGARTZ SUPPLY | 358.36 |
| 282518 | * | 008391 | XEROX CORPORATION | 793.29 |
| 282519 | * | 008438 | JORDAN ZALE | 67.48 |
| 282520 | * | 009185 | ZOOM VIDEO COMMUNICATIONS INC | 6,717.60 |
| SUBTOTAL PAPER CHECK | | | | \$235,931.93 |
| <u>ACH TRANSACTION</u> | | | | |
| 4445 | * | 002284 | ABEL ELECTRONICS INC | 390.00 |
| 4446 | | 009126 | AMAZON CAPITAL SERVICES INC | 637.17 |
| 4446 | * | 009126 | AMAZON CAPITAL SERVICES INC | 2,865.22 |
| 4448 | * | 000517 | BEIER HOWLETT P.C. | 37,715.50 |
| 4449 | * | 000518 | BELL EQUIPMENT COMPANY | 3,684.81 |
| 4450 | * | 007345 | BEVERLY HILLS ACE | 17.06 |
| 4451 | * | 006683 | BIRMINGHAM LAWN MAINTENANCE | 456.00 |
| 4452 | * | 007624 | BIRMINGHAM OIL CHANGE CENTER, LLC | 46.96 |
| 4453 | * | 008840 | BIRMINGHAM PUBLIC SCHOOLS-TAXES | 74,977.16 |
| 4454 | * | 000542 | BLUE WATER INDUSTRIAL PRODUCTS INC | 235.10 |
| 4455 | | 009181 | DELTA TEMP SERVICES INC | 1,833.85 |
| 4455 | * | 009181 | DELTA TEMP SERVICES INC | 1,248.04 |
| 4456 | * | 007359 | DETROIT CHEMICAL & PAPER SUPPLY | 430.46 |
| 4457 | * | 000565 | DORNBOS SIGN & SAFETY INC | 58.87 |
| 4459 | * | 001077 | DUNCAN PARKING TECH INC | 9,762.75 |
| 4460 | * | 000995 | EQUATURE | 3,500.00 |
| 4461 | * | 001230 | FIRE SYSTEMS OF MICHIGAN LLC | 2,049.50 |
| 4462 | * | 008851 | INSIGHT INVESTMENT | 5,645.05 |
| 4463 | | 000261 | J.H. HART URBAN FORESTRY | 17,342.00 |

City of Birmingham
Warrant List Dated 11/10/2021

Meeting of 11/22/2021

| Check Number | Early Release | Vendor # | Vendor | Amount |
|--------------------------|---------------|----------|-------------------------------------|--------------|
| 4464 | * | 003458 | JOE'S AUTO PARTS, INC. | 1,346.22 |
| 4465 | * | 003404 | LADUKE ROOF.& SHT.METAL CORP | 1,200.00 |
| 4466 | * | 005550 | LEE & ASSOCIATES CO., INC. | 2,043.09 |
| 4470 | * | 006359 | NYE UNIFORM COMPANY | 1,646.00 |
| 4471 | * | 008843 | OAKLAND COUNTY TREASURER- TAX PYMNT | 134,956.47 |
| 4472 | * | 002767 | OSCAR W. LARSON CO. | 400.00 |
| 4475 | | 006729 | QUENCH USA INC | 123.60 |
| 4476 | * | 003785 | SIGNS-N-DESIGNS INC | 85.00 |
| 4477 | | 000254 | SOCRRA | 79,395.00 |
| 4478 | | 005787 | SOUTHEASTERN EQUIPMENT CO. INC | 3,020.00 |
| 4479 | * | 004355 | SYMETRA LIFE INSURANCE COMPANY | 71,545.52 |
| SUBTOTAL ACH TRANSACTION | | | | \$458,656.40 |
| GRAND TOTAL | | | | \$694,588.33 |

All bills, invoices and other evidences of claim have been audited and approved for payment.



Mark Gerber
Finance Director/ Treasurer

*-Indicates checks released in advance and prior to commission approval in order to avoid penalty or to meet contractual agreement/obligation.

City of Birmingham
Warrant List Dated 11/17/2021

Meeting of 11/22/2021

| Check Number | Early Release | Vendor # | Vendor | Amount |
|--------------------|---------------|----------|--------------------------------|-----------|
| <u>PAPER CHECK</u> | | | | |
| 282522 | * | 005430 | 21ST CENTURY MEDIA- MICHIGAN | 2,457.50 |
| 282523 | | 003708 | AIRGAS USA, LLC | 251.32 |
| 282526 | * | 009323 | ALEXANDRIA BINGHAM | 71.96 |
| 282527 | * | 008015 | ALL PHASE LOCK AND SAFE | 287.90 |
| 282528 | * | MISC | ANN TAPPAN | 31.24 |
| 282529 | | 000500 | ARTECH PRINTING INC | 876.00 |
| 282530 | * | 006759 | AT&T | 108.09 |
| 282531 | * | 003839 | MATTHEW J. BARTALINO | 56.47 |
| 282534 | | 003526 | BOUND TREE MEDICAL, LLC | 1,319.68 |
| 282535 | | 006520 | BS&A SOFTWARE, INC | 2,540.00 |
| 282536 | | 003907 | CADILLAC ASPHALT, LLC | 247.10 |
| 282537 | | 009078 | CANON SOLUTIONS AMERICA INC | 163.20 |
| 282538 | | 007933 | CARDNO, INC. | 13,578.33 |
| 282541 | | 008305 | CBT NUGGETS LLC | 599.00 |
| 282542 | | 007710 | CINTAS CORP | 264.49 |
| 282542 | * | 007710 | CINTAS CORP | 200.18 |
| 282543 | | 007615 | CINTAS CORPORATION-K11 | 24.15 |
| 282545 | * | 008006 | CLEAR RATE COMMUNICATIONS, INC | 1,324.90 |
| 282546 | | 009167 | COL'S FAMILY RESTAURANT | 69.98 |
| 282547 | * | 000627 | CONSUMERS ENERGY | 509.25 |
| 282548 | | 002668 | CONTRACTORS CLOTHING CO | 801.88 |
| 282549 | | 001367 | CONTRACTORS CONNECTION INC | 180.00 |
| 282550 | | 008512 | COOL THREADS EMBROIDERY | 1,056.84 |
| 282551 | | 008582 | CORE & MAIN LP | 195.00 |
| 282552 | | 007124 | CRIMEDAR INC. | 365.00 |
| 282554 | * | MISC | DESIGN CABINETS INC | 1,789.00 |
| 282556 | * | 000179 | DTE ENERGY | 84.00 |
| 282557 | | 002375 | DUANY PLATER-ZYBERK & CO. | 29,523.50 |
| 282558 | | 000196 | EJ USA, INC. | 677.32 |
| 282559 | | MISC | EMERGENCY DRAIN PLBG CO LLC | 100.00 |
| 282560 | * | 009100 | ENZO WATER SERVICE | 500.00 |
| 282561 | | 001495 | ETNA SUPPLY | 2,820.00 |
| 282562 | | 008131 | FINISHMASTER INC | 193.94 |
| 282563 | * | TAXMISC | FLAGSTAR BANK FSB | 3,283.79 |
| 282564 | * | 001956 | HOME DEPOT CREDIT SERVICES | 478.39 |
| 282565 | | MISC | HOME DEPOT USA INC | 92.00 |
| 282566 | | 000342 | IBS OF SE MICHIGAN | 131.33 |
| 282567 | * | 009299 | JACK D. PESHA | 14.76 |
| 282568 | * | MISC | JACK TODD- PETTY CASH | 134.79 |
| 282569 | * | 009322 | JACKIE'S TRANSPORT INC | 875.00 |
| 282572 | | 009133 | KIMBERLY FENCE & SUPPLY | 1,661.94 |
| 282573 | | MISC | KRISTEN A | 45.53 |

City of Birmingham
Warrant List Dated 11/17/2021

Meeting of 11/22/2021

| Check Number | Early Release | Vendor # | Vendor | Amount |
|----------------------|---------------|----------|----------------------------------|--------------|
| 282574 | | MISC | LAKES ELECTRIC LLC | 1,644.00 |
| 282577 | | 000888 | MCKENNA ASSOCIATES INC | 33,191.75 |
| 282579 | | 001660 | MICHIGAN CAT | 92.25 |
| 282580 | | 006461 | MID AMERICA RINK SERVICES | 84.39 |
| 282582 | * | MISC | MIL-SPEC MONKEY STORE | 84.00 |
| 282583 | | 008319 | MKSK INC | 4,071.70 |
| 282584 | | 007755 | NETWORK SERVICES COMPANY | 1,142.10 |
| 282585 | * | 000477 | OAKLAND COUNTY | 471,885.84 |
| 282586 | * | 006602 | OAKLAND COUNTY TREASURER'S ASSN. | 40.00 |
| 282587 | * | 006602 | OAKLAND COUNTY TREASURER'S ASSN. | 35.00 |
| 282588 | | 008657 | OCBOA | 950.00 |
| 282589 | * | 000481 | OFFICE DEPOT INC | 225.13 |
| 282590 | * | 008858 | PODS ENTERPRISES, LLC | 174.00 |
| 282591 | | MISC | PRECISION PLUMBING | 1,650.00 |
| 282592 | | MISC | RE FUND EATON 2 LLC | 6,726.95 |
| 282593 | * | 000492 | REGISTER OF DEEDS | 30.00 |
| 282594 | * | 002806 | SAM'S CLUB/SYNCHRONY BANK | 477.58 |
| 282595 | | MISC | SAS SERVICES INC | 153.75 |
| 282596 | | 006590 | SECURE DOOR, LLC | 148.00 |
| 282597 | | 009301 | SECURE-CENTRIC INC | 957.60 |
| 282598 | | 006850 | SHELBY AUTO TRIM, INC. | 432.00 |
| 282599 | * | 003483 | SHERWIN WILLIAMS COMPANY | 15.17 |
| 282600 | * | 008073 | SITEONE LANDSCAPE SUPPLY, INC | 1,150.59 |
| 282601 | | MISC | SIX RIVERS LAND CONSERVANCY | 111.50 |
| 282603 | | 009184 | SPECTRUM PRINTERS INC | 328.26 |
| 282604 | | 008748 | TECHSEVEN COMPANY | 863.75 |
| 282606 | * | 004379 | TURNER SANITATION, INC | 1,385.00 |
| 282607 | * | 000293 | VAN DYKE GAS CO. | 181.74 |
| 282608 | * | 000158 | VERIZON WIRELESS | 1,177.31 |
| 282609 | * | 000158 | VERIZON WIRELESS | 308.16 |
| 282611 | * | 009339 | RYAN WEINGARTZ | 1,675.04 |
| SUBTOTAL PAPER CHECK | | | | \$601,377.31 |

EFT TRANSFER

| | | | | |
|-----|--|---------|---------------------------------|----------|
| " " | | CC MISC | BAREFOOT STUDENT | 75.00 |
| " " | | CC MISC | BATEEL | 42.39 |
| " " | | 009233 | BOAT LIFT AND CANOPY | 472.00 |
| " " | | CC MISC | BRYCER LLC | 15.00 |
| " " | | CC MISC | BULKAMMO.COM | 5,173.61 |
| " " | | CC MISC | ETSY - LIKE HOUSE PRINT | 209.88 |
| " " | | 008730 | FACEBOOK HEADQUARTERS | 100.00 |
| " " | | 008133 | FERRIS STATE UNIVERSITY LIBRARY | 200.00 |
| " " | | CC MISC | GO DADDY | 61.51 |
| " " | | CC MISC | GOOSECHASE | 2,016.00 |

City of Birmingham
Warrant List Dated 11/17/2021

Meeting of 11/22/2021

| Check Number | Early Release | Vendor # | Vendor | Amount |
|--------------------------|---------------|----------|----------------------------------|--------------|
| " " | | 004738 | MGFOA | 50.00 |
| " " | | 003459 | MICHIGAN DOWNTOWN ASSOCIATION | 210.00 |
| " " | | CC MISC | QR-CODE GENERATOR | 176.19 |
| " " | | 002997 | RADISSON PLAZA HOTEL | 850.50 |
| " " | | CC MISC | SIGNUP GENIUS | 11.99 |
| " " | | CC MISC | SPARX | 458.89 |
| " " | | CC MISC | THINGS REMEMBERED | 88.50 |
| " " | | 003173 | TIFFANY FLORIST | 127.10 |
| SUBTOTAL EFT TRANSFER | | | | \$10,338.56 |
| <u>ACH TRANSACTION</u> | | | | |
| 4484 | * | 008847 | ABS- AUTOMATED BENEFIT SVCS, INC | 26,559.74 |
| 4485 | | 003858 | ADVANCED LIGHTING & SOUND | 1,708.00 |
| 4486 | | 009126 | AMAZON CAPITAL SERVICES INC | 558.84 |
| 4486 | * | 009126 | AMAZON CAPITAL SERVICES INC | 772.61 |
| 4487 | | 008667 | APOLLO FIRE APPARATUS REPAIR INC | 234.50 |
| 4488 | * | 007345 | BEVERLY HILLS ACE | 7.12 |
| 4489 | | 001077 | DUNCAN PARKING TECH INC | 11,434.20 |
| 4490 | * | 007314 | FLEIS AND VANDENBRINK ENG. INC | 16,975.18 |
| 4491 | * | 000243 | GRAINGER | 2,347.00 |
| 4492 | | 000331 | HUBBELL ROTH & CLARK INC | 1,513.37 |
| 4493 | | 000261 | J.H. HART URBAN FORESTRY | 21,394.75 |
| 4494 | * | 002576 | JAX KAR WASH | 79.00 |
| 4495 | | 009298 | JCR SUPPLY INC | 372.64 |
| 4496 | * | 003458 | JOE'S AUTO PARTS, INC. | 701.86 |
| 4497 | | 004085 | KONE INC | 936.08 |
| 4497 | * | 004085 | KONE INC | 2,086.45 |
| 4500 | * | 006359 | NYE UNIFORM COMPANY | 893.00 |
| 4501 | * | 005688 | PEGASUS ENTERTAINMENT INC | 850.00 |
| 4502 | * | 003554 | RKA PETROLEUM | 22,377.83 |
| 4503 | * | 001181 | ROSE PEST SOLUTIONS | 160.00 |
| 4504 | * | 001097 | SOCWA | 285,130.51 |
| 4505 | * | 000969 | VIGILANTE SECURITY INC | 220.50 |
| SUBTOTAL ACH TRANSACTION | | | | \$397,313.18 |

City of Birmingham
Warrant List Dated 11/17/2021

Meeting of 11/22/2021

| Check Number | Early Release | Vendor # | Vendor | Amount |
|--------------|---------------|----------|--------|----------------|
| GRAND TOTAL | | | | \$1,009,029.05 |

All bills, invoices and other evidences of claim have been audited and approved for payment.



Mark Gerber
Finance Director/ Treasurer

*-Indicates checks released in advance and prior to commission approval in order to avoid penalty or to meet contractual agreement/obligation.



MEMORANDUM

IT Department

DATE: 11/22/2021
TO: Tom Markus, City Manager
FROM: Eric Brunk, IT Manager
SUBJECT: Museum Server Replacement

Introduction:

The current server at the museum is in need of replacement. The IT department received quotes for a standalone server and for a Nutanix Hyper-converged server from separate vendors using governmental Extendable contracts.

Background:

The IT department replaced the failing server at the museum with one of the servers replaced by the Nutanix environment upgrade a couple of years ago as a stopgap measure to be able to budget for its replacement. That server is now reaching end of service life and needs to be replaced. The IT department contacted SHI for a quote on a Lenovo server as a direct replacement of the current server – that quote came back at \$12,472.38. The IT department then contacted Nutanix and their vendor of choice CDWG to get a quote on a comparable hyper-converged environment to match our existing environment in city Hall. That quote came in at \$10,283.71. The IT department would like to continue moving equipment to Nutanix for single pane of glass management and administration.

Fiscal Impact:

This is a budgeted Item – both Vendors sent quotes using an extendable governmental contract as a base. CDWG is a sole source for the Nutanix environment in our area. Total expense for the CDWG – Nutanix quote is considerably less than the SHI – Lenovo quote and there is money budgeted in the Machinery and Equipment fund account # 636-228.000-971.0100 to cover this expense.

Summary:

The IT department would like authorization to purchase the Nutanix Hyper-converged system from CDWG at a cost of \$10,283.71 to replace the server at the Museum.

SUGGESTED COMMISSION ACTION:

To make a resolution authorizing the IT department to purchase the Nutanix Hyper-converged system from CDWG at total cost not to exceed \$10,283.71. Funds are available in the Machinery and Equipment fund account # 636-228.000-971.0100

QUOTE CONFIRMATION



DEAR ERIC BRUNK,

Thank you for considering CDW•G LLC for your computing needs. The details of your quote are below. [Click here](#) to convert your quote to an order.

| QUOTE # | QUOTE DATE | QUOTE REFERENCE | CUSTOMER # | GRAND TOTAL |
|---------|------------|-----------------|------------|--------------------|
| MLLT866 | 11/1/2021 | MLLT866 | 5969901 | \$10,283.71 |

| QUOTE DETAILS | | | | |
|--|-----|---------|------------|------------|
| ITEM | QTY | CDW# | UNIT PRICE | EXT. PRICE |
| NUTANIX 24X7 PROD HW SUP HCI APP Mfg. Part#: S-HW-PRD Electronic distribution - NO MEDIA Contract: MARKET | 1 | 5642018 | \$300.10 | \$300.10 |
| NUTANIX SUPPORT TERM Mfg. Part#: SUPPORT-TERM Electronic distribution - NO MEDIA Contract: MARKET | 12 | 5642025 | \$0.00 | \$0.00 |
| Nutanix AOS Pro for ROBO - subscription license (1 year) + Production Suppo Mfg. Part#: SW-AOS-ROBO-PRO-PRD-1YR Electronic distribution - NO MEDIA Contract: MARKET | 1 | 5553214 | \$2,998.60 | \$2,998.60 |
| Nutanix AOS ROBO Pro - subscription license (1 year) + Production Support - Mfg. Part#: L-1VM-ROBO-PRO-PRD-1YR Electronic distribution - NO MEDIA Contract: MARKET | 3 | 5553216 | \$0.00 | \$0.00 |
| Nutanix NX-1175S-G7 Xeon Silver 4214 1-Node Application Accelerator Mfg. Part#: NX-1175S-G7-4214R-CM Contract: MARKET | 1 | 5999606 | \$3,580.57 | \$3,580.57 |
| Nutanix - DDR4 - 32 GB - DIMM 288-pin - 3200 MHz / PC4-25600 - registered Mfg. Part#: C-MEM-32GB-3200-CM Contract: MARKET | 6 | 6325110 | \$197.36 | \$1,184.16 |
| Nutanix - hard drive - 8 TB Mfg. Part#: C-HDD-8TB-3.5-CM UNSPSC: 43201803 Contract: MARKET | 2 | 4911884 | \$252.25 | \$504.50 |
| Nutanix - solid state drive - 3.84 TB Mfg. Part#: C-SSD-3840GB-3.5-A-CM Contract: MARKET | 2 | 6601982 | \$658.64 | \$1,317.28 |
| Nutanix - expansion module Mfg. Part#: C-NIC-10GBT2-A-CM UNSPSC: 43201404 | 1 | 4948693 | \$306.04 | \$306.04 |

QUOTE DETAILS (CONT.)

Contract: MARKET

| | | |
|--|---|--------------------|
| PURCHASER BILLING INFO | SUBTOTAL | \$10,191.25 |
| Billing Address: CITY OF BIRMINGHAM ACCOUNTS PAYABLE 151 MARTIN ST PO BOX 3001 BIRMINGHAM, MI 48009-3368 Phone: (248) 530-1850 Payment Terms: Net 30 Days-Govt State/Local | SHIPPING | \$92.46 |
| | SALES TAX | \$0.00 |
| | GRAND TOTAL | \$10,283.71 |
| DELIVER TO | Please remit payments to: | |
| Shipping Address: CITY OF BIRMINGHAM ERIC BRUNK 151 MARTIN ST BIRMINGHAM, MI 48009-3368 Phone: (248) 530-1885 Shipping Method: DROP SHIP-GROUND | CDW Government 75 Remittance Drive Suite 1515 Chicago, IL 60675-1515 | |

Need Assistance? CDW•G LLC SALES CONTACT INFORMATION



Ryan Marron

(877) 219-8208

ryamarr@cdwg.com

This quote is subject to CDW's Terms and Conditions of Sales and Service Projects at <http://www.cdwg.com/content/terms-conditions/product-sales.aspx>
For more information, contact a CDW account manager

© 2021 CDW•G LLC 200 N. Milwaukee Avenue, Vernon Hills, IL 60061 | 800.808.4239



MEMORANDUM

IT Department

DATE: 11/22/2021
TO: Thomas Markus, City Manager
FROM: Eric Brunk, IT Manager
SUBJECT: Laserfiche Support renewal

Introduction:

Laserfiche is the document repository system used by the City. MCCi is the vendor that services the software and supplies technical support and training for our installation of the software package.

Background:

Our support contract with MCCi runs from December to December and is renewed annually. Our annual support contract is coming up for renewal on December 11th. The cost of the annual renewal is \$13,084.20 and is a budgeted item under computer maintenance. The maintenance contract covers server and user support, software maintenance, updates and access to MCCi on demand user training.

Legal Review:

This is a standard support renewal purchase on an existing contract. No legal review needed. MCCi is the vendor of record for Laserfiche and this purchase is considered a sole source purchase.

Fiscal impact:

This is a budgeted expense. Money was budgeted for this contract renewal in the IT Computer Maintenance Fund account #636-228.000-933.0600

Summary:

The IT department would like to renew our support contract for Laserfiche with MCCi.

SUGGESTED COMMISSION ACTION:

To make a resolution authorizing the IT department to renew the Laserfiche support contract with MCCi for a total cost of \$13,084.20. Funds are available in the IT Computer Maintenance Fund Account: 636-228.000-933.0600



| | |
|---|--|
| Bill To: City of Birmingham Attention: Eric Brunk PO Box 3001 Birmingham, MI 48012 | Invoice Number RN4862 Invoice Date 9/27/2021 PO Number Payment Terms Net 30 Customer ID BIRMINMI01 End Customer ID Birmingham |
| Reference: | |

Laserfiche Renewal Coverage Dates: 12/11/2021 - 12/10/2022

| Description | Extended Amount |
|---|--------------------|
| Software Support (LF) | |
| Product Group Total | \$9,683.00 |
| Supplemental Support Subscription (LF) | |
| Product Group Total | \$3,401.20 |
| Subtotal | \$13,084.20 |
| Downpayment Applied | -\$0.00 |
| Sales Tax | \$0.00 |
| Total Due | \$13,084.20 |

| | | |
|--|------------------------------|---|
| Electronic Payment Information: MCCI, LLC c/o Enterprise Bank ABA: 081006162 Account: 1293909 (800) 342-2633 | Thank you for your business. | Mail-in Payment Information MCCI, LLC c/o Enterprise Bank P.O. Box 790379 St. Louis, MO 63179-0379 (800) 342-2633 |
|--|------------------------------|---|

3717 Apalachee Parkway, Suite 201
Tallahassee, FL 32311



MEMORANDUM

Police Department

DATE: November 15, 2021

TO: Thomas M. Markus, City Manager

FROM: Chris Busen, Investigative Commander

APPROVED: Mark H. Clemence, Chief of Police

SUBJECT: Casa Godi, LLC d/b/a Employee Meal ("EM") requests approval of a new Class C with Sunday sale (AM/PM) with Catering Permit and an Outdoor Service Permit (1 Area) located at 470 N Old Woodward, Birmingham, Oakland County, Michigan, to be issued pursuant to MCL 436.1521(A)(1)(B).

INTRODUCTION:

The police department has received a request from Casa Godi, LLC, d/b/a Employee Meal (EM), regarding a new Class C liquor license at 470 N Old Woodward, Birmingham, Oakland County, MI 48009. EM has paid the initial liquor license application fee of \$1,500 for a business that serves alcoholic beverages for consumption on the premises per section 7.33 of the Birmingham City Code. EM is seeking a Bistro License under Chapter 10, Alcoholic Liquors, of the Birmingham City Code. On December 7, 2020, the City Commission approved the Final Site Plan and Special Land Use Permit (SLUP) for EM to operate with a Bistro License for 470 N Old Woodward, pursuant to Article 7, Section 7.34, Zoning, of the Birmingham City Code (minutes attached). The members of EM are John and Kristin Bongiovanni and Michael Lang.

BACKGROUND:

EM is planning to completely renovate the existing structure at 470 N Old Woodward to accommodate their restaurant. The renovated restaurant will offer a coastal Mexican theme. The menu will include Mexican style prepared seafood, appetizers, desserts, beer and wine. EM is planning for their meals and beverages to be mid-priced. Their liquor license application to the Michigan Liquor Control Commission is pending local approval. The hours of operation for EM will be 11am-1am, seven (7) days per week. The terms of the lease are (7) years at \$4,500 per month. The cost of the renovation will come from multiple confirmed personal and business bank savings accounts in which the money was earned from their other businesses. EM employees will be directed to park at the parking structure located at 333 N Old Woodward. Patrons will have metered parking spots and the parking garages for their vehicle parking needs.

| <u>EM Members</u> | <u>Percentage of Interest</u> |
|--------------------------|-------------------------------|
| John Bongiovanni..... | 45.09 |
| Kristin Bongiovanni..... | 45.09 |
| Michael Lang..... | 9.9 |

The applicants jointly hold a liquor license at Market North End located at 474 N Old Woodward in the City of Birmingham. This location has no prior Michigan Liquor Control Commission (MLCC) violations.

A background check was conducted on John and Kristin Bongiovanni using the Law Enforcement Information Network (LEIN), the Court and Law Enforcement Management Information System (CLEMIS) and the Middle Atlantic-Great Lakes Organized Crime Law Enforcement Network (MAGLOCLEN) FBI N-DEX national database. The Bongiovanni's have no criminal convictions and no negative law enforcement contacts.

No background was conducted on Michael Lang as he has less than 10% ownership in the business.

LEGAL REVIEW:
Non-applicable

FISCAL IMPACT:
\$1,500 liquor license application fee received.

PUBLIC COMMUNICATIONS:
Non-applicable

SUMMARY:
Casa Godi, LLC, d/b/a Employee Meal (EM) has requested approval from the City for a new Class C liquor license under the City's Bistro ordinance with Sunday Sales (AM/PM), a catering permit and an outdoor service permit to be located at 470 N Old Woodward. The principal applicants are John and Kristin Bongiovanni, who have successfully operated Market North End for several years. The City Commission has already approved the EM's Final Site Plan and SLUP at a previous Commission meeting on December 7, 2020. The police department has not uncovered any information that would adversely affect the applicant's request.

ATTACHMENTS:
City Commission minutes of December 7, 2020.

SUGGESTED COMMISSION ACTION:

- A. Make a motion providing direction to authorize the City Clerk to complete the Local Approval Notice at the request of Casa Godi, LLC approving the liquor license request of Casa Godi, LLC requesting a new Class C license to be issued pursuant to MCL 436.1521 (A)(1)(B) with Sunday Sales (AM/PM), Catering Permit and an Outdoor Service Permit (1 Area) located at 470 N Old Woodward, Birmingham, Oakland County, MI 48009.

BIRMINGHAM CITY COMMISSION MINUTES

DECEMBER 7, 2020

7:30 P.M.

VIRTUAL MEETING

MEETING ID: 655 079 760

Video Link: <https://vimeo.com/event/3470/videos/482921125/>

I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Pierre Boutros, Mayor, opened the meeting with the Pledge of Allegiance.

II. ROLL CALL

Alexandra Bingham, City Clerk Designee, called the roll.

Present: Mayor Boutros (location: Birmingham, MI)
Mayor Pro Tem Longe (location: Birmingham, MI)
Commissioner Hoff (location: Birmingham, MI)
Commissioner Host (location: Birmingham, MI)
Commissioner Nickita (location: Birmingham, MI)
Commissioner Sherman (location: Birmingham, MI)

Absent: Commissioner Baller

Administration: City Manager Valentine, City Clerk Designee Bingham, Police Chief Mark Clemence, Planning Director Ecker, Police Operations Commander Grewe, City Attorney Kucharek, Consulting City Engineer Surhigh

III. PROCLAMATIONS, CONGRATULATORY RESOLUTIONS, AWARDS, APPOINTMENTS, RESIGNATIONS AND CONFIRMATIONS, ADMINISTRATION OF OATHS, INTRODUCTION OF GUESTS AND ANNOUNCEMENTS.

Announcements

- The City has reinstated the hotline to provide residents with information about City and County COVID-19 resources. Elderly, quarantined and immuno-compromised individuals are encouraged to use the hotline to request assistance with essential functions, and obtaining necessary supplies Call 248-530-1805, Monday through Friday from 8 a.m. – 5 p.m, excluding holidays.
- The City Commission would like to thank JC Cataldo for 12 years of service on the Triangle District Corridor Improvement Authority.
- The City Commission would like to thank Laura Keener for 4 years of service on the Stormwater Appeals Board.
- The City Commission plans to recognize departing City Manager Joe Valentine for his exceptional work and service to the City of Birmingham at the beginning of the regularly scheduled City Commission Meeting on December 21, 2020.
- Mayor Boutros' Birthday.

Appointments

12-257-20 Appointments of Samuel Oh and G.A. "Kip" Cantrick to the Birmingham Triangle District Improvement Authority

The Commission interviewed Samuel Oh and G.A. "Kip" Cantrick.

Mayor Boutros appointed Messrs. Oh and Cantrick to the Birmingham Triangle District Improvement Authority, with Mr. Oh to serve a three-year term ending December 15, 2023 and Mr. Cantrick to serve a four-year term ending December 15, 2024.

Commissioner Sherman specified that the Birmingham Triangle District Improvement Authority requires a majority of the appointees to live in or operate a business in the District. It does not require that every appointee lives in or operates a business in the District.

VII. NEW BUSINESS

12-269-20 Public Hearing – 470 N. Old Woodward - EM Bistro

1. Resolution to approve the Final Site Plan and Design and Special Land Use Permit at 470 N. Old Woodward to allow for the operation of a new bistro, EM, at 470 N. Old Woodward.

Mayor Boutros opened the public hearing at 10:10 p.m.

PD Ecker and Joe Bongiovanni, owner of EM, reviewed the item.

A number of Commissioners expressed concern regarding the proposed intensity of the use. Some felt that the coexistence of EM Bistro and Market North, given the shared ownership and shared resources such as restrooms, made the operation seem more like a Class C than a bistro. There was the feeling that the proposed outdoor seating made EM Bistro a more intensive use than bistros intend, even though it was pointed out that both the indoor and outdoor seating would be within the bistro license limits. It was noted that the plans proposed to remove a parking space for seating, which would reduce the amount of parking available in the area even though there are other parking-intensive uses nearby, like the salon above EM Bistro. Concerns were also raised that the bathrooms would be insufficient for the number of patrons served even though the plans did meet the building code requirements.

Other Commissioners noted that the plans met all the bistro and building code requirements and that EM Bistro would pay for the use of the parking space if outdoor dining were staged there. They noted that EM Bistro and Market North are two separate establishments with two separate concepts, and therefore deserved to be considered for licenses separately.

Commissioner Nickita noted that the seating allowances for bistros were studied extensively at the Planning Board and Commission level before they were instituted. He said the Commission should not impose a requirement for lesser seating at this particular bistro since the City has decided on a standard and it would be unfair to impose different standards on one operator seeking a bistro license versus another.

Public Comment

Mr. Bloom expressed concern about the bathroom-to-patron ratio. He suggested that the project get a Class C license since he viewed it as a larger establishment.

Ms. Hammond stated that Market North is primarily a restaurant, not a bar, and that EM Bistro would be the same. She said she is grateful to have these establishments in the area in order to get reliably good meals at most hours of the day. She said there has never been an issue with waiting for the bathrooms here or at most other restaurants in Birmingham, and that there is generally no issue with parking in the area. If concerns about overflow parking in the little San Francisco neighborhood were the issue, then the City could prohibit parking there. She concluded that she would rather reliably competent operators like the Bongiovannis continue to invest in Birmingham than having other people who come in, run an establishment for a year, and have to close it. She said Birmingham was lucky to have the Bongiovannis' investment and that the City should actively work to maintain that relationship.

Mayor Boutros closed the public hearing at 11:07 p.m.

MOTION: Motion by Commissioner Nickita, seconded by Commissioner Host:
To approve the Final Site Plan and Design and Special Land Use Permit to allow for the operation of a new bistro, EM, at 470 N. Old Woodward.

ROLL CALL VOTE: Ayes, Commissioner Nickita
Commissioner Host
Mayor Boutros

Nays, Commissioner Sherman
Commissioner Hoff
Mayor Pro-Tem Longe

After further discussion, the dissenting Commissioners suggested approving the revised plans allowing for 52 indoor seats plus ten at the bar, and allowing for the 28 outdoor seats adjacent to the restaurant on its private property to be maintained. They said the 36 proposed for the parking space and the public sidewalk should be removed.

Commissioner Sherman said EM Bistro could always return to the Commission in the future with a request to expand its outdoor seating if need be, like Toast did in the past.

Mr. Bongiovanni said he would prefer the unanimous support of the Commission to gaining the seating in the parking space. He said he would like to maintain the outdoor seating proposed for the public sidewalk if at all possible as a way of creating vibrancy in the area.

Public Comment

Amy Gooch echoed many of Ms. Hammond's previous points, stating that the City was lucky to have the Bongiovannis and that there is never an issue with lines for restrooms in Birmingham establishments. She said the City needs to step up for its businesses and that approving the proposal as-is would be a way to do that.

MOTION: Motion by Commissioner Sherman, seconded by Commissioner Host:
To approve the revised Final Site Plan and Design and Special Land Use Permit, with the exclusion of the platform, the seating on the platform, and the seating that would have been on the public sidewalk and the inclusion of the 52 interior seats, plus ten at the bar, and the 28 outdoor seats adjacent to the establishment on private property to allow for the operation of a new bistro, EM, at 470 N. Old Woodward.

ROLL CALL VOTE: Ayes, Commissioner Sherman
Commissioner Host
Commissioner Nickita
Mayor Boutros
Commissioner Hoff
Mayor Pro-Tem Longe

Nays, None

12-270-20 Birmingham Museum Collection Policy

Museum Director Pielack presented the item. She stated that the Museum has sufficient capacity to further receive appropriate items via donation, and that donations that would create redundancies in the Museum's collection are recommended to other institutions.

MOTION: Motion by Commissioner Nickita, seconded by Mayor Pro Tem Longe:
To accept the proposed Birmingham Museum Collection Policy.

ROLL CALL VOTE: Ayes, Commissioner Nickita
Mayor Pro-Tem Longe
Commissioner Sherman
Commissioner Host
Mayor Boutros
Commissioner Hoff

Nays, None

12-271-20 Birmingham Museum Heritage Zone

Museum Director Pielack presented the item.

MOTION: Motion by Commissioner Sherman, seconded by Commissioner Host:
To accept the proposed final design for the Birmingham Museum Heritage Zone and plan for implementation of its first phase elements of primary signage, fencing modifications and gates, and installation of three Pioneer elm trees.

ROLL CALL VOTE: Ayes, Commissioner Sherman
Commissioner Host
Commissioner Nickita
Mayor Pro-Tem Longe
Mayor Boutros
Commissioner Hoff

Nays, None

12-272-20 Greenwood Cemetery Grave Release in Sections B and C

Museum Director Pielack presented the item.

DATE: November 3, 2021

TO: Thomas M. Markus, City Manager

FROM: Scott Grewe, Police Commander

SUBJECT: Greenwood St. Permit Parking Request

INTRODUCTION:

A request was received from Sami Maassarani, a resident living on Greenwood, to install permit parking restrictions on Greenwood from Willits to Harmon. See attached email dated August 6, 2021.

BACKGROUND:

In early 2020, staff received petitions regarding the request to install parking restrictions on Greenwood Street. Residents complained that Greenwood is routinely full of parked cars from employees of the downtown looking for free parking. The Police Department made several checks of the area over multiple days and confirmed that there was a high volume of non-resident vehicles parked.

In March of 2020, the Covid-19 pandemic began which resulted in free parking at City structures. As a result, the problem seen by residents was eliminated. At that time, staff determined the request would be held to determine if the problem would return in the future.

On July 1, 2021, the City reinstated payments for parking at all City structures and on August 6, 2021 the police department received an update from resident Maassarani that the problem had returned and requested the parking restriction request move forward.

There are currently no parking restrictions on Greenwood from Willits to Harmon. There are 25 residences with Greenwood addresses in this area and 5 additional residences that share frontage on Greenwood. Petitions were completed and signed by 22 of residences that are either on Greenwood or have corner lots with property along Greenwood. This represents 75% of the residences with property along this section of Greenwood in favor of the request.

Residents have requested a permit exempt 2 hour time zone from 9 a.m. to 6 p.m. This restriction would remove all day parking, unless you are a resident with a permit, while still allowing 2 hour parking for guest without having to use guest passes.

LEGAL REVIEW:

None

FISCAL IMPACT:

Approximately six signs will be needed for the area, which will be installed by DPS. The estimated total cost of the signs and posts is \$250.

PUBLIC COMMUNICATIONS:

Resident Sami Maassarani completed the petition process attempting to contact all residents in the requested area and received signed petitions from 75% of the residences.

Staff spoke with residents Sami Maassarani (275 Greenwood) and Andrew Stein (200 Greenwood) regarding the current status as the petitions were completed in 2020. Both stated all residents they have spoken with are still in favor. Also, they stated two previous homes that were vacant during the petition process are now occupied and in favor of the change which would increase the petition percentage.

SUMMARY:

As a result of the negative impact to the area from employees of the downtown parking all day on Greenwood to avoid paying for parking, residents have requested a 2 hour time zone that is permit exempt from 9 a.m. to 6 p.m. Residents completed the petition process and obtained signed petitions from 75% of the residences.

The Multi-Modal Transportation Board (MMTB) reviewed this request at their October 7, 2021 meeting. The MMTB passed a motion recommending the City Commission approve the requested parking restriction change.

ATTACHMENTS:

1. Email from resident Sami Maassarani requesting parking restrictions.
2. Guidelines for Permit Parking Requests.
3. Signed petitions by residents.
4. MMTB Minutes from the October 7, 2021 Meeting.

SUGGESTED COMMISSION ACTION:

Make a motion to approve the installation of a permit exempt 2 hour time zone from 9 a.m. to 6 p.m. on Greenwood St. from Willits St to Harmon St. Further, to direct the Chief of Police and the City Clerk to sign the traffic control order on behalf of the City.



Scott Grewe <sgrewe@bhamgov.org>

Greenwood st parking issue

1 message

Sami Maassarani <samimdds@gmail.com>

Fri, Aug 6, 2021 at 11:16 AM

To: Commander Scott Grewe Birmingham <sgrewe@bhamgov.org>, Sami Maassarani <samimaassarani@yahoo.com>, "Laura Fogleman, MS, RDN, IFNCP" <laura@laurafogleman.com>

Good morning Commander Grewe,

This email is to follow up on a letter that was sent on behalf of the residents of Greenwood St.

We had sent the letter with gathered signatures from the residents of Greenwood. The letter was dropped off by Laura Fogleman before the Covid-19 pandemic had started.

It was regarding a request for a combined Permit Only/ 2 Hour (9am-6p) parking designated area in our neighborhood . The purpose of this permit only parking is to reduce the number of cars parked, mostly daytime employees and visitors to the downtown district, creating a bottleneck and impeding traffic flow between willits and Harmon on Greenwood st. Recently, since the free parking was lifted in the parking structures, we have been experiencing an even heavier traffic. We kindly ask that you approve our petition so we may reduce or eliminate non-residential parkers and allow for short-term workers such as house cleaners, landscapers, etc. to be able to service our residences and find a space on our street.

Should you have any questions please reach out to Sami Maassarani at 248-561-9800 or Laura Fogleman 602-410-1812. Kindly confirm receipt of this email. Thank you.

Sent from my iPhone



IMG_3721.heic
1804K

GUIDELINES FOR RESIDENTIAL PERMIT PARKING REQUESTS

The City Commission has established the following prerequisites governing requests for permit parking in the residential areas.

1. Requests shall be by petition submitted to the City Commission and signed by the residential and non-residential non-conforming occupants of the area of consideration.
 - A. At least 75% of the addresses in the area of consideration must favor the request.
 - B. Regardless of the number of signatures per address, each address shall have only one "vote".
2. Permit parking requests shall apply to residential areas only.
3. Non-residential non-conforming businesses in the residential area petitioning for permit parking shall be included in any subsequent permit parking district.
 - A. Each non-residential non-conforming address shall count as one vote regardless of the number of signatures for that address.
4. The area of consideration for permit parking must consist of at least one city block on at least one side of the street, except;
 - A. Where a portion of the street is zoned non-residential, that portion shall not be included.
5. The area of consideration for permit parking must be located in close proximity to a major commercial, industrial or school area where the City Commission determines that the spill-over parking is or may be detrimental to the neighborhood.
6. Residential permit parking shall not be permitted on a street or side of a street where municipal parking meters exist.
7. The City Commission may refer the request to the Multi Modal Transportation Board for a recommendation.
8. All residential permit parking streets will be reviewed on a biennial basis.
9. All residential permit parking requests may include a two hour time zone that is permit parking exempt.

347

UPDATED GREENWOOD PARKING PETITION (11/11/19) - this petition has been revised. If you signed the previous one, please note the changes below!

Dear Neighbor on Greenwood,

A group of neighbors would like to reduce the number of non-resident cars parking on Greenwood Street. Most of the cars coming into our neighborhood for this purpose are daytime employees or visitors to the downtown district. The cars are creating a bottleneck and traffic flow is impeded.

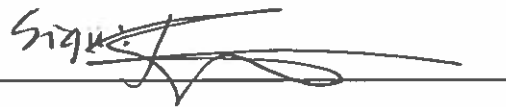
Commander Scott Grewe of the COB Police Department has recommended that the best option for our neighborhood is a petition to create a combined Permit Only/2 Hour (9am-6pm) parking designated area in our neighborhood. This means that each homeowner will receive 2 window stickers for their cars and 3 guest passes. Commander Grewe stated that this allows for residents and/or their guests to park on the street as needed, therefore not penalizing homeowners, but limits all others to 2 hours or less between 9am and 6pm. This has been done in other neighborhoods such as ours and within a few weeks, it should reduce or eliminate the neighborhood of non-residential parkers. This also allows for short-term workers, such as housecleaners, landscapers, etc. to be able to service residents' homes and not need a permit.

The process of getting City approvals will take 3-6 months as the petition first goes to the Police Department who does their own analysis and recommendation to the Multi-modal Transportation Committee and then goes to the City Commission for approval. We can get this item in front of the transportation committee for their January meeting if we have 75% of resident signatures by mid-December.

If you are in favor of this proposal, permit/2 hour parking designated area on Greenwood, please sign this petition. If you are not home when we visit, we ask that you sign below on this letter and drop in the mail box ASAP at 275 Greenwood St (Sami Maassarani). If you have questions, please call Laura Fogleman (602) 410-1812. Thank you!

Yes, I am in favor of permit/2hour only parking on Greenwood St. to limit non-residential parking.

Print: Rachel Stewart
Name _____

Signature:  _____

Address 347 Greenwood St.

Date: 11/16/19

680

UPDATED GREENWOOD PARKING PETITION (11/11/19) - this petition has been revised. If you signed the previous one, please note the changes below!

Dear Neighbor on Greenwood,

A group of neighbors would like to reduce the number of non-resident cars parking on Greenwood Street. Most of the cars coming into our neighborhood for this purpose are daytime employees or visitors to the downtown district. The cars are creating a bottleneck and traffic flow is impeded.

Commander Scott Grewe of the COB Police Department has recommended that the best option for our neighborhood is a petition to create a combined Permit Only/2 Hour (9am-6pm) parking designated area in our neighborhood. This means that each homeowner will receive 2 window stickers for their cars and 3 guest passes. Commander Grewe stated that this allows for residents and/or their guests to park on the street as needed, therefore not penalizing homeowners, but limits all others to 2 hours or less between 9am and 6pm. This has been done in other neighborhoods such as ours and within a few weeks, it should reduce or eliminate the neighborhood of non-residential parkers. This also allows for short-term workers, such as housecleaners, landscapers, etc. to be able to service residents' homes and not need a permit.

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If you are in favor of this proposal, permit/2 hour parking designated area on Greenwood, please sign this petition. If you are not home when we visit, we ask that you sign below on this letter and drop in the mail box ASAP at 275 Greenwood St. (Sami Maassarani) If you have questions, please call Sami at 275 Greenwood St.

Yes, I am in favor of permit/2hour only parking on Greenwood St. to limit non-residential parking.

Name Janis & Jason Horton

Address _____ Greenwood St. 680 Willits -

Date: 12-5-19 side of house is on Greenwood

363
UPDATED GREENWOOD PARKING PETITION (11/11/19) - this petition has been revised. If you signed the previous one, please note the changes below!

Dear Neighbor on Greenwood,

A group of neighbors would like to reduce the number of non-resident cars parking on Greenwood Street. Most of the cars coming into our neighborhood for this purpose are daytime employees or visitors to the downtown district. The cars are creating a bottleneck and traffic flow is impeded.

Commander Scott Grewe of the COB Police Department has recommended that the best option for our neighborhood is a petition to create a combined Permit Only/2 Hour (9am-6pm) parking designated area in our neighborhood. This means that each homeowner will receive 2 window stickers for their cars and 3 guest passes. Commander Grewe stated that this allows for residents and/or their guests to park on the street as needed, therefore not penalizing homeowners, but limits all others to 2 hours or less between 9am and 6pm. This has been done in other neighborhoods such as ours and within a few weeks, it should reduce or eliminate the neighborhood of non-residential parkers. This also allows for short-term workers, such as housecleaners, landscapers, etc. to be able to service residents' homes and not need a permit.

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If you are in favor of this proposal, permit/2 hour parking designated area on Greenwood, please sign this petition. If you are not home when we visit, we ask that you sign below on this letter and drop in the mail box ASAP at 275 Greenwood St (Sami Maassarani). If you have questions, please call Laura Fogleman (602) 410-1812. Thank you!

Yes, I am in favor of permit/2hour only parking on Greenwood St. to limit non-residential parking.

Print:
Name Alessandro DiNollo

Alessandro DiNollo

Address 383 Greenwood St.

Date: 11/17/19

395

UPDATED GREENWOOD PARKING PETITION (11/11/19) - this petition has been revised. If you signed the previous one, please note the changes below!

Dear Neighbor on Greenwood,

A group of neighbors would like to reduce the number of non-resident cars parking on Greenwood Street. Most of the cars coming into our neighborhood for this purpose are daytime employees or visitors to the downtown district. The cars are creating a bottleneck and traffic flow is impeded.

Commander Scott Grewe of the COB Police Department has recommended that the best option for our neighborhood is a petition to create a combined Permit Only/2 Hour (9am-6pm) parking designated area in our neighborhood. This means that each homeowner will receive 2 window stickers for their cars and 3 guest passes. Commander Grewe stated that this allows for residents and/or their guests to park on the street as needed, therefore not penalizing homeowners, but limits all others to 2 hours or less between 9am and 6pm. This has been done in other neighborhoods such as ours and within a few weeks, it should reduce or eliminate the neighborhood of non-residential parkers. This also allows for short-term workers, such as housecleaners, landscapers, etc. to be able to service residents' homes and not need a permit.

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If you are in favor of this proposal, permit/2 hour parking designated area on Greenwood, please sign this petition. If you are not home when we visit, we ask that you sign below on this letter and drop in the mail box ASAP at 275 Greenwood St (Sami Maassarani). If you have questions, please call Laura Fogleman (602) 410-1812. Thank you!

Yes, I am in favor of permit/2hour only parking on Greenwood St. to limit non-residential parking.

Name LEA M MAOR 

Address 395 Greenwood St. Please write your house number!

Date: 11/20/19

335

UPDATED GREENWOOD PARKING PETITION (11/11/19) - this petition has been revised. If you signed the previous one, please note the changes below!

Dear Neighbor on Greenwood,

A group of neighbors would like to reduce the number of non-resident cars parking on Greenwood Street. Most of the cars coming into our neighborhood for this purpose are daytime employees or visitors to the downtown district. The cars are creating a bottleneck and traffic flow is impeded.

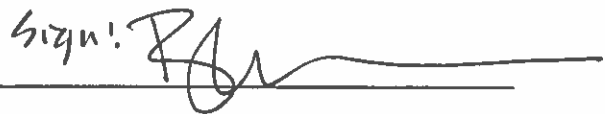
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The process of getting City approvals will take 3-6 months as the petition first goes to the Police Department who does their own analysis and recommendation to the Multi-modal Transportation Committee and then goes to the City Commission for approval. We can get this item in front of the transportation committee for their January meeting if we have 75% of resident signatures by mid-December.

If you are in favor of this proposal, permit/2 hour parking designated area on Greenwood, please sign this petition. If you are not home when we visit, we ask that you sign below on this letter and drop in the mail box ASAP at 275 Greenwood St (Sami Maassarani). If you have questions, please call Laura Fogleman (602) 410-1812. Thank you!

Yes, I am in favor of permit/2hour only parking on Greenwood St. to limit non-residential parking.

Print:
Name B. SMITH

Sign: 

Address 335 Greenwood St.

Date: 11-19-19

452

UPDATED GREENWOOD PARKING PETITION (11/11/19) - this petition has been revised. If you signed the previous one, please note the changes below!

Dear Neighbor on Greenwood,

A group of neighbors would like to reduce the number of non-resident cars parking on Greenwood Street. Most of the cars coming into our neighborhood for this purpose are daytime employees or visitors to the downtown district. The cars are creating a bottleneck and traffic flow is impeded.

Commander Scott Grewe of the COB Police Department has recommended that the best option for our neighborhood is a petition to create a combined Permit Only/2 Hour (9am-6pm) parking designated area in our neighborhood. This means that each homeowner will receive 2 window stickers for their cars and 3 guest passes. Commander Grewe stated that this allows for residents and/or their guests to park on the street as needed, therefore not penalizing homeowners, but limits all others to 2 hours or less between 9am and 6pm. This has been done in other neighborhoods such as ours and within a few weeks, it should reduce or eliminate the neighborhood of non-residential parkers. This also allows for short-term workers, such as housecleaners, landscapers, etc. to be able to service residents' homes and not need a permit.

The process of getting City approvals will take 3-6 months as the petition first goes to the Police Department who does their own analysis and recommendation to the Multi-modal Transportation Committee and then goes to the City Commission for approval. We can get this item in front of the transportation committee for their January meeting if we have 75% of resident signatures by mid-December.

If you are in favor of this proposal, permit/2 hour parking designated area on Greenwood, please sign this petition. If you are not home when we visit, we ask that you sign below on this letter and drop in the mail box ASAP at 275 Greenwood St (Sami Maassarani). If you have questions, please call Laura Fogleman (602) 410-1812. Thank you!

Yes, I am in favor of permit/2hour only parking on Greenwood St. to limit non-residential parking.

Name Michael Shender

Address 452 Greenwood St. Please write your house number!

Date: 11/18/2019

200

UPDATED GREENWOOD PARKING PETITION (11/11/19) - this petition has been revised. If you signed the previous one, please note the changes below!

Dear Neighbor on Greenwood,

A group of neighbors would like to reduce the number of non-resident cars parking on Greenwood Street. Most of the cars coming into our neighborhood for this purpose are daytime employees or visitors to the downtown district. The cars are creating a bottleneck and traffic flow is impeded.

Commander Scott Grewe of the COB Police Department has recommended that the best option for our neighborhood is a petition to create a combined Permit Only/2 Hour (9am-6pm) parking designated area in our neighborhood. This means that each homeowner will receive 2 window stickers for their cars and 3 guest passes. Commander Grewe stated that this allows for residents and/or their guests to park on the street as needed, therefore not penalizing homeowners, but limits all others to 2 hours or less between 9am and 6pm. This has been done in other neighborhoods such as ours and within a few weeks, it should reduce or eliminate the neighborhood of non-residential parkers. This also allows for short-term workers, such as housecleaners, landscapers, etc. to be able to service residents' homes and not need a permit.

The process of getting City approvals will take 3-6 months as the petition first goes to the Police Department who does their own analysis and recommendation to the Multi-modal Transportation Committee and then goes to the City Commission for approval. We can get this item in front of the transportation committee for their January meeting if we have 75% of resident signatures by mid-December.

If you are in favor of this proposal, permit/2 hour parking designated area on Greenwood, please sign this petition. If you are not home when we visit, we ask that you sign below on this letter and drop in the mail box ASAP at 275 Greenwood St (Sami Maassarani). If you have questions, please call Laura Fogleman (602) 410-1812. Thank you!

Yes, I am in favor of permit/2hour only parking on Greenwood St. to limit non-residential parking.

Name Andrew Stein - Andrew Stein

Address 200 Greenwood St. Please write your house number!

Date: 11/18/19

303

UPDATED GREENWOOD PARKING PETITION (11/11/19) - this petition has been revised. If you signed the previous one, please note the changes below!

Dear Neighbor on Greenwood,


A group of neighbors would like to reduce the number of non-resident cars parking on Greenwood Street. Most of the cars coming into our neighborhood for this purpose are daytime employees or visitors to the downtown district. The cars are creating a bottleneck and traffic flow is impeded.

Commander Scott Grewe of the COB Police Department has recommended that the best option for our neighborhood is a petition to create a combined Permit Only/2 Hour (9am-6pm) parking designated area in our neighborhood. This means that each homeowner will receive 2 window stickers for their cars and 3 guest passes. Commander Grewe stated that this allows for residents and/or their guests to park on the street as needed, therefore not penalizing homeowners, but limits all others to 2 hours or less between 9am and 6pm. This has been done in other neighborhoods such as ours and within a few weeks, it should reduce or eliminate the neighborhood of non-residential parkers. This also allows for short-term workers, such as housecleaners, landscapers, etc. to be able to service residents' homes and not need a permit.

The process of getting City approvals will take 3-6 months as the petition first goes to the Police Department who does their own analysis and recommendation to the Multi-modal Transportation Committee and then goes to the City Commission for approval. We can get this item in front of the transportation committee for their January meeting if we have 75% of resident signatures by mid-December.

If you are in favor of this proposal, permit/2 hour parking designated area on Greenwood, please sign this petition. If you are not home when we visit, we ask that you sign below on this letter and drop in the mail box ASAP at 275 Greenwood St (Sami Maassarani). If you have questions, please call Laura Fogleman (602) 410-1812. Thank you!

Yes, I am in favor of permit/2hour only parking on Greenwood St. to limit non-residential parking.

Print: Jennifer Hamilton Sign: 
Name: _____
Address 303 Greenwood St.
Date: 11/16/19

319

UPDATED GREENWOOD PARKING PETITION (11/11/19) - this petition has been revised. If you signed the previous one, please note the changes below!

Dear Neighbor on Greenwood,

A group of neighbors would like to reduce the number of non-resident cars parking on Greenwood Street. Most of the cars coming into our neighborhood for this purpose are daytime employees or visitors to the downtown district. The cars are creating a bottleneck and traffic flow is impeded.

Commander Scott Grewe of the COB Police Department has recommended that the best option for our neighborhood is a petition to create a combined Permit Only/2 Hour (9am-6pm) parking designated area in our neighborhood. This means that each homeowner will receive 2 window stickers for their cars and 3 guest passes. Commander Grewe stated that this allows for residents and/or their guests to park on the street as needed, therefore not penalizing homeowners, but limits all others to 2 hours or less between 9am and 6pm. This has been done in other neighborhoods such as ours and within a few weeks, it should reduce or eliminate the neighborhood of non-residential parkers. This also allows for short-term workers, such as housecleaners, landscapers, etc. to be able to service residents' homes and not need a permit.

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If you are in favor of this proposal, permit/2 hour parking designated area on Greenwood, please sign this petition. If you are not home when we visit, we ask that you sign below on this letter and drop in the mail box ASAP at 275 Greenwood St (Sami Maassarani). If you have questions, please call Laura Fogleman (602) 410-1812. Thank you!

Yes, I am in favor of permit/2hour only parking on Greenwood St. to limit non-residential parking.

Print: JOHN ROSS
Name

Sign: 

Address 319 Greenwood St.

Date: 11/15/19

282

UPDATED GREENWOOD PARKING PETITION (11/11/19) - this petition has been revised. If you signed the previous one, please note the changes below!

Dear Neighbor on Greenwood,

A group of neighbors would like to reduce the number of non-resident cars parking on Greenwood Street. Most of the cars coming into our neighborhood for this purpose are daytime employees or visitors to the downtown district. The cars are creating a bottleneck and traffic flow is impeded. *... and it is dangerous,*

Commander Scott Grewe of the COB Police Department has recommended that the best option for our neighborhood is a petition to create a combined Permit Only/2 Hour (9am-6pm) parking designated area in our neighborhood. This means that each homeowner will receive 2 window stickers for their cars and 3 guest passes. Commander Grewe stated that this allows for residents and/or their guests to park on the street as needed, ~~therefore not penalizing~~ homeowners, but limits all others to 2 hours or less ~~between 9am and 6pm~~. This has been done in other neighborhoods such as ours and within a few weeks, it should reduce or eliminate the neighborhood of non-residential parkers. This also allows for short-term workers, such as housecleaners, landscapers, etc. to be able to service residents' homes and not need a permit.

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If you are in favor of this proposal, permit/2 hour parking designated area on Greenwood, please sign this petition. If you are not home when we visit, we ask that you sign below on this letter and drop in the mail box ASAP at 275 Greenwood St (Sami Maassarani). If you have questions, please call Laura Fogleman (602) 410-1812. Thank you!

Thank you for doing this!

Yes, I am in favor of permit/2hour only parking on Greenwood St. to limit non-residential parking.

Name Robert and Katherine Jacobs

Address 282 Greenwood St. Please write your house number!

Date: 11/16/19

366

UPDATED GREENWOOD PARKING PETITION (11/11/19) - this petition has been revised. If you signed the previous one, please note the changes below!

Dear Neighbor on Greenwood,

A group of neighbors would like to reduce the number of non-resident cars parking on Greenwood Street. Most of the cars coming into our neighborhood for this purpose are daytime employees or visitors to the downtown district. The cars are creating a bottleneck and traffic flow is impeded.

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Yes, I am in favor of permit/2hour only parking on Greenwood St. to limit non-residential parking.

Name EMILY PITT 

Address 366 Greenwood St. Please write your house number!

Date: 11.16.19

336

UPDATED GREENWOOD PARKING PETITION (11/11/19) - this petition has been revised. If you signed the previous one, please note the changes below!

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Yes, I am in favor of permit/2hour only parking on Greenwood St. to limit non-residential parking.

Name Matthew Harris

Address 336 Greenwood St. Please write your house number!

Date: 11/16/19

348

UPDATED GREENWOOD PARKING PETITION (11/11/19) - this petition has been revised. If you signed the previous one, please note the changes below!

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Yes, I am in favor of permit/2hour only parking on Greenwood St. to limit non-residential parking.

Name Philip Melcher

Address 348 Greenwood St. Please write your house number!

Date: 11/16/2019

419

UPDATED GREENWOOD PARKING PETITION (11/11/19) - this petition has been revised. If you signed the previous one, please note the changes below!

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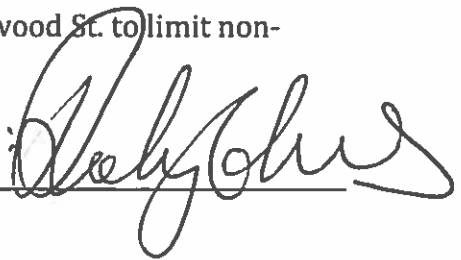
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Yes, I am in favor of permit/2hour only parking on Greenwood St. to limit non-residential parking.

Print: ANDY CORREINS
Name

Sign: 

Address 419 Greenwood St.

Date: 11/17/19

255

UPDATED GREENWOOD PARKING PETITION (11/11/19) - this petition has been revised. If you signed the previous one, please note the changes below!

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Yes, I am in favor of permit/2hour only parking on Greenwood St. to limit non-residential parking.

Name



(Karen)

Address

275 Greenwood St.

Date:

11/12/19

6/19

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Yes, I am in favor of permit/2hour only parking on Greenwood St. to limit non-residential parking.

Print Name: MARK ESTACI CAMPBELL ^{Signature}

Address: 619 Willits Greenwood St. Corner of Willits / Greenwood

Date: 11/13/19



323

UPDATED GREENWOOD PARKING PETITION (11/11/19) - this petition has been revised. If you signed the previous one, please note the changes below!

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Yes, I am in favor of permit/2hour only parking on Greenwood St. to limit non-residential parking.

Print: Laura & Sam Fogleman
Name

Sign: Laura Fogleman

Address 323 Greenwood St.

Date: 11/15/19

275 ☺

UPDATED GREENWOOD PARKING PETITION (11/11/19) - this petition has been revised. If you signed the previous one, please note the changes below!

Dear Neighbor on Greenwood,

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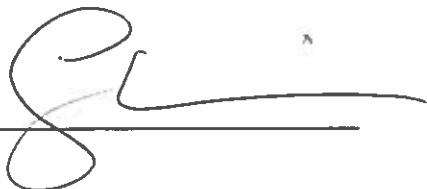
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Yes, I am in favor of permit/2hour only parking on Greenwood St. to limit non-residential parking.

Print: Name SAMI MAASSARANI

Sign: 

Address 275 Greenwood St.

Date: 11/16/19

371

UPDATED GREENWOOD PARKING PETITION (11/11/19) - this petition has been revised. If you signed the previous one, please note the changes below!

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Yes, I am in favor of permit/2hour only parking on Greenwood St. to limit non-residential parking.

Print: RON YOLLES Sign: [Signature]
Name _____

Address 371 Greenwood St.

Date: 11/26/19

324
& 310

UPDATED GREENWOOD PARKING PETITION (11/11/19) - this petition has been revised. If you signed the previous one, please note the changes below!

Dear Neighbor on Greenwood,

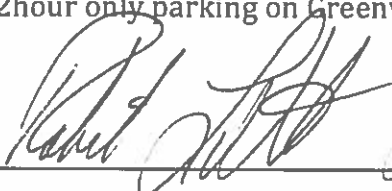

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Yes, I am in favor of permit/2hour only parking on Greenwood St. to limit non-residential parking.

| | | |
|---------|--|--|
| Name |  |  |
| Address | 310 + 324 Greenwood St. | 324 310 |

Date: 12-11-2019

We could use your support!
Laura

2 properties jointly owned

UPDATED GREENWOOD PARKING PETITION (11/11/19) - this petition has been revised. If you signed the previous one, please note the changes below!

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Yes, I am in favor of permit/2hour only parking on Greenwood St. to limit non-residential parking.

Name Cheryl A. Cooper, Cheryl Cooper, John G. Cooper
Address Greenwood St. - 690 Perry
Date: 12-6-19 ↖ Corner of ↗

DRAFT

City Of Birmingham Multi-Modal Transportation Board Thursday, October 7, 2021

151 Martin Street, City Commission Room 205, Birmingham, MI

Minutes of the regular meeting of the City of Birmingham Multi-Modal Transportation Board held Thursday, October 7, 2021.

Chair Schafer convened the meeting at 6:07 p.m.

1. Rollcall

Present: Chair Katie Schafer; Board Members Andrew Haig, David Hocker, Doug White; Alternate Board Member Joe Zane

Absent: Board Members David Lurie, Tom Peard; Alternate Board Member Amanda Fishburn; Student Representatives Lauren Morris, Justin Schoener, Alex Walters

Administration:

Brooks Cowan, Senior Planner (SP)
Laura Eichenhorn, City Transcriptionist (CT)
Scott Grewe, Operations Commander (OC)
Jim Surhigh, Consulting City Engineer (CCE)
Scott Zielinski, Assistant City Engineer (ACE)

Fleis & Vandenbrink (F&V):

Julie Kroll

MKSK: Brad Strader

2. Introductions

3. Review Agenda

4. Approval of MMTB Minutes of August 5, 2021

With Messrs. White and Zane abstaining due to their absences from the August 5, 2021 meeting and with Messrs. Lurie and Peard absent from the present meeting the MMTB did not have a quorum for a vote on the minutes.

The August 5, 2021 minutes will be returned for approval along with the October 7, 2021 minutes at the November 4, 2021 MMTB meeting.

5. Multi-Modal Transportation Plan Roadway Improvements (2021-2022)

ACE Zielinski introduced the item.

Mr. Strader presented the item.

Mr. Strader noted that Pierce is 28 feet wide so installing two bicycle lanes would not likely be possible.

SP Cowan noted that Pierce is used by cyclists looking to connect to Beverly Hills and Oak Park.

Given the proximity to a school, the MMTB recommended MKSK study other bicycle options along Pierce and return with possibilities.

CCE Surhigh said the Engineering Department could study sidewalk options for Redding and return to the Board with recommendations.

Chair Schafer said the general consensus of the Board has been that sidewalks should be pursued wherever possible. Consequently, she said studying the feasibility of sidewalks on Redding would be appropriate.

The Board concurred with the recommendations made by Staff in their August 25, 2021 memorandum regarding Edgewood.

6. S. Eton Road Striping Before & After Analysis

SP Cowan and Ms. Kroll reviewed the item. Ms. Kroll observed that cycling increased in the area where cycling infrastructure was provided.

SP Cowan stated that among those who ride bicycles daily, weekly or monthly, 48% thought the bikeway should remain as-is, 27% said it should be revised, and 17% said it should be removed.

Mr. Zane said he did have some safety concerns about crossing Villa when going north on Eton.

CCE Surhigh noted that S. Eton is in line for complete road reconstruction either in FY '22-'23 or FY '23-'24. As a result, he said now is an appropriate time to be making recommendations for potential revisions to the road.

Mr. Zane and Chair Schafer agreed that if there would be a way to put in a bike lane on each side of the road that would be ideal.

Mr. Strader floated the possibility of either having a few Board members or Staff go down to Ferndale and Pleasant Ridge to discuss what working with MDOT regarding Woodward has been like and what lessons have been learned. He recommended that Birmingham also survey was Boston and other cities are doing in increasing their bikeability. He stated that a lot of new design and research has occurred since the MMTB initially proposed the S. Eton road striping in 2018.

Chair Schafer noted that since the cycling infrastructure in this area proved popular, there are new options to consider for cycling infrastructure design, and S. Eton will be redone in a few years, it might be most appropriate to redesign the cycling infrastructure options for this area.

Mr. Strader concurred.

It was discussed that designing a bicycle path that could be kept relatively debris-free would be an important consideration.

Chair Schafer said it would also be helpful to have new parking data for the east side of S. Eton.

CCE Surhigh said potential pedestrian improvements at Maple and S. Eton could also be brought back to the Board for discussion.

SP Cowan said the item would be returned to the Board for future discussion.

7. Oakland & Park Intersection, "No Left Turn"

OC Grewe summarized the item.

The Board concurred that the recommendation to retain the southbound left-turn prohibition on Park Street was appropriate.

Motion by Mr. Haig

Seconded by Mr. White to maintain the existing southbound left-turn prohibition on southbound Park Street at Oakland Ave.

Motion carried, 5-0.

VOICE VOTE

Yeas: Haig, White, Zane, Hocker, Schafer

Nays: None

8. Greenwood Ave Parking Permits – Willits to Harmon

OC Grewe presented the item.

The Board concurred that the establishment of a permit-exempt two hour time zone along this area of Greenwood was an appropriate way of addressing the residents' concerns.

Chair Schafer noted that the petition from residents was originally submitted almost two years prior, at the beginning of 2020. While the residents on Greenwood re-confirmed their interest in July 2021, she asked that the City double-check with residents if there are similar implementation gaps in the future to ensure that residents remain interested in the solution sought by the original petition.

Motion by Mr. Zane

Seconded by Mr. Haig to recommended to the City Commission the approval of the installation of a permit-exempt 2 hour time zone from 9 a.m. to 6 p.m. on Greenwood St. from Willits St to Harmon St.

Motion carried, 5-0.

VOICE VOTE

Yeas: Zane, Hocker, Schafer, Haig, White
Nays: None

9. Oak Street & Lakeview Update

ACE Zielinski presented the item. He stated the City was determining whether the Sidewalk Ends sign on the north side of Oak was indeed in the right-of-way or in a resident's yard. He said the snow fence would remain until Spring 2022 to see whether pedestrians no longer try to walk along the north side of Oak or whether salt-resistant landscaping would need to be installed to continue to deter pedestrians.

Mr. Haig recommended that a bioswale be considered instead of landscaping.

CCE Surhigh said a bioswale could be a possibility.

10. Meeting Open to the Public for items not on the Agenda

11. Miscellaneous Communications

- a. RTA Draft Master Plan & Relevant Phone Apps

SP Cowan noted that Board members could either contact the RTA directly with feedback or Staff could collect feedback from Board members and send it along.

12. Next Meeting – November 4, 2021

13. Adjournment

No further business being evident, the board members adjourned at 7:43 p.m.

Brooks Cowan, Senior Planner



MEMORANDUM

Department of Public Services

DATE: November 17, 2021

TO: Thomas M. Markus, City Manager

FROM: Lauren A. Wood, Director of Public Services

SUBJECT: Plante Moran Cresa – Contract Amendment for Ice Arena

INTRODUCTION:

This request is to approve an amendment to the existing contract with Plante & Moran Cresa (PMC) to extend the Owner Representative services for an additional one-month. They have been serving as the City's Owner Representative since November 2020 for the Ice Arena Renovation Project. This will be the Fourth Amendment to the current Agreement with PMC.

We requested a weekly fixed fee for this extension rather than lock in a fixed amount for the one-month period. We wanted flexibility, in case the services were less than one month.

BACKGROUND:

The City Commission approved a Third Amendment for Plante Moran Cresa to serve as the Owner Representative on November 9, 2020. The details of the scope of services for this work in the Third Amendment see attachment, to the Capital Planning and Consulting Services between the City of Birmingham and Plante & Moran Cresa. The term for this work was November 10, 2020 through November 8, 2021 for \$145,800. The initial estimated end date for the Ice Arena Renovation project was the end of September.

Due to a delay with receiving construction materials and material installation by the project subcontractors, C.E. Gleeson has extended the construction substantial completion date. This extension has affected the final punch list, commissioning and project closeout timeline.

The Birmingham Ice Arena opened for business on November 1, 2021, but these remaining closeout items are still underway with the services of PMC.

LEGAL REVIEW:

The City Attorney has reviewed the Fourth Amendment to the Capital Planning and Consulting Services Agreement between the City of Birmingham and Plante & Moran Cresa, L.L.C., as submitted as part of this report.

FISCAL IMPACT:

The fee for the professional consulting services by Plante & Moran CRESA will be an additional \$11,200.00 for a one-month extension. The total amount for these services will be \$157,000.00. Funds are available for this work in the Capital Projects - Ice Arena - Buildings account #401-901.001-977.0000.

PUBLIC COMMUNICATIONS:

This does not apply at this time.

SUMMARY:

PMC will continue beyond the twelve-month engagement for Owner Representative Services during the Ice Arena project closeout period. The Department of Public Services recommends extending these professional services not to exceed a one-month period at the amount of \$11,200.00. The projected end date will be December 8, 2021.

ATTACHMENTS:

Attached is a copy of the Fourth Amendment and the Third Amendment to the Capital Planning and Consulting Services Agreement between the City of Birmingham and Plante & Moran Cresa, L.L.C. along with the associated Exhibits A-1 (Scope of Services) and B-1 (Project Budget & Schedule) and an updated Insurance Certificate.

SUGGESTED COMMISSION ACTION:

Make a motion adopting a resolution to approve the Fourth Amendment with Plante & Moran Cresa, LLC in the amount not to exceed \$11,200.00, with the term ending December 8, 2021 for assisting with capital planning and operational review consulting services for the Birmingham Ice Arena. Funds are available for this work in the Capital Projects - Ice Arena - Buildings account #401-901.001-977.0000.

Fourth Amendment to the Capital Planning and Consulting Services Agreement Between THE CITY OF BIRMINGHAM, and PLANTE & MORAN CRESA, L.L.C.

This Fourth Amendment (the “Fourth Amendment”) to the Agreement for Capital Planning and Consulting Services is made as of this 28th day of October, 2021 (“Effective Date”), between THE CITY OF BIRMINGHAM (“CB”) and PLANTE & MORAN CRESA, L.L.C. (“PMC”). This Fourth Amendment modifies that certain Agreement for Capital Planning and Consulting services between such parties, dated as of June 20, 2018 (the “Agreement”), which includes the First Amendment dated August 2, 2019, the Second Amendment dated December 4, 2019, and the Third Amendment dated November 10, 2020. As used herein and where context dictates, reference to the Agreement may mean the Agreement, as modified by this Fourth Amendment. Where any provision of the Agreement is modified herein, the provisions of this Fourth Amendment shall control; otherwise, the terms and provisions of the Agreement shall remain unmodified. All defined terms in this Fourth Amendment shall have the same meanings as set forth in the Agreement, unless the context clearly requires otherwise.

WHEREAS, CB and PMC are parties to the Agreement for PMC to provide Services to the CB related to the CB’s Ice Arena located at 2300 E. Lincoln Street, Birmingham, Michigan (the “Project”);

WHEREAS, the term of the Agreement, as amended by the Third Amendment, is set to expire on November 8, 2021; and

WHEREAS, the CB desires to extend the term of the Agreement for PMC to continue providing its Owner Representation Services.

NOW THEREFORE, for good and valuable consideration, CB and the PMC agree as follows:

1. **Recitals.** The above recitals are true and correct and are hereby made part of this Amendment.
2. **Changes to the Agreement.** CB and PMC hereby agree to amend the Agreement as follows:
 - a. **Agreement Term.** The Term of the Agreement for Scope of Services detailed in Exhibit A-1 of the Third Amendment, which is incorporated herein and attached hereto by reference, is hereby extended on a month-to-month basis until terminated by either the CB or PMC upon written notice (the “Extended Term”). Either party may terminate this Agreement for any reason throughout the Extended Term upon written notice.
 - b. **Adjustment to Compensation.** PMC’s fee for the Scope of Services detailed in Exhibit A-1 of the Third Amendment for the Extended Term shall be a weekly fixed fee of Two Thousand Eight Hundred and No/100 Dollars (\$2,800.00). Reimbursable expenses, such as mileage, printing, overnight courier services, etc. will be invoiced at cost, without mark up.
3. **Integration.** When executed, this Fourth Amendment shall be deemed part of the Agreement and, except as otherwise provided herein, shall be subject to all terms and conditions of the Agreement.
4. **Amendment Controls.** In the event of any inconsistency between the terms and conditions of this Fourth Amendment and other contract documents including the Agreement, the terms of this Fourth Amendment shall control.
5. **Agreement Remains in Force.** Except as expressly modified herein, the Agreement shall remain in full force and effect and the parties hereto acknowledge and agree to be bound by the terms and provisions thereof.


- 6. **Partial Invalidity.** If any term, covenant, condition or provision of this Fourth Amendment or the Agreement is found by a court of competent jurisdiction to be invalid, void, or unenforceable, the remainder of the provisions hereof shall remain in full force and effect, and shall in no way be affected, impaired or invalidated thereby.
- 7. **Entire Agreement.** This Fourth Amendment and the Agreement constitutes the whole Agreement between the parties with respect to the subject matter contained herein and there are no terms other than those contained herein. No modification to this Fourth Amendment shall be valid unless in writing and signed by the parties hereto.
- 8. **Counterparts.** To facilitate execution of this Fourth Amendment, the parties may execute this Fourth Amendment in counterparts and exchange signatures by facsimile transmission or by electronic delivery of a PDF copy of the executed Fourth Amendment, which facsimile or PDF copy shall be deemed valid and binding.

This Fourth Amendment is entered into as of the day and year first written herein but shall not be effective unless and until it is signed by the parties.

CITY OF BIRMINGHAM

PLANTE & MORAN CRESA, L.L.C.

By: _____

By:  _____

Name: Lauren Wood _____

Name: Paul Theriault _____

Title: Director of Public Services _____

Title: Partner _____

Date: _____

Date: November 8, 2021 _____

Third Amendment to the Capital Planning and Consulting Services Agreement Between THE CITY OF BIRMINGHAM, and PLANTE & MORAN CRESA, L.L.C.

This Third Amendment (the “Third Amendment”) to the Agreement for Capital Planning and Consulting Services is made as of this 10th day of November 2020 (“Effective Date”), between THE CITY OF BIRMINGHAM (“CB”) and PLANTE & MORAN CRESA, L.L.C. (“PMC”). This Third Amendment modifies that certain Agreement for Capital Planning and Consulting services between such parties, dated as of June 20, 2018 (the “Agreement”), the First Amendment dated August 2, 2019 and the Second Amendment dated December 4, 2019. As used herein and where context dictates, reference to the Agreement may mean the Agreement, as modified by this Third Amendment. Where any provision of the Agreement is modified herein, the provisions of this Third Amendment shall control; otherwise the terms and provisions of the Agreement shall remain unmodified. All defined terms in this Third Amendment shall have the same meanings as set forth in the Agreement, unless the context clearly requires otherwise.

WHEREAS, CB and PMC are parties to the Agreement for PMC to provide Capital Planning and Consulting Services to the CB related to the CB’s ice arena located at 2300 E. Lincoln Street, Birmingham, Michigan (the “Project”); and

WHEREAS, CB desires PMC provide Owner Representation Services related to the Project.

NOW THEREFORE, for good and valuable consideration, CB and the PMC agree as follows:

1. **Recitals.** The above recitals are true and correct and are hereby made part of this Amendment.
2. **Changes to the Agreement.** CB and PMC hereby agree to amend the Agreement as follows:

Scope of Services. The Scope of Services are modified to include assisting the CB with Owner Representation Services detailed in the attached document listed below:

Exhibit A-1 – Scope of Services for Owner Representation

Exhibit B-1 – Preliminary Project Budget, Schedule and Other Assumptions

Term. The Term of the Agreement for Scope of Services detailed in Exhibit A-1 is November 10, 2020 through November 8, 2021 (approximately 12 months).

- a. **Adjustment to Compensation.** The parties mutually agree that the fee for the Scope of Services detailed in Exhibit A1 shall be a lump sum fee of **\$145,800.00** (One hundred Forty-Five Thousand Eight Hundred and No /100 Dollars) payable in (3) \$15,000.00 and (9) \$11,200.00 monthly payments. Reimbursable expenses, such as mileage, printing, overnight courier services, etc. will be invoiced at cost, without mark up.
 - b. **Extended Monthly Compensation.** If PMC is requested to continue Owner Representation Services beyond November 8, 2021, PMC and CB will mutually agree to a monthly lump sum amount for PMC services.
3. **Integration.** When executed, this Third Amendment shall be deemed part of the Agreement and, except as otherwise provided herein, shall be subject to all terms and conditions of the Agreement.
 4. **Amendment Controls.** In the event of any inconsistency between the terms and conditions of this Third Amendment and other contract documents including the Agreement, the terms of this Third Amendment shall control.

5. **Agreement Remains in Force.** Except as expressly modified herein, the Agreement shall remain in full force and effect and the parties hereto acknowledge and agree to be bound by the terms and provisions thereof.
6. **Partial Invalidity.** If any term, covenant, condition or provision of this Third Amendment or the Agreement is found by a court of competent jurisdiction to be invalid, void, or unenforceable, the remainder of the provisions hereof shall remain in full force and effect, and shall in no way be affected, impaired or invalidated thereby.
7. **Entire Agreement.** This Third Amendment and the Agreement constitutes the whole Agreement between the parties with respect to the subject matter contained herein and there are no terms other than those contained herein. No modification to this Amendment shall be valid unless in writing and signed by the parties hereto.
8. **Counterparts.** To facilitate execution of this Third Amendment, the parties may execute this Third Amendment in counterparts and exchange signatures by facsimile transmission or by electronic delivery of a PDF copy of the executed Third Amendment, which facsimile or PDF copy shall be deemed valid and binding.

This Third Amendment is entered into as of the day and year first written herein but shall not be effective unless and until it is signed by the parties.

CITY OF BIRMINGHAM

PLANTE & MORAN CRESA, L.L.C.

By: _____

By: _____

Name: _____

Name: _____

Title: _____

Title: _____

Date: _____

Date: _____

Exhibit A-1
Scope of Services for Owner's Representation Services

Upon execution of this Amendment PMC shall commence providing Owner Representation Services related to the Project. PMC's Owner Representation Services may be comprised of the following:

1. Project Planning/Evaluation and Programming

Assist in the Development of a final Project program that clearly identifies the size, cost, and delivery method(s) of the proposed Project. Activities shall include the following as reasonably required to complete the Project based on the 2018 City of Birmingham Ice Sports Arena Assessment Report dated December 11, 2018:

- Assist CB in the development of final Project scope and program
- Assist CB in the development of the phasing/delivery plan
- Assist CB in the development of a final Project budget and schedule.
- During all Phases of the Project, serve as the key liaison between the CB, the commissioned architect, construction manager and/or general contractor and represent the CB's interests in all phases of construction. This service shall include, but shall not be limited to, the coordination of activities and resolution of any resulting problems and attendance and reporting of progress issues to the CB's Director of Parks and Recreation on a regular basis and to the CB Board at their meetings as necessary or as reasonably requested by the CB. Generally, serve as the advocate of the CB during all Phases of the Project.
- Provide input for the Project in all design stages as required. This service shall include, but shall not be limited to, input regarding product/material selections. Input regarding construction methodology to assure quality levels established by monitoring of budget established to address possible cost savings while not reducing the Scope of Project or quality of design, and input regarding cost estimates prepared by the architect, construction manager and/or general contractor as required by the CB.

2. Architect, Construction Manager and/or General Contractor Selection

If and when applicable, and using a criteria-based selection process, assist the CB in the selection of an architect, construction manager and/or general contractor selection to determine the most effective approach for the Project, keeping in mind to qualify, each must show having successfully completing municipal projects, including:

- Review the qualifications of the architect, construction manager and/or general contractor through evaluation of comparable work experience, staff credentials, reference checks, financial credibility and any prior relationship with the CB.
- Assist the CB with drafting and delivery of Request for Proposals (RFPs) to the architect, construction manager and/or general contractor.
- Participate as an advisor to the CB in pre-bid conferences.
- Participate as an advisor to the CB in interviews of the firms.
- Analyze proposals and qualifications and prepare executive summary in a comparative format.
- Assist CB in determining a recommendation to Council of architect, construction manager and/or general contractor relative to the Project. Assist legal counsel with development of the architect's, construction manager's and/or general contractor's contracts as to business terms but not as to legal terms.
- Conduct same/similar process, as outlined above, for other required consultants and vendors, as may be appropriate:
 - Engineering/ Survey
 - Commissioning

- Move Management
- Geotechnical and Material Testing

3. Design Process Oversight

Provide assistance and advise CB throughout the design process. PMC's activities may be comprised of the following:

- Confirm the Project schedule, arranging the time required for the design development, bidding, construction, and move-in and start-up phases
- Monitor architect's progress through the design process
- Schedule and attend progress meetings and produce meeting minutes
- Assist in the selection of finishes (flooring, wall treatments, and lighting)
- Compare budget of design to Project budget at each stage (Schematic, DD, CD)
- Review design for consistency with original Project scope
- Assist the architect, construction manager and/or general contractor, interior designer, and other vendors in the ongoing value-engineering process to identify alternative construction methods or materials, reducing cost and/or construction time
- Assist in providing multiple constructability reviews and assist the architect and construction manager and/or general contractor in the process of preparing cost analyses
- Perform budget and schedule updates as necessary
- Assist in defining the scope for phased construction for the Project
- Assist in determining specifications for major long lead equipment such as air handling units; ice plant equipment, electrical transformers and switchgear
- Monitor trade, labor and construction market trends that could impact the cost or schedule for the Project
- Assess material and labor availability in the local marketplace and evaluate alternative systems and building products
- Assist in the preorder of items requiring long lead times for delivery
- Prior to submittal to the CB for payment, review architect, construction manager and/or general contractor invoices on behalf of the CB and make recommendations for payment
- Develop and monitor final Project budget and schedule
- Assist in the review final drawings and bid packages
- Present monthly updates to the Board at regularly scheduled meetings in the form of a written report and, if requested by the CB, in the form of attending the Board meeting
- Identify and coordinate with the owner any governmental authorities having jurisdiction over the Project; assist in obtaining required approvals and permits

4. Construction Phase

In order to have high predictability in the outcome, it will be necessary to have competent contractor(s) that are best suited for the Project. Once the contractor(s) is selected, PMC's shall assist and advise CB and their vendors throughout the construction phase of the Project. PMC's activities may be comprised of the following:

- Schedule and attend a kick-off meeting to review project goals and objectives
- Assist and advise the team through construction process to meet Project objectives
- Assist in obtaining permits
- Define, schedule, attend and produce meeting minutes for weekly construction progress meetings
- Monitor Project expenditures to ensure that the proposed budget is being met
- Provide change order tracking and facilitate issue resolution, including developing an accountability log that will be used for all change orders issued for the CB Project that will

indicate the source and cost of the any and all change orders (e.g., field condition, Owner initiated, Architect initiated, Construction Manager initiated, etc...)

- Update major milestone schedule for Project and identify potential conflicts
- Monitor Project budget including expenses to date versus total budget and remaining Project cost estimates
- Prepare monthly Project status reports for the CB in the form of a written report and, if requested by the CB, in the form of attending the Board meeting
- Coordination of other vendor(s) activities with architect, technology designer, construction manager and/or general contractor and the contractors
- Prior to submittal to the CB for payment, review of payment applications from contractors and consultants (e.g., architect, construction manager) in accordance with contractual arrangements and make recommendations for payment
- Review and ensure timely receipt of insurance certificates, performance and payment bonds, waivers, sworn statements, and other contractor-required or consultant-required information
- Manage on behalf of the CB, to the extent permitted by the Project documents and agreements, construction activities for timeliness, and general compliance with contract documents
- Assist in evaluating disputes relating to contract interpretation and requirements
- Promptly notify Owner if Representative becomes aware that the work of a contractor or consultant is not being performed in accordance with the requirements of the contract documents or industry standards
- Notify Owner when Representative believes the work under a construction contract is substantially complete and that a punch list should be prepared. Representative shall coordinate with the architect/designer and assist in its determination of the date of substantial completion

5. Move Management, Building Commissioning and Project Closeout

Move Management

Assist CB to identify the requirements to relocate and move staff and equipment to allow construction to proceed without interruption of work-flow and to minimize down time. This process formally begins when building plans and specifications are ready for bidding. On behalf of the CB, PMC will coordinate and oversee the process of advertising and soliciting bids from qualified moving vendors. Activities shall include the following as reasonably required to complete the Project:

- Coordinate the logistics of the move with staff to minimize disruptions to operations
- Identification and prequalification of move vendors and write RFP
- Assist the CB in obtaining and reviewing proposals from vendors
- Assist the CB by providing on-site coordination during moves
- Assist in the procurement of temporary facilities, if required
- Provide recommendation to negotiate final moving contract
- Coordinate removal and placement of office, equipment and furniture prior to construction and upon completion of the Project
- Provide an occupancy checklist
- Develop a schedule for occupancy activities

Building Commissioning & Project Closeout

PMC will assist and advise CB to monitor activities of the architect, construction manager and/or

general contractor, and contractor(s) to ensure they complete their respective contractual obligations. Post construction services typically commence after construction is substantially complete. PMC will continue to advocate on behalf of the CB to ensure the closeout procedures are completed in a timely manner. Activities shall include the following as reasonably required to complete the Project:

- Identification of punch list items
- Monitor architect's, construction manager's and/or general contractor's completion of punch list activities
- Conduct final Project walk-through/inspections with the architect, construction manager and/or general contractor, to review compliance with the contract documents for quality of finished construction
- Coordinating of the delivery of warranties and guarantees certificates
- Submittal of release waivers of liens and sworn statements
- Coordination of building systems testing
- Assistance in obtaining occupancy permit
- Coordination of as-built drawings, and operational manuals
- Assistance in scheduling of training staff on building systems
- Assist the CB with the Project until all punch list items are complete or as otherwise agreed to with the CB
- Provide call-back services for a period at least extending through the warranty period

Exhibit B-1
Preliminary Budget, Schedule & Other Assumptions

1. Preliminary Project Budget

- The current preliminary Project Budget is assumed to be \$5,100,000 which includes budgeted construction, professional fees, permits and contingency. This dollar amount assumes both CB general fund and CB Recreational Bond fund allocation approved by the CB voters on November 3, 2020.
- Additional cost impacts could be incurred for double shift and overtime work for renovation and equipment installations to meet the proposed owner occupancy date. Additional project budget allocation may be needed.

2. Preliminary Project Schedule

The CB will provide PMC time sensitive information and provide timely decisions to facilitate the following proposed Project Schedule timeline:

November 9, 2020: CB Commission approval of PMC's engagement for Owner's Representation Services (OR)

November 10, 2020 – December 14, 2020 (5 weeks): Procure A/E firm – define work scope, schedule, prepare RFQ/RFP documents, including assisting CB in drafting contract templates for engagement, develop list of preferred A/E firms, draft bid advertisement, develop criteria based selection document with CB, short list firms, interview, award recommendation to CB Council. Note: RFQ/RFP will be sent to 3 or 4 select A/E firms for this professional service engagement.

December 14, 2020 – March 8, 2021 (12 weeks): A/E Design – SD, DD, CD document development

March 8, 2021 – March 22, 2021 (2 weeks): General Contractor RFQ/RFP development including refining scope, schedule, budget and other pertinent information to be included in the documents; Assist CB in drafting contract templates.

March 22, 2021 – April 5, 2021 (2 weeks): Bid Advertisement and Bid Period

April 5, 2021 – Receive and publicly open bids

April 5, 2021 – April 19, 2021 (2 weeks): Evaluate Bids, Contractor Interviews & Recommendation

May 10, 2021 – CB Commission Approval for Contractor

May 11, 2021 – May 25, 2021 (2 weeks): Finalize & Issue contract with constructor

May 25, 2021 – August 23, 2021 (12 weeks): Ice Plant Material/Equipment order

May 11, 2021 – May 16, 2021 (1 week): Contractor Mobilization

May 11, 2021 – September 6, 2021 (17 weeks): Construction Period

September 6, 2020 – September 20, 2021 (2 weeks): Start-up, Final Inspections and Approvals

September 20, 2021 – Owner Occupancy

September 20 , 2021 – November 8, 2021 (7 weeks): Commissioning, Punch-list and close out

3. Other Assumptions

- A single Architect will be engaged for the project
- A single General Contractor will be engaged for the project
- CB shall designate a representative with the authority to act on CB's behalf and the ability to make timely decisions for the Project.
- CB will provide all relevant information to PMC regarding the Project
- CB will provide timely decisions and approvals to maintain project schedule
- PMC will be entitled to rely on the information provided by CB



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

3/11/2021

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

| | | |
|--|---|------------------------------------|
| PRODUCER Marsh & McLennan Agency LLC 15415 Middlebelt Road Livonia MI 48154-3805 | CONTACT NAME: Amy Micallef, CIC, CISR, LIC, AAI, AIS PHONE (A/C No. Ext): 734-525-2445 E-MAIL ADDRESS: amy.micallef@marshmma.com | FAX (A/C, No): 212-607-1151 |
| | INSURER(S) AFFORDING COVERAGE | |
| INSURED PMHOLDI P&M Holding Group, LLP & Subsidiaries; Plante & Moran, PLLC; Plante & Moran Cresa, LLC dba Plante Moran Living Forward 3000 Town Center, Suite 400 Southfield MI 48075 | INSURER A: Federal Insurance Company NAIC #: 20281 | |
| | INSURER B: Vigilant Insurance Company NAIC #: 20397 | |
| | INSURER C: Great Northern Insurance Company NAIC #: 20303 | |
| | INSURER D: | |
| | INSURER E: | |
| | INSURER F: | |

COVERAGES

CERTIFICATE NUMBER: 1524934873

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

| INSR LTR | TYPE OF INSURANCE | ADDL INSD | SUBR WVD | POLICY NUMBER | POLICY EFF (MM/DD/YYYY) | POLICY EXP (MM/DD/YYYY) | LIMITS |
|----------|---|-----------|----------|---------------|-------------------------|-------------------------|---|
| A | <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input checked="" type="checkbox"/> PRO-JECT <input checked="" type="checkbox"/> LOC <input type="checkbox"/> OTHER: | Y | | 35756613 | 3/13/2021 | 3/13/2022 | EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 1,000,000 MED EXP (Any one person) \$ 10,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000 Deductible \$ 50,000 |
| C | AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS ONLY <input checked="" type="checkbox"/> NON-OWNED AUTOS ONLY | | | 73263017 | 3/13/2021 | 3/13/2022 | COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$ |
| A | <input checked="" type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED RETENTION \$ | | | 79833330 | 3/13/2021 | 3/13/2022 | EACH OCCURRENCE \$ 1,000,000 AGGREGATE \$ 1,000,000 \$ |
| B | WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below | Y/N N | N/A | 71653087 | 3/13/2021 | 3/13/2022 | <input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTHER E.L. EACH ACCIDENT \$ 1,000,000 E.L. DISEASE - EA EMPLOYEE \$ 1,000,000 E.L. DISEASE - POLICY LIMIT \$ 1,000,000 |

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

City of Birmingham is included as an additional insured for commercial general liability coverage to the extent provided in the attached form #80-02-2367.

CERTIFICATE HOLDER**CANCELLATION**
 City of Birmingham
 851 South Eton Street
 Birmingham MI 48009

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

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Endorsement

| | |
|------------------------|--|
| <i>Policy Period</i> | MARCH 13, 2020 TO MARCH 13, 2021 |
| <i>Effective Date</i> | MARCH 13, 2020 |
| <i>Policy Number</i> | 3575-66-13 MBO |
| <i>Insured</i> | P & M HOLDING GROUP LLP AND SUBSIDIARIES |
| <i>Name of Company</i> | FEDERAL INSURANCE COMPANY |
| <i>Date Issued</i> | MARCH 26, 2020 |

This Endorsement applies to the following forms:

GENERAL LIABILITY

Under Who Is An Insured, the following provision is added.

Who Is An Insured**Additional Insured -
Scheduled Person
Or Organization**

Persons or organizations shown in the Schedule are **insureds**; but they are **insureds** only if you are obligated pursuant to a contract or agreement to provide them with such insurance as is afforded by this policy.

However, the person or organization is an **insured** only:

- if and then only to the extent the person or organization is described in the Schedule;
- to the extent such contract or agreement requires the person or organization to be afforded status as an **insured**;
- for activities that did not occur, in whole or in part, before the execution of the contract or agreement; and
- with respect to damages, loss, cost or expense for injury or damage to which this insurance applies.

No person or organization is an **insured** under this provision:

- that is more specifically identified under any other provision of the Who Is An Insured section (regardless of any limitation applicable thereto).
 - with respect to any assumption of liability (of another person or organization) by them in a contract or agreement. This limitation does not apply to the liability for damages, loss, cost or expense for injury or damage, to which this insurance applies, that the person or organization would have in the absence of such contract or agreement.
-

Liability Endorsement
(continued)

Under Conditions, the following provision is added to the condition titled Other Insurance.

Conditions

**Other Insurance –
Primary, Noncontributory
Insurance – Scheduled
Person Or Organization**

If you are obligated, pursuant to a contract or agreement, to provide the person or organization shown in the Schedule with primary insurance such as is afforded by this policy, then in such case this insurance is primary and we will not seek contribution from insurance available to such person or organization.

Schedule

Persons or organizations that you are obligated, pursuant to a contract or agreement, to provide with such insurance as is afforded by this policy.

All other terms and conditions remain unchanged.

Authorized Representative



MEMORANDUM

DATE: November 16, 2021

TO: Thomas M. Markus

FROM: Peter Gojcaj

SUBJECT: Verizon Wireless' 19 Applications to Install Small Cell Equipment on DTE's Poles in City's ROW.

INTRODUCTION:

Pursuant to Michigan's Small Cell Act, Verizon Wireless has applied for 19 permits/licenses to collocate and install small cell antennae on 19 utility poles owned by DTE in the City's Right-of-Way.

BACKGROUND:

The Engineering Department has reviewed all of the Verizon applications. MCL 460.1313 requires that any small cell antennae be within 45 feet above ground unless a taller height is agreed to by the City. All of Verizon's applications are to collocate its small cell equipment on DTE's utility poles. With the exception of 7 of the 19 applications, Verizon's applications comply with MCL 460.1313 height requirements and Birmingham's ordinances. The remaining 7 Verizon Applications seek to extend their height on the DTE Utility poles slightly above the 45 feet requirement. Verizon has shown evidence that DTE requires that any equipment installed on DTE Utility poles must be at least 5 feet above DTE's utility box. In order to comply with DTE's mandate, Verizon Wireless is proposing the 7 small cell antennae to be located on DTE's utility poles be extended (2.5 above the 45 feet requirement for five of its antennae, and approximately 10 feet above the 45 feet for the remaining two). Both the Engineering Department and I initially objected to these extended heights, but Verizon indicated that if it were not allowed to install the small cell equipment above the 45 foot height requirement, Verizon would then have to install separate poles/towers to accommodate the equipment to be installed at a height that complies with City ordinances. The City's Ordinance states that all small cell antennae be collocated as Verizon is requesting or otherwise show why collocation is impracticable. Both the Engineering Department and I recommend that the City Commission approve the 19 Verizon Wireless applications.

LEGAL REVIEW:

MCL 460.1311 provides that no municipality shall prohibit, regulate or charge for collocation of small cell wireless facilities (ie, antennae) unless the municipality complies with the Small Cell Act. MCL 460.1313 (5) provides that a wireless provider (Verizon) may collocate small

cell wireless facilities and construct, maintain, modify, operate, or replace utility poles in ROWs. A small cell antenna in the ROW installed/modified shall not exceed 45 feet above ground level, unless a taller height is agreed to by the City. *Id.*

Section 30-307 (entitled DAS/Small Cell networks in City's ROW) of the City's Ordinance, in relevant part, provides that no person shall install or operate a small cell in the City's ROW without first applying and receiving a small cell license in a form acceptable to the City. In addition, the City's Ordinance provides that the applicant (Verizon) shall investigate collocation on existing poles. Otherwise, applicant must explain in its application why collocation is commercially or otherwise impracticable.

The City's Ordinance, in relevant part, provides design parameters such as:

- Antennae are not to be closer than 18 inches from sidewalk/face of curb;
- No closer than 10 ft away from any driveway;
- Antennae shall use materials, colors approved by the City;

We have prepared the attached draft agreement, which is similar to the Michigan Public Service Commission that has been approved for the METRO Act.

FISCAL IMPACT:

Michigan's Small Cell Act mandates what fees are to be paid. MCL 460.1313 provides that for each utility pole that an applicant installs its small cell equipment, it shall pay \$20 annually or the amount adjusted per state statute.

PUBLIC COMMUNICATIONS:

None

SUMMARY:

The City prefers that all small cell equipment be collocated on existing poles (as opposed to installing new poles). With the exception of 7 of the 19 applications, 12 comply with MCL 460.1301, et seq. and Birmingham's ordinances. Specifically, Verizon was unable to comply with the 45 foot mandate because DTE requires that any small cell be at least 5 feet above DTE's utility box. In order to comply with both DTE's mandate, Verizon Wireless is proposing that its small cell antennae be extended (2.5 above the 45 feet requirement for five of its antennae, and approximately 10 feet above the 45 feet for the remaining two). The Engineering Department and I recommend that all 19 applications submitted by Verizon be approved, and that the City and Verizon enter into the attached agreement concerning licenses.

ATTACHMENTS:

Agreement

SUGGESTED COMMISSION ACTION:

Make a motion adopting a resolution to approve all 19 Verizon Wireless applications for placement of Verizon Wireless' small cell equipment on DTE's utility poles, and further approving of 7 of the 19 application to exceed the 45 foot height limitations as described in the agreement.

CITY OF BIRMINGHAM
RESOLUTION OF THE CITY COMMISSION TO APPROVE VERIZON'S 19
APPLICATIONS TO COLLOCATE 19 SMALL CELL EQUIPMENT

At a meeting of the City Commission of the City of Birmingham, Oakland County, Michigan, held on the 22nd day of November, 2021, at City Hall, 151 Martin Street, Birmingham, MI, 48009.

Moved by _____ Seconded by _____

WHEREAS, the State of Michigan enacted the Small Cell Wireless Communications Facilities Deployment Act No. 365 of the Public Acts of 2018 (the "Act");

WHEREAS, the Act, among other things, states except as limited by the Act, municipalities shall not regulate, prohibit or charge for the collocation of small cell facilities;

WHEREAS, Verizon Wireless filed 19 applications to collocate small cell wireless facilities on Poles owned by DTE that are located in the City's right-of-way;

WHEREAS, DTE has already approved Verizon's use of the 19 locations that it seeks to collocate its small cell wireless equipment;

WHEREAS, 12 of 19 Verizon Applications, comply with the Act and the City's ordinances, seven do not;

WHEREAS, the Act requires that any small cell equipment be limited to 45 feet above ground level, however, the Act provides the discretion to the City to increase such 45 feet height limitation;

WHEREAS, five of these remaining seven Verizon applications seek to extend the height of its small cell equipment above the Act's limitations of 45 feet above ground level by 2.5 feet;

WHEREAS, the remaining two of seven Verizon applications seek to extend the height of its small cell equipment above the Act's limitations of 45 feet above ground level by approximately 10 feet;

WHEREAS, the City of Birmingham determines that the 19 Verizon applications comply with the Act and City ordinances.

NOW, THEREFORE, IT IS HEREBY RESOLVED, that Verizon be granted a 15 year permit.

IT IS FURTHER RESOLVED that the City Manager is granted authority to execute agreements consistent with this resolution.

Passed adopted and approved this 22nd day of November 2021.

AYES: _____

NAYS: _____

PRESENT: _____

ABSENT: _____

CERTIFICATION

I, Alexandria Bingham being the duly appointed and qualified Clerk of the City of Birmingham, Oakland County, Michigan, do hereby certify and declare that the foregoing is a true and correct copy of Resolution, the original of which is on file in my office, adopted by the City of Birmingham at a regular meeting held on _____

Alexandria Bingham, City Clerk

**AGREEMENT FOR SMALL WIRELESS COMMUNICATIONS FACILITIES
PERMIT/LICENSE IN
CITY OF BIRMINGHAM RIGHT-OF-WAY**

TERMS AND CONDITIONS

1 Definitions

- 1.1 Company shall mean Verizon Wireless.
- 1.2 Effective Date shall mean the date set forth in Part 13.
- 1.3 Manager shall mean the City of Birmingham Manager, or his or her designee.
- 1.4 Small Wireless Communications Deployment Act shall mean the Small Wireless Communications Deployment Act, Act No. 365 of the Public Acts of 2018, as amended.
- 1.5 City shall mean the City of Birmingham, a Michigan municipal corporation.
- 1.6 License and/or Permit shall mean this document.
- 1.7 Public Right-of-Way shall mean the area on, or above a public roadway, highway, street, alley, easement, or waterway, to the extent the City has the ability to grant the rights set forth herein and in Exhibit A. Public right-of-way does not include a federal, state, or private right-of-way.
- 1.8 Small Cell Wireless Communications Facilities or Facilities means equipment at a fixed location that enables the provision of wireless services between user equipment and a communications network, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration. Wireless facility includes a small cell wireless facility. Wireless facility does not include any of the following:
- (i) The structure or improvements on, under, or within which the equipment is colocated.
 - (ii) A wireline backhaul facility.
 - (iii) Coaxial or fiber-optic cable between utility poles or wireless support structures or that otherwise is not immediately adjacent to or directly associated with a particular antenna.
- 1.9 Term shall have the meaning set forth in Part 7.

2 Grant

- 2.1 The City hereby grants a permit under the Small Wireless Communications Deployment Act to Company for access to and ongoing use of the Public Right-of-Way to construct, install and maintain Facilities in those portions of the Public Right-of-Way identified on Exhibit A on the terms set forth herein.
- 2.1.1 Exhibit A may be modified by written request by Company and approval by Manager.
- 2.1.2 Manager shall not unreasonably condition or deny any request for a modification of Exhibit A. Any decision of Manager on a request for a modification may be appealed by Company to the City's legislative body.
- 2.2 Overlapping. Company shall not allow the wires or any other facilities of a third party to be overlapped to the Facilities without the City's prior written consent.
- 2.3 Nonexclusive. The rights granted by this Permit are nonexclusive. The City reserves the right to approve, at any time, additional permits for access to and ongoing usage of the Public Right-of-Way by telecommunications providers and to enter into agreements for use of the Public Right-of-Way with and grant franchises for use of the Public Right-of-Way to small cell providers, cable companies, utilities and other providers.

3 Contacts, Maps and Plans

- 3.1 Company Contacts. The names, addresses and the like for engineering and construction related information for Company and its Facilities are as follows:
- 3.1.1 The address, e-mail address, phone number and contact person (title or name) at Company's local office (in or near the City) is David L. Haslinger, Verizon Wireless Network – Engineering, Sr. Engr Cslt - Network Reg/RE Network Engineering, 24242 Northwestern Hwy, Southfield, MI 48075, Mobile (248) 895-1153, Office (248) 672-9698, david.haslinger@verizonwireless.com, which shall have all engineering drawings, as-built plans and related records for the Facilities.
- 3.1.2 Company shall at all times provide the City Manager with the phone number at which a live representative of Company (not voice mail) can be reached 24 hours a day, seven (7) days a week, in the event of a public emergency.
- 3.1.3 The preceding information is accurate as of the Effective Date. Company shall notify the City in writing as set forth in Part 12 of any changes in the preceding information.

3.2 Route Maps. Within ninety (90) days after the substantial completion of construction of new Facilities in the City, a provider shall submit route maps showing the location of the Facilities to the City.

3.3 As-Built Records. Company, without expense to the City, shall, upon forty-eight (48) hours notice, give the City access to all "as-built" maps, records, plans and specifications showing the Facilities or portions thereof in the Public Right-of-Way. Upon request by the City, Company shall inform the City as soon as reasonably possible of any changes from previously supplied maps, records, or plans and shall mark up maps provided by the City so as to show the location of the Facilities.

4 Use of Public Right-of-Way

4.1 No Burden on Public Right-of-Way. Company, its contractors, subcontractors, and the Facilities shall not unduly burden or interfere with the present or future use of any of the Public Right-of-Way. Company's aerial cables and wires shall be suspended so as to not endanger or injure persons or property in or about the Public Right-of-Way. If the City reasonably determines that any portion of the Facilities constitutes an undue burden or interference, due to changed circumstances, Company, at its sole expense, shall modify the Facilities or take such other actions as the City may determine is in the public interest to remove or alleviate the burden, and Company shall do so within a reasonable time period. The City shall attempt to require all occupants of a pole or conduit whose facilities are a burden to remove or alleviate the burden concurrently.

4.2 No Priority. This Permit does not establish any priority of use of the Public Right-of-Way by Company over any present or future permittees or parties having agreements with the City or franchises for such use. In the event of any dispute as to the priority of use of the Public Right-of-Way, the first priority shall be to the public generally, the second priority to the City, the third priority to the State of Michigan and its political subdivisions in the performance of their various functions, and thereafter as between other permit, agreement or franchise holders, as determined by the City in the exercise of its powers, including the police power and other powers reserved to and conferred on it by the State of Michigan.

4.3 Restoration of Property. Company, its contractors and subcontractors shall immediately (subject to seasonal work restrictions) restore, at Company's sole expense, in a manner approved by the City, any portion of the Public Right-of-Way that is in any way disturbed, damaged, or injured by the construction, installation, operation, maintenance or removal of the Facilities to a reasonably equivalent (or, at Company's option, better) condition as that which existed prior to the disturbance. In the event that Company, its contractors or subcontractors

fail to make such repair within a reasonable time, The City may make the repair and Company shall pay the costs the City incurred for such repair.

- 4.4 Marking. Company shall mark the Telecommunication Facilities as follows: Aerial portions of the Facilities shall be marked with a marker on Company's lines on poles which shall state Company's name and provide a toll-free number to call for assistance.
- 4.5 Tree Trimming. Company may trim trees upon and overhanging the Public Right-of-Way so as to prevent the branches of such trees from coming into contact with the Telecommunication Facilities, consistent with any standards adopted by the City. Company shall dispose of all trimmed materials. Company shall minimize the trimming of trees to that essential to maintain the integrity of the Telecommunication Facilities. Except in emergencies, all trimming of trees in the Public Right-of-Way shall have the advance approval of Manager.
- 4.6 Installation and Maintenance. The construction and installation of the Telecommunication Facilities shall be performed pursuant to plans approved by the City. The open cut of any Public Right-of-Way shall be coordinated with the Manager or his designee. Company shall install and maintain the Facilities in a reasonably safe condition. If the existing poles in the Public Right-of-Way are overburdened or unavailable for Company's use, or the facilities of all users of the poles are required to go underground then Company shall, at its expense, place such portion of its Facilities underground, unless the City approves an alternate location. Company may perform maintenance on the Facilities without prior approval of the City, provided that Company shall obtain any and all permits required by the City in the event that any maintenance will disturb or block vehicular traffic or are otherwise required by the City.
- 4.7 Compliance with Laws. Company shall comply with all laws, statutes, ordinances, rules and regulations regarding the construction, installation, and maintenance of its Facilities, whether federal, state or local, now in force or which hereafter may be promulgated. Before any installation is commenced, Company shall secure all necessary permits, licenses and approvals from the City or other governmental entity as may be required by law, including, without limitation, all utility line permits and highway permits. The City shall not unreasonably delay or deny issuance of any such permits, licenses or approvals. Company shall comply in all respects with applicable codes and industry standards, including but not limited to the National Electrical Safety Code (latest edition adopted by Michigan Public Service Commission) and the National Electric Code (latest edition). Company shall comply with all zoning and land use ordinances and historic preservation ordinances as may exist or may hereafter be amended. This section does not constitute a waiver of Company's right to challenge laws, statutes, ordinances, rules or regulations now in force or established in the future.

- 4.8 Street Vacation. If the City vacates or consents to the vacation of Public Right-of-Way within its jurisdiction, and such vacation necessitates the removal and relocation of Company's Facilities in the vacated Public Right-of-Way, Company shall, as a condition of this Permit, consent to the vacation and remove its Facilities at its sole cost and expense when ordered to do so by the City or a court of competent jurisdiction. Company shall relocate its Facilities to such alternate route as the City and Company mutually agree, applying reasonable engineering standards.
- 4.9 Relocation. If the City requests Company to relocate, protect, support, disconnect, or remove its Facilities because of street or utility work, or other public projects, Company shall relocate, protect, support, disconnect, or remove its Facilities, at its sole cost and expense, including where necessary to such alternate route as the City and Company mutually agree, applying reasonable engineering standards. The work shall be completed within a reasonable time period.
- 4.10 Public Emergency. The City shall have the right to sever, disrupt, dig-up or otherwise destroy Facilities of Company if such action is necessary because of a public emergency. If reasonable to do so under the circumstances, the City shall attempt to provide notice to Company. Public emergency shall be any condition which poses an immediate threat to life, health, or property caused by any natural or man-made disaster, including, but not limited to, storms, floods, fire, accidents, explosions, water main breaks, hazardous material spills, etc. Company shall be responsible for repair at its sole cost and expense of any of its Facilities damaged pursuant to any such action taken by the City.
- 4.11 Miss Dig. If required, Company shall subscribe to and be a member of "MISS DIG," the association of utilities formed pursuant to Act 53 of the Public Acts of 1974, as amended, MCL § 460.701 et seq., and shall conduct its business in conformance with the statutory provisions and regulations promulgated thereunder.
- 4.12 Underground Relocation. If Company has its Facilities on poles of Consumers Energy, Detroit Edison or another electric or telecommunications provider and Consumers Energy, Detroit Edison or such other electric or telecommunications provider relocates its system underground, then Company shall relocate its Facilities underground in the same location at Company's sole cost and expense.
- 4.13 Identification. All personnel of Company and its contractors or subcontractors who have as part of their normal duties contact with the general public shall wear on their clothing a clearly visible identification card bearing Company's name, their name and photograph. Company shall account for all identification cards at all times. Every service vehicle of Company and its contractors or subcontractors shall be clearly identified as such to the public, such as by a magnetic sign with Company's name and telephone number.

5 Indemnification

- 5.1 Indemnity. Company shall defend, indemnify, protect, and hold harmless the City, its officers, agents, employees, elected and appointed officials, departments, boards, and commissions from any and all claims, losses, liabilities, causes of action, demands, judgments, decrees, proceedings, and expenses of any nature (collectively “claim” for this Part 5) (including, without limitation, attorneys’ fees) arising out of or resulting from the acts or omissions of Company, its officers, agents, employees, contractors, successors, or assigns, but only to the extent such acts or omissions are related to the Company’s use of or installation of facilities in the Public Right-of-Way and only to the extent of the fault or responsibility of Company, its officers, agents, employees, contractors, successors and assigns.
- 5.2 Notice, Cooperation. The City shall notify Company promptly in writing of any such claim and the method and means proposed by the City for defending or satisfying such claim. The City shall cooperate with Company in every reasonable way to facilitate the defense of any such claim. The City shall consult with Company respecting the defense and satisfaction of such claim, including the selection and direction of legal counsel.
- 5.3 Settlement. The City shall not settle any claim subject to indemnification under this Part 5 without the advance written consent of Company, which consent shall not be unreasonably withheld. Company shall have the right to defend or settle, at its own expense, any claim against the City for which Company is responsible hereunder.

6 Insurance

- 6.1 Coverage Required. Prior to beginning any construction in or installation of the Facilities in the Public Right-of-Way, Company shall obtain insurance as set forth below and file certificates evidencing same with the City. Such insurance shall be maintained in full force and effect until the end of the Term. In the alternative, Company may satisfy this requirement through a program of self-insurance, acceptable to the City, by providing reasonable evidence of its financial resources to the City. The City’s acceptance of such self-insurance shall not be unreasonably withheld.
- 6.1.1 Commercial general liability insurance, including Completed Operations Liability, Independent Contractors Liability, Contractual Liability coverage, railroad protective coverage and coverage for property damage from perils of explosion, collapse or damage to underground utilities, commonly known as XCU coverage, in an amount not less than Five Million Dollars (\$5,000,000).

- 6.1.2 Liability insurance for sudden and accidental environmental contamination with minimum limits of Five Hundred Thousand Dollars (\$500,000) and providing coverage for claims discovered within three (3) years after the term of the policy.
 - 6.1.3 Automobile liability insurance in an amount not less than One Million Dollars (\$1,000,000).
 - 6.1.4 Workers' compensation and employer's liability insurance with statutory limits, and any applicable Federal insurance of a similar nature.
 - 6.1.5 The coverage amounts set forth above may be met by a combination of underlying (primary) and umbrella policies so long as in combination the limits equal or exceed those stated. If more than one insurance policy is purchased to provide the coverage amounts set forth above, then all policies providing coverage limits excess to the primary policy shall provide drop down coverage to the first dollar of coverage and other contractual obligations of the primary policy, should the primary policy carrier not be able to perform any of its contractual obligations or not be collectible for any of its coverages for any reason during the Term, or (when longer) for as long as coverage could have been available pursuant to the terms and conditions of the primary policy.
- 6.2 Additional Insured. The City shall be named as an additional insured on all policies (other than worker's compensation and employer's liability). All insurance policies shall provide that they shall not be canceled, modified or not renewed unless the insurance carrier provides thirty (30) days prior written notice to the City. Company shall annually provide the City with a certificate of insurance evidencing such coverage. All insurance policies (other than environmental contamination, workers' compensation and employer's liability insurance) shall be written on an occurrence basis and not on a claims made basis.
- 6.3 Qualified Insurers. All insurance shall be issued by insurance carriers licensed to do business by the State of Michigan or by surplus line carriers on the Michigan Insurance Commission approved list of companies qualified to do business in Michigan. All insurance and surplus line carriers shall be rated A+ or better by A.M. Best Company.
- 6.4 Deductibles. If the insurance policies required by this Part 6 are written with retainages or deductibles in excess of \$50,000, they shall be approved by Manager in advance in writing. Company shall indemnify and save harmless the City from and against the payment of any deductible and from the payment of any premium on any insurance policy required to be furnished hereunder.

- 6.5 Contractors. Company's contractors and subcontractors working in the Public Right-of-Way shall carry in full force and effect commercial general liability, environmental contamination liability, automobile liability and workers' compensation and employer liability insurance which complies with all terms of this Part 6. In the alternative, Company, at its expense, may provide such coverages for any or all its contractors or subcontractors (such as by adding them to Company's policies).
- 6.6 Insurance Primary. Company's insurance coverage shall be primary insurance with respect to the City, its officers, agents, employees, elected and appointed officials, departments, boards, and commissions (collectively "them"). Any insurance or self-insurance maintained by any of them shall be in excess of Company's insurance and shall not contribute to it (where "insurance or self-insurance maintained by any of them" includes any contract or agreement providing any type of indemnification or defense obligation provided to, or for the benefit of them, from any source, and includes any self-insurance program or policy, or self-insured retention or deductible by, for or on behalf of them).

7 Term

- 7.1 Term. The term ("Term") of this Permit shall be until the earlier of:
- 7.1.1 Fifteen years (15) from the Effective Date; provided, however, that following such initial term there shall be three subsequent renewal terms of five (5) years. Each renewal term shall be automatic unless the City notifies Company in writing, at least ninety (90) days prior to the end of any term then in effect, that due to changed circumstances a need exists to negotiate the subsequent renewal with Company. The City shall not unreasonably deny a renewal term; or
- 7.1.2 When the Facilities have not been used to provide telecommunications services for a period of one hundred and eighty (180) days by the Company or a successor of an assign of the Company; or
- 7.1.3 Upon either Company or the City giving written notice to the other of the occurrence or existence of a default by the other party under Sections 4.8, 6, 8 or 9 of this Permit and such defaulting party failing to cure, or commence good faith efforts to cure, such default within sixty (60) days (or such shorter period of time provided elsewhere in this Permit) after delivery of such notice; or
- 7.1.4 Unless Manager grants a written extension, one year from the Effective Date if prior thereto Company has not started the construction and installation of the Facilities within the Public Right-of-Way and two years

from the Effective Date if by such time construction and installation of the Telecommunication Facilities is not complete.

8 Performance Bond or Letter of Credit

8.1 Municipal Requirement. The City may require Company to post a bond (or letter of credit) as provided in Section 33 of the Small Wireless Communications Deployment Act.

9 Fees

9.1 Establishment; Reservation. The Small Wireless Communications Deployment Act shall control the establishment of right-of-way fees. The parties reserve their respective rights regarding the nature and amount of any fees which may be charged by the City in connection with the Public Right-of-Way.

10 Removal

10.1 Removal. No later than 180 days after receipt of written notice from the City, Company shall remove and may relocate the Facilities to an alternative location made available by the City due to: (i) construction, expansion, repair, relocation, or maintenance of a street or other public improvement project; or (ii) maintenance, upgrade, expansion, replacement, or relocation of the City traffic light poles and/or traffic signal light system; or (iii) permanent closure of a street or sale of the City property. The City shall require removal or relocation only if necessary. If Company fails to remove or relocate any Facilities within 180 days, the City shall be entitled to remove the Facilities at Company's expense. The Parties shall cooperate to the extent possible to assure continuity of service during any relocation. The City shall use best efforts to provide a reasonably equivalent location that affords Company substantially similar engineering objectives.

Before discontinuing its use of a Small Wireless Facility, Company shall notify the City in writing. The notice shall specify when and how Company intends to remove the Small Wireless Facility. The City may impose reasonable and nondiscriminatory requirements and specifications for Licensee to return the property to its pre-installation condition. If Company does not complete the removal within forty-five (45) days after the discontinuance of use, the City may complete the removal and assess the costs of removal against Company.

10.2 Schedule. The schedule and timing of removal shall be subject to approval by the Manager. Unless extended by the Manager, removal shall be completed not later than twelve (12) months following the Term. Portions of the Telecommunication Facilities in the Public Right-of-Way which are not removed within such time period shall be deemed abandoned and, at the option of the City exercised by

written notice to Company as set forth in Part 12, title to the portions described in such notice shall vest in the City.

11 Assignment. Company may assign or transfer its rights under this Permit, or the persons or entities controlling Company may change, in whole or in part, voluntarily, involuntarily, or by operation of law, including by merger or consolidation, change in the ownership or control of Company's business, or by other means, subject to the following:

11.1 No such transfer or assignment or change in the control of Company shall be effective under this Permit, without the City's prior approval (not to be unreasonably withheld), during the time period from the Effective Date until the completion of the construction of the Telecommunication Facilities in those portions of the Public Right-of-Way identified on Exhibit A.

11.2 After the completion of such construction, Company must provide notice to the City of such transfer, assignment or change in control no later than thirty (30) days after such occurrence; provided, however,

11.2.1 Any transferee or assignee of this Permit shall be qualified to perform under its terms and conditions and comply with applicable law; shall be subject to the obligations of this Permit, including responsibility for any defaults which occurred prior to the transfer or assignment; shall supply the City with the information required under Section 3.1; and shall comply with any updated insurance and performance bond requirements under Sections 6 and 8 respectively, which the City reasonably deems necessary, and

11.2.2 In the event of a change in control, it shall not be to an entity lacking the qualifications to assure Company's ability to perform under the terms and conditions of this Permit and comply with applicable law; and Company shall comply with any updated insurance and performance bond requirements under Sections 6 and 8 respectively, which the City reasonably deems necessary.

11.3 Company may grant a security interest in this Permit, its rights thereunder or the Telecommunication Facilities at any time without notifying the City.

12 Notices

12.1 Notices. All notices under this Permit shall be given as follows:

12.1.1 If to the City, to the City Manager: 151 Martin Street, Birmingham, Michigan 48009, with a copy to Peter Gojcaj, Esq., 3001 W. Big Beaver Road, Ste. 200, Troy, Michigan 48084.

12.1.2 If to Company, to David Haslinger 24242 Northwestern Hwy, Southfield, MI 48075, Mobile (248) 895-1153, Office (248) 672-9698, david.haslinger@verizonwireless.com.

12.2 Change of Address. Company and the City may change its address or personnel for the receipt of notices at any time by giving notice thereof to the other as set forth above.

13 Other items

13.1 No Cable, OVS. This Permit does not authorize Company to provide commercial cable type services to the public, such as “cable service” or the services of an “open video system operator” (as such terms are defined in the Federal Communications Act of 1934 and implementing regulations, currently 47 U.S.C. §§ 522 (6), 573 and 47 CFR § 76.1500).

13.2 Duties. Company shall faithfully perform all duties required by this Permit.

13.3 Effective Date. This Permit shall become effective when issued by the City and Company has provided any insurance certificates and bonds required in Parts 6 and 8, and signed the acceptance of the Permit.

13.4 Amendment. Except as set forth in Section 2.1 this Permit may be amended by the written agreement of the City and Company.

13.5 Interpretation and Severability. The provisions of this Permit shall be liberally construed to protect and preserve the peace, health, safety and welfare of the public, and should any provision or section of this Permit be held unconstitutional, invalid, overbroad or otherwise unenforceable, such determination/holding shall not be construed as affecting the validity of any of the remaining conditions of this Permit. If any provision in this Permit is found to be partially overbroad, unenforceable, or invalid, Company and the City may nevertheless enforce such provision to the extent permitted under applicable law.

13.6 Governing Law. This Permit shall be governed by the laws of the State of Michigan.

City of Birmingham

Attest:

By: _____
Clerk

By: _____
Its: City Manager
Date: _____

“Company accepts the Permit granted by City upon the terms and conditions contained therein.”

Verizon Wireless

By: _____
Its: _____
Date: _____

CITY OF BIRMINGHAM

By: _____
Thomas M. Markus,
City Manager

By: _____
Alexandria D. Bingham,
City Clerk

Peter Gojcaj, City Attorney

(Approved as to form)

Exhibit A

Public Right-of-Way to be Used by Verizon Wireless

| Site Name | Description | Customer | DTE Decision |
|-----------------------------|--|----------|--------------|
| 32047-VZB_Elmwood_Dr_5G - A | S - 2848 BUCKINGHAM AVE - 307-384 - BIRMINGHAM | VERIZON | OK |
| 32070-VZB_ELMWOOD_DR_5G - A | S - 2330 COLE ST - 307-380 - BIRMINGHAM | VERIZON | OK |
| 32071-VZB_ELMWOOD_DR_5G - A | S - 1972 COLE ST - 304-380 - BIRMINGHAM | VERIZON | OK |
| 32075-VZB_ELMWOOD_DR_5G - A | S - 401 N EON ST - 304-284 - BIRMINGHAM | VERIZON | OK |
| 32076-VZB_ELMWOOD_DR_5G - A | S - 2279 YORKSHIRE RD - 307-284 - BIRMINGHAM | VERIZON | OK |
| 32077-VZB_ELMWOOD_DR_5G - A | S - 2587 DORCHESTER RD - 307-284 - BIRMINGHAM | VERIZON | OK |
| 32078-VZB_ELMWOOD_DR_5G - A | S - 2282 BUCKINGHAM AVE - 307-384 - BIRMINGHAM | VERIZON | OK |
| 32079-VZB_ELMWOOD_DR_5G - A | S - 2588 WINDEMERE RD - 307-384 - BIRMINGHAM | VERIZON | OK |
| 32080-VZB_ELMWOOD_DR_5G - A | N - 2282 MANCHESTER RD - 307-384 - BIRMINGHAM | VERIZON | OK |
| 32081-VZB_ELMWOOD_DR_5G - A | S - 1930 GRAEFIELD RD - 304-384 - BIRMINGHAM | VERIZON | OK |
| 32082-VZB_ELMWOOD_DR_5G - A | S - 1798 PEMBROKE RD - 304-384 - BIRMINGHAM | VERIZON | OK |
| 32083-VZB_ELMWOOD_DR_5G - A | S - 211 MANCHESTER RD - 304-384 - BIRMINGHAM | VERIZON | OK |
| 32084-VZB_ELMWOOD_DR_5G - A | S - 2288 DERBY RD - 307-386 - BIRMINGHAM | VERIZON | OK |
| 32085-VZB_ELMWOOD_DR_5G - B | S - 2599 MANCHESTER RD - 307-384 - BIRMINGHAM | VERIZON | OK |
| 37557-Detroit_AnnArbor - A | S - 1582 HAYNES ST - 304-380 - BIRMINGHAM | VERIZON | OK |
| 37563-Detroit_AnnArbor - A | S - 1800 E LINCOLN ST - 304-380 - BIRMINGHAM | VERIZON | OK |
| 37564-Detroit_AnnArbor - A | S - 1598 YOSEMITE BLVD - 304-382 - BIRMINGHAM | VERIZON | OK |
| 37568-Detroit_AnnArbor - A | S - 1992 HOLLAND ST - 304-380 - BIRMINGHAM | VERIZON | OK |
| 37569-Detroit_AnnArbor - A | S - 401 S ETON ST - 304-382 - BIRMINGHAM | VERIZON | OK |

DATE: November 18, 2021

TO: Tom Markus, City Manager

FROM: Scott Zielinski, Assistant City Engineer

SUBJECT: Sidewalk Trip Elimination Services
Contract #7-21 (SW) – Addendum Contract Amendment 2

INTRODUCTION:

Earlier this summer the City extended the 2018 Sidewalk Trip Elimination Services, Contract #6-18(SW) for the 2021 Sidewalk Trip Elimination Program at the 2018 contract prices not to exceed \$125,000. The contractor worked to finish areas not budgeted for in 2020 for Area #3 of the City sidewalk program in addition to working in Area #4 of the sidewalk program. The contract budgeted amount was not sufficient to complete removal of all identified trip hazards present in both Areas #3, #4, and #1B. The Engineering Department is looking for the Commission to approve a new addendum to increase the contract from a not to exceed of \$125,000 to \$260,000 (\$135,000 in additional work) to complete the estimated remaining work in Area #4 and Area #1B in order to finish catching up on work that has been delayed due to Covid.

BACKGROUND:

Precision Concrete, Inc. has been working to catch up on work not budgeted for or completed in 2020 in Area #3, and started work in Area #4 for 2021, as contracted earlier this year. The amended contract budget not to exceed \$125,000 has been exhausted (areas that were completed are shown on the appended map), and now we seek to increase the amended contract budget to not exceed \$260,000 to complete Area's #4 and #1B (see appended map for the areas of remaining work).

To date the work completed in the combined areas have resulted in 3,329 trip hazard locations eliminated under the current contract. If approved, the contractor plans to return to the City to complete work as weather allows between the end of this year and June 30th, 2022, the contractor estimates there is 2 to 4 weeks of work to be completed, any work that the contractor cannot complete this winter due to weather will be completed in the spring as soon as weather allows.

The purpose of the contract addendum to increase the planned contract limit is to allow the contractor to finish catching up on the City's current phase of sidewalk trip hazard removals, by completing the work in program areas #4 and #1B, which focuses on the areas between Maple Road and 14 Mile Road & From Southfield Road to Pierce Street (streets in Area #4 shown on the appended map) and east of Old Woodward to Woodward & from Maple north to approximately Oakland Ave (streets in Area #1B shown on the appended map).

As previously indicated during the initial contract award for this year, the criteria established for repairs to slabs is identified as any trip hazard measuring between 1/2 inch and 1 1/2 inch vertical discrepancy between joints should be corrected using the sawcutting method. Inspection results determined that a larger quantity of the existing trip hazards would fall under the sawcutting method.

Precision Concrete has informed the city that if we notify them of a new contract amendment to adjust the not to exceed price to \$260,000 before the end of the year they will continue to honor the existing pricing agreement to finish Area #4 and #1B. This contract amendment is based on a conservative estimate developed with our contractor, based on the average number of observed locations completed per street in Area #4 to date. Our contractor is confident that they can complete the work in Area's #4 and #1B without any further amendments being required.

The engineering department believes some of the additional estimated work required is due to the number of identified trip hazard locations increasing, since staff surveyed the area last year. The increase of hazards from the time of our original review may be caused by, but are not limited to items such as; tree root growth, freeze thaw cycles, thermal expansions, and general long term settlement.

LEGAL REVIEW:

The contractor has offered to continue to extend the contract terms from the 2018 Contract for the rest of Area #4 and #1B as they did for the initial contract extension. The attorney's office has provided a new contract addendum to continue services with the 2018 rates not to exceed \$260,000.00. The Contractor intends to complete the new work no later than June 30, 2022.

FISCAL IMPACT:

Based on estimates that the contractor and the engineering department have agreed upon, it is estimated that the value of additional work, charged at the 2018 contract price of \$12.00 per foot equals \$135,000.00. This quantity represents an estimated 2000 plus separate work locations. If this work was paid for using traditional sidewalk remove and replace methods, the value of this work would be approximately \$300,000, representing a savings to the City of over \$150,000, not counting reduced staff time.

The total cost of work to be completed for the 2021 trip hazard program would be \$260,000.00 if this work was all completed by traditional methods the estimated value of work in total is almost \$800,000.00 saving the City approximately \$540,000.

The cost of this work will be charged to the General Sidewalk Fund, account number 101-444.001-981.0100.

The change in contract does not cause any budget amendments. The General Sidewalk Fund has sufficient funds for this contract amendment.

PUBLIC COMMUNICATIONS:

No public communications are anticipated as this method of eliminating trip hazards is performed quickly and causes little disruption to the residents and pedestrians in the immediate area, and the work is a continuation of the existing work.

SUMMARY:

The Engineering Department recommends that the City Commission authorize the modification to the extension of Contract #6-18 (SW), 2018 Trip Hazard Elimination Program, through an addendum, to Precision Concrete, Inc., for the 2021 contract year, to a revised total cost of \$260,000.00 (net increase of \$135,000 over the existing contract).

ATTACHMENTS:

- Offer of contract extension from Precision Concrete, Inc.
- Map of 2021 Work Area – Completed
- Map of 2021 Work Area – Remaining
- Addendum for contract extension

SUGGESTED COMMISSION ACTION:

Make a motion adopting a resolution, to approve an amendment to the extension of the 2021 Sidewalk Trip Elimination Program through the addendum of the Contact #6-18 (SW) for the 2021 sidewalk program repair area, at 2018 contract prices, to Precision Concrete, Inc., in the amount of \$260,000.00 (net increase of \$135,000.00 over the existing contract). All costs shall be charged to account number 101-444.001-981.0100. Further, authorizing the Mayor sign the approved contract addendum authorizing this work.



July 20, 2021

City of Birmingham

attn: Scott Zielinski, Assistant City Engineer
151 Martin St
Birmingham, MI 48012

Subject: Contract Extension for **SIDEWALK TRIP ELIMINATION SERVICES - CONTRACT #6-18(SW)**

Scott,

We appreciate the opportunity to submit this Contract Extension to the City of Birmingham. Please accept this letter as confirmation of our intent to honor the 2018 Bid Rates on sidewalk trip elimination services, as awarded to us in 2018 on Contract #6-18(SW) (rate and unit of measure; \$12.00 per Linear-Foot).

We will provide an updated proof of insurance (ACORD) per City requirements. Let us know if any additional information is required. We appreciate your ongoing consideration and the opportunity to provide our service for the City of Birmingham.

Cost and Scope

Based on the 2018 contract, PCC will bill for this project in 2021 at the rate of \$12.00 per Linear-Foot.

The scope of the sidewalk trip hazards has not changed. Trips are defined as a differential in the walkway of 0.5" high and less than or equal to 1.5" high. Trip hazards will be eliminated leaving a maximum running slope (ramp) of 1:12 as permitted to meet ADA requirements wherever possible. The work will be performed on City sidewalks as designated by City Engineering.


Sole Source Status

The technology that Precision Concrete Cutting uses to remove trip hazards has been developed and patented by Precision Concrete Cutting based in Provo, UT. Precision Concrete, Inc. is the only company authorized to use the patented equipment and method for removing sidewalk trip hazards as described by the following patent numbers:


- | | |
|---------------------------|---------------------------|
| U.S. Patent No. 6,827,074 | U.S. Patent No. 7,143,760 |
| U.S. Patent No. 6,896,604 | U.S. Patent No. 7,201,644 |
| U.S. Patent No. 7,000,606 | U.S. Patent No. 7,402,095 |

These patent numbers and the Precision Concrete Cutting (PCC) licensing agreement make Precision Concrete, Inc. a sole source for trip hazard removal in Michigan using this technology.

Precision Concrete Cutting looks forward to continuing work with Birmingham to deliver a proactive and cost-effective sidewalk maintenance program to help with the efforts of ADA compliance and reduce liabilities associated with sidewalk trip hazards.



Mark A. Bonkowski, President

 (Ben Johnson)

Ben Johnson, Business Manager, SE Michigan




Precision Concrete, Inc. (Precision Concrete Cutting)
1896 Goldeneye Drive
Holland MI 49424

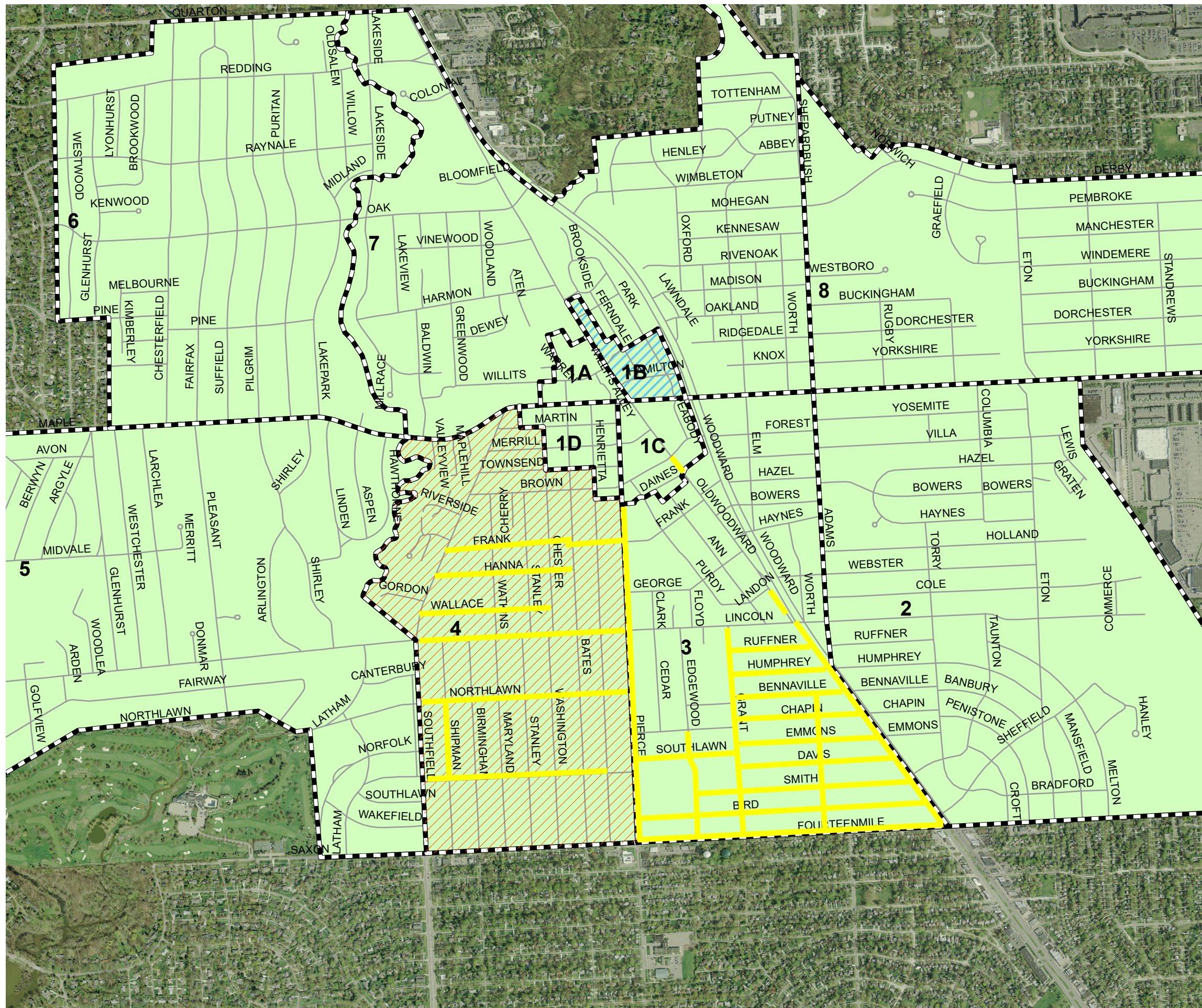
(616) 403-1140 Phone
(616) 582-5951 Fax

2021 SIDEWALK 3-21 (SW) TARGET AREAS

Completed Streets

Legend

-  Sidewalk Program Districts
-  Area 1B
-  Area 4



1 inch = 1,250 feet

Disclaimer: The information provided by this program has been compiled from recorded deeds, plats, taxmaps, surveys, and other public records and data. It is not a legally recorded map or survey.




The data provided hereon may be inaccurate or out of date and any person or entity who relies on said information for any purpose whatsoever does so solely at his or her own risk.

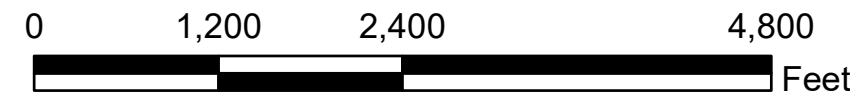
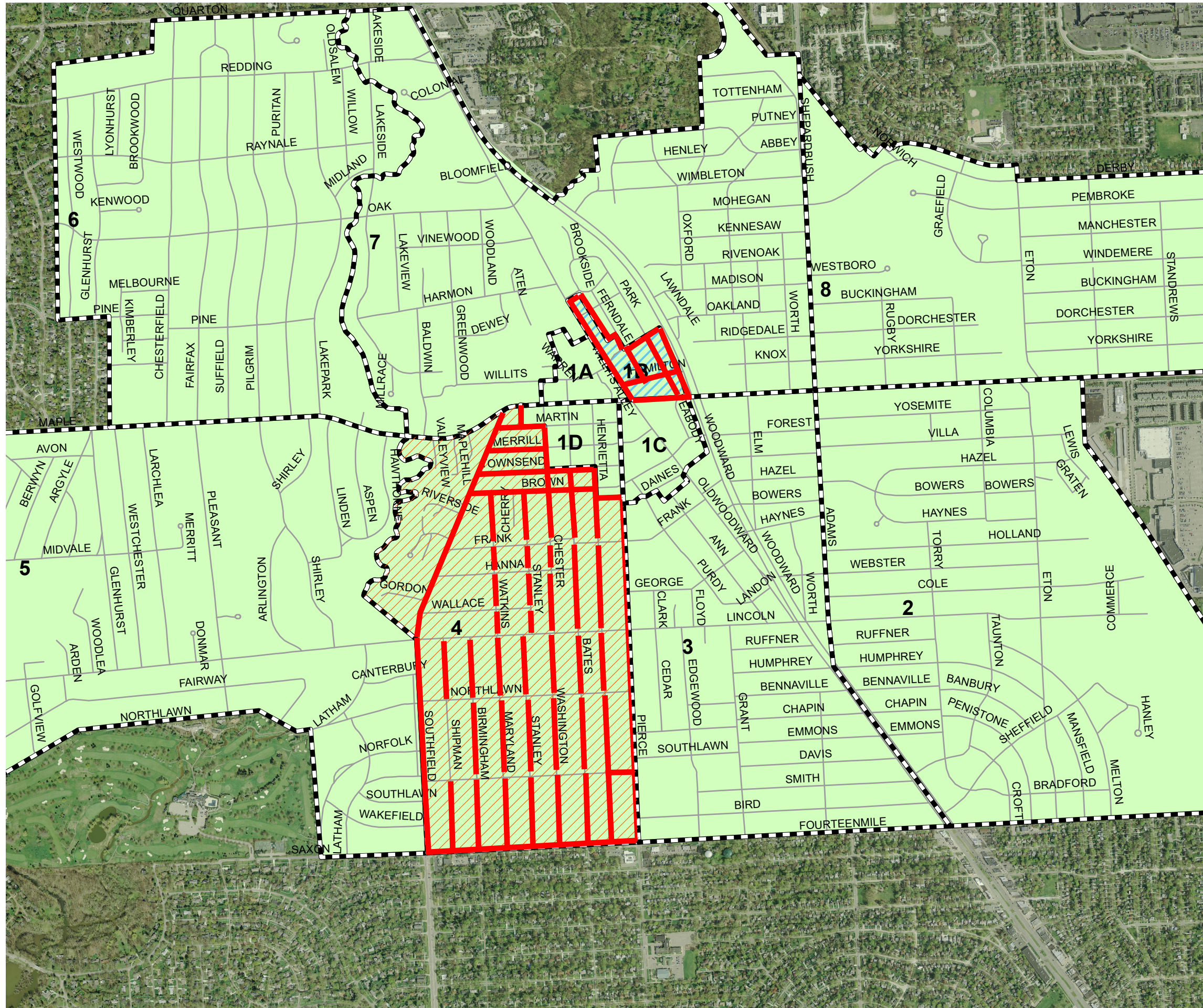
Data Sources: Oakland County GIS Utility, City of Birmingham

2021 SIDEWALK 3-21 (SW) TARGET AREAS

Remaining Streets

Legend

-  Sidewalk Program Districts
-  Area 1B
-  Area 4



1 inch = 1,250 feet

Disclaimer: The information provided by this program has been compiled from recorded deeds, plats, taxmaps, surveys, and other public records and data. It is not a legally recorded map or survey.

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Data Sources: Oakland County GIS Utility, City of Birmingham

**ADDENDUM TO THE AGREEMENT FOR
SIDEWALK TRIP HAZARD ELIMINATION SERVICES
CONTRACT #6-18 (SW) DATED MAY 14, 2018**

THIS ADDENDUM to the Agreement for Sidewalk Trip Hazard Elimination Services Contract #6-18 (SW) dated May 14, 2018 by and between the **CITY OF BIRMINGHAM**, having its principal municipal office at 151 Martin Street, Birmingham, MI and **PRECISION CONCRETE, INC.** (Precision Concrete Cutting) having its principal office at 1896 Goldeneye Drive, Holland, MI 49424, does hereby amend its Agreement to extend the 2018 Bid Rates on sidewalk and elimination services as awarded in the 2018 Contract #6-18 (SW) and to further include the attached Cost and Scope and Sole Source Status dated July 20, 2021. This amends paragraph 2 to change the amount from "not to exceed \$48,000.00" to "not to exceed \$260,000.00", and shall now read as follows:

"2. The City shall pay the Contractor for the performance of this Agreement in an amount not to exceed \$260,000.00, as set forth in the Contractor's April 24, 2018 cost proposal."

All other provisions of the Agreement for Sidewalk Trip Hazard Elimination Services dated May 14, 2018 shall remain in full force and effect, and this Addendum shall supersede any and all other Addendums.

IN WITNESS WHEREOF, the said parties have caused this Addendum to be executed on this 18th day of November, 2021.

PRECISION CONCRETE, INC.

By: 

Mark Bonkowski, President

STATE OF MICHIGAN)
) ss:
COUNTY OF OAKLAND)

On this 18th day of November, 2021, before me personally appeared Mark A. Bonkowski, President of Precision Concrete, Inc., who acknowledged that with authority on behalf of **PRECISION CONCRETE, INC.** to do so he signed this Agreement.

Lori L. Khodl
Notary Public
Ottawa County, Michigan

Acting in Ottawa County, Michigan

My commission expires: _____

LORI L. KHODL
Notary Public, State of Michigan
County of Ottawa
My Commission Expires May 12, 2024
Acting in the County of Ottawa

CITY OF BIRMINGHAM

By: _____
Therese Longe, Mayor

By: _____
Alexandria D. Bingham, Clerk

Approved:

Thomas M. Markus
Thomas M. Markus, City Manager
(Approved as to substance)

Mark Gerber
Mark Gerber, Director of Finance
(Approved as to financial obligation)

James J. Surnigh
James J. Surnigh, P.E.,
Consulting Engineer
(Approved as to substance)

Mary M. Kucharek
Mary M. Kucharek, City Attorney
(Approved as to form)



MEMORANDUM

Finance Department

DATE: November 12, 2021

TO: Thomas M. Markus, City Manager

FROM: Mark Gerber, Finance Director

SUBJECT: Fiscal Year 2020-2021 Audit Report Presentation

Timothy St. Andrew and Spencer Tawa from Plante and Moran will be present at the City Commission meeting on November 22, 2021, to give a presentation and answer any questions pertaining to the audit report.

The audit report and letter to the Commission was provided under separate cover. The audit report is available for inspection at the Clerk's Office as well as on the City's website.



plante moran | Audit. Tax. Consulting.
Wealth Management.

City of Birmingham Commission Presentation

For Year Ended June 30, 2021

Presented by:
Tim St. Andrew
Spencer Tawa



City of Birmingham Agenda

- Executive Summary
- Financial Graphs
- Communication with Those Charged with Governance – End of Audit Letter
- Questions

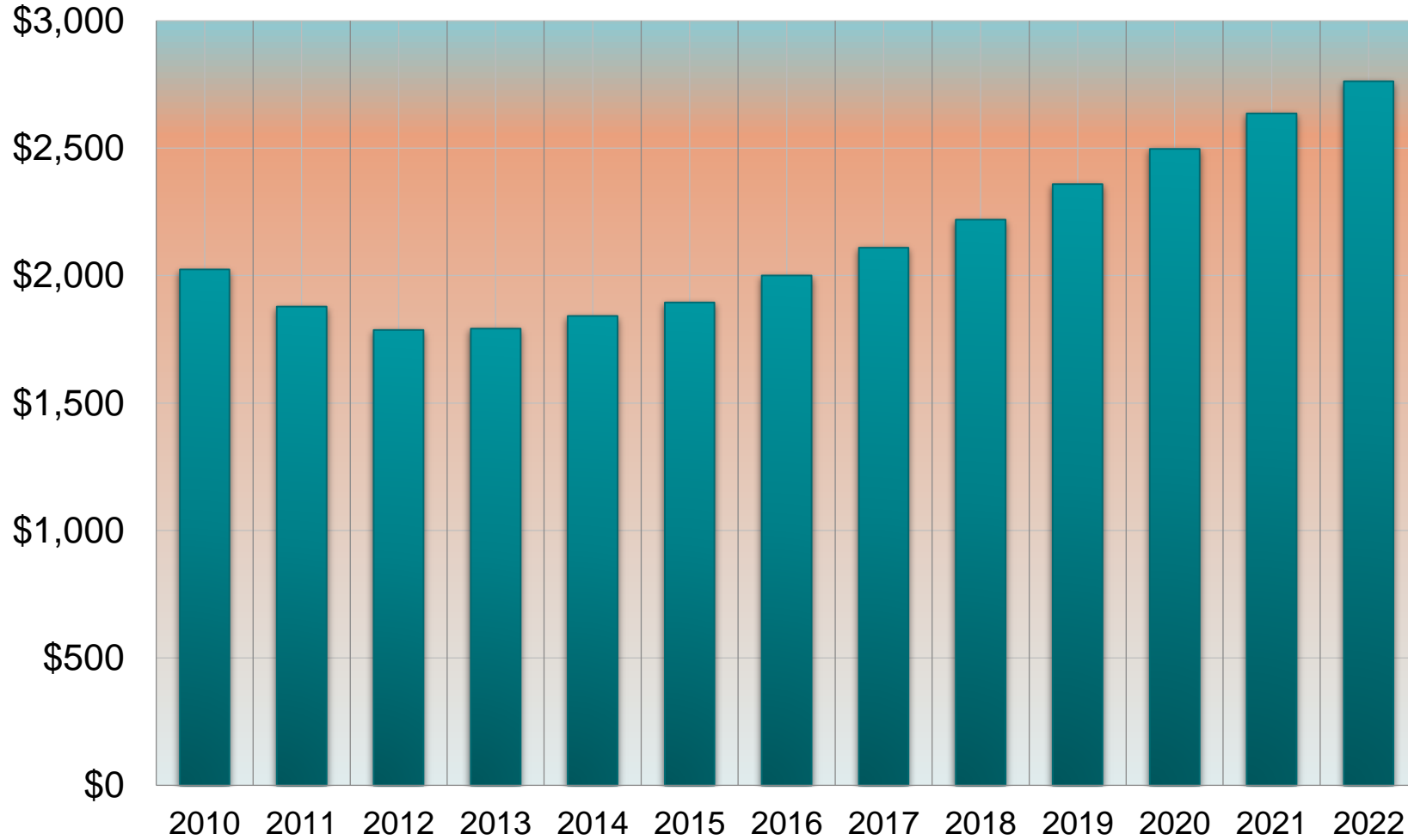


City of Birmingham 2021 Executive Summary

- **Financial Statement Audit** – Unmodified opinion – Highest form of assurance
- **Single Audit** (audit of federal grants) - Coronavirus Relief Funds – Unmodified opinion
- **Financial Statement Highlights**
 - General Fund fund balance decreased by approx. \$600k, however continues to be financially sound with a balance of \$24M.
 - Approximately \$15.8 million was invested in City infrastructure, machinery, and equipment
 - Parks and Recreation Bond Issuance- \$4.75 million
 - Federal Grants Received - \$1.1 million
 - Pension system is 96% funded as of June 30, 2021
 - Retiree healthcare system is 95% funded as of June 30, 2021
 - The City maintained its AAA bond rating from Standard & Poors



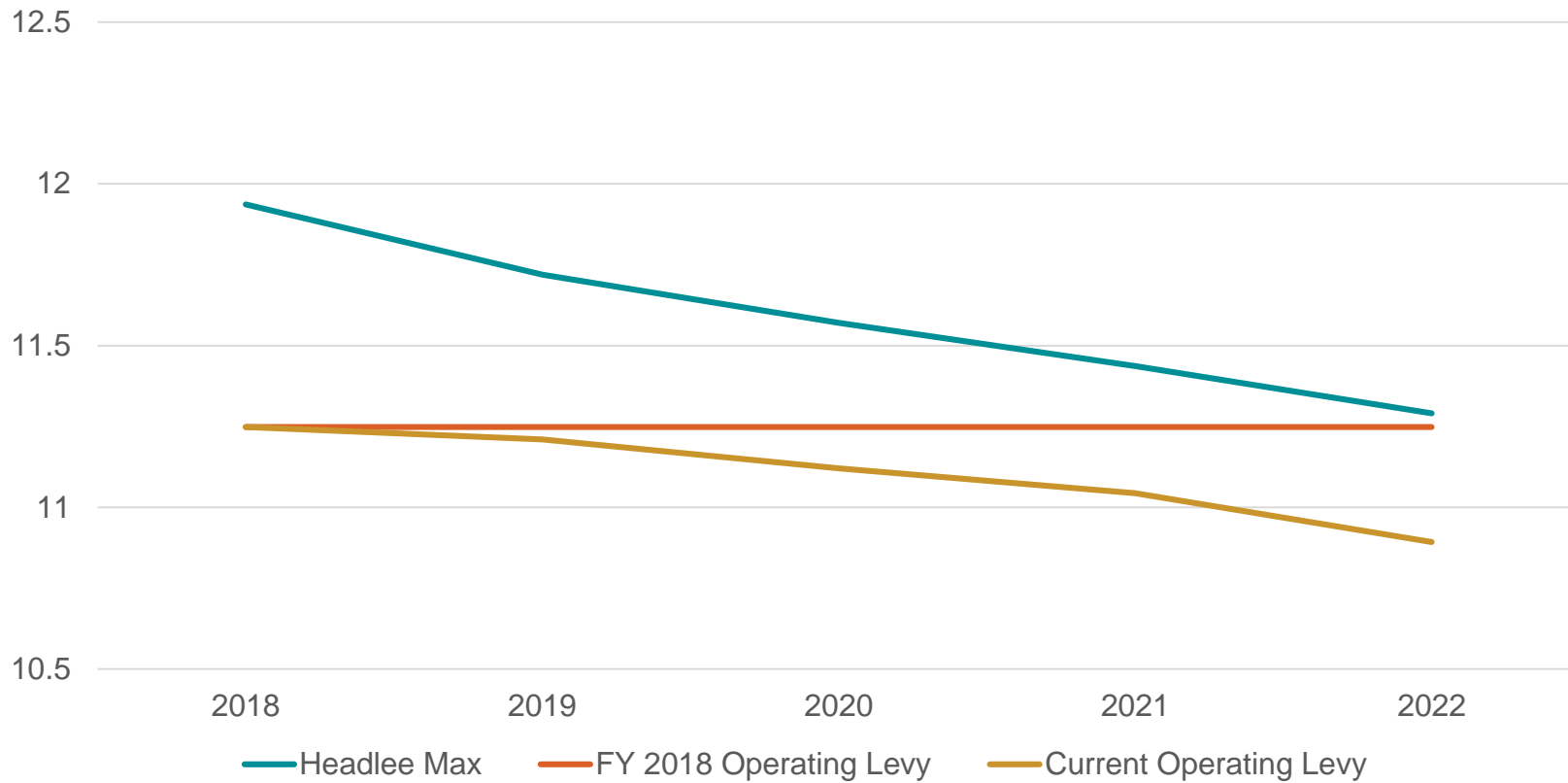
City of Birmingham Total Taxable Values (in millions)





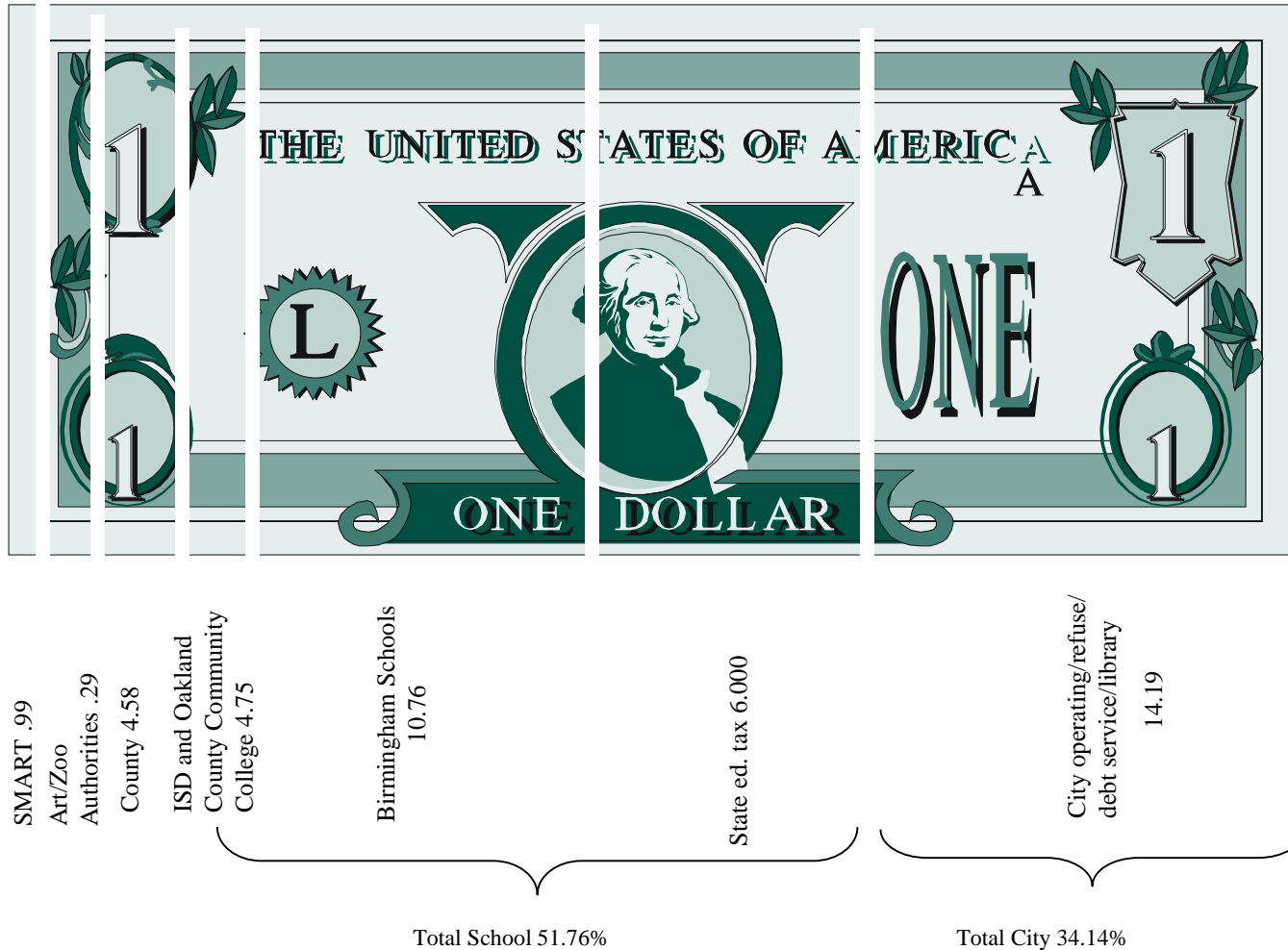
City of Birmingham Operating Levy Comparison

Operating Levy Comparison
Headlee Max vs Current Operating vs FY 2018 Levy





Homestead Property Tax Analysis 2020 Levy City of Birmingham — Year Ended June 30, 2021

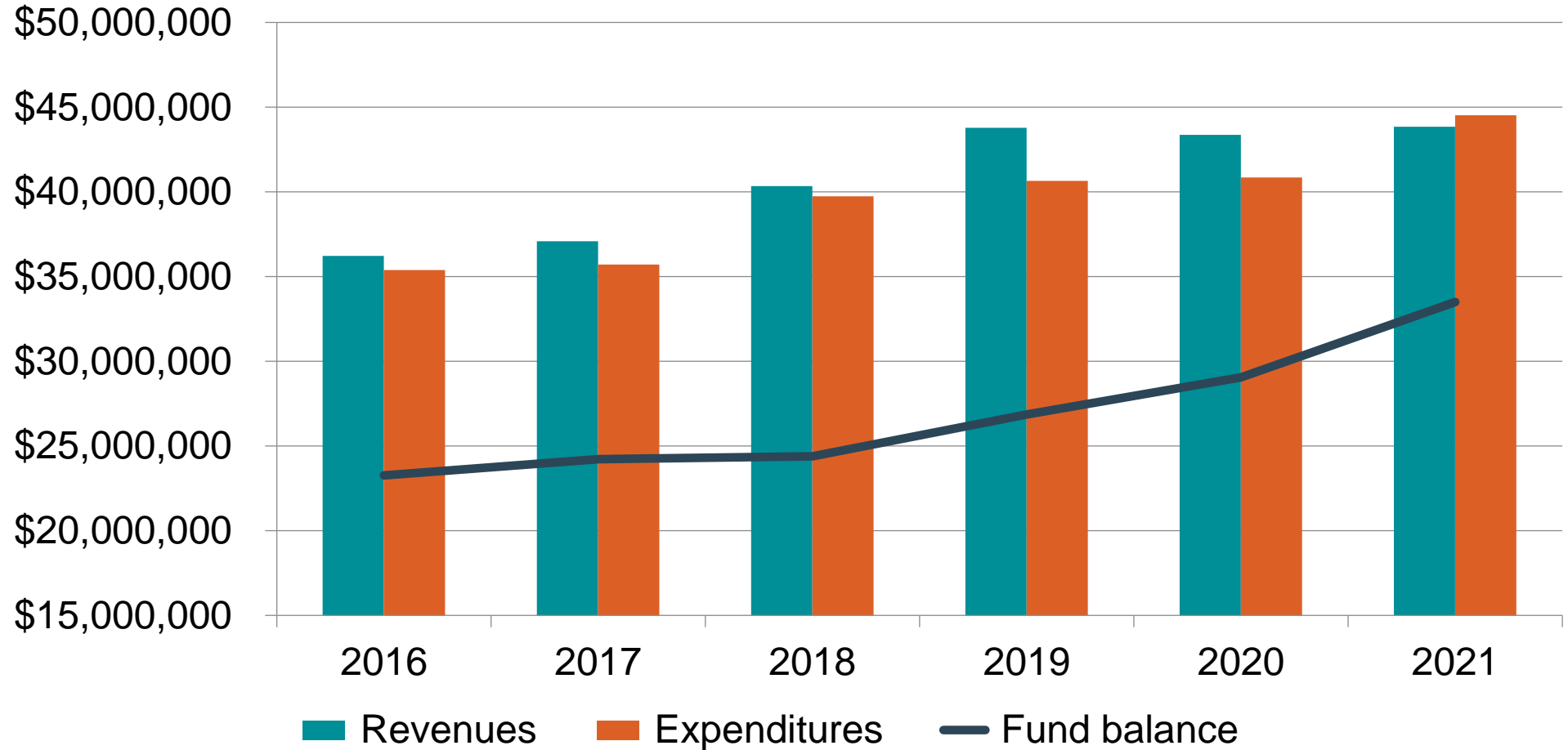




City of Birmingham Revenues, Expenditures, and Fund Balance Years Ended June 30

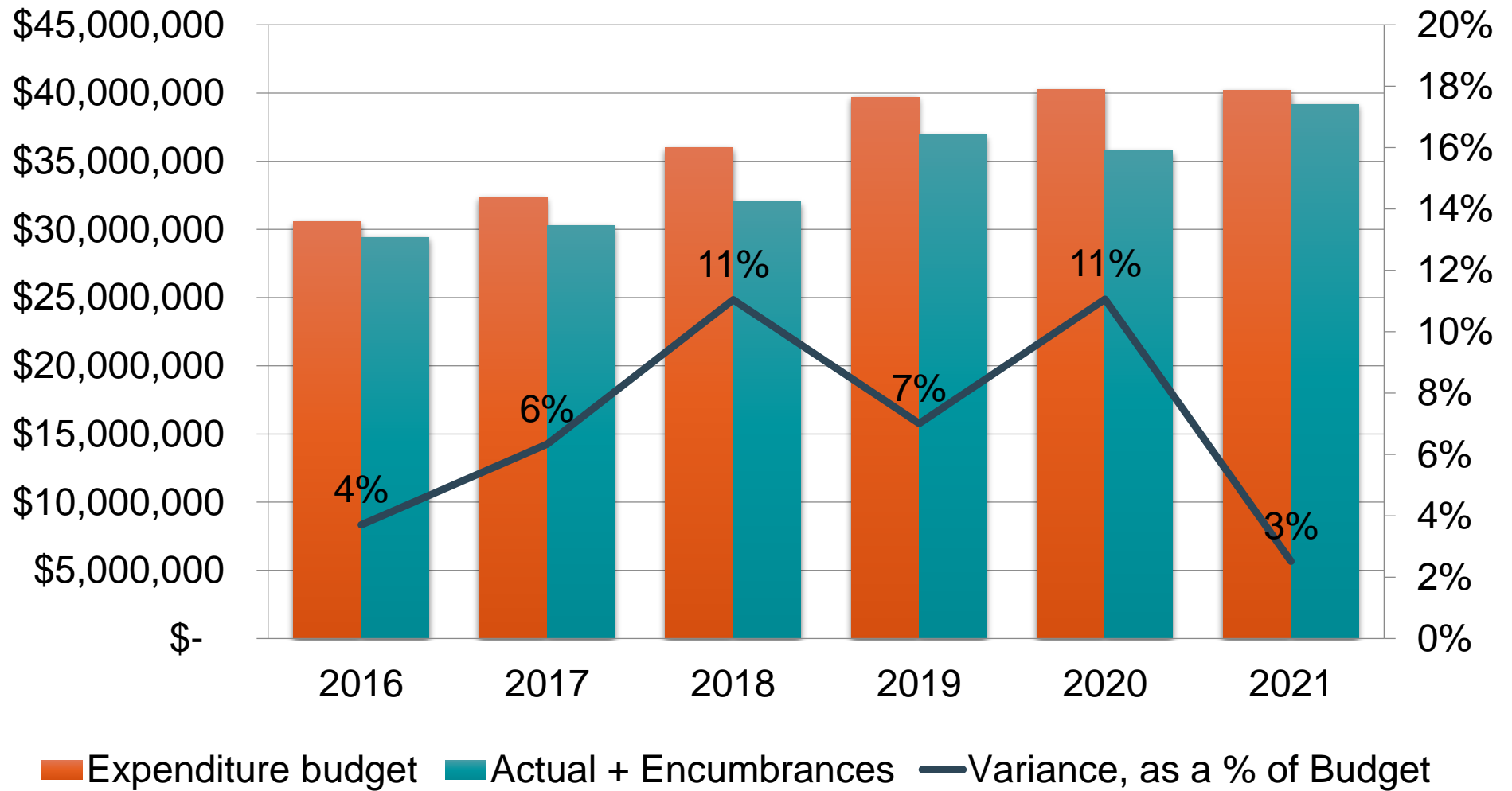
All Governmental Funds

Forward planning has allowed the City to manage its fund balance



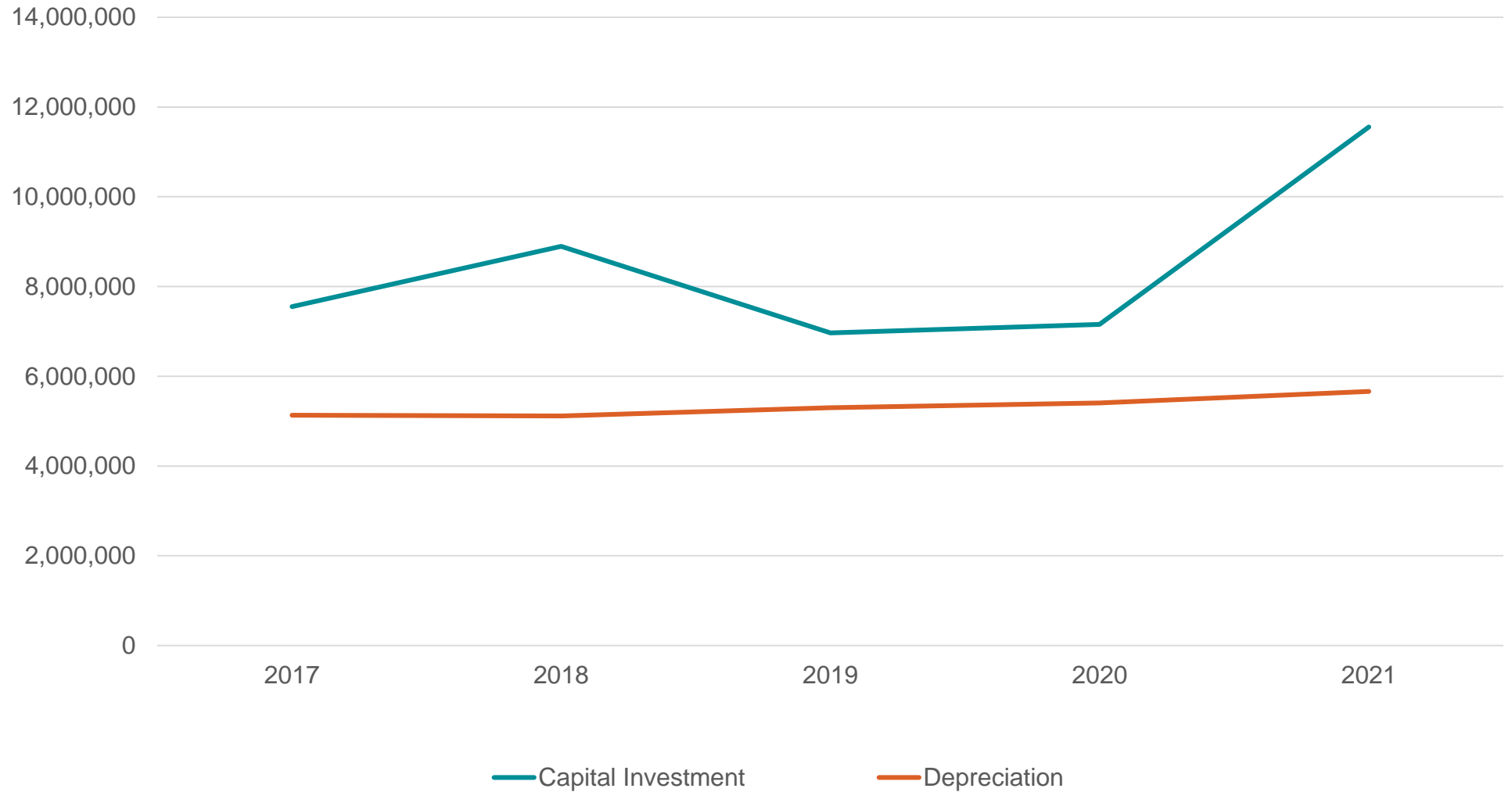


City of Birmingham General Fund Favorable Budget Variance Years Ended June 30



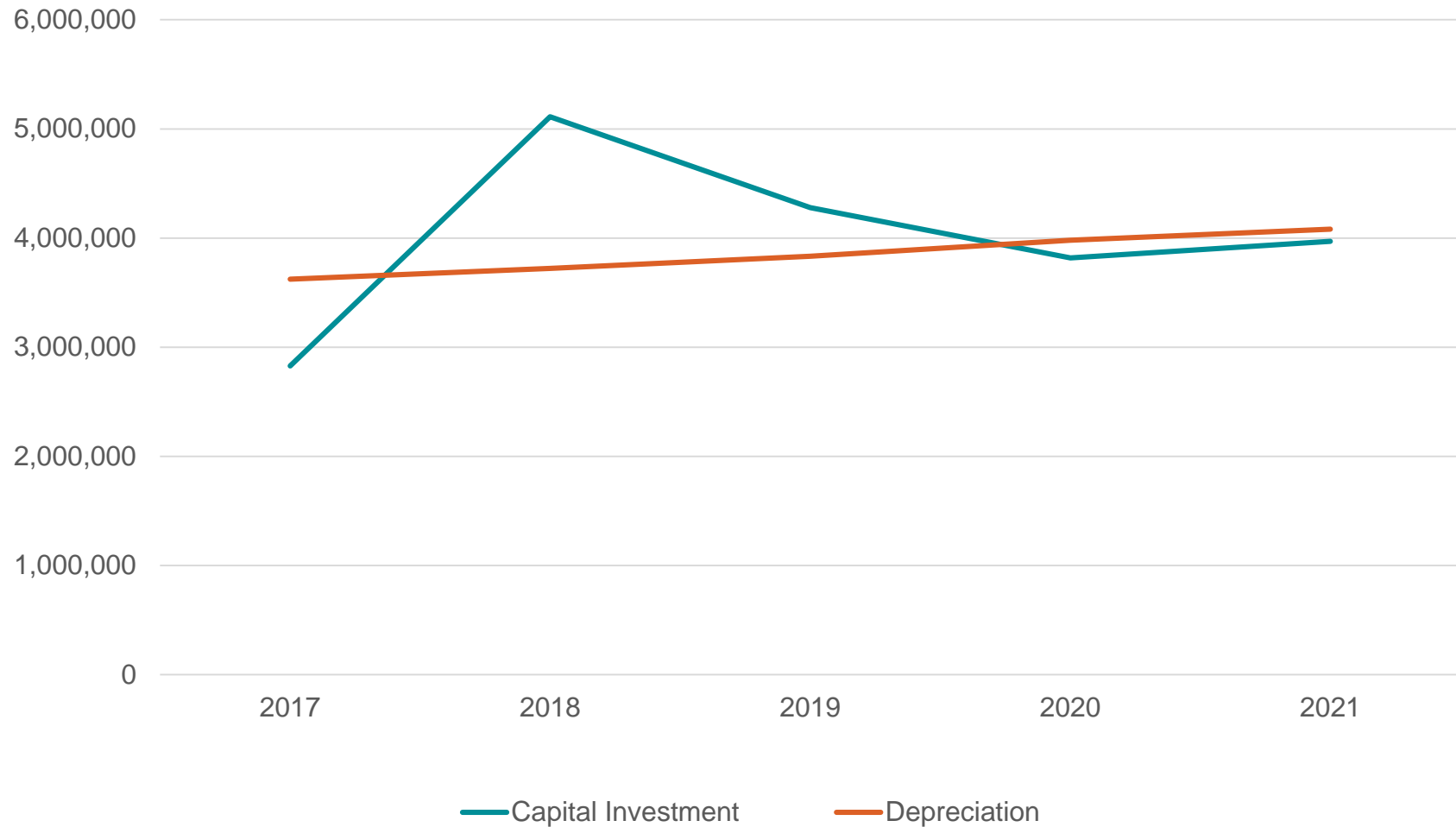


City of Birmingham Capital Investments – General Government



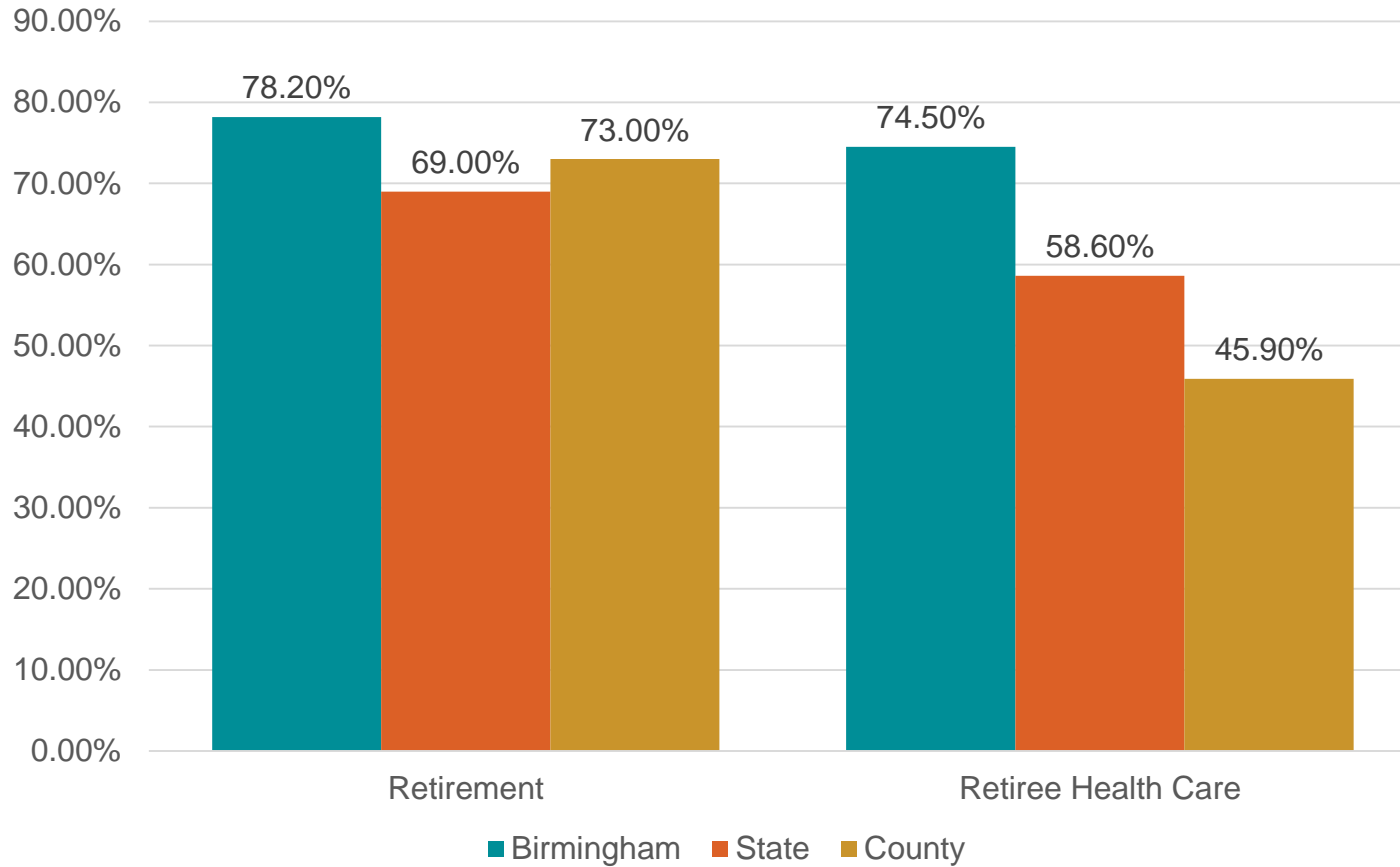


City of Birmingham Capital Investments – Enterprise Funds





City of Birmingham Pension and Retiree Healthcare Funding Comparisons Michigan Cities FY 2020 Data





City of Birmingham

Communication With Those Charged With Governance

- Report on Internal Control over Financial Reporting
 - No instances of noncompliance identified that are required to be reported under *Governmental Auditing Standards*

- Report on Compliance for Each Major Federal Program and Report on Internal Control Over Compliance
 - No instances of noncompliance identified that are required to be reported under *Governmental Auditing Standards*

- AU-C 260 Required Communication with Those Charged with Governance
 - Implementation of GASB 84, *Fiduciary Activities*
 - No transactions entered into for which there was a lack of authoritative guidance
 - No significant transactions recognized in a different period than when the transaction occurred
 - Management estimates included within the financial statements
 - Unbilled Water and Sewer Fund utility receivable
 - Self-insurance liability claims incurred but not reported
 - Actuarial assumptions
 - Pension
 - OPEB
 - No difficulties or disagreements with management in performing the audit

*Please see separate letters to Mayor and City Commission dated November 9, 2021 for more details.



Thank you for the opportunity to
serve as auditors for the City of
Birmingham



MEMORANDUM

Museum

DATE: November 16, 2021

TO: Thomas A. Markus, City Manager

FROM: Leslie Pielack, Museum Director

SUBJECT: Nomination for Greenwood Cemetery-National Underground Railroad Network to Freedom Designation

INTRODUCTION:

The Greenwood Cemetery, established in 1825, is one of the oldest public cemeteries in Michigan and one of the most important historic sites in the city. It is associated with the earliest history of the area and is the final resting place of many people who helped shape Birmingham and Oakland County. Through the efforts of volunteers and museum staff, we have recently learned that there are two gravesites at Greenwood that are associated with direct historical connections to Michigan's Underground Railroad; a formerly enslaved man, George Basil Taylor, and an abolitionist and activist, Deacon Elijah Staunton Fish.

The firm establishment of both men's connections to the Underground Railroad and their burial sites in Greenwood provide an opportunity to seek designation of Greenwood as a historic site associated with the National Underground Railroad Network to Freedom, a National Park Service program that seeks to establish and preserve these sites so important in the story of our country. The City of Birmingham is in a unique position to bring this history to national attention through application to the Network, and to identify Greenwood Cemetery as the physical site associated with this history. The City of Birmingham as property owner must give written permission to nominate the potential new listing in the Network to Freedom.

BACKGROUND:

George Taylor escaped enslavement in Kentucky in 1855, fled north via the Underground Railroad network, and settled in the Birmingham area. He married after the Civil War, and he and his wife Eliza were the first African Americans to own property in Birmingham. The couple died in 1901 and 1902 and are buried in Greenwood Cemetery. (There is no marker for their graves, but funds have been raised to erect one.) Elijah Fish was one of the first settlers to come to the area that became Birmingham. He raised his family here, founded Birmingham's First Presbyterian Church, and held strong abolitionist views. Museum staff recently discovered that Fish's anti-slavery beliefs went even further; he actively supported escaping enslaved people politically and financially behind the scenes. Fish worked to organize other abolitionists and raise funds to relocate escapees and provide housing and supplies in the days before the Civil War when freedom seekers came to Michigan by the thousands along the Underground Railroad, seeking safety from enslavement in Kentucky, Tennessee, and other southern states.

Because of the museum's discovery of several historic documents and published accounts, both men's direct connections to Michigan's Underground Railroad can be verified. This is significant because it is relatively rare to establish such a connection with this degree of certainty. As a result, the City of Birmingham is in a unique position to bring this history to national attention.

"The National Underground Railroad Network to Freedom's mission, through collaboration with local, state and federal entities, as well as individuals and organizations, is to honor, preserve and promote the history of resistance to enslavement through escape and flight" (<https://www.nps.gov/orgs/1205/index.htm>). Listing in the Network would join the Greenwood Cemetery in a program that consists of over 695 sites, programs and facilities in 39 states that have a connection to the Underground Railroad.

Listing in the Network to Freedom provides formal recognition of a property's significance in association with the Underground Railroad. It does not impose activities or requirements on the property owner or impact ownership or property rights. However, listing for Greenwood Cemetery on the Network to Freedom has a number of distinct advantages:

- Acknowledgement and promotion of the historic importance of the cemetery at the state, local, and national level, and its association to the Underground Railroad and inclusion in its network database and website
- Opportunities for collaboration with other network sites and historical initiatives and programs to foster networking and coordination of educational and promotional activities and heritage tourism
- Eligibility for Network to Freedom grants for interpretive materials, research, and/or commemorative activities, and can help with other history-related grants and funding partnerships
- Eligibility to use or display a uniform network logo, receive technical assistance and participate in program work shops
- The Network will also serve to facilitate communication and networking between researchers and interested parties, and aid in the development of statewide organizations for preserving and researching Underground Railroad sites

The nomination process involves a detailed application with documentary evidence that meets established eligibility criteria. The materials are formally reviewed by the National Park Service and, if deemed eligible, would result in designation and listing of Greenwood Cemetery in the Network with biographical detail about both Taylor and Fish and their association to the Underground Railroad.

The Greenwood Cemetery Board, the Museum Board, and the Friends of the Birmingham Museum have been made aware of the importance and connection of Elijah Fish and George Taylor to the Underground Railroad, along with the museum's efforts to bring this awareness to the community, and have indicated their support for these efforts.

LEGAL REVIEW:

City Attorney Mary Kucharek has reviewed the Network to Freedom application materials and requirements and prepared a letter of consent for consideration by the commission.

FISCAL IMPACT:

None.

PUBLIC COMMUNICATIONS:

None.

SUMMARY:

Listing of the Greenwood Cemetery on the National Underground Railroad Network to Freedom has advantages for the preservation and promotion of Birmingham's history and the connection of our community to significant American historical events. In addition, it offers potential collaborative programming with other historical organizations and eligibility for grant funding opportunities.

ATTACHMENTS:

1. Proposed letter of consent
2. National Park Service National Underground Railroad Network to Freedom application materials

SUGGESTED COMMISSION ACTION:

Make a motion providing direction to the Mayor to sign a letter of consent on behalf of the city and to authorize staff to submit application to the National Park Service to nominate Greenwood Cemetery to the National Underground Railroad Network to Freedom.



November 22, 2021

Sheri Jackson
National Underground Railroad Network to Freedom
National Park Service
100 Alabama St, SW
Atlanta, GA 30303

Dear Ms. Jackson:

The City of Birmingham, Michigan is the owner of the Greenwood Historic Cemetery. The City does hereby consent to its inclusion on the National Park Service National Underground Network to Freedom.

The City of Birmingham, Michigan consents to share their mailing, address, phone number, and e-mail address with others engaged in Underground Railroad Commemoration for purposes such as receiving newsletters or informational mailings, announcements of events, or research queries.

Thank you for your consideration.

Sincerely,

CITY OF BIRMINGHAM,
A Michigan Municipal Corporation

By: _____
Therese Longe, Mayor

By: _____
Thomas M. Markus, City Manager



NATIONAL UNDERGROUND RAILROAD NETWORK TO FREEDOM APPLICATION

| GENERAL INFORMATION | | | | |
|---|--|---|----------------|--|
| Date Submitted: | Resubmission: <input type="checkbox"/> Yes <input type="checkbox"/> No Round | Type (Pick One): <input type="checkbox"/> Site <input type="checkbox"/> Facility <input type="checkbox"/> Program | | |
| Name (Of What You Are Nominating): | | Street Address: | | |
| City: | State: | Zip Code: | County: | Congressional District: |
| Physical Boundaries of Site/Facility | | | | <input type="checkbox"/> Address Not for Publication? |
| Is there a website? <input type="checkbox"/> Yes <input type="checkbox"/> No | | Web Address: | | |
| Is there a visitor phone number? <input type="checkbox"/> Yes <input type="checkbox"/> No | | Phone Number: | | |
| Is the site open to the public? <input type="checkbox"/> Yes <input type="checkbox"/> No | | Hours of Operation: | | |
| Summary: Tell us in 200 words or less what is being nominated and how it is connected to the Underground Railroad. | | | | |
| | | | | |

| FOR NATIONAL PARK SERVICE USE ONLY | |
|---|--|
| I certify that this <input type="checkbox"/> site <input type="checkbox"/> facility <input type="checkbox"/> program is included in the Network to Freedom. | |
| <hr style="border: 0; border-top: 1px solid black; margin-bottom: 5px;"/> Signature of Certifying Official/Title | <hr style="border: 0; border-top: 1px solid black; margin-bottom: 5px;"/> Date |

| | | | | |
|---|--|--------|------|-----------------|
| Contact information for <input type="checkbox"/> Owner/Manager <input type="checkbox"/> Application Preparer (Share Contact Information <input type="checkbox"/> Yes <input type="checkbox"/> No) | | | | |
| Name: | | Phone: | Fax: | Email: |
| Street Address: | | City | | State: Zip Code |
| Contact information for <input type="checkbox"/> Owner/Manager <input type="checkbox"/> Application Preparer (Share Contact Information <input type="checkbox"/> Yes <input type="checkbox"/> No) | | | | |
| Name: | | Phone: | Fax: | Email: |
| Street Address: | | City | | State: Zip Code |
| Contact information for <input type="checkbox"/> Owner/Manager <input type="checkbox"/> Application Preparer (Share Contact Information <input type="checkbox"/> Yes <input type="checkbox"/> No) | | | | |
| Name: | | Phone: | Fax: | Email: |
| Street Address: | | City | | State: Zip Code |
| Contact information for <input type="checkbox"/> Owner/Manager <input type="checkbox"/> Application Preparer (Share Contact Information <input type="checkbox"/> Yes <input type="checkbox"/> No) | | | | |
| Name: | | Phone: | Fax: | Email: |
| Street Address: | | City | | State: Zip Code |
| Contact information for <input type="checkbox"/> Owner/Manager <input type="checkbox"/> Application Preparer (Share Contact Information <input type="checkbox"/> Yes <input type="checkbox"/> No) | | | | |
| Name: | | Phone: | Fax: | Email: |
| Street Address: | | City | | State: Zip Code |

SITES

In addition to the responses to each question, applications must also include the following attachments:

- 1) Letters of consent from all property owners for inclusion in the Network to Freedom (see sample in instructions)
- 2) Text and photographs of all site markers
- 3) Original photographs illustrating the current appearance and condition of the site being nominated
- 4) Maps showing the location of the site

All attachments supplement, but do not replace the text.

S1. Type:

- Building Object District (Neighborhood)
 Structure Landscape/Natural Archeological Site

Other (Describe):

S2. Is the site listed in the National Register of Historic Places?

- Yes No If yes, what is the listing name?

S3. Ownership of site:

- Private Private, Non-profit (501c3) Public - Local Government
 Public - State Government Public - Federal Government

S4. Type(s) of Underground Railroad Association (select the one(s) that fit best):

- Station Kidnapping Legal Challenge Association with Prominent Person
 Escape Rescue Maroon Community Historic District/Neighborhood
 Church Destination Transportation Route Commemorative Site/Monument
 Cemetery Military Site Archeological Site Other (Describe):

S4a. Describe the site's association and significance to the Underground Railroad. Provide citations for sources used throughout the text. Timelines are encouraged.

S5. Provide a history of the site since its time of significance to the Underground Railroad, including physical changes, changes in boundaries over time, archeological work, or changes in ownership or use. Be sure to describe what is included in the present application and how that compares to what the site was historically.

S6. Include a bibliography or list of citations for sources used through the document. Discuss the reliability of historical sources of information and briefly discuss how you used them.

S7. Describe current educational programs, tours, markers, signs, brochures, site bulletins, or plaques at the site. Include text and photographs of markers.

S8. Describe any local, State, or Federal historic designation, records, signage, or plaques at the site.

S9a. If the site is open to the public, describe accessibility conditions under the Americans with Disabilities Act.

S10. Describe the nature and objectives of any partnerships that have contributed to the documentation, preservation, commemoration, or interpretation of the site.

S11. Additional data or comments. (Optional) These brochures and excerpts from sources do not replace the required narrative.

FACILITIES

In addition to the responses to each question, applications must also include a letter of consent for inclusion in the Network to Freedom from the facility owner or manager.

F1. Type: Archive Library Research Center Other (Describe):

F2. Provide a general description of the facility and its purpose or mission.

F3. Describe the holdings or collections and discuss their significance to the Underground Railroad.

F4. List the Underground Railroad or slavery-related items or materials in the facility

F5. Describe the documents the facility has to verify the sources of its collections.

F6. Describe the indexes or finding aids that are available for the facility's collections.

F7. Describe the facility's management and staff, and levels of training or certifications.

F8. Describe the types of publications, reports, or services the facility performs or produces.

F9. Describe the conditions of public use at the facility, including accessibility under the Americans with Disabilities Act. Describe what personal assistance visiting researchers receive.

F10. Describe visitation workload at the facility.

F11. Describe the facility's traveling exhibit, interlibrary-loan, and photocopying or duplication policies and capabilities.

F12. Describe the nature and objectives of any partnerships that have contributed to the operation of the facility.

F13. Additional data or comments. (Optional)

EDUCATIONAL AND INTERPRETIVE PROGRAMS

In addition to each question, applications must also include the following attachments:

- 1) Letters from people consulted in the development of the interpretive program describing their input and participation in the process.
- 2) An example of an audience feedback card or questionnaire or other audience feedback mechanism.
- 3) A letter of consent for inclusion in the Network to Freedom from the owner or manager of the program.
- 4) A DVD or video of the program or a sample of the program for evaluation purposes. See instructions for use policy. (Optional but recommended.)

P1. Type:

- | | | | |
|--|----------------------------------|---|--|
| <input type="checkbox"/> Public | <input type="checkbox"/> Tour | <input type="checkbox"/> Performance | <input type="checkbox"/> Living |
| <input type="checkbox"/> Program | <input type="checkbox"/> Website | <input type="checkbox"/> Curriculum-based | <input type="checkbox"/> Youth Program |
| <input type="checkbox"/> Exhibit | | Education | |
| <input type="checkbox"/> Other (Describe): | | | |

P1a. Describe the program.

P2. What do you want your audience to know about the Underground Railroad, and how is it presented?

P3. Describe what advice you sought in developing your program.

P4. Identify historical sources of information and describe how they were used to develop the program. Include a bibliography.

P5. Describe the educational objectives of the program, tour, or performance.

P6. For whom is the program intended? Is the program fully accessible to all?

P7. Describe where the program has been presented.

P8. Describe how the program is evaluated and how you use the results to improve the program.

P9. How long has the program existed and what are the future plans for the program.

P10. Describe the program's management and staff, and levels of training or certification.

P11. Describe the nature and objectives of any partnerships that have contributed to the program.

P12. Additional data or comments. (Optional)

NOTICES

Privacy Act Statement

General: This information is provided pursuant to Public Law 93-579 (Privacy Act of 1974), December 21, 1984, for individuals completing this form.

Authority: National Underground Railroad Network to Freedom Act (P.L. 105-203).

Purpose and Uses: The Network to Freedom was established, in part, to facilitate sharing of information among those interested in the Underground Railroad. Putting people in contact with others who are researching related topics, historic events, or individuals or who may have technical expertise or resources to assist with projects is one of the most effective means of advancing Underground Railroad commemoration and preservation. Privacy laws designed to protect individual contact information (i.e., home or personal addresses, telephone numbers, fax numbers, or e-mail addresses), may prevent NPS from making these connections. If you are willing to be contacted by others working on Underground Railroad activities and to receive mailings about Underground Railroad-related events, please add a statement to your letter of consent indicating what information you are willing to share. The DOI and NPS may use the information to meet reporting requirements, to generate budget estimates and track performance, and to assist park staff with visitors' education, fee collection, resource management and protection, recreational use planning, law enforcement and public safety personnel for such purposes as emergency contact and search and rescue efforts; to provide permit holders and participants with information about parks and their partners; and to provide reports of activities conducted under an issued permit.

Disclosure: Voluntary. However, failure to provide the requested information may impede our ability to process your application. It is in your best interest to answer all of the questions. The U.S. Criminal Code, Title 18 U.S.C. 1001, provides that knowingly falsifying or concealing a material fact is a felony that may result in fines of up to \$10,000 or 5 years in prison, or both. Deliberately and materially making false or fraudulent statements on this form will be grounds for not approving your application.

Paperwork Reduction Act Statement

The authority to collect this information is the National Underground Railroad Network to Freedom Act (P.L. 105-203). We will use this information to evaluate properties, facilities, and programs nominated for inclusion in the Network to Freedom. We may not conduct or sponsor and you are not required to respond to a collection of information unless it displays a currently valid OMB control number. Your response is required to obtain or retain a benefit. OMB has approved this collection of information and assigned control number 1024-0232.

Estimated Burden Statement

Public reporting for this collection of information is estimated to average 40 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Information Collection Officer, National Park Service, 1201 Oakridge Drive, Fort Collins, CO 80525. Please do not send your completed application to this address.



MEMORANDUM

Human Resources Department

DATE: November 22, 2021

TO: Thomas M. Markus, City Manager

FROM: Joseph Lambert, Human Resources Manager

SUBJECT: Benefit Consulting Services

INTRODUCTION:

The City of Birmingham provides healthcare and other benefits to current City employees, and retirees. Healthcare and other benefit packages are essential to retaining and attracting employees, particularly in the current environment. The City has been working with its current healthcare benefit consultant, Carroll and Associates, since January 16, 1989, to provide and administer the City’s benefit programs. The City has not gone out to bid for benefit consulting services since at least 1989, and thus the Human Resource Department (“HR”) recommended issuing a Request for Proposals (“RFP”) to survey the current market to identify and compare benefit consulting service providers.

BACKGROUND:

On September 24, 2021, the City issued an RFP for Benefit Consulting Services through the Michigan Intergovernmental Trade Network seeking qualified professional firms to review all aspects of the City’s employee benefit programs and to provide ongoing advice, counsel and recommendations in the areas of legal and regulatory compliance, benefit plan design, market benchmarks, and industry best practices.

Six professional firms responded to the RFP, and four firms were determined to be qualified. Please see the chart below for additional details on the four finalists.

| Name | Carroll and Associates | Gallagher | Segal | TMR & Associates |
|---|-----------------------------|---------------|-----------------------------|------------------|
| Cost | \$108,414 | \$49,000 | \$55,000 | \$80,000 |
| Municipal Experience | Yes, limited | Yes | Yes | Yes |
| Scope of Services | Administrative support only | Comprehensive | Administrative support only | Comprehensive |
| Open Enrollment Portal | No | Yes | Yes | Yes |
| Provide Proactive Communications re: legislative updates, filing deadlines, health & wellness etc. | No | Yes | No | Yes |
| Client References | Average | Excellent | Good | Excellent |

City staff conducted virtual interviews with all four qualified benefit consulting firms, and obtained input from professional references for each firm. The review team for the City was comprised of HR Manager Lambert, Finance Director Gerber and Assistant City Manager Ecker. A detailed review of the proposed scope of services offered by each firm was conducted, as well as a review of experience with other municipal clients, client retention history, and qualifications of team members. The City's review team unanimously recommended Gallagher Benefit Services, Inc. to act as the City's new benefit consultant to review and administer all aspects of the City's employee benefit programs and to provide ongoing advice, counsel and recommendations to the City regarding all healthcare and other benefits offered by the City.

LEGAL REVIEW:

The City Attorney has reviewed the attached contract and attachments and has no issues with regard to form or content.

FISCAL IMPACT:

Healthcare administration and benefits account for over \$5 million in expenses to the City annually, including \$108,414 per year that the City pays to our current benefits consulting firm. Should the City Commission enter into a contract with Gallagher Benefit Services, Inc. as recommended, the City will save a minimum of \$59,414 in benefit consulting fees in the first year. In addition, the hiring of a new benefit consulting firm could potentially result in further savings as they conduct a comprehensive review of our current benefit providers and programs and recommend alternative options for consideration.

PUBLIC COMMUNICATIONS:

N/A

SUMMARY:

City staff recommends Gallagher Benefit Services, Inc. as the City's new benefit consultant to review and administer all aspects of the City's employee benefit programs and to provide ongoing advice, counsel and recommendations to the City regarding all healthcare and other benefits offered by the City.

ATTACHMENTS:

- Partially executed contract between Gallagher Benefit Services, Inc. and the City of Birmingham;
- Request for Proposals for Benefit Consulting Services dated September 24, 2021;
- Response from Gallagher Benefit Services, Inc. dated October 15, 2021.

SUGGESTED COMMISSION ACTION:

Make a motion adopting a resolution to approve the contract with Gallagher Benefit Services, Inc. in the amount of \$49,000 annually, for a three year term, to provide benefit consulting services for the City. Funds are available from the Risk Management Fund, account #677-851.000-811.0000; Further, to direct the Mayor and City Clerk to sign the agreement on behalf of the City.

AGREEMENT
For Healthcare Consulting Services

This AGREEMENT, made this _____ day of _____, 2021, by and between CITY OF BIRMINGHAM, having its principal municipal office at 151 Martin Street, Birmingham, MI (hereinafter called "City"), and Gallagher Benefit Services Inc., having its principal office at 2600 S. Telegraph, Suite 100, Bloomfield Hills, MI 48302 (hereinafter called "Healthcare Consultant"), provides as follows:

WITNESSETH:

WHEREAS, the City of Birmingham, through its Human Resources Department, is desirous of having professional healthcare consulting services done for the City of Birmingham and Baldwin Public Library.

WHEREAS, the City has heretofore advertised for bids for the performance of healthcare consulting services required to provide financially responsible employee benefits, and in connection therewith has prepared a request for sealed proposals ("RFP"), which includes certain instructions to bidders, specifications, terms and conditions.

WHEREAS, the Healthcare Consultant has professional qualifications that meet the project requirements and has made a bid in accordance with such request for cost proposals to perform .

NOW, THEREFORE, for and in consideration of the respective agreements and undertakings herein contained, the parties agree as follows:

1. It is mutually agreed by and between the parties that the documents consisting of the Request for Proposal to professional healthcare and compliance contracting and reporting and the Healthcare Consultant's cost proposal dated October 15, 2021 shall be incorporated herein by reference and shall become a part of this Agreement (Attachment A). If any of the documents are in conflict with one another, this Agreement shall take precedence.
2. The City shall pay the Healthcare Consultant for the performance of this Agreement in an amount not to exceed the Healthcare Consultant's cost proposal as set forth in Attachment C. Performance shall include all work detailed in the scope of work on pages 2-8 of the RFP.
3. This Agreement shall commence upon execution by both parties, unless the City exercises its option to terminate the Agreement in accordance with the Request for Proposals. The City retains the right to terminate the agreement unilaterally, with or without cause. The term of this agreement shall be for a three (3) year term. The parties may mutually agree to renew this agreement for one additional three year term, as provided in writing by addendum.
4. The Healthcare Consultant shall employ personnel of good moral character and fitness in performing all services under this Agreement.

5. The Healthcare Consultant and the City agree that the Healthcare Consultant is acting as an independent Healthcare Consultant with respect to the Healthcare Consultant's role in providing services to the City pursuant to this Agreement, and as such, shall be liable for its own actions and neither the Healthcare Consultant nor its employees shall be construed as employees of the City. Nothing contained in this Agreement shall be construed to imply a joint venture or partnership and neither party, by virtue of this Agreement, shall have any right, power or authority to act or create any obligation, express or implied, on behalf of the other party, except as specifically outlined herein. Neither the City nor the Healthcare Consultant shall be considered or construed to be the agent of the other, nor shall either have the right to bind the other in any manner whatsoever, except as specifically provided in this Agreement, and this Agreement shall not be construed as a contract of agency. The Healthcare Consultant shall not be entitled or eligible to participate in any benefits or privileges given or extended by the City, or be deemed an employee of the City for purposes of federal or state withholding taxes, FICA taxes, unemployment, workers' compensation or any other employer contributions on behalf of the City.

6. The Healthcare Consultant acknowledges that in performing services pursuant to this Agreement, certain confidential and/or proprietary information (including, but not limited to, internal organization, methodology, personnel and financial information, etc.) may become involved. The Healthcare Consultant recognizes that unauthorized exposure of such confidential or proprietary information could irreparably damage the City. Therefore, the Healthcare Consultant agrees to use reasonable care to safeguard the confidential and proprietary information and to prevent the unauthorized use or disclosure thereof. The Healthcare Consultant shall inform its employees of the confidential or proprietary nature of such information and shall limit access thereto to employees rendering services pursuant to this Agreement. The Healthcare Consultant further agrees to use such confidential or proprietary information only for the purpose of performing services pursuant to this Agreement.

7. This Agreement shall be governed by and performed, interpreted and enforced in accordance with the laws of the State of Michigan. The Healthcare Consultant agrees to perform all services provided for in this Agreement in accordance with and in full compliance with all local, state and federal laws and regulations.

8. If any provision of this Agreement is declared invalid, illegal or unenforceable, such provision shall be severed from this Agreement and all other provisions shall remain in full force and effect.

9. This Agreement shall be binding upon the successors and assigns of the parties hereto, but no such assignment shall be made by the Healthcare Consultant without the prior written consent of the City. Any attempt at assignment without prior written consent shall be void and of no effect.

10. The Healthcare Consultant agrees that neither it nor its employees will discriminate against any employee or applicant for employment with respect to hire, tenure, terms,

conditions or privileges of employment, or a matter directly or indirectly related to employment because of race, color, religion, national origin, age, sex, height, weight or marital status. The Healthcare Consultant shall inform the City of all claims or suits asserted against it by the Healthcare Consultant's employees who work pursuant to this Agreement. The Healthcare Consultant shall provide the City with periodic status reports concerning all such claims or suits, at intervals established by the City.

11. The Healthcare Consultant shall not commence work under this Agreement until it has, at its sole expense, obtained the insurance required under this paragraph. All coverages shall be with insurance companies licensed and admitted to do business in the State of Michigan. All coverages shall be with carriers acceptable to the City of Birmingham.

12. The Healthcare Consultant shall maintain during the life of this Agreement the applicable types of insurance coverage and minimum limits as set forth below:

A. Workers' Compensation Insurance:

For Non-Sole Proprietorships: Healthcare Consultant shall procure and maintain during the life of this Agreement, Workers' Compensation Insurance, including Employers Liability Coverage, in accordance with all applicable statutes of the State of Michigan.

For Sole Proprietorships: Healthcare Consultant shall complete and furnish to the City prior to the commencement of work under this Agreement a signed and notarized Sole Proprietor Form, for sole proprietors with no employees or with employees, as the case may be.

B. Commercial General Liability Insurance: Healthcare Consultant shall procure and maintain during the life of this Agreement, Commercial General Liability Insurance on an "Occurrence Basis" with limits of liability not less than **\$1,000,000** per occurrence combined single limit, Personal Injury, Bodily Injury and Property Damage. Coverage shall include the following extensions: (A) Contractual Liability; (B) Products and Completed Operations; (C) Independent Healthcare Consultants Coverage; (D) Broad Form General Liability Extensions or equivalent; (E) Deletion of all Explosion, Collapse and Underground (XCU) Exclusions, if applicable.

C. Motor Vehicle Liability: Healthcare Consultant shall procure and maintain during the life of this Agreement Motor Vehicle Liability Insurance, including all applicable no-fault coverages, with limits of liability of not less than \$1,000,000 per occurrence combined single limit Bodily Injury and Property Damage. Coverage shall include all owned vehicles, all non-owned vehicles, and all hired vehicles.

D. Additional Insured: Healthcare Consultant General Liability and Motor Vehicle Liability Insurance, as described above, shall include an endorsement stating the following shall be *Additional Insureds*: The City of Birmingham, including all elected and appointed officials, all employee and volunteers, all boards, commissions and/or authorities and board members, including employees and volunteers

thereof. This coverage shall be primary to any other coverage that may be available to the additional insured, whether any other available coverage by primary, contributing or excess.

- E. Professional Liability: Professional liability insurance with limits of not less than \$2,000,000 per claim if Healthcare Consultant will provide service that are customarily subject to this type of coverage.
- F. Owners Healthcare Consultants Protective Liability: The Healthcare Consultant shall procure and maintain during the life of this contract, an Owners Healthcare Consultants Protective Liability Policy with limits of liability not less than \$1,000,000 per occurrence, combined single limit, Personal Injury, Bodily Injury and Property Damage. The City of Birmingham shall be "Name Insured" on said coverage.
- G. Cancellation Notice: Should any of the above described policies be cancelled before the expiration date thereof, notice will be delivered in accordance with the policy provisions.
- H. Proof of Insurance Coverage: Healthcare Consultant shall provide the City of Birmingham at the time the Agreement is returned for execution, Certificates of Insurance and/or policies, acceptable to the City of Birmingham, as listed below.
 - 1) Two (2) copies of Certificate of Insurance for Workers' Compensation Insurance;
 - 2) Two (2) copies of Certificate of Insurance for Commercial General Liability Insurance;
 - 3) Two (2) copies of Certificate of Insurance for Vehicle Liability Insurance;
 - 4) Two (2) copies of Certificate of Insurance for Professional Liability Insurance;
 - 5) If so requested, Certified Copies of all policies mentioned above will be furnished.
- I. Coverage Expiration: If any of the above coverages expire during the term of this Agreement, Healthcare Consultant shall deliver renewal certificates and/or policies to the City of Birmingham at least (10) days prior to the expiration date.
- J. Maintaining Insurance: Upon failure of the Healthcare Consultant to obtain or maintain such insurance coverage for the term of the Agreement, the City of Birmingham may, at its option, purchase such coverage and subtract the cost of obtaining such coverage from the Agreement amount. In obtaining such coverage, the City of Birmingham shall have no obligation to procure the most cost-effective coverage but may contract with any insurer for such coverage.

13. To the fullest extent permitted by law, the Healthcare Consultant and any entity or person for whom the Healthcare Consultant is legally liable, agrees to be responsible for any liability, defend, pay on behalf of, indemnify, and hold harmless the City of

Birmingham, its elected and appointed officials, employees and volunteers and others working on behalf of the City of Birmingham against any and all claims, demands, suits, or loss, including all costs and reasonable attorney fees connected therewith, and for any damages which may be asserted, claimed or recovered against or from the City of Birmingham, its elected and appointed officials, employees, volunteers or others working on behalf of the City of Birmingham, by reason of personal injury, including bodily injury and death and/or property damage, including loss of use thereof, which arises out of or is in any way connected or associated with this Agreement. Such responsibility shall not be construed as liability for damage caused by or resulting from the sole act or omission of its elected or appointed officials, employees, volunteers or others working on behalf of the City of Birmingham.

14. If, after the effective date of this Agreement, any official of the City, or spouse, child, parent or in-law of such official or employee shall become directly or indirectly interested in this Agreement or the affairs of the Healthcare Consultant, the City shall have the right to terminate this Agreement without further liability to the Healthcare Consultant if the disqualification has not been removed within thirty (30) days after the City has given the Healthcare Consultant notice of the disqualifying interest. Ownership of less than one percent (1%) of the stock or other equity interest in a corporation or partnership shall not be a disqualifying interest. Employment shall be a disqualifying interest.

15. If Healthcare Consultant fails to perform its obligations hereunder, the City may take any and all remedial actions provided by the general specifications or otherwise permitted by law.

16. All notices required to be sent pursuant to this Agreement shall be mailed to the following addresses:

City of Birmingham
Attn: Joseph Lambert
151 Martin Street
Birmingham, MI 48009
(248) 530-1824

HEALTHCARE CONSULTANT
Gallagher Benefit Services, Inc.
Attn: Sara Rajter
2600 S. Telegraph, Suite 100
Bloomfield Hills, MI 48302
(248) 430-2793

17. Any controversy or claim arising out of or relating to this Agreement, or the breach thereof, shall be settled either by commencement of a suit in Oakland County Circuit Court, the 48th District Court or by arbitration. If both parties elect to have the dispute resolved by arbitration, it shall be settled pursuant to Chapter 50 of the Revised Judicature Act for the State of Michigan and administered by the American Arbitration Association with one arbitrator being used, or three arbitrators in the event any party's claim exceeds

\$1,000,000. Each party shall bear its own costs and expenses and an equal share of the arbitrator's and administrative fees of arbitration. Such arbitration shall qualify as statutory arbitration pursuant to MCL§600.5001 et. seq., and the Oakland County Circuit Court or any court having jurisdiction shall render judgment upon the award of the arbitrator made pursuant to this Agreement. The laws of the State of Michigan shall govern this Agreement, and the arbitration shall take place in Oakland County, Michigan. In the event that the parties elect not to have the matter in dispute arbitrated, any dispute between the parties may be resolved by the filing of a suit in the Oakland County Circuit Court or the 48th District Court.

18. FAIR PROCUREMENT OPPORTUNITY: Procurement for the City of Birmingham will be handled in a manner providing fair opportunity for all businesses. This will be accomplished without abrogation or sacrifice of quality and as determined to be in the best interest of the City of Birmingham.

19. COVID-19 PROTOCOLS: The Healthcare Consultant shall follow all of the City's COVID-19 safety protocols while on City property. Additionally, Healthcare Consultant's staff which will be in physical contact with city staff must have current vaccinations against COVID-19. The City, at its discretion, may ask for proof of vaccination of Healthcare Consultant staff. Failure to provide proof of vaccination when requested will cause the City to request un-vaccinated personnel to leave, request alternate staff, and if the Healthcare Consultant is unable to comply, this willful violation of safety protocols will constitute a breach of contract by the Healthcare Consultant.

IN WITNESS WHEREOF, the said parties have caused this Agreement to be executed as of the date and year above written.

WITNESSES:

HEALTHCARE CONSULTANT

Laurie A. Gend

By: [Signature]

Its: Area President

(STATE OF MICHIGAN) ss: COUNTY OF OAKLAND

On this 18 day of November, 2021, before me personally appeared Leonard Bucato who acknowledged that with authority on behalf of Gallagher Benefit Services, Inc. to do so he/she signed this Agreement.

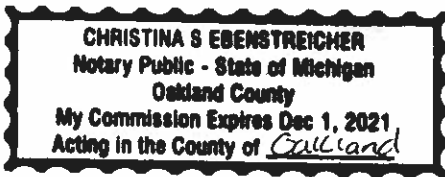
[Signature]
Notary Public

Oakland County, Michigan

Acting in Oakland County,

Michigan

My commission expires: Dec 1, 2021



CITY OF BIRMINGHAM

By: _____

Therese Longe

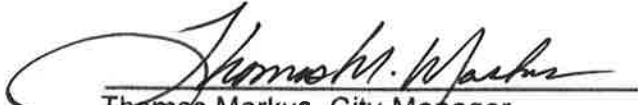
Its: Mayor


By: _____


Alexandria Bingham


Its: City Clerk

Approved:


Thomas Markus, City Manager
(Approved as to substance)


Mary Kucvárek, City Attorney
(Approved as to form)


Joseph Lambert, Human Resources
Manager (Approved as to substance)


Mark Gerber, Director of Finance
(Approved as to financial obligation)

**DRAFT - FINAL VERSION BY
NOVEMBER 22, 2021**

**ARTHUR J. GALLAGHER & CO.
MEMORANDUM OF INSURANCE**

This Memorandum of Insurance ("Memorandum") is produced as a matter of information only to authorized viewers for their internal use only and confers no rights upon any viewer of the Memorandum. This Memorandum does not amend, extend or alter the coverage described below. Copyright 2005, Arthur J. Gallagher Risk Management Services, Inc. ("Gallagher"). Gallagher grants permission to you to view, copy, print and distribute the information found on the Memorandum website ("Site") provided that the above copyright notice appears on all copies, that use is internal to you or for personal noncommercial informational purposes only, and that no modification is made to any materials. Any modification, use, reproduction or distribution of this Memorandum, the Site or its contents must be first approved by Gallagher in writing. You will not suffer or permit any unauthorized use of any Gallagher trademark, service mark or logo. This Memorandum, the Site and its contents, including but not limited to text, graphics, images, software, copyrights, trademarks, service marks, logos, and brand names ("Content"), are protected under both United States and foreign laws, and Gallagher or its affiliated entities retain all right, title and interest in and to the Content, all copies thereof, and all copyrights and other proprietary rights therein. The information contained herein is as the date referred to above. Gallagher shall be under no obligation to update such information.

DATE: 10/29/2021

INSURED:

Arthur J. Gallagher & Co. and its subsidiaries
2850 West Golf Road
Rolling Meadows, IL 60008

Insurance Companies

- A: ARCH INSURANCE COMPANY
- B: ACE PROPERTY AND CASUALTY INSURANCE COMPANY
- C: XL INSURANCE AMERICA, INC
- D: FEDERAL INSURANCE COMPANY
- E: LEXINGTON INS. COMPANY
- F: XL SPECIALTY INS. COMPANY
- G: UNDERWRITERS AT LLOYDS OF LONDON
- H: INDIAN HARBOR INSURANCE COMPANY

The policies of insurance listed below have been issued to the "INSURED" named above for the policy period indicated. Notwithstanding any requirement, term or condition of any contract or other document with respect to which this Memorandum may be issued or may pertain, the insurance afforded by the policies described herein is subject to all the terms, exclusions and conditions of such policies. Limits shown may have been reduced by paid claims.

| CO. LTR. | TYPE OF INSURANCE | POLICY NUMBER | POLICY EFFECTIVE | POLICY EXPIRATION | LIMITS (In USD unless otherwise indicated) | |
|----------|---|------------------------------|------------------|-------------------|---|------------|
| | | | | | | |
| A | Commercial General Liability Occurrence Per location Aggregate | 41GPP4938414 | 10/01/21 | 10/01/22 | General Aggregate | 4,000,000 |
| | | | | | Products - Comp/Op Agg | 4,000,000 |
| | | | | | Personal and ADV Injury | 2,000,000 |
| | | | | | Each Occurrence | 2,000,000 |
| | | | | | Damage to Rented Premises (Each occurrence) | 1,000,000 |
| A | Automobile Liability Any Auto | 41CAB4939014 41CAB4938314 | 10/01/21 | 10/01/22 | Combined Single Limit | 5,000,000 |
| | | | | | Bodily Injury (per person) | |
| | | | | | Bodily Injury (per accident) | |
| B | Excess/Umbrella Liability Retention: \$10,000 | XOO G46820149 004 | 10/01/2021 | 10/01/22 | Each Occurrence | 25,000,000 |
| | | | | | Aggregate | 25,000,000 |
| A | Workers Compensation and Employers Liability | 41WCI4938114 44WCI0501914 | 10/01/21 | 10/01/22 | Workers Comp Limits | Statutory |
| | | | | | EL Each Accident | 1,000,000 |
| | | | | | EL Disease - Each Employee | 1,000,000 |
| | | | | | EL Disease - Policy Limit | 1,000,000 |
| C | Property | US00112916PR21A | 10/01/21 | 10/01/22 | Blanket Bldg. & PP | 10,000,000 |
| D | Crime/Fidelity Bond (Employee Dishonesty) | 81326283 | 09/01/21 | 09/29/22 | Single Loss Limit | 15,000,000 |
| E | Errors & Omissions (Primary Policy) | 016030323 | 09/29/21 | 10/01/22 | Per Claim and Aggregate | 12,000,000 |
| F | Errors & Omissions (Excess Policy) | ELU163265-21 | 09/29/21 | 10/1/22 | Per Claim and Aggregate | 10,000,000 |
| G | Errors & Omissions (Excess Policy) | B1262F10121921 | 09/29/21 | 10/1/22 | Per Claim and Aggregate | 13,000,000 |
| H | Cyber Liability | MTP903416503 | 05/01/21 | 05/01/22 | Limit of Liability | 10,000,000 |

Description of Operations/ Other Information: See ADDITIONAL INFORMATION on the following page.

This Memorandum of Insurance serves solely to list insurance policies, limits and dates of coverage. Any modifications hereto are not authorized by Gallagher or the Insurance Companies.

**DRAFT - FINAL VERSION BY
NOVEMBER 22, 2021**

**ARTHUR J. GALLAGHER & CO.
MEMORANDUM OF INSURANCE**

ADDITIONAL INFORMATION

As respects GENERAL LIABILITY POLICY

ADDITIONAL INSURED – MANAGERS OR LESSORS OF PREMISES
Endorsement Form# CG 20 11 04 13 modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART

SCHEDULE

1. Designation of Premises (Part Leased to You): ANY PREMISES OR PART THEREOF LEASED TO YOU.
2. Name of Person or Organization (Additional Insured): ANY AND ALL PERSONS OR ORGANIZATIONS CONTRACTUALLY REQUIRING ADDITIONAL INSURED STATUS AS THE MANAGER OR LESSOR OF PREMISES TO YOU.
3. Additional Premium: INCLUDED

(If no entry appears above, the information required to complete this endorsement will be shown in the Declarations as applicable to this endorsement.)

WHO IS AN INSURED (Section II) is amended to include as an insured the person or organization shown in the Schedule but only with respect to liability arising out of the ownership, maintenance or use of that part of the premises leased to you and shown in the Schedule and subject to the following additional exclusions:

This insurance does not apply to:

1. Any "occurrence" which takes place after you cease to be a tenant in that premises.
2. Structural alterations, new construction or demolition operations performed by or on behalf of the person or organization shown in the Schedule.

WAIVER OF TRANSFER OF RIGHTS OF RECOVERY AGAINST OTHERS TO US

We waive any right of recovery we may have against the person or organization where required by written contract because of payments we make for injury or damage arising out of your ongoing operations or "your work" done under a contract with that person or organization and included in the "products-completed operations hazard". This waiver applies only where required by written contract.

As respects PROPERTY

This policy insures against "All Risks" of physical loss or damage, except as excluded, to covered property while on Described Premises, provided such physical loss or damage occurs during the term of this policy. Coverage is subject to policy deductibles, terms, conditions and exclusions. Loss Payable clause included for whom Insured has agreed to per written contract.



**REQUEST FOR PROPOSALS
FOR BENEFIT CONSULTING SERVICES**

Sealed proposals endorsed "**BENEFIT CONSULTING SERVICES**", will be received at the Office of the City Clerk, 151 Martin Street, PO Box 3001, Birmingham, Michigan, 48012; until after which time bids will be publicly opened and read.

The City of Birmingham, Michigan is accepting sealed bid proposals from qualified professional firms to provide Benefit Consulting Services. This work must be performed as specified in accordance with the specifications contained in the Request for Proposals (RFP).

The RFP, including the Specifications, may be obtained online from the Michigan Inter-governmental Trade Network at <http://www.mitnl.info> or at the City of Birmingham, 151 Martin St., Birmingham, Michigan, ATTENTION: Joseph Lambert, Human Resources Manager.

The acceptance of any proposal made pursuant to this invitation shall not be binding upon the City until an agreement has been executed.

Submitted to MITN:

September 24, 2021

Deadline for Submissions:

October 15, 2021 by 2:00 PM

Contact Person:

Joseph Lambert, Human Resources Manager

P.O. Box 3001, 151 Martin Street

Birmingham, MI 48012-3001

Phone: 248-530-1824

Email: hr@bhamgov.org



**REQUEST FOR PROPOSALS
FOR BENEFIT CONSULTING SERVICES**

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INTRODUCTION

The City of Birmingham, Michigan is located approximately halfway between the City of Detroit and the City of Pontiac, in Oakland County. Easily accessible to all major freeways and the airport, Birmingham is also bordered by Bloomfield Hills, Bloomfield Township, Beverly Hills, Royal Oak and Troy. Birmingham is vibrant and prosperous, with a population of approximately 20,000. Covering only 4.73 square miles, our community is able to maintain the feel of a small town, while experiencing the benefits and amenities of an affluent urban area. The City currently employs approximately 166 staff members who are eligible for employee benefits.

For purposes of this request for proposals the City of Birmingham will hereby be referred to as “City” and the private consulting firm or firms will hereby be referred to as “Consultant.”

The City of Birmingham, Michigan is seeking a Consultant to review all aspects of the City’s Employee Benefit programs and to provide ongoing advice, counsel and recommendations in the areas of legal and regulatory compliance, benefit plan design, market benchmarks, and best practices. The Consultant shall analyze past experience; make recommendations for changes in plan design and service providers; compare projected costs of self-insurance to fully insured care and make other recommendations which are expected to maintain/reduce the cost of benefits. The Consultant shall provide ongoing management education on industry trends and legal updates, and act as a resource to management in employee training.

The ideal Consultant will combine a depth of knowledge and breadth of services with a high level of intuition and human insight to identify potential solutions and guide competing interests to reach common goals.

SCOPE OF WORK

- Provide ongoing assistance in formulating benefit plan objectives and analyzing existing plan design; review market trends; recommend plan design changes and conduct cost analysis.
- Generate reports and analyze health and dental benefit utilization.
 - Analyze areas of high utilization.
 - Provide ongoing monthly, quarterly and annual utilization reports. Prepare comparisons to same period in previous years. Prepare trend analysis.
 - Perform annual medical individual and aggregate stop loss RFP and analysis.
- Prepare comprehensive written recommendations for changes projected to reduce the cost of health and dental benefits. Specifically address economic and human impact projections.
 - Recommend change options for plan design
 - Consider multiple tier health, drug, and dental plan designs.
 - Consider revised levels of co-pays, office visit charges, and other out-of-pocket employee contributions.
 - Consider and recommend retiree program changes.
- This outline is not necessarily all-inclusive, and the consultant shall include in the proposal any other tasks and services deemed necessary.

INVITATION TO SUBMIT A PROPOSAL

Proposals shall be submitted no later than **October 15, 2021 by 2:00 PM** to:

City of Birmingham
Attn: City Clerk
151 Martin Street
Birmingham, Michigan 48009

One (1) electronic copy and five (5) hard copies of the proposal must be submitted. The proposal should be firmly sealed in an envelope, which shall be clearly marked on the outside, **“BENEFIT CONSULTING SERVICES”**. Any proposal received after the due date cannot be accepted and will be rejected and returned, unopened, to the proposer. Proposer may submit more than one proposal provided each proposal meets the functional requirements of this RFP.

SUBMISSION REQUIREMENTS

Companies are being asked to submit evidence of their qualifications to provide healthcare and benefits consulting services, perform comprehensive analysis of our current programs, and to recommend and facilitate future changes

All proposals that wish to be considered must provide the following:

- Cover letter
 - Brief company history demonstrating a minimum 10 years of experience providing healthcare consulting services in the Michigan municipal market or with other related agencies/authorities/commissions.
 - A detailed organizational chart of the proposed team members who would be supporting the City of Birmingham, including their credentials, years of total experience and years of experience with your firm. Please also outline any supporting resources for the account team.
 - Turnover statistics for employees who will be managing the account.
 - Respondents must have current healthcare broker/consulting clients that are Michigan municipalities, or are other related agencies/authorities/ commissions. Provide references, complete with contact name, title, municipality name, phone number, and email address.
- A) Describe your depth of experience working with Michigan municipalities in the following areas:
- Collective bargaining
 - Litigation and/or 312 arbitration support
 - Retiree healthcare

- Public Acts 152, 202, and others
 - Multi-year strategic planning
 - Wellness programs
 - Budgeting and financial analysis
 - RFPs
 - Funding reviews and recommendations (self- funding, insured, hybrid)
 - Employee/retiree communications
 - Federal compliance assistance
 - Carrier negotiations
 - Pharmacy initiatives
 - Ancillary services, including dental, vision, life, disability, FSA, COBRA, FMLA, and voluntary benefits
 - Assisting with enrollment/eligibility
- B) Include the following:
- Signed Contract (Attachment A)
 - Bidders Agreement (Attachment B)
 - Cost Proposal (Attachment C)
 - Iran Sanctions Act (Attachment D)
- C) Provide a confirmation statement as to whether you serve as an independent consultant/broker. Disclose any affiliation with any insurance company, third party administrator, or provider network.
- D) Describe your method of compensation for your services. Discuss how your method of compensation will be transparent and reported to our team. Include:
- 1) Compensation schedule and/or fees;
 - 2) A statement of any pending claims, suits, legal or administrative action that may jeopardize your ability to provide services;
 - 3) A disclosure if your company accepts any carrier “overrides”.
 - 4) If on a commission basis, would your company be taking any form of compensation beyond the commission built into our premium rates?
 - 5) If selected, what are your methods for disclosing compensation to the City and the frequency of that disclosure?

INSTRUCTIONS TO BIDDERS

1. Any and all forms requesting info from the bidder must be completed on attached forms included herein.

2. Any request for clarification of this RFP shall be made in writing and delivered to: Joseph Lambert, Human Resource Manager, 151 Martin Street, Birmingham, MI, or via email to hr@bhamgov.org. Such request for clarification shall be delivered, in writing, no later than 5 days prior to the deadline for submissions.
3. All proposals must be submitted following the RFP format as stated in this document and shall be subject to all requirements of this document including the instruction to respondents and general information sections. All proposals must be regular in every respect and no lineation, exclusions, or special conditions shall be made or included in the RFP format by the respondent.
4. The contract will be awarded by the City to the most responsive and responsible bidder and the contract will require the completion of work pursuant to those documents.
5. Each respondent shall include in their proposal, in the format requested, the cost of performing the work.
6. Each respondent shall include in their proposal the following information: Firm name, address, city, state, zip code, telephone number, and fax number. The company shall also provide the name, address, telephone number and e-mail address of an individual in their organization to whom notices and inquiries by the City should be directed as part of their proposal.

TERMS AND CONDITIONS

1. The City reserves the right to reject any or all proposals received, waive informalities, or accept any proposal, in whole or in part, it deems best. The City reserves the right to award the contract to the next most qualified Consultant if the successful Consultant does not execute a contract within ten (10) days after the award of the proposal.
2. The City reserves the right to request clarification of information submitted and to request additional information of one or more Consultants.
3. The City reserves the right to terminate the contract at its discretion should it be determined that the services provided do not meet the specifications contained herein. The City may terminate this Agreement at any point in the process upon notice to Consultant sufficient to indicate the City's desire to do so.
4. Any proposal may be withdrawn up until the date and time set above for the opening of the proposals. Any proposals not so withdrawn shall constitute an irrevocable offer, for a period of ninety (90) days, to provide the services set forth in the proposal.
5. The cost of preparing and submitting a proposal is the responsibility of the Consultant and shall not be chargeable in any manner to the City.

6. Payment will be made within thirty (30) days after invoice. Acceptance by the City is defined as authorization by the designated City representative to this project that all the criteria requested under the Scope of Work contained herein have been provided. Invoices are to be rendered each month following the date of execution of an Agreement with the City.
7. The Consultant will not exceed the timelines established for the completion of this project.
8. The successful bidder shall enter into and will execute the contract as set forth and attached as Attachment A.

CONSULTANT'S RESPONSIBILITIES

Each bidder shall provide the following as part of their proposal:

1. Complete and sign all forms requested for completion within this RFP.
 - a. Bidder's Agreement (Attachment B)
 - b. Cost Proposal (Attachment C)
 - c. Iran Sanctions Act Vendor Certification Form (Attachment D)
 - d. Agreement (Attachment A – **only if selected by the City**).
2. Meet all submission requirements listed herein.

CITY RESPONSIBILITY

The City will provide a designated representative to work with the Consultant to coordinate both the City's and Consultant's efforts and to review and approve any work performed by the Consultant.

SETTLEMENT OF DISPUTES

The successful bidder agrees to certain dispute resolution avenues/limitations. Please refer to paragraph 17 of the Agreement attached as Attachment A for the details and what is required of the successful bidder.

INSURANCE

The successful bidder is required to procure and maintain certain types of insurances. Please refer to paragraph 12 of the Agreement attached as Attachment A for the details and what is required of the successful bidder.

CONTINUATION OF COVERAGE

The Consultant also agrees to provide all insurance coverages as specified. Upon failure of the Consultant to obtain or maintain such insurance coverage for the term of the agreement, the City may, at its option, purchase such coverage and subtract the cost of obtaining such coverage from the contract amount. In obtaining such coverage, Birmingham shall have no obligation to procure the most cost effective coverage but may contract with any insurer for such coverage.

EXECUTION OF CONTRACT

The bidder whose proposal is accepted shall be required to execute the contract and to furnish all insurance coverages as specified within ten (10) days after receiving notice of such acceptance. Any contract awarded pursuant to any bid shall not be binding upon the City until a written contract has been executed by both parties. Failure or refusal to execute the contract shall be considered an abandonment of all rights and interest in the award and the contract may be awarded to another. The successful bidder agrees to enter into and will execute the contract as set forth and attached as Attachment A.

INDEMNIFICATION

The successful bidder agrees to indemnify the City and various associated persons. Please refer to paragraph 13 of the Agreement attached as Attachment A for the details and what is required of the successful bidder.

CONFLICT OF INTEREST

The successful bidder is subject to certain conflict of interest requirements/restrictions. Please refer to paragraph 14 of the Agreement attached as Attachment A for the details and what is required of the successful bidder.

EXAMINATION OF PROPOSAL MATERIALS

The submission of a proposal shall be deemed a representation and warranty by the Consultant that it has investigated all aspects of the RFP, that it is aware of the applicable facts pertaining to the RFP process and its procedures and requirements, and that it has read and understands the RFP. Statistical information which may be contained in the RFP or any addendum thereto is for informational purposes only.

PROJECT TIMELINE (ANTICIPATED)

| | |
|-----------------------|-----------------------|
| Evaluate Respondents | October 2021 |
| Interview Consultants | October-November 2021 |
| Award Contract | November 2021 |

ATTACHMENT A
AGREEMENT

AGREEMENT
For Healthcare Consulting Services

This AGREEMENT, made this _____ day of _____, 2021, by and between CITY OF BIRMINGHAM, having its principal municipal office at 151 Martin Street, Birmingham, MI (hereinafter called "City"), and _____, Inc., having its principal office at _____ (hereinafter called "Healthcare Consultant"), provides as follows:

WITNESSETH:

WHEREAS, the City of Birmingham, through its Human Resources Department, is desirous of having professional healthcare consulting services done for the City of Birmingham and Baldwin Public Library.

WHEREAS, the City has heretofore advertised for bids for the performance of healthcare consulting services required to provide financially responsible employee benefits, and in connection therewith has prepared a request for sealed proposals ("RFP"), which includes certain instructions to bidders, specifications, terms and conditions.

WHEREAS, the Healthcare Consultant has professional qualifications that meet the project requirements and has made a bid in accordance with such request for cost proposals to perform .

NOW, THEREFORE, for and in consideration of the respective agreements and undertakings herein contained, the parties agree as follows:

1. It is mutually agreed by and between the parties that the documents consisting of the Request for Proposal to professional healthcare and compliance contracting and reporting and the Healthcare Consultant's cost proposal dated _____, 2021 shall be incorporated herein by reference and shall become a part of this Agreement (Attachment A). If any of the documents are in conflict with one another, this Agreement shall take precedence.

2. The City shall pay the Healthcare Consultant for the performance of this Agreement in an amount not to exceed the Healthcare Consultant's cost proposal as set forth in Attachment C. Performance shall include all work detailed in the scope of work on pages 2-8 of the RFP.

3. This Agreement shall commence upon execution by both parties, unless the City exercises its option to terminate the Agreement in accordance with the Request for Proposals. The City retains the right to terminate the agreement unilaterally, with or without cause. The term of this agreement shall be for a three (3) year term. The parties may mutually agree to renew this agreement for one additional three year term, as provided in writing by addendum.

4. The Healthcare Consultant shall employ personnel of good moral character and fitness in performing all services under this Agreement.

5. The Healthcare Consultant and the City agree that the Healthcare Consultant is acting as an independent Healthcare Consultant with respect to the Healthcare Consultant's role in providing services to the City pursuant to this Agreement, and as such, shall be liable for its own actions and neither the Healthcare Consultant nor its employees shall be construed as employees of the City. Nothing contained in this Agreement shall be construed to imply a joint venture or partnership and neither party, by virtue of this Agreement, shall have any right, power or authority to act or create any obligation, express or implied, on behalf of the other party, except as specifically outlined herein. Neither the City nor the Healthcare Consultant shall be considered or construed to be the agent of the other, nor shall either have the right to bind the other in any manner whatsoever, except as specifically provided in this Agreement, and this Agreement shall not be construed as a contract of agency. The Healthcare Consultant shall not be entitled or eligible to participate in any benefits or privileges given or extended by the City, or be deemed an employee of the City for purposes of federal or state withholding taxes, FICA taxes, unemployment, workers' compensation or any other employer contributions on behalf of the City.

6. The Healthcare Consultant acknowledges that in performing services pursuant to this Agreement, certain confidential and/or proprietary information (including, but not limited to, internal organization, methodology, personnel and financial information, etc.) may become involved. The Healthcare Consultant recognizes that unauthorized exposure of such confidential or proprietary information could irreparably damage the City. Therefore, the Healthcare Consultant agrees to use reasonable care to safeguard the confidential and proprietary information and to prevent the unauthorized use or disclosure thereof. The Healthcare Consultant shall inform its employees of the confidential or proprietary nature of such information and shall limit access thereto to employees rendering services pursuant to this Agreement. The Healthcare Consultant further agrees to use such confidential or proprietary information only for the purpose of performing services pursuant to this Agreement.

7. This Agreement shall be governed by and performed, interpreted and enforced in accordance with the laws of the State of Michigan. The Healthcare Consultant agrees to perform all services provided for in this Agreement in accordance with and in full compliance with all local, state and federal laws and regulations.

8. If any provision of this Agreement is declared invalid, illegal or unenforceable, such provision shall be severed from this Agreement and all other provisions shall remain in full force and effect.

9. This Agreement shall be binding upon the successors and assigns of the parties hereto, but no such assignment shall be made by the Healthcare Consultant without the prior written consent of the City. Any attempt at assignment without prior written consent shall be void and of no effect.

10. The Healthcare Consultant agrees that neither it nor its employees will discriminate against any employee or applicant for employment with respect to hire, tenure, terms,

conditions or privileges of employment, or a matter directly or indirectly related to employment because of race, color, religion, national origin, age, sex, height, weight or marital status. The Healthcare Consultant shall inform the City of all claims or suits asserted against it by the Healthcare Consultant's employees who work pursuant to this Agreement. The Healthcare Consultant shall provide the City with periodic status reports concerning all such claims or suits, at intervals established by the City.

11. The Healthcare Consultant shall not commence work under this Agreement until it has, at its sole expense, obtained the insurance required under this paragraph. All coverages shall be with insurance companies licensed and admitted to do business in the State of Michigan. All coverages shall be with carriers acceptable to the City of Birmingham.

12. The Healthcare Consultant shall maintain during the life of this Agreement the applicable types of insurance coverage and minimum limits as set forth below:

A. Workers' Compensation Insurance:

For Non-Sole Proprietorships: Healthcare Consultant shall procure and maintain during the life of this Agreement, Workers' Compensation Insurance, including Employers Liability Coverage, in accordance with all applicable statutes of the State of Michigan.

For Sole Proprietorships: Healthcare Consultant shall complete and furnish to the City prior to the commencement of work under this Agreement a signed and notarized Sole Proprietor Form, for sole proprietors with no employees or with employees, as the case may be.

B. Commercial General Liability Insurance: Healthcare Consultant shall procure and maintain during the life of this Agreement, Commercial General Liability Insurance on an "Occurrence Basis" with limits of liability not less than **\$1,000,000** per occurrence combined single limit, Personal Injury, Bodily Injury and Property Damage. Coverage shall include the following extensions: (A) Contractual Liability; (B) Products and Completed Operations; (C) Independent Healthcare Consultants Coverage; (D) Broad Form General Liability Extensions or equivalent; (E) Deletion of all Explosion, Collapse and Underground (XCU) Exclusions, if applicable.

C. Motor Vehicle Liability: Healthcare Consultant shall procure and maintain during the life of this Agreement Motor Vehicle Liability Insurance, including all applicable no-fault coverages, with limits of liability of not less than \$1,000,000 per occurrence combined single limit Bodily Injury and Property Damage. Coverage shall include all owned vehicles, all non-owned vehicles, and all hired vehicles.

D. Additional Insured: Healthcare Consultant General Liability and Motor Vehicle Liability Insurance, as described above, shall include an endorsement stating the following shall be *Additional Insureds*: The City of Birmingham, including all elected and appointed officials, all employee and volunteers, all boards, commissions and/or authorities and board members, including employees and volunteers

thereof. This coverage shall be primary to any other coverage that may be available to the additional insured, whether any other available coverage by primary, contributing or excess.

- E. Professional Liability: Professional liability insurance with limits of not less than \$2,000,000 per claim if Healthcare Consultant will provide service that are customarily subject to this type of coverage.
- F. Owners Healthcare Consultants Protective Liability: The Healthcare Consultant shall procure and maintain during the life of this contract, an Owners Healthcare Consultants Protective Liability Policy with limits of liability not less than \$3,000,000 per occurrence, combined single limit, Personal Injury, Bodily Injury and Property Damage. The City of Birmingham shall be "Name Insured" on said coverage.
- G. Cancellation Notice: Should any of the above described policies be cancelled before the expiration date thereof, notice will be delivered in accordance with the policy provisions.
- H. Proof of Insurance Coverage: Healthcare Consultant shall provide the City of Birmingham at the time the Agreement is returned for execution, Certificates of Insurance and/or policies, acceptable to the City of Birmingham, as listed below.
 - 1) Two (2) copies of Certificate of Insurance for Workers' Compensation Insurance;
 - 2) Two (2) copies of Certificate of Insurance for Commercial General Liability Insurance;
 - 3) Two (2) copies of Certificate of Insurance for Vehicle Liability Insurance;
 - 4) Two (2) copies of Certificate of Insurance for Professional Liability Insurance;
 - 5) If so requested, Certified Copies of all policies mentioned above will be furnished.
- I. Coverage Expiration: If any of the above coverages expire during the term of this Agreement, Healthcare Consultant shall deliver renewal certificates and/or policies to the City of Birmingham at least (10) days prior to the expiration date.
- J. Maintaining Insurance: Upon failure of the Healthcare Consultant to obtain or maintain such insurance coverage for the term of the Agreement, the City of Birmingham may, at its option, purchase such coverage and subtract the cost of obtaining such coverage from the Agreement amount. In obtaining such coverage, the City of Birmingham shall have no obligation to procure the most cost-effective coverage but may contract with any insurer for such coverage.

13. To the fullest extent permitted by law, the Healthcare Consultant and any entity or person for whom the Healthcare Consultant is legally liable, agrees to be responsible for any liability, defend, pay on behalf of, indemnify, and hold harmless the City of

Birmingham, its elected and appointed officials, employees and volunteers and others working on behalf of the City of Birmingham against any and all claims, demands, suits, or loss, including all costs and reasonable attorney fees connected therewith, and for any damages which may be asserted, claimed or recovered against or from the City of Birmingham, its elected and appointed officials, employees, volunteers or others working on behalf of the City of Birmingham, by reason of personal injury, including bodily injury and death and/or property damage, including loss of use thereof, which arises out of or is in any way connected or associated with this Agreement. Such responsibility shall not be construed as liability for damage caused by or resulting from the sole act or omission of its elected or appointed officials, employees, volunteers or others working on behalf of the City of Birmingham.

14. If, after the effective date of this Agreement, any official of the City, or spouse, child, parent or in-law of such official or employee shall become directly or indirectly interested in this Agreement or the affairs of the Healthcare Consultant, the City shall have the right to terminate this Agreement without further liability to the Healthcare Consultant if the disqualification has not been removed within thirty (30) days after the City has given the Healthcare Consultant notice of the disqualifying interest. Ownership of less than one percent (1%) of the stock or other equity interest in a corporation or partnership shall not be a disqualifying interest. Employment shall be a disqualifying interest.

15. If Healthcare Consultant fails to perform its obligations hereunder, the City may take any and all remedial actions provided by the general specifications or otherwise permitted by law.

16. All notices required to be sent pursuant to this Agreement shall be mailed to the following addresses:

City of Birmingham
Attn: Joseph Lambert
151 Martin Street
Birmingham, MI 48009
(248) 530-1824

HEALTHCARE CONSULTANT
(Insert Healthcare Consultant Information)

17. Any controversy or claim arising out of or relating to this Agreement, or the breach thereof, shall be settled either by commencement of a suit in Oakland County Circuit Court, the 48th District Court or by arbitration. If both parties elect to have the dispute resolved by arbitration, it shall be settled pursuant to Chapter 50 of the Revised Judicature Act for the State of Michigan and administered by the American Arbitration Association with one arbitrator being used, or three arbitrators in the event any party's claim exceeds

\$1,000,000. Each party shall bear its own costs and expenses and an equal share of the arbitrator's and administrative fees of arbitration. Such arbitration shall qualify as statutory arbitration pursuant to MCL§600.5001 et. seq., and the Oakland County Circuit Court or any court having jurisdiction shall render judgment upon the award of the arbitrator made pursuant to this Agreement. The laws of the State of Michigan shall govern this Agreement, and the arbitration shall take place in Oakland County, Michigan. In the event that the parties elect not to have the matter in dispute arbitrated, any dispute between the parties may be resolved by the filing of a suit in the Oakland County Circuit Court or the 48th District Court.

18. FAIR PROCUREMENT OPPORTUNITY: Procurement for the City of Birmingham will be handled in a manner providing fair opportunity for all businesses. This will be accomplished without abrogation or sacrifice of quality and as determined to be in the best interest of the City of Birmingham.

IN WITNESS WHEREOF, the said parties have caused this Agreement to be executed as of the date and year above written.

WITNESSES:

HEALTHCARE CONSULTANT

_____ By: _____

Its:

(STATE OF MICHIGAN) ss: COUNTY OF OAKLAND

On this _____ day of _____, 2021, before me personally appeared _____, who acknowledged that with authority on behalf of _____ to do so he/she signed this Agreement.

Notary Public

_____ County, Michigan

Acting in _____ County,

Michigan

My commission expires: _____

CITY OF BIRMINGHAM

_____ By: _____

Pierre Boutros

Its: Mayor

_____ By: _____

Alexandria Bingham

Its: City Clerk

Approved:

Joseph Lambert, Human Resources Manager
(Approved as to substance)

Mary Kucharek, City Attorney
(Approved as to form)

Mark Gerber, Director of Finance
(Approved as to financial obligation)

ATTACHMENT B - BIDDER'S AGREEMENT

In submitting this proposal, as herein described, the Consultant agrees that:

1. They have carefully examined the specifications, terms and Agreement of the Request for Proposal and all other provisions of this document and understand the meaning, intent, and requirement of it.

2. They will enter into a written contract and furnish the item or items in the time specified in conformance with the specifications and conditions contained therein for the price quoted by the proponent on this proposal.

PREPARED BY
(Print Name)

DATE

TITLE

DATE

AUTHORIZED SIGNATURE

E-MAIL ADDRESS

COMPANY

ADDRESS

PHONE

NAME OF PARENT COMPANY

PHONE

ADDRESS

ATTACHMENT C - COST PROPOSAL

In order for the bid to be considered valid, this form must be completed in its entirety. The cost for the services provided by the Healthcare Consultant shall come with corresponding services offered. Disclose preferences toward and itemization of commissions or a fee structure.

Firm Name_____

Authorized signature_____ Date_____

ATTACHMENT D - IRAN SANCTIONS ACT VENDOR CERTIFICATION FORM

Pursuant to Michigan Law and the Iran Economic Sanction Act, 2012 PA 517 (“Act”), prior to the City accepting any bid or proposal, or entering into any contract for goods or services with any prospective Vendor, the Vendor must certify that it is not an “Iran Linked Business”, as defined by the Act.

By completing this form, the Vendor certifies that it is not an “Iran Linked Business”, as defined by the Act and is in full compliance with all provisions of the Act and is legally eligible to submit a bid for consideration by the City.

| | |
|-------------------------------------|-------------|
| PREPARED BY (Print Name) | DATE |
|-------------------------------------|-------------|

| | |
|--------------|-------------|
| TITLE | DATE |
|--------------|-------------|

| | |
|-----------------------------|-----------------------|
| AUTHORIZED SIGNATURE | E-MAIL ADDRESS |
|-----------------------------|-----------------------|

COMPANY

| | |
|----------------|--------------|
| ADDRESS | PHONE |
|----------------|--------------|

| | |
|-------------------------------|--------------|
| NAME OF PARENT COMPANY | PHONE |
|-------------------------------|--------------|

ADDRESS

TAXPAYER I.D.#

1. We are a sales and marketing company dedicated to providing excellence in risk management services to our clients. 2. We support one another. We believe in one another. We acknowledge and respect the ability of one another. 3. We push for professional excellence. 4. We can all improve and learn from one another. 5. There are no second-class citizens—everyone is important and everyone’s job is important. 6. We’re an open society. 7. Empathy for the other person is not a weakness. 8. Suspicion breeds more suspicion. To trust and be trusted is vital. 9. Leaders need followers. How leaders treat followers has a direct impact on the effectiveness of the leader. 10. Interpersonal business relationships should be built. 11. We all need one another. We are all cogs in a wheel. 12. No department or person is an island. 13. Professional courtesy is expected. 14. Never ask someone to do something you wouldn’t do yourself. 15. I consider myself support for our sales and marketing. We all need one another. Things happen without each other. We are a team. 16. What is earned—not dictated. 17. Fear is a weakness. It is not important at Arthur J. Gallagher

City of Birmingham

Gallagher Response to Request for Proposal for Benefit Consulting Services

City of Birmingham

October 15, 2021



Gallagher

Insurance | Risk Management | Consulting

Cover Letter

Mr. Joseph Lambert

Human Resources Manager
City of Birmingham
P.O. Box 3001, 151 Martin Street
Birmingham, MI 48012-3001

Gallagher Response to the City of Birmingham Employee Benefit Consultant Request for Proposal

Mr. Lambert:

Thank you for the opportunity to submit a proposal to provide employee benefit consultant services for the City of Birmingham (hereafter “the City”) on behalf of Gallagher Benefit Services, Inc. (hereafter “Gallagher”). We believe there is no consultant better positioned to provide strategic planning and cost containment consulting and support the City’s team in all aspects of your employee benefit program. We are confident you will find that Gallagher has the experience, integrity, resources and innovative people necessary to meet your benefit needs as addressed in our proposal. We are committed to fee transparency and objectivity, always putting the City’s interests first.

There are five points we want to highlight from our proposal that we believe set us apart:

- 1. Only Benefits Consultant Awarded World’s Most Ethical Companies Award** – While we are not the only benefits consultant to pursue the World’s Most Ethical Companies Award from Ethisphere.com, we are the only benefits consultant to receive the award and we have every year since 2012. This underscores Gallagher’s commitment to doing business with the City ethically, transparently and objectively. All forms of compensation received by Gallagher based on our relationship with the City will be disclosed annually and any time there is a change.
- 2. Assigned Team is 100% Focused on Michigan Public Sector** - The Gallagher team proposed to support the City spends 100% of their time supporting Michigan public sector employers. Your team is interacting with and supporting the needs of Michigan public sector employers every day. Gallagher works with over 170 public sector employers in Michigan alone and we operate a national public sector niche practice. We understand your unique needs and opportunities as a municipal employer and have extensive experience supporting those needs.
- 3. Assigned Team has 100% Client Retention** - In their time working together, the proposed Gallagher team has never lost a client. Over the past six years, we have added over 20 new Michigan public sector clients and have lost none. We have transitioned those new clients from all types of competing firms including small agencies, regional agencies and large, global consulting firms. In every instance, our new clients have been delighted with their decision to hire Gallagher and regularly make comments like, “It felt like we hired additional staff when we began working with Gallagher.” And “Gallagher anticipates our needs. They send us things before we even know we need to request them.”
- 4. We consult to the only PA 106 pool in the state of Michigan** – While other agent/consultants are talking about pooling health insurance as a sales pitch, Gallagher is helping our clients objectively evaluate pooling as one of many potential healthcare strategies. We have a proven track record of proactively managing a healthcare pool for over 13 years in Michigan where pool members have enjoyed an average annual increase of 5% over the past five years. Gallagher is also a leader in healthcare cooperatives around the country. Our local and national experience provides us with the expertise to support a client in objectively determining whether pooling is right for them.
- 5. Global Consultant, Local Presence, Concierge Service** – Prospective Michigan public sector clients sometimes ask us if they are too small for Gallagher. The answer is a resounding “No!” Just ask your colleagues. We are the largest benefits consultant in the world working with employers of your size. We provide a level of service that makes each client feel like they are our only client. And we deliver all of the tools and resources of a global consultant firm tailored to your unique needs as a Michigan municipal employer.

Being right there in the trenches with you allows us to provide expertise and deliver a unique, thorough package of health insurance and HR consulting solutions. Our strategic perspective allows us to help the City to best attract, retain, and engage employees while containing costs.

As your strategic partner, Gallagher will function as an extension of your human resources department and help you develop long-term healthcare and cost savings strategies. Please contact me at 517-898-7752 or via email at chadd_hodkinson@ajg.com with any questions. We are excited about the opportunity to partner with the City of Birmingham.

Sincerely,

Chadd Hodkinson

Chadd Hodkinson

Area Vice President

Gallagher Benefit Services, Inc.

2600 South Telegraph Road, Suite 100

Bloomfield Hills, Michigan 48302

Exceptions and Modifications to Proposed Terms & Conditions

Gallagher reserves the right to discuss the following with the City prior to executing a final contract:

- City of Birmingham RFP Document Section 13 (Pages 13 -14) – Gallagher requests that indemnification be limited to grossly negligent acts and omissions, breaches of the contract, intentional misconduct, or violations of law.
- City of Birmingham RFP Document Section 13 (Pages 13 -14) – Gallagher requests the following amendment to language in the sample contract: Notwithstanding any other term or provision of this Agreement, Gallagher shall only be liable for actual damages incurred by the City of Birmingham and shall not be liable for any indirect, consequential or punitive damages. Furthermore, the aggregate liability under this Agreement, if any, of Gallagher to the City of Birmingham for claimed losses or damages shall not exceed \$1,000,000. This provision applies to the fullest extent permitted by applicable law.
- City of Birmingham RFP Document Attachment B(2)(page 18) – Gallagher requests the following amendment to language in the sample contract: The City of Birmingham will enter into a written contract and furnish the item or items in the time specified in conformance with the specifications and conditions contained therein for the price quoted by the proponent on this proposal, subject to any exceptions specifically noted in its proposal.

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| A) Depth of experience working with Michigan municipalities | 7 |
| B) Include the following: Signed Contract (Attachment A) Bidders Agreement (Attachment B) Cost Proposal (Attachment C) Iran Sanctions Act (Attachment D) | 18 |
| C) Provide a confirmation statement as to whether you serve as an independent consultant/broker. Disclose any affiliation with any insurance company, third party administrator, or provider network..... | 18 |
| D) Describe your method of compensation for your services. Discuss how your method of compensation will be transparent and reported to our team. | 18 |

Submission Requirements

Brief company history demonstrating a minimum 10 years of experience providing healthcare consulting services in the Michigan municipal market or with other related agencies/authorities/commissions.

Gallagher Benefit Services, Inc. has provided human resources and benefits consulting services since its foundation in the 1960s. Our operations in Michigan have been providing healthcare consulting services to the municipal market and other public sector employers for more than 25 years.

Public Sector and Municipality Experience

Gallagher works with over 170 public sector employers in the state of Michigan with 50+ of those being municipal organizations. Nationally, Gallagher works with over 2,500 public sector employers with 800+ of those being municipal organizations. Consulting with the public sector, and municipalities in particular, is a core competency for Gallagher which is why we continue to grow in this space year over year. Gallagher consults to the only Public Act 106 health insurance pool in the state of Michigan which is comprised of Michigan public sector employers of all types including 21 municipal organizations. Given the City's current self-funded arrangement, The Pool provides an excellent alternative for consideration which can deliver demonstrated stability (in existence for over 16 years), cost sustainability (a market leading fixed cost level as a percentage of overall spend at 9% and an average renewal increase of 3.9% over the past five years), and added cost saving and care navigation resources for City administration and plan members.

Because of our deep understanding of Michigan municipal employers, we understand that budgeting for the City is a complex process with multiple bargained and non-bargained stakeholder groups and the need to factor the changing regulatory landscape specifically impacting municipal employers (PA 106, 152 (recognizing the City has the option to opt out) and 202 to name a few). With over 2,500 public sector clients nationally, Gallagher's Public Sector Practice is solely dedicated to serving the needs of public employers. The City of Birmingham will have a partner who is a national leader in working with cities, counties, states, government employers, K-12 public schools and special education districts.

The public sector practitioners at Gallagher, led by a full-time practice leader, have spent years understanding and providing for the nuances of your industry. We actively participate in and provide thought leadership for associations supporting the municipal space including organizations such as MME, MPELRA, ICMA, MGFOA, MIPRIMA and their national counterparts. We know the market, the players, the legislation and the cost factors.

As a provider of services to the public, we understand that the City of Birmingham faces unique challenges. Your organization is exempt from certain laws and governed by others that may allow for flexibility and cost efficiency. Tax revenue streams and other sources that are subject to change drive the design and financing of your employee compensation and benefit programs. Also, in many cases, the City of Birmingham's decisions are affected by collective bargaining agreements and intense public scrutiny.

Your Gallagher team takes these factors into consideration. We bring a broad range of public sector-focused solutions and expertise, such as collective purchasing, benchmarking data and healthcare utilization review and analysis. With our industry specialization and large number of public sector clients, you have instant access to industry benchmarks through your consultants.

Gallagher will strengthen the City of Birmingham with:

- Guidance throughout the bargaining process and recommendations on best practices moving forward
- Communication with employees so they understand the value of their benefits package
- Deep understanding of compliance and legal issues, including labor laws and recent COVID legislation
- Collaborative communication with key stakeholders to build consensus and resolve issues

As a partner to the City of Birmingham, Gallagher will create a total compensation program that aligns your financial realities with employee expectations and your organization's goals. We'll help you clear away the barriers presented by complex issues and serve the public in a fiscally responsible way — now and well into the future.

OUR CULTURE

The ideals, principles and values embodied by the founder whose name still appears on our door are part of our corporate DNA. Gallagher's approach to business, fostered through three generations of family leadership, has always centered on creating relationship value as true partners to our clients. Your Gallagher team understands they can make a genuine difference in protecting and supporting your human capital only if they fully engage in your business. We take the time to ask the right questions so that we can offer you the best recommendations. By specifically addressing your unique challenges, benefit objectives and business goals, your consultants gain the insights they need to help you act strategically in the present with a long-

term view of success. Our mission statement, and the shared values we refer to as *The Gallagher Way*, describe how our culture and people are dedicated to yours.

Mission

- To build the best benefits services practice with brokers and consultants who understand the value of building relationships and trust, and creating experiences and results that inspire our clients’ confidence.
- To provide superior, cost-effective benefit products and services that meet the ever-changing needs of employers, while striving for the highest professional excellence in the delivery of those solutions.
- To measurably help organizations manage and grow their businesses through our benefit services expertise and counsel.

We will accomplish our mission with the kind of leadership that grows our company by enriching our culture. We will honor the moral and ethical standards that are vital to gaining organizations’ trust, and their confidence in our ability to continually build and develop a Gallagher benefit services team that excels at what we do.

The Gallagher Way

The Gallagher Way is a one-page document written in 1984 by our former chairman and CEO, Robert E. Gallagher, which defines the Gallagher culture. It describes the principles, behaviors and beliefs that have produced great work at Gallagher – and great working relationships – since the company was founded. The document’s 25 shared values guide business conduct for each of us as individuals, and all of us as a team.

[See Attachment 1: The Gallagher Way.](#)

GALLAGHER BENEFIT SERVICES (GBS)

Our Health and Welfare Consulting team helps you design, implement and manage a cost-effective benefits program that is structured to reduce costs, improve workforce productivity, educate employees, mitigate risk and help you attract, retain and develop top talent. Through this consultative process, we deliver effective and sustainable workforce strategies that will help you optimize one of your largest expenses—healthcare benefits. We make sure your employee benefits strategy aligns with your business goals.

Our Health and Welfare consultants help you design a strategic benefit package that is sustainable in both the short and long-term. Our services include:

| Gallagher Practice | Services and Skills - Included in Consultative Compensation |
|------------------------------------|--|
| <p>Health & Welfare</p> | <ul style="list-style-type: none"> • Designs customized, competitive employee benefits programs that foster a culture of health and total wellbeing • Offers innovative solutions, benefit stop-loss captives, data warehousing, workforce evaluation and more • Helps employers mitigate risks and control the costs of claims, liability, noncompliance and data security • Provides expert data analysis and insight to improve budgeting and empower sound decision making |
| <p>Wellbeing</p> | <ul style="list-style-type: none"> • Develops integrated strategies to improve employee engagement and help employees thrive at work, at home, and in their communities • Creates and enhances holistic wellbeing initiatives to support an organization’s unique employer value proposition • Guides customers to make the right resource investments for their people • Broadens the conversation on organizational health to include health management, wellness and clinical resources |

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| Healthcare Analytics | <ul style="list-style-type: none"> • Helps clients identify and understand what is driving their health plan costs, and why • Develops strategies to help clients achieve better cost control while ensuring employee satisfaction with their benefit offerings • Tracks health plan performance and its impact on the client's total rewards strategy • Provides a full range of data warehousing options to fit the needs of clients of varied size and budget • Can be further engaged for Dependent Eligibility Audit, not included in current scope |
| Compliance | <ul style="list-style-type: none"> • Gallagher's in-house compliance team has developed several proprietary tools to provide clients with an initial and ongoing review of compliance obligations and opportunities to improve legislative and regulatory compliance. • Gallagher may utilize a proprietary compliance review to determine potential sources of compliance risk and to help address them. • Monthly webinars address various compliance topics under the ACA, COBRA, HIPAA and Section 125 • Newsletters and other bulletins on specific compliance obligations • Array of toolkits that provide actionable assistance on ongoing administrative and strategic compliance issues |
| Enrollment Solutions | <ul style="list-style-type: none"> • Provides benefit communication services • Provides open enrollment support • Concierge new hire onboarding • Provides Dependent Eligibility Verification |
| Voluntary Benefits | <ul style="list-style-type: none"> • Helps clients organize and expand their benefits portfolio by analyzing gaps in current offerings and articulating specific voluntary benefits goals • Provides unbiased counsel on voluntary benefit providers and options, as well as overall voluntary benefits strategy • Delivers customized enrollment solutions that meet the unique needs of each client's organization and workforce • Supports employee engagement with customized communications and employee outreach campaigns |

| Gallagher Practice | Services and Skills - Additional Fees |
|--|---|
| Enhanced Communications | <ul style="list-style-type: none"> • Focuses on gaining maximum employee engagement and increasing organizational returns on investment • Covers a complete range of in-house services, including strategic consulting, communication design and digital application • Delivers tailored communication solutions based upon objective, unbiased consultation with each client |
| Benefit Advocate Center (BAC) | <ul style="list-style-type: none"> • Educate and inform, answer questions regarding benefits • Help to resolve outstanding claims issues and pharmacy coverage and authorization issues • Conference calls as required to resolve complex problems with third parties • Provide administrative support such as ID card resolution, providing forms, supporting qualifying event processes, and providing referrals to nurse advocates and Medicare experts |
| Human Resources & Compensation | <ul style="list-style-type: none"> • Attracts: Search and place the best talent for sustained success, whether clients are in need of interim or permanent leadership • Engages: A team comprised of organizational scientists and consultants dedicated to engineering remarkable workplaces based on pioneering surveys and research • Develops: Through audits, strategic HR consulting, and coaching, we develop talent to better align the next generation of leadership with long-term organizational goals • Rewards: Designing compensation and total rewards programs that are competitive and compliant |
| HR & Benefits Technology | <ul style="list-style-type: none"> • Develops long-term HR & benefits technology strategies, taking into account existing technology, contracts and processes • Supports technology purchases to ensure clients select a solution that fits their needs and budget, and aligns with their goals • Oversees technology implementation by providing guidance, accountability and change management support, and managing risk to project success • Optimizes clients' HR & benefits technology to ensure they get the most out of their investments • Ensures technology is positioned and implemented to enable outcomes, not as an outcome in itself |
| Enhanced Pharmacy Benefit Management Consulting | <ul style="list-style-type: none"> • Devises client-specific pharmacy solutions based on the unique needs of the employer and employee population, and driven by client and industry data • Offers access to clinicians and industry veterans with years of behind-the-scenes insight into the pharmacy benefit management industry • Provides a range of bundled and ad hoc pharmacy consulting solutions to meet client needs at any price points |

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| Retirement Plan Consulting | <ul style="list-style-type: none"> • Consulting tailored to the specific needs of a Michigan municipal workforce that has a combination of pension and supplemental retirement vehicles • Designs retirement plans that help ensure the financial wellbeing of our clients' employees while meeting corporate objectives • Helps clients educate their employees so they understand and make the best use of their retirement plan • Provides consultative support to help mitigate risk, avoid conflicts of interest, and ensure responsibilities and liabilities are met • Offers broad support for and deep expertise on a variety of retirement plan vehicles, to meet the needs of all types of organizations and plan sizes |
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A detailed organizational chart of the proposed team members who would be supporting the City of Birmingham, including their credentials, years of total experience and years of experience with your firm. Please also outline any supporting resources for the account team.

Your Gallagher team leading implementation will be the same team throughout the entire client relationship. The team will be led by Chadd Hodkinson, with lead consultant responsibilities managed by Sara Rajter. Melissa Kavalick will provide implementation and onboarding support in the first year of our relationship with the City. Nicki Brown will serve as the Account Manager on the team providing day-to-day support. The team will manage internal financial analyst resources to deliver all necessary ongoing program performance analyses, market evaluations, carrier negotiations and all other financial needs. These individuals together make up the City of Birmingham dedicated client management team who will all be ultimately responsible for plan management and consulting, coordination of Gallagher resources, and vendor management. This core team is supported by a broad range of local, regional and national resources providing additional subject matter expertise in the areas of compliance, wellbeing, underwriting and actuarial science among others.

As a part of our commitment to the City of Birmingham, we will ensure that Lenny Brucato, Area President of Gallagher's Michigan branch, is accessible to the City of Birmingham at any time to discuss our team's performance and delivery of materials. If the City of Birmingham would like, we would be happy to include Mr. Brucato in our kick-off and annual meetings.

Implementation and continuation of consulting services with Gallagher is intended to be a "light lift" for the City of Birmingham team. We first draft all broker of record (BOR) letters on your behalf. We then have a one-time comprehensive data request that we use to catalogue your current plans and programs. This data request can be sent to your team or the vendors after the BOR letters have been sent. Your core Gallagher team will meet with you as soon as possible to start the strategic process.

Your Gallagher team will be your local resource that puts the strength of our entire 4,500-person global benefits team to work for City of Birmingham benefits and compensation programs. Our team's expertise spans the benefits and human resources spectrum, including:

- Public Sector experience
- Experience with all types of benefit programs: medical and prescription drug, dental, vision, life, disability and leave, PTO, voluntary products and more
- Strategy development, tactical milestone setting and measurement of KPI's
- Self-insured plan underwriting, utilization and vendor management and negotiation
- Employee communication strategy and creation
- Compliance and regulatory support
- Market research and statistical reporting
- Wellbeing programs

We explain each member's role in more detail in [Attachment 2: Team Biographies](#).

Turnover statistics for employees who will be managing the account.

Employee Turnover Rate

Because of Gallagher's size and leverage in the Michigan market, we have the ability to attract the best and brightest talent year over years as we continue to grow. The location of the office that will service the City of Birmingham's account is: 2600 S. Telegraph Rd., Suite 100, Bloomfield Hills, MI 48302. Total employee count in the Bloomfield Hills office is 115 with an annual turnover rate less than 6%.

Because of Gallagher's size and leverage in the Michigan market, we have the ability to attract the best and brightest talent year over year as we continue to grow. Gallagher enjoys a stable workforce, with nearly all staff changes coming from new hires being added to the team as we grow. In the past several years, your assigned Gallagher team has not lost any key members of the account service team.

Respondents must have current healthcare broker/consulting clients that are Michigan municipalities, or are other related agencies/authorities/ commissions. Provide references, complete with contact name, title, municipality name, phone number, and email address.

City of East Lansing

410 Abbot Road
East Lansing, MI 48823

Shelli Neumann

Human Resources Director
517-319-6893

sneuman@cityofeastlansing.com

City of Battle Creek

10 North Division St.
Battle Creek, MI 49014

Michelle Hull

Human Resources
269-966-3355

mrhull@battlecreekmi.gov

City of Troy

500 W. Big Beaver
Troy, MI 48084

Jeanette Menig

Human Resources Director
248.680.7287

menigje@troymi.gov

City of Berkley

3338 Coolidge Highway
Berkley, MI 48072

Darchelle Strickland-Love

Assistant City Manager
248.658.3350

dslove@berkleymich.net

City of Novi

45175 W. Ten Mile Rd.
Novi, MI 48375

Tia Gronlund-Fox

Director of Human Resources
248.347.3272

tgronlundfox@cityofnovi.org

A) Describe your depth of experience working with Michigan municipalities in the following areas:

Collective bargaining

The Gallagher team assigned to the City of Birmingham works exclusively with public sector employers in the state of Michigan. We are extremely familiar with the collective bargaining process and regularly support our public sector clients through that process. In some cases, clients prefer to have their Gallagher team at the table when discussing benefit-related items. In other cases, we are tasked with informing the development of bargaining strategy and creating exhibits and other information in support of proposals being made.

Many of our public sector clients have chosen to form benefit committees comprised of union and non-union leadership for the purpose of providing education on benefit-related topics. While these committees are not necessarily part of the bargaining process, we find that the education that occurs makes the bargaining of benefits more effective and productive. Gallagher regularly supports the formation of benefit committees and facilitation of committee meetings. We believe our commitment to objectivity and transparency is what helps us consistently build rapport with union leadership and create collaborative relationships that lead to educated and strategic benefit program decisions.

Litigation and/or 312 arbitration support

We understand the necessary considerations when evaluating benefit program alternatives for police and fire personnel. Gallagher supports our municipal clients through the process providing necessary financials, summary information and employee education. In the event of an arbitration hearing, Gallagher has experience testifying in these settings both on trends in the marketplace in general and on reasoning for specific proposed changes.

Retiree healthcare

While most employers in the private sector have eliminated retiree healthcare benefits over the past several years, most public sector employers still have large funded and unfunded obligations in this area. Gallagher is committed to helping our public sector clients keep the retiree healthcare promises that were made and identifying options to better manage the cost of these benefits including:

- Shifting to an insured Medicare Advantage framework
- Offering an insured group Medicare supplement plan
- Implementing pharmacy cost management features
- Moving pharmacy benefits from the current structure (that includes federal retiree drug subsidies) to employer group waiver plan (EGWP) structure where subsidies are already built into premium rates
- Use of account-based plans to reimburse future retiree healthcare costs in lieu of traditional retiree healthcare
- Retiree healthcare exchanges with premium support from the city

Determining the optimum solution for the City of Birmingham involves segmenting retirees by classification, working in conjunction with legal counsel to review past bargaining agreements and any implied vesting and working with the actuary to model out cost and liability impact.

Case Study

Client: Public sector client with 480 retirees enrolled in retiree healthcare

Situation: Fully insured medical program with retirees offered traditional retiree healthcare coverage

Outcome: After winning the business, Gallagher worked with the client to educate retirees on Medicare Advantage alternatives. Recommended program changes resulted in the client avoiding over \$2,500,000 in retiree healthcare costs annually in the first three years with retirees maintaining comparable coverage levels.

Public Acts 152, 202, and others

Your Gallagher team is well versed in the regulatory framework governing public sector benefit programs in Michigan. We discuss some of the most common below:

Public Act 152 specifically has changed the landscape of employee benefits programs among many public entity clients in Michigan. As employee premium cost sharing has increased for many public sector employers following the passage of PA 152 in 2011, public employees have taken an unprecedented interest in their health insurance and how they can save money. We

believe it is critical to help union leadership, their membership, as well as non-represented employees understand the connection between their healthcare consumption and their costs. Developing this understanding among stakeholders lays the foundation for sometimes difficult discussions involving changes to plan design and other program elements. This is important not only for employees but also for the City of Birmingham. With a deeper understanding of claim utilization trends, Gallagher can help the City of Birmingham develop targeted employee education aimed at helping employees keep money in their pocket while also helping the City of Birmingham to establish a sustainable claims trend.

As part of our normal practice, we complete a PA 152 analysis on an annual basis to ensure the municipality is in compliance with the legislation. This analysis includes looking at blended experience (actives and retirees) along with non-blended experience. This allows us to evaluate how different employee groups are utilizing the plans and creates an opportunity for targeted employee/retiree communication strategy. We work with our municipal clients to analyze the full range of PA 152 options including opt out and specific contribution strategies and options if opting in.

Public Act 202 brings additional scrutiny to the City of Birmingham's OPEB liability and necessitates development of an action plan if not meeting certain stipulated benchmarks. Gallagher has a strong track record of helping troubled Michigan municipalities develop strategies for reducing OPEB liabilities and engaging stakeholders in dialogue to ensure implementation of those strategies. The result has been lower retiree healthcare costs for municipalities while transitioning retirees to suitable yet more sustainable programs. Gallagher is equipped to partner with the City of Birmingham to leverage this legislation to drive meaningful dialogue with key stakeholders.

Public Act 106 – since its passage in 2007, Gallagher has performed countless PA 106 marketing efforts. Our philosophy is to ensure our clients' compliance and, where appropriate, utilize the PA 106 marketing results to educate both the client and its employees on the alternatives that exist in the marketplace.

Case Study

Client: Michigan public sector employer

Situation: Client was significantly underfunded for their OPEB liability

Outcome: We helped the client smoothly and seamlessly carve retirees out of the commercial health plan, deployed a Medicare Advantage offering which helped take the client to fully funded status for their OPEB liability.

Multi-year strategic planning

Gallagher will work with you to create a strategic plan that accounts for near term (over the coming year) and long term (multi-year) goals and objectives. This process, generally conducted through face-to-face meetings, allows us to collaboratively assess your benefit program, agree on your long-range plans, create a service plan, put actions and checkpoints into place, and create accountability each year. Our strategic approach aims to help design and manage benefits programs to satisfy your current needs and develop a forward-looking strategy with built-in cost containment measures for upcoming years to meet the changing needs of a diverse workforce.

The Six Phases of the Gallagher Strategic Planning Process

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| <p>Assessment: We start each year with an assessment of your benefit program.</p> | <ul style="list-style-type: none"> • Client Annual Review (CAR) • Review your goals, objectives and philosophy • Conduct a compliance inventory • Complete a plan design analysis • Present an annual report outlining results from the prior year |
| <p>Strategy: We work with you to outline and develop your long-range plans.</p> | <ul style="list-style-type: none"> • Brainstorm with you on creative approaches • Share new benefit trends and identify the realm of possible solutions • Explore administrative needs to enhance benefits design and delivery • Set goals with you that help you achieve your long-range plan |
| <p>Client Service Plan: The outcome of the assessment and strategy phases is the preparation of a written client service plan for the year.</p> | <ul style="list-style-type: none"> • Action plan for the year for our services including a timeline for delivery • A record of your goals and priorities for the year • A commitment to deliver specific agreed-upon services • An agreement on individual responsibilities for services |
| <p>Action: Once the Blueprint is in place, we go to work for you.</p> | <ul style="list-style-type: none"> • We never lose sight of the priorities and commitments in the plan • We know that client priorities change, sometimes very quickly • We're quick to respond & quick to take action in a new direction for you |
| <p>Checkpoints: Our Blueprint makes us accountable to you.</p> | <ul style="list-style-type: none"> • Review the Client Service Plan • Assess results • Adjust priorities and timeframes as appropriate • Meet regularly, weekly, monthly, quarterly to measure and monitor progress and outcomes |
| <p>Report Card: Reinforce our accountability annually</p> | <ul style="list-style-type: none"> • At the end of each year, we will ask you how we did • We will ask for your assessment of how we delivered on our commitments |

Long-term Strategic Planning

Our long-term strategic approach aims to not only help design and manage benefits programs satisfying current needs, but to develop a forward-looking strategy with built-in cost containment measures for upcoming years. We will work with the City of Birmingham to develop a multi-year plan to ensure the benefits program is in sync with your short- and long-term objectives.

Your Gallagher team will review, analyze and make appropriate recommendations in terms of competitiveness, cost-effectiveness and benefits philosophy as they are related to the strategic plan. The following five steps are what we will undertake across all of your benefits programs.

Discovery & Analysis

- The City Environment – Evaluate future City staff changes.
- Demographics – Analyze employee characteristics.
- Total Wellbeing – Benchmark plan within industry and develop strategy focused on competitiveness, costs and employee characteristics.
- Cost and Financial Modeling – Inventory programs while focusing on key cost drivers, cost containment opportunities and outcomes.
- Satisfaction – Survey population & provide employee assessment of current benefits program including the communication of benefits.

- Project Cost – Estimate benefits program cost based on status quo, as well as with potential changes.

Desired State and Goal Setting

- Determine Differences – Identify areas where meaningful changes are expected for the organization, employees and macro environment.
- Identify Impacts – Provide evaluations of the preferred future state and impacts of changing variables.
- Develop Specific Goals – Using tangible metrics outline goals.

Gaps and Opportunities

- Identify gaps – Evaluate current programs compared to goals.
- Prioritize opportunities – Rank each gap and develop a plan of action to close the gap.
- Strategic and Tactical Options Evaluation
- Develop Strategic Alternatives – Leveraging the gaps and opportunity analysis creates options for reaching goals.
- Propose Tactics – Evaluate tactics that will support strategic alternatives while taking into consideration The City's culture, benchmarking data, and other factors.

Implementation and Management

- Vendor Selection - select and secure the most qualified vendors with the most favorable terms to deliver the programs and designs determined by this strategic planning process
- Implementation – onboard newly customized programs based on identified needs
- Integration – introduce programs to operations and employees ensuring a positive onboarding experience.
- Measurement – identify key metrics to be regularly tracked to determine performance and provide insight for continued strategic opportunities.
- Communicate and Engage – develop a communication strategy to educate & engage employees.

This dynamic approach enables you to validate and define a long-term benefits strategy by aligning employer and employee needs to achieve success.

Wellness programs

Every Gallagher client receives access to our no-cost 'Live. Life. Well.' wellbeing platform. The platform provides a readymade calendar of wellbeing topics that span the five areas of wellbeing: physical, mental/emotional, financial, career and community. Each monthly topic includes a newsletter containing articles, challenges and healthy recipes. In addition, the platform provides program administration resources and as with all Gallagher resources, you will have the support of your core Gallagher team in fully utilizing this tool.

Business success is often a function of the people who work for an organization and how engaged they are with their employer. Gallagher analyzes your organization and workforce holistically, and uses the findings to design customized health and welfare solutions that incorporate a tailored wellbeing strategy to help you minimize risk and maximize your total workforce investment.

Gallagher's Wellbeing Consulting recognizes there are multiple facets of wellbeing that affect each individual working for you. Our consultants go beyond fitness, weight-loss or disease management to examine all aspects of your employee's physical wellbeing - along with their emotional/social, financial, career, and community wellbeing. Gallagher works with you to develop broad, integrated strategies that consider these areas.

The City of Birmingham's ability to more effectively engage your employees demands a total wellbeing approach that allows each employee to thrive at work, at home, and in their communities. With healthcare costs rising and regulations around wellness programs increasing, a comprehensive operational plan can address both wellbeing and compliance at the same time. This proactive approach allows you to thoughtfully leverage your resources and ultimately makes the most of your initiatives. Your team of dedicated Wellbeing professionals at Gallagher will guide you in developing and implementing a plan that positions wellbeing as a prioritized organizational solution and vehicle to successfully house your unique culture and deliver your employee value proposition. We'll work with you to make your workplace wellbeing better, together.

The Gallagher Wellbeing team will conduct a full analysis of all current wellbeing offerings as well as employee engagement, company culture, workforce demographics, incentive design and data analysis to craft a gap analysis framework. We will then assist the City of Birmingham with the development of a comprehensive wellbeing strategy, including a thorough communication plan, integrated vendor partner support (if applicable) and specific metrics to evaluate your strategy. We will engage both our local and regional resources and team members to complete this evaluation and report.

Gallagher can produce a Best-In-Class Benchmarking Analysis. The analysis will challenge assumptions about what is possible, and provide you with a sense of where you stand compared to your peers, based on meaningful data. Your progress toward Best-in-Class status is a measure of your success and the likelihood that your programs will produce optimal results.

As we set strategy, we support our clients in a host of ways, both strategically and tactically. Your Wellbeing Team will work closely with your core Account Management Team to ensure all initiatives are in alignment with your overall rewards strategy. Common strategic initiatives and tactics used to support our clients over time may include, but are not limited to:

- Best Practice Wellbeing Toolkit & Resource Guides
- Monthly Wellbeing Newsletters
- Easy to implement challenge toolkits and educational campaigns
- Multi-year strategy and roadmap development
- Vendor selection and implementation (if applicable)
- Wellbeing committee development and support
- Comprehensive health promotion & wellbeing program design
- Engagement drivers (i.e. incentives, plan design, vendor integration, decision support)
- High Risk Intervention
- Lifestyle Management
- Self-care/consumer education
- Employee Assistance Programs
- Disease Management
- Targeted programs based on claims analysis review

Case Study

Client: Public sector client with approximately 650 enrolled employees

Situation: Client seeking to manage healthcare trend and improve employee wellbeing with a targeted employee wellbeing strategy

Outcome: Gallagher supported the client in developing a wellbeing strategy that incorporated health risk assessments, biometric screenings, incentives and communications. The result has been over 95% employee participation in health risk assessments and annual health exams year over year with a healthcare trend in the low single digits.

Budgeting and financial analysis

The in-house analysts and actuaries on Gallagher's Healthcare Analytics team can provide the City of Birmingham financial forecast modeling. In fact, we have a long history of managing underwriting and actuarial functions for many of the largest health plans in the country.

Some of the analytical, actuarial and funding projections available to you through predictive modeling include:

- Retention
- Profile adjustment
- Trend factors
- Claim costs
- Credibility factors
- Incurred but not reported claims
- Optional plan design elements

Gallagher will model and develop rates for the City of Birmingham and track costs to budget. Expense and budget reports will be customized to your individual needs and account structure with the support of our Health Rating Model. This proprietary rating engine validates rating projections and can help you understand the financial impact of federally mandated changes to your existing health plans.

RFPs

Negotiating Renewals

The City of Birmingham's renewal process will be completely managed by your Gallagher team, and starts with the development of a timeline. This timeline will include a pre-renewal meeting to discuss your expectations, the evaluation of vendors' service levels and the possibility of making benefit changes.

Negotiations with the proposed vendors will take place within a comfortable timeframe that can support a confident choice. This includes marketing the account if the vendor's requested renewal action is not considered reasonable, and exploring alternative vendors.

- Gallagher's approach to procurement encompasses more than just preparation of a document and evaluation of responses. Key elements in the marketing process include:
- **Establish goals, objectives and priorities of the RFP** – Gallagher starts the process by meeting with the City of Birmingham to establish project goals, long and short-term objectives and priorities. We will also discuss plans/coverages, plan designs, funding methods, administrative structure and any optional provisions to be included as part of the process. During this meeting, we will also define specific project milestones and measures.
- **Request data required for initial plan analysis and RFP development** – After the initial meeting, Gallagher will provide the City of Birmingham and its vendor(s) with a list of requested data including but not limited to plan summaries and financial data (claims, enrollment, contracts, administrative agreements and performance agreements). This information will also be summarized for inclusion in the Request for Proposal issued to prospective vendors.
- **Identify desired vendors** – Gallagher will use its proprietary tools and market knowledge to identify desired vendors based on the City of Birmingham's benefit priorities and vendor capabilities. As an independent consulting firm, we are not tied to any one carrier and are free to represent and recommend any carrier.
- **Develop technical questionnaire** – Based on input from the initial planning meeting and plan data, Gallagher will assist with development of the RFP document including plan design issues, financial structure of proposal, network needs, customer service and performance issues, clinical quality and outcomes and administrative processes.
- **Field vendor questions via email and phone calls during the RFP bid period** – The City of Birmingham's assigned team will respond to questions from prospective vendors.
- **Analyze proposal responses, bids and financials** – Gallagher will assist the City of Birmingham in its review of proposals for compliance with bid specifications and market competitiveness. Using our extensive market knowledge, our team will work to normalize the data to present a fair comparison.
- **Identify each vendor's strengths and weaknesses** – Gallagher's evaluation will be based on measurement categories and weightings specific to the City of Birmingham.
- **Provide a summary report and finalist recommendations** – Gallagher will summarize the evaluation data utilizing a proprietary scorecard. The scorecard is based on a point system and is weighted by each key category and sub-category. Key categories include client service, member service and claim processing, medical management and wellness, utilization and claim reporting analysis, employee communication support and member advocacy, proposal package, network discount, access and claim cost projections and fixed cost. In addition, a final report of key findings will be provided to the City of Birmingham.
- **Assist with finalist presentations and site visits** – Gallagher will arrange and facilitate finalist presentations and site visits (if desired).
- **Review and negotiate contracts** – Gallagher will review the selected vendor's contract and compare it to the accepted proposal. We also can support the City of Birmingham in negotiations with the vendor at any level that is deemed appropriate.

After your employee benefit programs are in place, Gallagher will proactively take the lead in monitoring your program's performance and work to resolve any issues that may arise, such as coverage disputes, billing issues, or service problems.

Funding reviews and recommendations (self-funding, insured, hybrid)

Gallagher has extensive experience with multiple funding options, including self-funding, minimum premium payment, ASO contracting, insured and pooling. We also have access to a variety of systems-based actuarial tools that can help guide the City of Birmingham's funding decisions. The recommendations that your Gallagher team makes for your particular plan will be based on a comprehensive, comparative analysis of several different funding scenarios.

Case Study

Client: Public sector client with approximately 90 enrolled employees

Situation: Client seeking cost savings associated with their health insurance program

Outcome: Gallagher evaluated available marketplace options and identified a self-funded medical program resulting in \$264,000 of projected annual cost avoidance. Gallagher supported the implementation of the program caring for all related details. Implementation was successful with no disruption to employees and positive feedback from administration.

Employee/retiree communications

All-encompassing at Gallagher, we view employee communications as a strategy to enhance both employee engagement and workplace productivity – all leading to optimal cost containment and positive talent attraction and retention. We believe the right communication plan, combined with the right rewards program, can help an organization enhance how they are perceived by current and prospective employees.

Designing programs specifically for your workforce and culture will return the greatest value on the time, effort and expense you invest in these priorities. Gallagher can help you plan and carry out the most effective approaches to open enrollment and new hire orientation based on the City of Birmingham's unique communication style, including:

- Enrollment strategy planning
- Branding development or considerations
- Customized communications, such as announcement letters, letters from your administration, enrollment forms, open enrollment brochures, posters, articles for your internal newsletter and intranet, electronic information, payroll stuffers and other communication vehicles
- Customized presentation of open enrollment programs
- One on one enrollment meetings
- Open enrollment meetings or webinars
- Customized electronic communications using Prezi Software
- Management meetings
- Employee health fairs and educational series
- Support of or integration with existing benefit administration systems

Your communication strategy can also include campaigns, mailers, drip campaigns, flyers, and more. Specific to retiree populations, we work closely with our clients to develop sustainable healthcare strategies. Once a healthcare solution is agreed upon, we support our clients beginning with the implementation through enrollment. Specifically, our team will develop customized communications, arrange onsite and/or virtual educational meetings and establish an ongoing communication campaign to keep retirees informed throughout the year. Further, our team is available to help assist retirees throughout the year with any benefits issues that may arise.

Employee Communications Portal

BenefitHub/Connect2MyBenefits: Gallagher has formed a national relationship with BenefitHub to deliver a powerful employee communications platform – Connect2MyBenefits - for you and your workforce. The Connect2MyBenefits platform provides customized, up-to-date communications and decision support tools for employers and employees to span the entire workforce life cycle—from hire to retire. It serves as a virtual, HR assistant providing employers and employees with the customized information they need, when they need it. C2MB is provided to Gallagher clients if the discount programs are installed simultaneously. Otherwise there is a charge attached.

Your employees have access to information ranging from an overview of their health coverage to an in-depth look at their retirement plan. It also offers guidance for life events such as marriage, birth of a child, planning for college or retirement, dealing with a terminal illness, preparing for a disaster, and even surviving a tax audit. In addition, the site features several financial

calculators to help employees with retirement planning, contributing to a Roth IRA, buying insurance, budgeting, home financing, and credit lines.

To view a sample demonstration site, visit: <https://pyramidcompany.benefithub.com/#customsectionsoverview>

Federal compliance assistance

Gallagher maintains an in-house legal compliance practice whose aim is to assist our clients in meeting the complex legal requirements for health and welfare plan sponsors in the most efficient and savvy manner. The Great Lakes Region Compliance Team includes Lead Compliance Attorney Nancy Farnam, and three Compliance Counsels. Because of our extensive presence in the Michigan municipal space, we are accustomed to tailoring compliance support through the unique lens of Michigan municipal employers including collective bargaining considerations, Michigan state legislation as discussed previously and the City's status as a non-ERISA employer.

| | |
|--|--|
| <p>Nancy Farnam Great Lakes Region Lead Compliance Attorney 248.430.2818 nancy_farnam@ajg.com</p> | <p>Arnie Munson Area Vice President, Compliance Counsel 630.694.5123 arnie_munson@ajg.com</p> |
| <p>Chris Lencewicz Area Vice President, Compliance Counsel 216.416.2236 christopher_lencewicz@ajg.com</p> | <p>Kathi Wright Area Vice President, Compliance Counsel 952.356.0734 kathi_wright@ajg.com</p> |

To help avoid getting burned by compliance mistakes, Gallagher's consulting and compliance teams will work with the City of Birmingham to complete our Compliance Annual Planning Guide. The Compliance Annual Planning Guide is a comprehensive interactive tool that provides a calendar of federal and state law compliance to-do's based on your specific plan year. The Guide has several features that make it an indispensable tool for assisting the City of Birmingham in your compliance efforts, including highlights of new requirements that will apply at your next renewal date (including any required notices), discovering holes in previous administration and record keeping that need correcting.

In addition to this guide, Gallagher provides the following support:

- **Education:** Our compliance experts interpret legislative developments related to COVID and on such topics as PPACA (healthcare reform), COBRA, HIPAA, Medicare Part D, legislation related to the pandemic and many others, and circulate that information through newsletters, technical bulletins, educational guides, seminars and webinars. These action guides are user friendly and jargon free.
- **Consulting:** Our compliance experts will work alongside your Gallagher consulting team and with your staff and/or your legal counsel to help resolve complex situations and answer questions.
- **Ongoing Administration:** As part of our consulting engagement, we will annually conduct a thorough review of your contracts and booklets.
- **Simplified 1095-C/1094-C ACA Compliance:** Worried about the reporting & tracking requirements for ACA? We have got you covered. We know the Affordable Care Act can be confusing so we built a set of simple yet powerful tools to make compliance easier.
- **Michigan Public Act Compliance:** Including PA 106, PA 152, PA 202, 312 arbitration to name a few.

Compliance support is included in the scope of services provided by Gallagher.

[See Attachment 3: Sample Compliance Newsletter](#)

Carrier negotiations

Because of our size and leverage in the marketplace, we have the ability to achieve superior results when negotiated with carriers. Please refer to our response to the RFP section above for a detailed overview of our negotiation and marketing process.

Vendor Management

We recognize that vendor management and performance monitoring is vital to effective administration of your benefits program. There are several aspects to our approach to carrier/vendor management:

- **Routine Management.** We play an active role in the ongoing management of all vendor relationships. This includes partaking in regularly scheduled calls, annual review meetings, overseeing open enrollment and ensuring all contracts and communications are in compliance
- **Vendor Selection.** Our marketing philosophy is based around asking the “appropriate” questions to bidders for answers that are customized to meet the needs of our clients. We do not use a standard proposal approach, where all proposals are the same for all clients. We would work with you to define the marketing objectives and then structure our efforts around these objectives.
- **Renewal Negotiations.** Negotiating vendor renewals is a Gallagher core competency. Our approach to carrier negotiations involves reviewing assumptions for reasonableness and accuracy by using a combination of analytics and market-driven information. The discussion includes supporting detail for our position using the data provided by the vendor and our knowledge and judgment as to reasonable rating methodologies, retention, demographic trends, and claim margin requests.
- **Issue Resolution.** Our team is accustomed to assisting our clients with resolution of administrative and technical issues that arise with their vendors. In addition to trouble-shooting problems that arise, we will proactively meet with you and your vendors periodically to address issues and concerns. Many of our clients have been able to maintain long-term relationships with their vendors due to overall satisfaction and our proactive approach to addressing concerns with vendors before they arise.
- **Negotiating Performance Standards.** We routinely work with our clients to negotiate performance standards on all vendors. These standards include, but are not limited to, customer service measures, claim statistics, financial measures, health plan utilization statistics, employee satisfaction, client satisfaction, and data management. Our experience includes negotiating one-way, two-way, and gain-share performance agreements.

With thousands of clients nationwide, Gallagher has tremendous negotiating leverage with and knowledge of the range of health & welfare vendors both locally and nationally. This is invaluable to our clients as they continue to seek ways to ensure they are getting the most value for their dollar. Our team members serve on the advisory boards for many of the local and national insurance carriers. We stay close to the carriers so we are current on new product offerings, changes in underwriting or other matters that may affect our clients. We also share ideas from the marketplace and client feedback. We maintain high level contacts locally and nationally so we have leverage when it is needed.

As an independent consulting firm, we are not tied to any one carrier and are free to represent and recommend any carrier. On a corporate level, we scrutinize the financial solvency of all our vendor partners on a regular basis and will generally not recommend any carrier that does not have a minimum financial rating by the major national financial rating organizations. If circumstances ever warrant placing coverage with a carrier that is rated less than “A”, we will provide all available financial disclosure information to the client so that an informed decision can be made.

At least annually, we meet with representatives of many of these firms to discuss their position in the marketplace and their new ideas, products, and services they are bringing to the market. We are familiar with their reporting structures, their employer and employee relationship strengths and weaknesses, and the new products and services they offer.

Case Study

Gallagher is the largest writer of Blue Cross Blue Shield of Michigan in the state, and has preferred pricing with almost every carrier in the state. As a platinum rated agency, Gallagher utilizes its leverage to get our clients favorable admin fees with Blue Cross Blue Shield of Michigan. Below is a case study of a current client’s 2019-2020 renewal, displaying Gallagher’s negotiating power with Blue Cross Blue Shield of Michigan:

| 2020 BCBS Proposed Fixed Cost and Stop Loss Renewal | | | | |
|---|-----------|----------------|-------------------|-----------|
| | 2018 | 2019 (Initial) | 2019 (Negotiated) | Renewal |
| Year | 2018 | 2019 | 2019 | 2020 |
| Medical Fixed Cost PCPM | \$73.44 | \$69.77 | \$58.32 | \$58.32 |
| Dental Fixed Cost PCPM | Included | Included | \$4.19 | \$4.19 |
| Enrollments | 822 | 822 | 822 | 822 |
| Monthly Fixed Cost | \$60,368 | \$57,351 | \$51,383 | \$51,383 |
| Annual Cost | \$724,412 | \$688,211 | \$616,598.64 | \$616,599 |
| \$ Change from Current | NA | -\$36,201 | -\$107,814 | \$0 |
| % Change from Current | NA | -5.00% | -14.88% | 0.00% |

In addition, senior executives of Gallagher interact with both insurance carriers and vendor partners at a national level. Should a serious discrepancy in coverage or a large claim issue arise, they are capable of elevating the status of that issue to the top management of that organization. Because of this, Gallagher is in a unique position to assist with carrier or vendor challenges in a prompt and effective manner.

Pharmacy initiatives

The pharmacy benefit space has continued to be in the news and pose challenges for employers across the United States from a cost and transparency perspective.

Gallagher is uniquely positioned to partner with the City of Birmingham to objectively evaluate two distinct strategies for ensuring enhanced cost efficiencies related to the City's pharmacy benefit. This is made possible by Gallagher's expertise and leverage in the market.

The first strategic option for consideration is deployment of our Pharmacy Consulting Services practice area to support a pharmacy benefit manager (PBM) procurement. This would be applicable if Gallagher and the City of Birmingham, through a data-driven analysis, determined that a change to self-funding of the medical and prescription drug benefits was a desirable strategic change. The results of the PBM procurement effort provide:

- Transparency into the City's PBM contract terms
- Objective evaluation of a range of market options
- Negotiation of enhanced PBM contract terms resulting in average cost avoidance for the pharmacy benefit of 8%-12%
- No impact to coverage levels for City employees
- Performance guarantees

Another example of our expertise in the pharmacy space is the use of our expertise and leverage in the Michigan market to negotiate a cooperative purchasing arrangement with Blue Cross Blue Shield of Michigan and Blue Care Network called Blue Cross Enhanced Terms (B-Cet). B-Cet delivers market leading PBM contract terms with BCBSM and BCN which self-funded Gallagher clients can access simply by joining the arrangement. Highlights of the arrangement include:

- 95% share of drug rebate dollars retained by the City compared to the standard 90% offered by BCBSM to self-funded groups outside of B-Cet
- Specific and granular discount and rebate guarantees for the cooperative purchasing arrangement as a whole along with mechanisms for ensuring those guarantees are met
- A \$5 per employee per month allowance to cover the cost of BCBSM and BCN clinical pharmacy programs and pharmacy-related employee communications
- Service guarantees and a market check in year two of the arrangement

Both pharmacy solutions discussed above are provided on a fee for service basis outside of the core consulting fee provided in this proposal. However, we are often able to have the winning respondent of the PBM procurement process cover Gallagher's fee for the project while still driving the stated average 8%-12% cost avoidance. For the B-Cet program, a cost avoidance analysis specific to The City of Birmingham would be conducted to estimate likely, net cost avoidance inclusive of Gallagher's fee associated with the program. This analysis has shown net savings for every Michigan public sector client that has joined the program.

Case Study

Client: Public sector client with 250 enrolled employees.

Situation: Self-funded medical program with pharmacy carved out to an independent pharmacy benefit manager. The pharmacy contract had not been updated in years prior to Gallagher winning the business.

Outcome: In the first year, Gallagher performed a pharmacy benefit manager procurement process. Based on actuarial analysis of offers received and detailed review of contract terms, Gallagher was able to renegotiate the incumbent pharmacy benefit manager's contract, secure \$200,000 in annual pharmacy cost avoidance with no changes to copays or other employee out of pocket costs.

Ancillary services, including dental, vision, life, disability, FSA, COBRA, FMLA, and voluntary benefits

Gallagher's marketplace leverage extends to the ancillary service space as well. The City of Birmingham will enjoy best in class partners with preferred pricing. Gallagher partners with the full range of dental, vision, life and disability carriers and third party administrators. We administer a life and disability pool driving leverage for participating employers. Gallagher also maintains a dedicated voluntary benefit practice that integrates with your core Gallagher team to provide a targeted voluntary benefit strategy consistent with your culture and identified needs.

Finally, we maintain relationships with all FSA, COBRA and FMLA vendors. We have noted that some public sector employers in Michigan have received responses to RFPs like this one offering free or reduced cost benefit administration technology platforms or administration services (COBRA, FSA, etc.). Gallagher does not lead with solutions, rather we objectively consult with our clients, identify their needs and identify the right resources for meeting those needs. The City of Birmingham may save money with another agent/consultant partner on technology platforms or administration services but find themselves exposed when it comes to critical, costly program elements such as claims management, renewal negotiations, contract review and ensuring appropriate, compliant administration of benefit programs. We regularly uncover billing, contract and administration errors when onboarding new clients, creating immediate cost savings and ongoing cost avoidance for our clients.

Case Study

Client: Public sector client with approximately 350 enrolled employees.

Situation: Client was interested in enhancing the benefit offering through a strategic voluntary and worksite benefit rollout.

Outcome: Gallagher engaged our voluntary benefit practice and established a voluntary benefit strategy based on the client's stated goals and objectives. Group meetings were held to communicate the new benefit offerings and to ensure that employees selected appropriate lines and levels of coverage based on actual need. The enrollment process elicited positive feedback from both the employer and employees with over 20% enrollment for voluntary life and 15% of CI.

Assisting with enrollment/eligibility

Designing programs specifically for your workforce and culture will return the greatest value on the time, effort and financials you invest in these priorities. Gallagher can help you plan and carry out the most effective approaches to open enrollment and new hire orientation based on the City of Birmingham's unique communication style, including:

- Enrollment strategy
- Customized communications, such as announcement letters, letters from your administration, enrollment forms, open enrollment brochures, posters, articles for your internal newsletter and intranet, electronic information, payroll stuffers and other vehicles
- Customized presentation of open enrollment programs
- Open enrollment meetings
- Employee health fairs

We will work with you to develop comprehensive benefit guides that reflect your brand and culture and are easy for your staff to use. These guides will not only educate your employees about benefit choices, but also give you helpful information for meeting your annual legal notification requirements. Electronic copies of these custom materials will immediately be made available to your employees online. These e-copies can include a recorded presentation describing the plan choices and the enrollment process. If needed, our in-house fulfillment center will assemble printed packets with any other required pieces, such as enrollment forms and voluntary benefits materials.

In addition to creating custom enrollment for the City of Birmingham, core support staff will deliver engaging, interactive presentations at onsite open enrollment meetings or benefit fairs. The objective is to enhance your employees' understanding of their benefits' value, while educating them on smart plan utilization and how to approach healthcare as a consumer. These meetings are also available through web conferencing. You may also want to automate your open enrollment and new employee orientation, and optimize the experience for your employees with 24/7 access to answers for their questions. These services are provided by one of Gallagher's preferred vendors.

[See Attachment 4: Sample Open Enrollment Newsletter](#)

Flexible options can make it easier for the City of Birmingham to make a meaningful connection with your employees. Gallagher's ability to tailor each employer's approach to its unique workforce and culture has helped thousands of clients more clearly, thoroughly and effectively communicate with their employees. By increasing the satisfaction and engagement of your workforce, you'll support your competitive position as an employer-of-choice.

In addition to the services provided above, we discussed earlier in our response Gallagher's Connect 2 My Benefits resource. Beyond that, Gallagher has also included the provision of an online benefit administration system capable of supporting electronic data interface (EDI) feeds at no additional cost. If the City prefers to procure a system at their own cost that is more specifically tailored to the City's needs, Gallagher is positioned to help the City assess their technology needs, objectively evaluate a range of online benefit systems for their ability to meet those needs and support the City in selecting and implementing a best fit system. We operate a Human Resources Technology consulting practice that is solely focused on the benefit administration and human resources technology space.

B) Include the following: Signed Contract (Attachment A) Bidders Agreement (Attachment B) Cost Proposal (Attachment C) Iran Sanctions Act (Attachment D)

See Attachments for all signed contracts.

C) Provide a confirmation statement as to whether you serve as an independent consultant/broker. Disclose any affiliation with any insurance company, third party administrator, or provider network.

In addition to holding proper licensure in the State of Michigan, Gallagher is completely independent and has no financial interest in any insurance carrier we would recommend to you. Instead of preferred carrier arrangements, we have developed strong relationships with all major carriers. We believe the value of our relationships provides additional service or risk consideration for clients.

Please note: We can provide necessary proof of licensure to do business in the State of Michigan upon request.

D) Describe your method of compensation for your services. Discuss how your method of compensation will be transparent and reported to our team.

Gallagher customizes our compensation arrangements to meet the unique needs of each client and the nature of the services they have requested. We are flexible in the method of compensation in which we are paid and we are open to a number of compensation arrangements. Our general approach to compensation, however, never changes. We make these promises to all of our clients:

- Our compensation may be derived from fees or commissions, or a combination of both. The choice is made by each client based on their philosophical and budgetary considerations
- Our compensation will be a fair reflection of the services we are asked to provide
- Our compensation will be inclusive and agreed upon in advance
- We will fully disclose to our clients any and all compensation we receive each year

We do believe an important part of our value proposition is that we can offer a broad and deep set of services under a fully transparent fee model. Our proposal is based on an accurate assessment of the scope of work and sets forth a budget allocated for the services required. We track our services against this budget regardless of whether it's being paid on a retainer basis or under a commission arrangement. We don't use a "billable hour" structure to determine our costs and therefore we can offer you the flexibility of getting the right team assigned without risking quality and service delivery. We believe our fees should and do represent the cost to get the work done right with absolutely no restrictions.

1) Compensation Schedule and/or fees

Gallagher customizes our compensation arrangements to meet the unique needs of each client and the nature of the services they have requested. We are flexible in the method of compensation in which we are paid and we are open to a number of compensation arrangements, depending on the City of Birmingham's preference. Our general approach to compensation, however, never changes. We make these promises to all of our clients:

- Our compensation may be derived from fees or commissions, or a combination of both. The choice is made by each client based on their philosophical and budgetary considerations
- Our compensation will be a fair reflection of the services we are asked to provide
- Our compensation will be inclusive and agreed upon in advance

- We will fully disclose to our clients any and all compensation we receive each year
- We will agree to back our commitment to service with a performance guarantee and are open to discussions on how best to structure those guarantees following a finalist presentation.

Our philosophy is to be completely independent and have no financial interest in any insurance carrier we would recommend to you. Instead of preferred carrier arrangements, we have developed solid relationships with all major carriers, and in some instances this provides additional service or risk consideration for clients. We have supplemental compensation programs with many carriers. Some are based on results and some are not. All types and forms of compensation specific to a carrier and line of coverage will be disclosed to you.

Gallagher agrees to provide benefit consulting services as outlined in this RFP response for an all-inclusive annual fee of \$49,000 per year. The City's current agent is likely receiving commission and/or agent fees from each carrier and third party administrator servicing the City. If Gallagher is selected as the City's benefit consultant, those commissions and agent fee amounts would remain unchanged, would simply be redirected to Gallagher and should be of an amount to fully satisfy Gallagher's stated fee. If program commissions and agent fees are less than Gallagher's proposed fee of \$49,000, Gallagher will agree to perform the work outlined in this RFP response for the amount of commissions and agent fees received with no additional compensation paid by the City to Gallagher. If commissions and agent fees exceed Gallagher's proposed fee of \$49,000, Gallagher will engage the City in a discussion of whether Gallagher should retain none, some or all of those excess commissions and fees. Gallagher is also willing to work solely on a fee for service basis (\$49,000 annually) and to forego all other commissions and fees if the City so desires. We have never encountered an issue related to Gallagher's compensation with any of our Michigan public sector clients. We fully disclose all forms of compensation and view our compensation structure as an item for open discussion between Gallagher and each client.

We are happy to discuss compensation terms in more detail with the City of Birmingham when appropriate.

2) A statement of any pending claims, suits, legal or administrative action that may jeopardize your ability to provide services;

As with any business, Arthur J. Gallagher & Co. and its affiliates may be involved in multiple actions that can include regulatory actions, investigations or lawsuits. Specific details of actions to which Arthur J. Gallagher & Co. is subject are noted in reports to the SEC, which are available under "SEC Filings" at investor.ajg.com. In particular, please see the "Commitments, Contingencies and Off-Balance Sheet Arrangements" footnote to the financial statements in Arthur J. Gallagher & Co.'s most recent annual report on Form 10-K and quarterly report on Form 10-Q.

3) A disclosure if your company accepts any carrier "overrides".

Contingent Commissions and Override Compensation

Gallagher companies may receive supplemental compensation which is referred to in a variety of terms and definitions, such as carrier bonuses, contingent commissions, additional commissions and supplemental commission. Supplemental compensation does not impact specific case level rates and premiums. Our clients are always our top priority and we take pride in the fact that we always put our clients first. Gallagher is committed to full transparency and we look to our clients for direction as to how Gallagher is to be compensated for the services it provides.

Additionally, any supplemental/additional or contingent commissions go straight to our operational team versus the client service teams. Under this arrangement, our service teams have no incentive to place or keep a certain amount of business with a particular carrier. Gallagher must disclose supplemental compensation in accordance with the Gallagher Compensation Disclosure Policy. Contingent based supplemental compensation programs can be difficult to describe, supplemental compensation disclosure to clients must be thorough and transparent on a prospective basis for the year participating in the contingent program and must be completed in accordance to the Gallagher Compensation Disclosure Policy. Regarding indirect compensation, Gallagher, will not directly or indirectly accept or request anything with a material value (\$500 or more) from an insurance company including, but not limited to, money, credits, loans, forgiveness of principal or interest, prizes, gifts or the payment of employee salaries or expenses; provided, however, this limitation will not apply to expenses associated with insurance company or trade association sponsored trips, conventions or business meetings.

4) If on a commission basis, would your company be taking any form of compensation beyond the commission built into our premium rates?

One tenet of “*The Gallagher Way*” states, “We’re an open society,” and that openness extends to the compensation Gallagher receives. As our industry moves toward complete disclosure of all forms of compensation, we wholly support this effort and are committed to leading the way. That includes disclosing all Gallagher compensation using the GBS Client Coverage Acknowledgment form or a Consulting Agreement when appropriate.

Arthur J. Gallagher & Co. and its subsidiaries, including Gallagher Benefit Services, Inc., accepts only client authorized compensation as payment for our consulting services. The proposed compensation will be the total compensation received by Gallagher Benefit Services for services rendered to you.

5) If selected, what are your methods for disclosing compensation to the City and the frequency of that disclosure?

The City of Birmingham will receive a clear and thorough review of all compensation annually in our Benefits Analysis, and a formal Compensation Disclosure Form for your records.

Gallagher’s compensation will be inclusive and agreed upon in advance – there will be no unexpected fees. Again, accurate, timely disclosure is a required component of Gallagher business operations.

We pride ourselves on winning the “World’s Most Ethical Companies” award for nine consecutive years. One determining factor in receiving that designation is centered on our transparency when it comes to disclosing compensation.

Conclusion

Thank you for the opportunity to respond to City of Birmingham's request for proposal. We hope to have the opportunity to partner with you and support your employee benefit consulting needs. Should you need any additional information to clarify our ongoing commitment to the City, we are happy to provide it.

Sincerely,

Chadd Hodkinson

Chadd Hodkinson

Area Vice President

Gallagher Benefit Services, Inc.

2600 South Telegraph Road, Suite 100

Bloomfield Hills, Michigan 48302

Chadd_Hodkinson@ajg.com

517-898-7752

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Attachment D: Iran Sanctions Act

Attachment 1: The Gallagher Way

THE GALLAGHER WAY

Shared values at Gallagher are the rock foundation of the company and our culture.
What is a shared value? These are concepts that the vast majority of the movers and shakers in the company passionately adhere to.
What are some of Gallagher's shared values?

1. We are a sales and marketing company dedicated to providing excellence in risk management services to our clients.
2. We support one another. We believe in one another. We acknowledge and respect the ability of one another.
3. We push for professional excellence.
4. We can all improve and learn from one another.
5. There are no second-class citizens — everyone is important and everyone's job is important.
6. We're an open society.
7. Empathy for the other person is not a weakness.
8. Suspicion breeds more suspicion. To trust and be trusted is vital.
9. Leaders need followers. How leaders treat followers has a direct impact on the effectiveness of the leader.
10. Interpersonal business relationships should be built.
11. We all need one another. We are all cogs in a wheel.
12. No department or person is an island.
13. Professional courtesy is expected.
14. Never ask someone to do something you wouldn't do yourself.
15. I consider myself support for our sales and marketing. We can't make things happen without each other. We are a team.
16. Loyalty and respect are earned — not dictated.
17. Fear is a turnoff.
18. People skills are very important at Arthur J. Gallagher & Co.
19. We're a very competitive and aggressive company.
20. We run to problems — not away from them.
21. We adhere to the highest standards of moral and ethical behavior.
22. People work harder and are more effective when they're turned on — not turned off.
23. We are a warm, close company. This is a strength — not a weakness.
24. We must continue building a professional company — together — as a team.
25. Shared values can be altered with circumstances — but carefully and with tact and consideration for one another's needs.

When accepted shared values are changed or challenged, the emotional impact and negative feelings can damage the company.

ROBERT E. GALLAGHER
MAY 1984



Gallagher

Attachment 2: Team Biographies

Core Team



Chadd Hodkinson
Managing Partner
20+ years of experience

Managing Partner

As Managing Partner, Chadd will manage the relationship between Gallagher and Oxford Community Schools. He supports the team on all work done and ensures that your Gallagher team has all of the resources it needs to meet and exceed expectations.

Chadd joined Gallagher Benefit Services in 2015 and has over 11 years' experience in the employee benefits industry and over 20 years of professional experience consulting with public sector organizations to solve various business challenges. He is a member of Gallagher's National Public Sector Niche Practice Group. Chadd leads the Michigan public sector practice for the Gallagher Bloomfield Hills office and is a frequent attendee and speaker at various public sector conferences in Michigan and nationally. He regularly consults with Michigan public sector organizations on benefits and human resources strategy to ensure stability and sustainability for benefit program structure and cost.

Chadd received his bachelor's degree from Auburn University and holds his State of Michigan Life & Health registered agent appointment as well as his Life Insurance Counselor designation. He resides in East Lansing with his wife and four children. His family enjoys connecting with and mentoring international students who are attending MSU.

Account Executive



Sara Rajter
Account Executive
20+ years of experience

Sara is responsible for the overall management of the employee benefit plans of her clients. Her project management skills allow her to successfully manage her clients' lines of coverage, provide insight in strategic planning, and provide assistance with the employee enrollment process. She can also help employers review processes and procedures in order to create efficiencies for department staff.

Sara's strong analytical skills and commitment to excellent customer service make her a trusted advisor to both clients and the Gallagher team. She enjoys working as a partner with her clients and assists in general day to day questions and requests for assistance as well as employee meetings. Sara also assists clients with facilitating labor management and wellness committees.

Sara joined the Gallagher team in 2015 as an Account Executive. She also has 21 years of experience working directly in the Public Sector. Her responsibilities included budget preparation and management, staffing, and negotiations. Sara's past experience brings a unique understanding and perspective to her clients and the Gallagher team. Sara has been the Project Manager to a local Life and Disability Pool since 2015.

Sara earned her Associates Degree in Accounting from Baker College. She has her Life and Health License through the State of Michigan. Sara and her family reside in White Lake.



Nicki Brown
Account Manager
5+ years of experience

Account Manager

Nicki joined Gallagher in 2018 as a Benefit Analyst. In this capacity she is responsible for a host of client services including financial analysis, claim cost and expense tracking and projections, data collection, vendor and product marketing and network assessment. She also is actively involved in carrier rate and contract negotiations.

Nicki has been working in the insurance industry for 5 years specializing in client services, employee benefit communications, and claim reconciliation. She has a professional background in customer service, medical billing, marketing/sales, and fund development for universities and corporations. She has worked with clients of all sizes in many industries throughout Michigan.

Nicki is a licensed agent by the State of Michigan for Life and Health and earned a B.S. degree in Public Relations from Eastern Michigan University where she was also a Division I gymnast. Nicki and her family reside in Linden, Michigan.



Melissa Kavalick,
Account Director
20+ years of experience

Account Director

Melissa has over 20 years of insurance industry experience. She joined Arthur J. Gallagher in September of 2000 as a financial analyst. Melissa's strong analytical skills and commitment to excellent customer service makes her a trusted advisor to both clients and the Gallagher team. Melissa focuses solely on the public sector and scholastic group marketplaces and is a member of Gallagher's National Public Sector Niche Practice Group. Prior to joining Gallagher, she gained valuable knowledge working with an insurance carrier in Michigan. Additionally, her experience includes working for Chrysler in the benefits division, which required her to interface with various insurance carriers and consultants on Union, benefit and financial issues. Melissa has served as a mentor for our staff and participated in various leadership workgroups.

Melissa is responsible for supporting the Gallagher core team in setting and implementing a first year benefit program strategy by assessing market options. With her expertise, Melissa is also responsible for supporting the identification of benefit program gaps and opportunities, establishing a strategic outline for addressing both.

Melissa studied Business Management and holds her State of Michigan Life & Health registered agent appointment. Melissa has been certified by the Wellness Council for America. In the community, she has volunteered with mentoring programs and she supports many local charities.

Supporting Resources



Lenny Brucato
Area President
15+ years of experience

As Area President of Gallagher, Lenny helps drive organizational success throughout Michigan. He not only ensures the execution of revenue growth, but also enthusiastically maintains the Gallagher culture. Combining his industry knowledge with his interpersonal skills, Lenny's ability to provide strategic direction, recruit and retain talented professionals and develop creative solutions is the hallmark of his leadership within the Michigan region. Lenny is known by his team for his ability to motivate their drive for innovation which ultimately leads to exceptional results for his clients. Lenny's true passion lies with being a strategic partner for his clients to mitigate risk, cut costs and attract and retain their top talent.

Prior to joining Gallagher, Lenny spent nearly a decade working for one of Michigan's largest and highest quality insurance carriers, Priority Health. During that time, Lenny held a variety of sales roles and ultimately served as the Director of Sales/Client Services for all of Southeast Michigan. The majority of Lenny's experience is in the large group market working with employers of all industries to implement and maintain customized plan strategies. His skills include leadership/team development, strategic planning, account management, underwriting, plan design development and compliance.

Lenny is a graduate of Buffalo State University with a Bachelor's degree in Public Communication. He is a long standing member of the Michigan Association of Health Underwriters (MAHU) and is a member of Oakland County Economic Development Committee.



Joy Burton
Regional Senior Consultant,
Wellbeing & Engagement
27 years of experience

Joy has a genuine interest in helping people thrive and aspire to be the best versions of themselves at work, at home and in their communities. She has demonstrated ability in developing integrated strategies that offer innovative, results-based solutions to help her clients improve the total wellbeing of their organization. Through this experience, she understands first-hand the value and importance of wellbeing as an organizational solution supporting the employee value proposition.

Joy is a graduate of Michigan State University with a Bachelor's degree in Physiology. She is a licensed life and health insurance producer and is also active with many wellness organizations. She is a board member of the Michigan Wellness Council, as well as a member of the selection committee for the 101 Best & Brightest in Wellness. Being a true believer in total wellbeing, she is also an avid health and fitness enthusiast.



Nancy Farnam
*Area Assistant Vice President,
Compliance Counsel
25+ years of experience*

Nancy is an employee benefits attorney serving Gallagher Benefit Services' Great Lakes Region as an Area Assistant Vice President, Compliance Counsel. Nancy works with Gallagher consulting teams in the Great Lakes Region to develop effective strategies for clients to comply with the rules and regulations for their benefit plans. She regularly meets with clients to discuss the impact of the requirements on their plans. She is also responsible for conducting internal training sessions on benefits issues for Gallagher's Great Lakes Region employees.

Nancy joined Gallagher Benefit Services in 2017 after working as an employee benefits attorney in private practice for over 25 years. Nancy has extensive experience counseling both private and public sector employers on design, administrative and legal issues impacting various health and welfare benefit plans, including self-insured and insured health plans, cafeteria plans, health reimbursement arrangements and health savings accounts, and assisting with compliance under the Affordable Care Act, HIPAA, COBRA and other laws. Nancy is a frequent speaker to employer and professional groups, and she enjoys breaking down the technical and complicated employee benefit rules into understandable terms.

Nancy has been recognized in the Woman in the Law Best Lawyers Business Edition (employee benefits/ERISA), DBusiness Top Lawyers, and Best Lawyers in America (employee benefits/ERISA), and she has received the AV Preeminent rating from Martindale-Hubbell (peer rated for highest level of professional excellence). Nancy has a BS from Michigan State University and holds a JD from Wayne State University's School of Law.



Rhonda Marcucci
*Vice President, HR & Benefits
Technology Consulting
25+ years of experience*

After identifying and bringing to market a number of profitable new business lines for a large national insurance brokerage and risk management company, Rhonda Marcucci launched Gruppo Marcucci in 2005, a boutique consulting firm focusing on the HR and benefits technology outsourcing marketplace. Gruppo Marcucci became the industry's go-to source for anyone wishing to understand, enter or penetrate the benefits administration market. In 2017, Gruppo Marcucci was acquired by Gallagher and serves as the HR Technology (HRT) Consulting Practice of Gallagher Benefit Services.

Concentrating on 2 – 50,000 life organizations, the HRT team is recognized for its well-researched and unbiased sourcing advice and service provider capability audits. A team of high-level consultants work in partnership with Gallagher advisors to deliver client-tailored services that range from big picture strategy to working side-by-side with clients to ensure recommended solutions deliver the success promised.

A deep working knowledge of the market and its many players enables Ms. Marcucci and her team to work directly with advisors, employer groups, insurance carriers, service providers, investors and exchange sponsors. The HRT Practice is widely respected for its ability to bring together the right players to provide the right solution for the client's needs and available resources.

A financial and operations executive with extensive experience in finance, accounting, administration, strategic planning, information systems, sales and marketing, and operations, Ms. Marcucci possesses a wealth of expertise and knowledge relative to identifying strategy and executing against it. Her personal commitment to excellence is evident by her energy, enthusiasm and "can-do" spirit—traits she instills in her consultancy philosophy and team members.

Ms. Marcucci earned a Bachelor of Science in Accounting from Millikin University. Additionally, Ms. Marcucci has earned a Masters in Finance from Loyola University – Chicago. She is a member of the Society for Human Resource Management (SHRM), the Illinois CPA Society, the American Institute of CPAs and International Human Resource Information Management (IHRIM).



Alex Kreibich, ASA
*VP, Managing Director of
Analytics Consulting –
Healthcare Analytics*
10+ years of experience

Alex Kreibich is a Consulting Actuary and is the Managing Director of Analytics Consulting within Gallagher's Healthcare Analytics practice (HCA). Alex is a strategic thought leader in the employee benefits space, with a specialty in large employer health plans. Alex currently lives in Chicago and supports clients both locally and nationally.

In addition to strategic health plan consulting and predictive analytics, Alex has vast experience in population health analytics. At Gallagher, the breadth and depth of our data allows Alex to provide clients with customized and insightful reporting on key cost drivers, population health risks and the impact and value of the many programs organizations have in place to reduce costs and improve utilization of their health plan.

Prior to joining Gallagher, Alex was the Senior Data Strategist for Interactive Health, a leading independent provider of corporate wellbeing solutions. Alex also has past experience as a retirement actuary with Willis Towers Watson.



John Edgerton
*Divisional Practice Leader,
Underwriter*
26 years of experience

John leads the Underwriting and Financial Reporting Unit which provides underwriting/financial analysis and technical support for a diverse group of clients, including municipalities, school districts, colleges and private sector companies. His capabilities include development of funding rates and options, benefit pricing scenarios, and lag studies, review/negotiation of carrier renewals and marketing.

Prior to joining Arthur J. Gallagher & Co., he was an Advanced Underwriter for Blue Cross and Blue Shield of Illinois. During his time at Blue Cross and Blue Shield, he underwrote many of their largest and most sensitive accounts. As of April 2021, he has 26 years in the benefits business.

John earned his MBA in Accounting, Finance, and Strategy from the Kellogg School of Management, Northwestern University and had previously graduated from the University of Illinois at Champaign/Urbana with a Bachelor's degree in Mathematics. He also received his CLU, ChFC, FLMI, ACS, FAHM, PAHM, REBC, RHU and MHP designations.



Grant Downs
*Voluntary Benefits Practice
Leader & Lead Consultant*
13 years of experience

Grant is responsible for building and implementing robust voluntary benefit programs for clients. His core responsibilities are assessing clients' over-arching total rewards goals, providing unique voluntary benefit solutions to help achieve those goals, and building positive educational and enrollment environments for clients and their employees.

Grant joined Gallagher Benefit Services in 2008, and has spent the last 7 years as a consultant for Gallagher's Voluntary Benefits Consulting division. Grant worked as a Benefit Analyst and Account Manager with the public sector team prior to joining the voluntary benefits team, and that experience positions him as an insightful resource for the health and welfare teams and their clients. He has specific experience supporting the benefit program needs of Michigan public K-12 school districts.

Grant is a licensed agent by the State of Michigan for Life and Health, and holds a Bachelor of Arts degree from the University of Michigan. Grant and his family reside in Clarkston, MI.



Dean Chambos
*Area Senior Vice President,
Retirement Consulting
34 years of experience*

Dean Chambos joined the Gallagher retirement consulting team in October 2017. He has 34 years' experience assisting Michigan employers in navigating the complexities and regulations related to their employer sponsored retirement plans. Dean provides comprehensive services to employers and employees including investment management, ERISA compliance, fiduciary education and employee education. Dean has experience with all types of qualified and non-qualified plans, such as 401(k), 403(b), 457, Money Purchase, Profit Sharing, Cash Balance and Defined Benefit plans. Dean has supported a number of Michigan public K-12 school districts in evaluating and optimizing their 403(b) and 457 programs.

Dean has had a 20+ year career as a retirement plan wholesaler, he then founded his own investment advisory firm focusing on retirement plans and most recently managed and led the Michigan retirement plan office for Huntington Bank. Dean now manages the Gallagher retirement plan team in Michigan and enjoys working with current and new clients to add value and enhance their experience.

Dean holds a Bachelor's degree in Business Administration from Wayne State University.



Brian Lemoine
*Area Vice President,
Pharmacy Practice
25+ years of experience*

Mr. Brian Lemoine is a pharmacy subject matter expert and works within Gallagher's Pharmacy Practice. With more than 25 years in employee benefits, including leadership roles with global consulting firms and national carriers. Brian specializes in helping self-funded employers reduce their ongoing pharmacy spend and is considered a subject matter expert in PBM contracting. He works with organizations across the country and has a proven track record for designing needs-based solutions, as well as for tracking and reviewing claims data so that the Plan's financial results can be further improved over time.

Brian earned his Master of Business Administration from the University of Maryland at College Park and his Bachelor degree from the University of Massachusetts at Amherst. He also holds a CEBS designation from the Society of Certified Employee Benefit Specialists and has served on the Board and as President of the Carolinas CEBS Chapter, as well as on the Publishing Committee for Benefits Quarterly.

Attachment 3: Sample Compliance Newsletter

July 13, 2021 Issue

In the July 13th issue of DIRECTIONS, we have articles on the first set of surprise medical billing regulations impacting group health plans, an upcoming reversion of health enrollment and FSA rules to pre-pandemic rules, the federal government's request for information concerning rules for prescription drug benefit and cost reporting, and more! We have links to additional resources following the articles.

Surprise Medical Billing Regulations – Part 1

Gallagher

The Departments of the Treasury, Labor, and Health and Human Services issued initial guidance in a series of regulations implementing the surprise medical billing provisions of the Consolidated Appropriations Act, 2021. [Read More>](#)

Health Enrollment and FSA Rules will Revert to Pre-Pandemic Rules

Gallagher

As a result of provisions in the CAA and regulatory guidance from the IRS, several rules governing health plan elections and FSAs were relaxed or expanded in 2020 and 2021. [Read More>](#)

CAA: Departments Issue Request for Information on Prescription Drug Benefits and Cost

Gallagher

The CAA contains a number of provisions that affect health plans. One provision will require group health plans and insurers to report on pharmacy benefits and drug costs. [Read More>](#)

Required ERISA Group Health Plan Compensation Disclosure Under the CAA

Gallagher

The CAA requires that direct and indirect compensation paid to brokers and consultants for services provided to group health plans subject to ERISA be disclosed to a responsible ERISA plan fiduciary. [Read More>](#)

France: The Social Security Financing Law for 2021 amends certain family leave provisions of the labor code.

Gallagher

The 2021 Social Security Financing Law amends certain family leave provisions of the Labor Code. The changes increase the duration and amend the terms of the paternity and childcare leave and introduce a mandatory employer-paid birth leave of at least 3 working days. [Read More>](#)

What is New in State Laws

Wolters Kluwer

For busy Human Resources professionals who want ready access to what is new and what has recently changed in State laws, here is a brief update. [Read More >](#)

Click [here](#) to download the Newsletter

Compliance Alerts:

[Supreme Court Spares the ACA in 7-2 Ruling](#)

June 17, 2021

[DOL Issues Guidance and Model Notices for ARPA COBRA Subsidy](#)

April 8, 2021

[American Rescue Plan Act Passed](#)

March 10, 2021



Gallagher

Insurance | Risk Management | Consulting

DOL Releases Guidance on Outbreak Period Relief

March 1, 2021

Recorded Webinars:

Preparing for 2022 Annual Enrollment

June 18, 2021

COBRA Connections Part III: Lessons from the May 2021 IRS FAQs

May 28, 2021

COBRA Connections Part II: ARPA Subsidies - *What's New?*

April 26, 2021

COBRA Connections: ARPA Subsidies and Outbreak Period Relief – *What Could Go Wrong?*

March 29, 2021

Consolidated Appropriations Act Highlights for Employer-Sponsored Health and Welfare Plans

January 22, 2021

Technical Bulletin:

New Transparency Requirements for Group Health Plans

January 26, 2021

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Attachment 4: Sample Open Enrollment Newsletter

Open Enrollment

Time to choose your benefits!

CLIENT is excited to announce a new medical plan option for YEAR! You will be able to select from PLAN A, PLAN B or PLAN C.

Not sure which is the best plan for you?

Attend an Open Enrollment meeting to learn more!

Meetings will be held:



Open Enrollment is DATE-DATE

Everyone must log in to the system to select their benefits, even if you decide to keep the plan you had in YEAR.

Questions? Contact PERSON at EMAIL

2020 BENEFITS GUIDE





BENEFITS OVERVIEW

ABC Company is proud to offer a comprehensive benefits package to eligible, full-time employees who work 35 hours per week and have 6 months of service. The complete benefits package is briefly summarized in this booklet. You will receive plan booklets, which give you more detailed information about each of these programs.

You share the costs of some benefits (medical and dental), and ABC Company provides other benefits at no cost to you (life, accidental death & dismemberment). In addition, there are voluntary benefits with reasonable group rates that you can purchase through payroll deductions.

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BENEFITS OFFERED


- Medical
- Dental
- Life Insurance
- Accidental Death & Dismemberment (AD&D) Insurance
- Flexible Spending Account (FSA)
- Vision
- Voluntary Life and AD&D

ELIGIBILITY

You and your dependents are eligible for ABC Company benefits on the first of the month following 6 months of employment.

Eligible dependents are your spouse, children under age 26, disabled dependents of any age, or ABC Company eligible dependents.

Elections made now will remain until the next open enrollment unless you or your family members experience a qualifying event. If you experience a qualifying event, you must contact HR within 45 days.



Sidebar Text
Add verbiage here.

This document is an outline of the coverage proposed by the carrier(s), based on information provided by your company. It does not include all of the terms, coverage, exclusions, limitations, and conditions of the actual contract language. The policies and contracts themselves must be read for those details. Policy forms for your reference will be made available upon request.

The intent of this document is to provide you with general information regarding the status of, and/or potential concerns related to, your current employee benefits environment. It does not necessarily fully address all of your specific issues. It should not be construed as, nor is it intended to provide, legal advice. Questions regarding specific issues should be addressed by your general counsel or an attorney who specializes in this practice area.



MEDICAL BENEFITS

Administered by ABC

Comprehensive and preventive healthcare coverage is important in protecting you and your family from the financial risks of unexpected illness and injury. A little prevention usually goes a long way—especially in healthcare. Routine exams and regular preventive care provide an inexpensive review of your health. Small problems can potentially develop into large expenses. By identifying the problems early, often they can be treated at little cost.

| | STANDARD PLAN | | VALUE PLAN | |
|---|--|--|--|--|
| | In-Network | Out-of-Network | In-Network | Out-of-Network |
| Lifetime Benefit Maximum | \$00 | | \$00 | |
| Annual Deductible | \$00 single / \$00 family | \$00 single / \$00 family | \$00 single / \$00 family | \$00 single / \$00 family |
| Annual Out-of-Pocket Maximum (includes deductible) | \$00 single / \$00 family | \$00 single / \$00 family | \$00 single / \$00 family | \$00 single / \$00 family |
| Coinsurance | 00% | 00% | 00% | 00% |
| DOCTOR'S OFFICE | | | | |
| Primary Care Office Visit | \$00 copay | \$00 copay | \$00 copay | \$00 copay |
| Specialist Office Visit (including Urgent Care) | \$00 copay | \$00 copay | \$00 copay | \$00 copay |
| Wellness Care (routine exams, x-rays/tests, immunizations, well baby care and mammograms) | 00% to \$00 per calendar year; then 00% after deductible | 00% to \$00 per calendar year; then 00% after deductible | 00% to \$00 per calendar year; then 00% after deductible | 00% to \$00 per calendar year; then 00% after deductible |
| PRESCRIPTION DRUGS | | | | |
| Retail—Generic Drug (34-day supply) | \$00 copay or 00% of cost, whichever is greater | \$00 copay or 00% of cost, whichever is greater | \$00 copay or 00% of cost, whichever is greater | \$00 copay or 00% of cost, whichever is greater |
| Retail—Formulary Drug (34-day supply) | \$00 copay or 00% of cost, whichever is greater | \$00 copay or 00% of cost, whichever is greater | \$00 copay or 00% of cost, whichever is greater | \$00 copay or 00% of cost, whichever is greater |
| Retail—Nonformulary Drug (34-day supply) | \$00 copay or 00% of cost, whichever is greater | \$00 copay or 00% of cost, whichever is greater | \$00 copay or 00% of cost, whichever is greater | \$00 copay or 00% of cost, whichever is greater |
| Mail Order—Generic Drug (90-day supply) | \$00 | | \$00 | |
| Mail Order—Formulary Drug (90-day supply) | \$00 | | \$00 | |
| Mail Order—Nonformulary Drug (90-day supply) | \$00 | | \$00 | |
| HOSPITAL SERVICES | | | | |
| Emergency Room | \$00 copay, then 00% | \$00 copay, then 00% | \$00 copay, then 00% | \$00 copay, then 00% |
| Emergency Post-Stabilization Services | 00% after deductible | 00% after deductible | 00% after deductible | 00% after deductible |
| Hospital Deductible | 00% after deductible | 00% after deductible | 00% after deductible | 00% after deductible |
| Inpatient | 00% after deductible | 00% after deductible | 00% after deductible | 00% after deductible |
| Outpatient Surgery | 00% after deductible | 00% after deductible | 00% after deductible | 00% after deductible |
| Ambulance Service | 00% after deductible | 00% after deductible | 00% after deductible | 00% after deductible |

| | STANDARD PLAN | | VALUE PLAN | |
|--|----------------------|----------------------|----------------------|----------------------|
| | In-Network | Out-of-Network | In-Network | Out-of-Network |
| MENTAL HEALTH SERVICES | | | | |
| Inpatient Services 15-day calendar year maximum 30-day lifetime maximum | 00% after deductible | 00% after deductible | 00% after deductible | 00% after deductible |
| Outpatient Services 20-visit calendar year maximum 100-visit lifetime maximum | 00% after deductible | 00% after deductible | 00% after deductible | 00% after deductible |
| SUBSTANCE ABUSE SERVICES | | | | |
| Inpatient Services 15-day calendar year maximum 30-day lifetime maximum | 00% after deductible | 00% after deductible | 00% after deductible | 00% after deductible |
| Outpatient Services 20-visit calendar year maximum 100-visit lifetime maximum | 00% after deductible | 00% after deductible | 00% after deductible | 00% after deductible |
| OTHER SERVICES | | | | |
| Maternity Services | 00% after deductible | 00% after deductible | 00% after deductible | 00% after deductible |
| All other maternity hospital/ physician services | 00% after deductible | 00% after deductible | 00% after deductible | 00% after deductible |
| Muscle Manipulation Services \$500 annual maximum benefit \$250 annual x-ray maximum | 00% after deductible | 00% after deductible | 00% after deductible | 00% after deductible |
| Physical, Occupational and Speech Therapy Services | 00% after deductible | 00% after deductible | 00% after deductible | 00% after deductible |
| TMJ and Related Services \$2,000 lifetime maximum benefit | 00% after deductible | 00% after deductible | 00% after deductible | 00% after deductible |
| Skilled Nursing 120-day calendar year maximum | 00% after deductible | 00% after deductible | 00% after deductible | 00% after deductible |
| Other Services (Prosthetic devices; blood and blood components; leg, arm and neck braces; surgical dressings; casts and splints) | 00% after deductible | 00% after deductible | 00% after deductible | 00% after deductible |

HOW THE PLANS WORK

Both plans use the [Carrier](#) network and cover 100% of the cost for preventive care services like annual physicals and routine immunizations. The way you pay for care is different with each plan.

With the **HDHP**, you pay the full negotiated cost for medical services and prescription drugs until you meet your annual deductible. If you meet the deductible, you and the plan share the costs (coinsurance) until you reach the annual out-of-pocket maximum. After that, the plan pays for 100% of your claims for the rest of the year. **Your paycheck deductions for this plan are lower than the PPO plan.**

The **PPO plan** has set copays for some services and a deductible and coinsurance for others. Copays do not apply toward your deductible, so you will pay copays until you reach your annual out-of-pocket maximum. **This plan has higher paycheck deductions than the HDHP.**

| | HDHP | PPO Plan |
|--------------------------------|---|---|
| Per-paycheck Cost for Coverage | \$ | \$\$ |
| Annual Deductible | \$\$ | \$ |
| Annual Out-of-pocket Maximum | \$\$ | \$ |
| Using the Plan | Pay less with each paycheck and more when you need care | Pay more with each paycheck and less when you need care |
| Spending Account Options | Health savings account (HSA) Dependent care FSA | Health care FSA Dependent care FSA |

Paying For Health Care

[ABC Company](#) offers several ways to set aside pre-tax dollars to pay for medical, prescription drug, dental and vision care expenses. The health care accounts available to you depend on the medical plan you choose.

| | HSA | FSA |
|--|--|--|
| What medical plan can I choose? | HDHP | PPO plan |
| What expenses are eligible? | Medical, prescription, dental & vision care | Medical, prescription , dental & vision care |
| When can I use the funds? | Funds are available as you contribute to the account | All of the funds you elect for the year are available on January 1 |
| Can I roll over funds each year? | Yes, funds roll over from year-to-year and are yours to keep (even if you change jobs) | No, you will lose any funds remaining in your account at the end of the year |
| How do I pay for eligible expenses? | With your Carrier debit card (You can also submit claims for reimbursement online at www.website.com) | With your Carrier debit card (You can also submit claims for reimbursement online at www.website.com) |
| How much can I contribute each year? | You can contribute \$3,500 for individual coverage or \$7,100 for family coverage (this total includes company funding) in 2020 | You can contribute between \$500 and \$2,700 to your health care FSA in 2020 |
| Can I change my contributions throughout the year? | Yes, you can log on to www.website.com to change your HSA contributions at any time | No, unless you have a qualifying life event. |



DENTAL BENEFITS

Administered by ABC

Good oral care enhances overall physical health, appearance and mental well-being. Problems with the teeth and gums are common and easily treated health problems. Keep your teeth healthy and your smile bright with the ABC Company dental benefit plan.

| SERVICES | IN-NETWORK AND OUT-OF-NETWORK PPO |
|---|---------------------------------------|
| Annual Deductible | \$00 per person; \$00 family limit |
| Annual Benefit Maximum | \$000 |
| Preventive Dental Services (cleanings, exams, x-rays) | 00%; no deductible |
| Basic Dental Services (fillings, root canal therapy, oral surgery) | 00% |
| Major Dental Services (extractions, crowns, inlays, onlays, bridges, dentures, repairs) | 50% |
| Orthodontia Services (covered to age 19) | 00% to \$000 lifetime maximum |



Sidebar Text
Add verbiage here.



LIFE INSURANCE BENEFITS

LIFE AND ACCIDENTAL DEATH & DISMEMBERMENT INSURANCE

Insured by ABC

Life Insurance

Life insurance provides financial security for the people who depend on you. Your beneficiaries will receive a lump sum payment if you die while employed by ABC Company. The company provides basic life insurance of \$10,000 at no cost to you if you participate in the medical plans offered by ABC Company.

Accidental Death and Dismemberment (AD&D) Insurance

Accidental Death and Dismemberment (AD&D) insurance provides payment to you or your beneficiaries if you lose a limb or die in an accident. ABC Company provides AD&D coverage of \$10,000 at no cost to you. This coverage is in addition to your company-paid life insurance described above if you participate in the medical plans offered by ABC Company.

VOLUNTARY LIFE AND AD&D INSURANCE

Insured by ABC

Regular eye examinations can not only determine your need for corrective eyewear but also may detect general health problems in their earliest stages. Protection for the eyes should be a major concern to everyone.

You may purchase life and AD&D insurance in addition to the company-provided coverage. You may also purchase life and AD&D insurance for your dependents if you purchase additional coverage for yourself. You are guaranteed coverage (up to \$000 or five times your salary, and up to \$000 for your spouse) without answering medical questions if you enroll when you are first eligible.

Employee— Up to five times your salary in increments of \$000; \$000 maximum amount

Spouse— Up to \$000 in increments of \$000

Children— \$000





VISION BENEFITS

Administered by ABC

Regular eye examinations can not only determine your need for corrective eyewear but also may detect general health problems in their earliest stages. Protection for the eyes should be a major concern to everyone.

| SERVICE | IN-NETWORK (ANY VSP PROVIDER) | OUT-OF-NETWORK (ANY QUALIFIED NON-NETWORK PROVIDER OF YOUR CHOICE) |
|--|----------------------------------|--|
| Eye Exam — once every 12 months | \$00 copay; covered in full | \$00 copay; up to \$00 |
| LENSES — ONCE EVERY 12 MONTHS | | |
| Single Vision Lenses | \$00 copay; covered in full | \$00 copay; up to \$00 |
| Lined Bifocal Lenses | \$00 copay; covered in full | \$00 copay; up to \$00 |
| Lined Trifocal Lenses | \$00 copay; covered in full | \$00 copay; up to \$00 |
| Lenticular Lenses | \$00 copay; covered in full | \$00 copay; up to \$00 |
| Frames — once every 24 months | \$00 copay; covered in full | Up to \$00 |
| Contact Lenses — once every 12 months if you elect contacts instead of lenses/frames | Up to \$00 | Up to \$00 |

No need for an ID card. To take advantage of your ABC vision benefit, simply contact a ABC provider and let them know you have ABC coverage—they handle the paperwork for you.





LEGAL NOTICES



EMPLOYEE CONTRIBUTIONS

EMPLOYEE CONTRIBUTIONS FOR BENEFITS

| BENEFIT PLAN | BIMONTHLY |
|---------------------------------|-----------|
| Medical/Rx Value Plan | |
| Employee | \$00 |
| Employee + One | \$00 |
| Employee + Child(ren) | \$00 |
| Family | \$00 |
| Medical/Rx Standard Plan | |
| Employee | \$00 |
| Employee + One | \$00 |
| Employee + Child(ren) | \$00 |
| Family | \$00 |

| BENEFIT PLAN | BIMONTHLY |
|-----------------------|-----------|
| Dental Rates | |
| Employee | \$00 |
| Employee + One | \$00 |
| Employee + Child(ren) | \$00 |
| Family | \$00 |
| Vision Rates | |
| Employee | \$00 |
| Employee + One | \$00 |
| Employee + Child(ren) | \$00 |
| Family | \$00 |

FLEXIBLE SPENDING ACCOUNT

Administered by ABC

You can save money on your healthcare and/or dependent day care expenses with an FSA. You set aside funds each pay period on a pretax basis and use them tax-free for qualified expenses. You pay no federal income or Social Security taxes on your contributions to an FSA. (That’s where the savings comes in.) Your FSA contributions are deducted from your paycheck before taxes are withheld, so you save on income taxes and have more disposable income.

- Healthcare Spending Limit \$00
- Dependent Care Spending Limit \$00





Contact Information

If you have specific questions about a benefit plan, please contact the administrator listed below, or your local human resources department.

| BENEFIT | ADMINISTRATOR | PHONE | WEBSITE/EMAIL |
|------------------|---------------|--------------|---------------------|
| Medical | Company Name | 000.000.0000 | Insert website here |
| Dental | Company Name | 000.000.0000 | Insert website here |
| Voluntary Vision | Company Name | 000.000.0000 | Insert website here |
| Human Resources | Company Name | 000.000.0000 | Insert website here |



LIFE INSURANCE



This benefit summary prepared by



Insurance | Risk Management | Consulting

Required Forms

Attachment B: Bidders Agreement


Attachment C: Cost Proposal

Attachment D: Iran Sanctions Act

ATTACHMENT B - BIDDER'S AGREEMENT

In submitting this proposal, as herein described, the Consultant agrees that:

1. They have carefully examined the specifications, terms and Agreement of the Request for Proposal and all other provisions of this document and understand the meaning, intent, and requirement of it.
2. They will enter into a written contract and furnish the item or items in the time specified in conformance with the specifications and conditions contained therein for the price quoted by the proponent on this proposal.

| | |
|--|-----------------------|
| Lenny Brucato | October 15, 2021 |
| PREPARED BY (Print Name) | DATE |
| Area President, Michigan | October 15, 2021 |
| TITLE | DATE |
|  | Lenny_Brucato@ajg.com |
| AUTHORIZED SIGNATURE | E-MAIL ADDRESS |
| Gallagher | |
| COMPANY | |
| 2600 S. Telegraph Rd., Ste 100, Bloomfield Hills, MI 48302 | (248) 203.0326 |
| ADDRESS | PHONE |
| NAME OF PARENT COMPANY | PHONE |
| ADDRESS | |

ATTACHMENT C - COST PROPOSAL

In order for the bid to be considered valid, this form must be completed in its entirety. The cost for the services provided by the Healthcare Consultant shall come with corresponding services offered. Disclose preferences toward and itemization of commissions or a fee structure.

Gallagher agrees to provide benefit consulting services as outlined in this RFP response for an all-inclusive annual fee of \$49,000 per year.

The City's current agent is likely receiving commission and/or agent fees from each carrier and third party administrator servicing the City. If Gallagher is selected as the City's benefit consultant, those commissions and agent fee amounts would remain unchanged, would simply be redirected to Gallagher and should be of an amount to fully satisfy Gallagher's stated fee. If program commissions and agent fees are less than Gallagher's proposed fee of \$49,000, Gallagher will agree to perform the work outlined in this RFP response for the amount of commissions and agent fees received with no additional compensation paid by the City to Gallagher. If commissions and agent fees exceed Gallagher's proposed fee of \$49,000, Gallagher will engage the City in a discussion of whether Gallagher should retain none, some or all of those excess commissions and fees. Gallagher is also willing to work solely on a fee for service basis (\$49,000 annually) and to forego all other commissions and fees if the City so desires. We have never encountered an issue related to Gallagher's compensation with any of our Michigan public sector clients. We fully disclose all forms of compensation and view our compensation structure as an item for open discussion between Gallagher and each client.

Firm Name Gallagher

Authorized signature




Date October 15, 2021

ATTACHMENT D - IRAN SANCTIONS ACT VENDOR CERTIFICATION FORM

Pursuant to Michigan Law and the Iran Economic Sanction Act, 2012 PA 517 ("Act"), prior to the City accepting any bid or proposal, or entering into any contract for goods or services with any prospective Vendor, the Vendor must certify that it is not an "Iran Linked Business", as defined by the Act.

By completing this form, the Vendor certifies that it is not an "Iran Linked Business", as defined by the Act and is in full compliance with all provisions of the Act and is legally eligible to submit a bid for consideration by the City.

| | |
|--|-----------------------|
| Lenny Brucato | October 15, 2021 |
| PREPARED BY (Print Name) | DATE |
| Area President, Michigan | October 15, 2021 |
| TITLE | DATE |
|  | Lenny_Brucato@ajg.com |
| AUTHORIZED SIGNATURE | E-MAIL ADDRESS |
| Gallagher | |
| COMPANY | |
| 2600 S. Telegraph Rd., Ste 100, Bloomfield Hills, MI 48302 | (248) 203.0326 |
| ADDRESS | PHONE |
| NAME OF PARENT COMPANY | PHONE |
| ADDRESS | |
| TAXPAYER I.D.# | |



**NOTICE OF INTENTION TO APPOINT TO
BIRMINGHAM TRIANGLE DISTRICT CORRIDOR IMPROVEMENT AUTHORITY**

At the regular meeting of Monday, December 13, 2021, the Birmingham City Commission intends to appoint members to the Birmingham Triangle District Corridor Improvement Authority who have an ownership or business interest in property located in the District to Birmingham Triangle District Corridor Improvement Authority:

- One member to serve a four-year term expiring December 15, 2025;
- One member to serve the remainder of a four-year term expiring December 15, 2023; and,
- One member to serve the remainder of a four-year term expiring December 15, 2022.

Members shall be appointed by the Mayor, subject to approval by the City Commission.

Not less than a majority of the members shall be persons having an ownership or business interest in property located in the Development Area. Not less than 1 of the members shall be a resident of the Development Area, or of an area within 1/2 mile of any part of the Development Area.

The authority shall operate to correct and prevent deterioration in business districts, to redevelop the City’s commercial corridors and promote economic growth, pursuant to Act 280 of the Public Acts of Michigan, 2005, as amended.

Interested parties may recommend others or themselves for these positions by submitting a form available from the city clerk's office. Applications must be submitted to the city clerk's office on or before noon on Wednesday, Dec. 8, 2021. Applications will appear in the public agenda at which time the commission will discuss recommendations, and may make nominations and vote on appointments.

| Criteria/Qualifications of Open Positions | Date Applications Due (by noon) | Date of Interview |
|---|--|--------------------------|
| Must be a resident of property located in the Development Area or an area within ½ mile of any part of the Development Area, or have an ownership or business interest in property located in the Development Area. | 12/8/21 | 12/13/21 |

NOTE: All members of boards and commissions are subject to the provisions of City of Birmingham City Code Chapter 2, Article IX, Ethics and the filing of the Affidavit and Disclosure Statement.



MEMORANDUM

Finance Department

DATE: November 5, 2021

TO: Thomas M. Markus, City Manager

FROM: Mark Gerber, Director of Finance/Treasurer

SUBJECT: First Quarter Financial Reports

Background

Chapter 7, section 3(b) of the City charter requires the Director of Finance to report on the condition of the City quarterly. Quarterly reports are prepared for the first 3 quarters of the year with the annual audit serving as the 4th quarter report. Only the following funds are reported quarterly because by state law they require a budget: General Fund, Greenwood Cemetery Perpetual Care Fund, Major and Local Street Funds, Solid Waste Fund, Community Development Block Grant Fund, Law and Drug Enforcement Fund, Baldwin Public Library Fund, Principal Shopping District Fund, Brownfield Redevelopment Authority Fund, Triangle District Corridor Improvement Authority Fund, and the Debt Service Fund.

Overview

Attached is the first quarter 2021-2022 fiscal year financial reports. The reports compare budget to actual for the current fiscal year and the prior fiscal year for the same quarter. This allows comparisons between fiscal years as well as percentage of budget received/spent for the year. The budget categories used for each fund are the same ones approved by the Commission when they adopted the budget. Budget discussions that follow will focus on each fund individually.

At this point, 25% of the fiscal year has lapsed.

General Fund

Revenues are approximately \$968,000 higher than the previous year as a result of an increase tax revenue of approximately \$1,306,000. This was the result of an increase in taxable value. These revenue increases were partially offset by a decrease in licenses and permits of \$180,000 and intergovernmental revenue of charges \$234,000. The decrease in licenses and permits was mostly due to a decrease in building permits of \$136,000 and a timing difference of PEG fees paid to the cable board. Intergovernmental revenues decreased as a result of receiving COVID-related grants from the state in fiscal year 2020-2021.

Intergovernmental revenue is at 2% of budget as of September 30th because state shared revenue for the months of July and August are not received until the end of October. Charges for Services are at 17% of budget because ice arena fees have not been collected yet. Fines and Forfeitures are at 14% of budget because the 48th District Court revenues have not returned to their pre-pandemic levels yet. Interest and Rent is at 6% of budget due to a timing difference on special assessment interest which won't be billed until the spring. Other Revenue is at 6% of budget due to the timing of when special assessments are billed out.

Total current year-to-date expenditures for the General Fund are lower than the prior year by approximately \$811,000, or 9%. Most of the difference is the result of a decrease in Engineering and Public Services of \$619,000. Transfers Out decreased by \$144,000. Engineering and Public Services decreased as a result of sidewalk construction on Maple Road in fiscal year 2020-2021. Transfers Out decreased as a result of a decrease in transfers to the Capital Project Fund in 2021-2022.

Transfers Out are at 29% of budget due to payment of the 2nd quarter advance to the 48th District Court in September.

Greenwood Cemetery Fund

Cemetery plot sales are down from the prior fiscal year and interest income is approximately the same. No expenditures have been budgeted for this fiscal year.

Major Street Fund

Total revenues are approximately \$521,000 more than the prior year as a result of higher budgeted transfers from the General Fund. Intergovernmental revenue is at 18% as a result of September's road funding being received in October. Interest and Rent is at 8% due to September's interest posted in October and lower interest rates.

Overall expenditures are \$331,000 lower than the previous year as a result of the Maple Road project in fiscal year 2020-2021.

Local Street Fund

Total revenues for the year are approximately \$243,000 lower than the prior year due to lower budgeted transfers from the General Fund. Intergovernmental revenue is at 18% as a result of September's road funding being received in October. Interest and Rent is at 13% due to September's interest posted in October and lower interest rates. Other revenue is at 17% as a result of special assessments budgeted for new road projects which have not been built yet.

Total expenditures are approximately \$60,000 more than the prior year mainly as a result of higher Street Tree expenditures of \$87,000 as a result of higher contracted forestry work this fiscal year.

Solid Waste Fund

Revenues are approximately \$132,000 higher than the previous year as a result of higher property tax revenue.

Expenditures are approximately the same as the prior fiscal year.

Brownfield Redevelopment Authority Fund

Revenues are approximately \$105,000 than the prior year. This is the result of higher property tax revenue as a result of more property value subject to tax capture.

No expenditures for fiscal year 2021-2022 have been recorded in the first quarter due to the timing of developer reimbursements. These were paid in October 2021.

Principal Shopping District

Revenues are up a slightly due to more farmer's market revenue. Special assessments are 0% due to the special assessment normally being billed in December or January.

Expenditures for the year are approximately the same as the prior year.

Community Development Block Grant Fund

No CDBG expenditures have been recorded in the first quarter.

Triangle District Corridor Improvement Authority

The City is attempting to re-engage with the County regarding tax capture for the district. To-date no property taxes have been captured and no funds spent on this activity.

Baldwin Library

Revenue has increased approximately \$107,000. This is the result of an increase in property tax revenue and the timing of a payment from a contract municipality.

Expenditures are approximately \$320,000 less than the prior fiscal year due to building improvements made in fiscal year 2020-2021.

Law and Drug Enforcement Fund

Revenues are dependent on receipt of forfeited property proceeds as a result of prosecution of a drug case. No expenditures have taken place in the 1st quarter of this fiscal year.

Debt Service Fund

Budgeted revenues and expenditures are based on scheduled debt service payments. Expenditures are at 92% spent for the year as a result of making a principal payment in September.

CITY OF BIRMINGHAM
 QUARTERLY BUDGET REPORT
 GENERAL FUND
 QUARTER ENDED: SEPTEMBER 30, 2021 AND SEPTEMBER 30, 2020
 % OF FISCAL YEAR COMPLETED: 25%

| | 2021-2022 | | | 2020-2021 | | |
|-----------------------------------|-------------------|---------------------|------------------|-------------------|---------------------|------------------|
| | AMENDED BUDGET | YEAR-TO-DATE ACTUAL | % OF BUDGET USED | AMENDED BUDGET | YEAR-TO-DATE ACTUAL | % OF BUDGET USED |
| REVENUES: | | | | | | |
| USE OF (CONTRIB. TO) FUND BALANCE | (3,780) | - | 0% | 2,975,528 | - | 0% |
| TAXES | 28,293,010 | 28,215,235 | 100% | 26,948,810 | 26,909,251 | 100% |
| LICENSES AND PERMITS | 2,742,640 | 550,173 | 20% | 2,774,960 | 730,313 | 26% |
| INTERGOVERNMENTAL | 2,349,240 | 40,831 | 2% | 2,165,630 | 274,557 | 13% |
| CHARGES FOR SERVICES | 3,166,020 | 551,392 | 17% | 3,322,020 | 499,429 | 15% |
| FINES AND FORFEITURES | 1,640,750 | 228,625 | 14% | 1,799,110 | 195,066 | 11% |
| INTEREST AND RENT | 637,060 | 40,744 | 6% | 647,690 | 72,178 | 11% |
| OTHER REVENUE | 641,570 | 38,824 | 6% | 571,730 | 17,060 | 3% |
| TRANSFERS IN | 100,000 | 25,000 | 25% | 100,000 | 25,000 | 25% |
| TOTAL REVENUES | 39,566,510 | 29,690,824 | 75% | 41,305,478 | 28,722,854 | 70% |
| EXPENDITURES: | | | | | | |
| GENERAL GOVERNMENT | 6,632,050 | 1,186,527 | 18% | 6,751,376 | 1,303,786 | 19% |
| PUBLIC SAFETY | 15,835,200 | 3,546,225 | 22% | 14,826,370 | 3,457,159 | 23% |
| COMMUNITY DEVELOPMENT | 2,964,970 | 560,244 | 19% | 3,202,127 | 579,169 | 18% |
| ENGINEERING AND PUBLIC SERVICES | 6,451,436 | 939,075 | 15% | 8,112,021 | 1,558,281 | 19% |
| TRANSFERS OUT | 7,682,820 | 2,248,720 | 29% | 8,413,550 | 2,393,204 | 28% |
| TOTAL EXPENDITURES | 39,566,476 | 8,480,791 | 21% | 41,305,444 | 9,291,599 | 22% |

CITY OF BIRMINGHAM
 QUARTERLY BUDGET REPORT
 GREENWOOD CEMETERY FUND
 QUARTER ENDED: SEPTEMBER 30, 2021 AND SEPTEMBER 30, 2020
 % OF FISCAL YEAR COMPLETED: 25%

| | 2021-2022 | | | 2020-2021 | | |
|-----------------------------------|-------------------|------------------------|---------------------|-------------------|------------------------|---------------------|
| | AMENDED BUDGET | YEAR-TO-DATE ACTUAL | % OF BUDGET USED | AMENDED BUDGET | YEAR-TO-DATE ACTUAL | % OF BUDGET USED |
| REVENUES: | | | | | | |
| USE OF (CONTRIB. TO) FUND BALANCE | (84,500) | - | 0% | (62,000) | - | 0% |
| CHARGES FOR SERVICES | 60,000 | 4,436 | 7% | 60,000 | 18,104 | 30% |
| INTEREST AND RENT | 24,500 | 5,184 | 21% | 22,000 | 5,240 | 24% |
| TRANSFERS IN | - | - | 0% | - | - | 0% |
| TOTAL Revenues | - | 9,620 | 0% | 20,000 | 23,344 | 117% |
| EXPENDITURES: | | | | | | |
| ENGINEERING AND PUBLIC SERVICES | - | - | 0% | 20,000 | - | 0% |
| TOTAL EXPENDITURES | - | - | | - | - | |

CITY OF BIRMINGHAM
 QUARTERLY BUDGET REPORT
 MAJOR STREETS
 QUARTER ENDED: SEPTEMBER 30, 2021 AND SEPTEMBER 30, 2020
 % OF FISCAL YEAR COMPLETED: 25%

| | 2021-2022 | | | 2020-2021 | | |
|-----------------------------------|-------------------------|-------------------------|------------------|-------------------------|-----------------------|------------------|
| | AMENDED BUDGET | YEAR-TO-DATE ACTUAL | % OF BUDGET USED | AMENDED BUDGET | YEAR-TO-DATE ACTUAL | % OF BUDGET USED |
| REVENUES: | | | | | | |
| USE OF (CONTRIB. TO) FUND BALANCE | (501,060) | 0 | 0% | 2,856,004 | 0 | 0% |
| INTERGOVERNMENTAL | 1,674,280 | 303,401 | 18% | 1,641,450 | 300,025 | 18% |
| INTEREST AND RENT | 59,580 | 4,918 | 8% | 43,500 | 12,036 | 28% |
| OTHER REVENUE | - | - | 0% | - | - | 0% |
| TRANSFERS IN | <u>4,100,000</u> | <u>1,025,000</u> | 25% | <u>2,000,000</u> | <u>500,000</u> | 25% |
| TOTAL REVENUES | <u><u>5,332,800</u></u> | <u><u>1,333,319</u></u> | <u>25%</u> | <u><u>6,540,954</u></u> | <u><u>812,061</u></u> | <u>12%</u> |
| EXPENDITURES: | | | | | | |
| ADMINISTRATIVE | 20,570 | 4,670 | 23% | 20,900 | 5,139 | 25% |
| TRAFFIC CONTROLS & ENGINEERING | 610,190 | 25,832 | 4% | 628,967 | 150,450 | 24% |
| CONSTRUCTION OF ROADS & BRIDGES | 3,487,920 | 387,580 | 11% | 4,623,772 | 647,889 | 14% |
| MAINTENANCE OF ROADS & BRIDGES | 437,900 | 47,336 | 11% | 488,010 | 40,284 | 8% |
| STREET CLEANING | 221,770 | 63,060 | 28% | 219,590 | 42,057 | 19% |
| STREET TREES | 292,680 | 83,317 | 28% | 271,205 | 56,177 | 21% |
| SNOW AND ICE REMOVAL | <u>261,770</u> | <u>11,496</u> | 4% | <u>288,510</u> | <u>12,245</u> | 4% |
| TOTAL EXPENDITURES | <u><u>5,332,800</u></u> | <u><u>623,291</u></u> | <u>12%</u> | <u><u>6,540,954</u></u> | <u><u>954,241</u></u> | <u>15%</u> |

CITY OF BIRMINGHAM
 QUARTERLY BUDGET REPORT
 LOCAL STREETS
 QUARTER ENDED: SEPTEMBER 30, 2021 AND SEPTEMBER 30, 2020
 % OF FISCAL YEAR COMPLETED: 25%

| | 2021-2022 | | | 2020-2021 | | |
|-----------------------------------|-------------------------|-----------------------|------------------|-------------------------|-----------------------|------------------|
| | AMENDED BUDGET | YEAR-TO-DATE ACTUAL | % OF BUDGET USED | AMENDED BUDGET | YEAR-TO-DATE ACTUAL | % OF BUDGET USED |
| REVENUES: | | | | | | |
| USE OF (CONTRIB. TO) FUND BALANCE | 1,099,970 | - | 0% | (378,303) | - | 0% |
| INTERGOVERNMENTAL | 683,860 | 123,291 | 18% | 670,450 | 121,919 | 18% |
| INTEREST AND RENT | 30,600 | 3,844 | 13% | 29,600 | 2,606 | 9% |
| OTHER REVENUE | 204,730 | 34,016 | 17% | 197,460 | 16,969 | 9% |
| TRANSFERS IN | <u>1,950,000</u> | <u>487,500</u> | 25% | <u>3,000,000</u> | <u>750,000</u> | 25% |
| TOTAL REVENUES | <u><u>3,969,160</u></u> | <u><u>648,651</u></u> | <u>16%</u> | <u><u>3,519,207</u></u> | <u><u>891,494</u></u> | <u>25%</u> |
| EXPENDITURES: | | | | | | |
| ADMINISTRATIVE | 28,960 | 6,775 | 23% | 29,490 | 7,294 | 25% |
| TRAFFIC CONTROLS & ENGINEERING | 68,700 | 17,971 | 26% | 65,300 | 13,490 | 21% |
| CONSTRUCTION OF ROADS & BRIDGES | 2,114,040 | 20,641 | 1% | 1,501,808 | 53,848 | 4% |
| MAINTENANCE OF ROADS & BRIDGES | 713,500 | 108,345 | 15% | 940,017 | 124,841 | 13% |
| STREET CLEANING | 255,550 | 71,188 | 28% | 253,330 | 52,772 | 21% |
| STREET TREES | 614,630 | 225,686 | 37% | 552,732 | 138,248 | 25% |
| SNOW AND ICE REMOVAL | <u>173,780</u> | <u>9,721</u> | 6% | <u>176,530</u> | <u>9,575</u> | 5% |
| TOTAL EXPENDITURES | <u><u>3,969,160</u></u> | <u><u>460,327</u></u> | <u>12%</u> | <u><u>3,519,207</u></u> | <u><u>400,068</u></u> | <u>11%</u> |

CITY OF BIRMINGHAM
 QUARTERLY BUDGET REPORT
 SOLID WASTE
 QUARTER ENDED: SEPTEMBER 30, 2021 AND SEPTEMBER 30, 2020
 % OF FISCAL YEAR COMPLETED: 25%

| | 2021-2022 | | | 2020-2021 | | |
|-----------------------------------|------------------|---------------------|------------------|------------------|---------------------|------------------|
| | AMENDED BUDGET | YEAR-TO-DATE ACTUAL | % OF BUDGET USED | AMENDED BUDGET | YEAR-TO-DATE ACTUAL | % OF BUDGET USED |
| REVENUES: | | | | | | |
| USE OF (CONTRIB. TO) FUND BALANCE | (36,890) | 0 | 0% | 202,233 | - | 0% |
| TAXES | 2,175,000 | 2,179,542 | 100% | 2,042,500 | 2,047,012 | 100% |
| INTERGOVERNMENTAL | 3,990 | 0 | 0% | 4,110 | - | 0% |
| CHARGES FOR SERVICES | 17,100 | 4,368 | 26% | 17,000 | 4,377 | 26% |
| INTEREST AND RENT | 20,000 | 1,428 | 7% | 30,000 | 2,368 | 8% |
| OTHER REVENUE | - | - | 0% | - | - | 0% |
| TOTAL REVENUES | <u>2,179,200</u> | <u>2,185,338</u> | <u>100%</u> | <u>2,295,843</u> | <u>2,053,757</u> | <u>89%</u> |
| EXPENDITURES: | | | | | | |
| PERSONNEL COSTS | 194,850 | 17,971 | 9% | 190,050 | 18,691 | 10% |
| SUPPLIES | 28,000 | 1,142 | 4% | 28,000 | 735 | 3% |
| OTHER CHARGES | <u>1,956,350</u> | <u>386,807</u> | 20% | <u>2,077,793</u> | <u>374,353</u> | 18% |
| TOTAL EXPENDITURES | <u>2,179,200</u> | <u>405,920</u> | <u>19%</u> | <u>2,295,843</u> | <u>393,779</u> | <u>17%</u> |

CITY OF BIRMINGHAM
 QUARTERLY BUDGET REPORT
 BROWNFIELD REDEVELOPMENT FUND
 QUARTER ENDED: SEPTEMBER 30, 2021 AND SEPTEMBER 30, 2020
 % OF FISCAL YEAR COMPLETED: 25%

| | 2021-2022 | | | 2020-2021 | | |
|-----------------------------------|----------------|---------------------|------------------|----------------|---------------------|------------------|
| | AMENDED BUDGET | YEAR-TO-DATE ACTUAL | % OF BUDGET USED | AMENDED BUDGET | YEAR-TO-DATE ACTUAL | % OF BUDGET USED |
| REVENUES: | | | | | | |
| USE OF (CONTRIB. TO) FUND BALANCE | (2,000) | - | 0% | (2,000) | - | 0% |
| TAXES | 369,000 | 369,787 | 100% | 287,300 | 264,870 | 92% |
| CHARGES FOR SERVICES | - | - | 0% | - | - | 0% |
| INTEREST AND RENT | 2,000 | 134 | 7% | 2,000 | 45 | 2% |
| OTHER REVENUE | 20,000 | - | 0% | 20,000 | - | 0% |
| TRANSFERS IN | - | - | 0% | - | - | 0% |
| TOTAL REVENUES | <u>389,000</u> | <u>369,921</u> | <u>95%</u> | <u>307,300</u> | <u>264,915</u> | <u>86%</u> |
| EXPENDITURES | <u>389,000</u> | <u>-</u> | <u>0%</u> | <u>307,300</u> | <u>-</u> | <u>0%</u> |

CITY OF BIRMINGHAM
 QUARTERLY BUDGET REPORT
 PRINCIPAL SHOPPING DISTRICT
 QUARTER ENDED: SEPTEMBER 30, 2021 AND SEPTEMBER 30, 2020
 % OF FISCAL YEAR COMPLETED: 25%

| | 2021-2022 | | | 2020-2021 | | |
|-----------------------------------|------------------|---------------------|------------------|------------------|---------------------|------------------|
| | AMENDED BUDGET | YEAR-TO-DATE ACTUAL | % OF BUDGET USED | AMENDED BUDGET | YEAR-TO-DATE ACTUAL | % OF BUDGET USED |
| REVENUES: | | | | | | |
| USE OF (CONTRIB. TO) FUND BALANCE | 74,560 | - | 0% | 47,280 | - | 0% |
| CHARGES FOR SERVICES | 25,000 | - | 0% | 25,000 | - | 0% |
| SPECIAL ASSESSMENTS | 1,054,970 | - | 0% | 1,054,970 | - | 0% |
| INTEREST AND RENT | 13,700 | 952 | 7% | 13,700 | 2,445 | 18% |
| OTHER REVENUE | <u>100,000</u> | <u>22,282</u> | 22% | <u>190,000</u> | <u>6,151</u> | 3% |
| TOTAL REVENUES | <u>1,268,230</u> | <u>23,234</u> | <u>2%</u> | <u>1,330,950</u> | <u>8,596</u> | <u>1%</u> |
| EXPENDITURES | <u>1,268,230</u> | <u>227,272</u> | <u>18%</u> | <u>1,330,950</u> | <u>213,380</u> | <u>16%</u> |

CITY OF BIRMINGHAM
 QUARTERLY BUDGET REPORT
 COMMUNITY DEVELOPMENT BLOCK GRANT
 QUARTER ENDED: SEPTEMBER 30, 2021 AND SEPTEMBER 30, 2020
 % OF FISCAL YEAR COMPLETED: 25%

| | 2021-2022 | | | 2020-2021 | | |
|---------------------------|----------------------|---------------------|------------------|----------------------|---------------------|------------------|
| | AMENDED BUDGET | YEAR-TO-DATE ACTUAL | % OF BUDGET USED | AMENDED BUDGET | YEAR-TO-DATE ACTUAL | % OF BUDGET USED |
| INTERGOVERNMENTAL REVENUE | <u>36,100</u> | - | <u>0%</u> | <u>36,100</u> | - | <u>0%</u> |
| EXPENDITURES | <u><u>36,100</u></u> | <u>-</u> | <u>0%</u> | <u><u>36,100</u></u> | <u>-</u> | <u>0%</u> |

CITY OF BIRMINGHAM
 QUARTERLY BUDGET REPORT
 TRIANGLE DISTRICT CORRIDOR IMPROVEMENT AUTHORITY
 QUARTER ENDED: SEPTEMBER 30, 2021 AND SEPTEMBER 30, 2020
 % OF FISCAL YEAR COMPLETED: 25%

| | 2021-2022 | | | 2020-2021 | | |
|-----------------------------------|----------------|---------------------|------------------|----------------|---------------------|------------------|
| | AMENDED BUDGET | YEAR-TO-DATE ACTUAL | % OF BUDGET USED | AMENDED BUDGET | YEAR-TO-DATE ACTUAL | % OF BUDGET USED |
| REVENUES: | | | | | | |
| USE OF (CONTRIB. TO) FUND BALANCE | (470) | - | 0% | (470) | - | 0% |
| PROPERTY TAXES | - | - | 0% | - | - | 0% |
| INTEREST AND RENT | <u>470</u> | <u>20</u> | 4% | <u>470</u> | <u>49</u> | 10% |
| TOTAL REVENUES | <u>-</u> | <u>20</u> | <u>0%</u> | <u>-</u> | <u>49</u> | <u>0%</u> |
| EXPENDITURES | <u>-</u> | <u>-</u> | <u>0%</u> | <u>-</u> | <u>-</u> | <u>0%</u> |

CITY OF BIRMINGHAM
 QUARTERLY BUDGET REPORT
 BALDWIN LIBRARY
 QUARTER ENDED: SEPTEMBER 30, 2021 AND SEPTEMBER 30, 2020
 % OF FISCAL YEAR COMPLETED: 25%

| | 2021-2022 | | | 2020-2021 | | |
|-----------------------------------|------------------|---------------------|------------------|------------------|---------------------|------------------|
| | AMENDED BUDGET | YEAR-TO-DATE ACTUAL | % OF BUDGET USED | AMENDED BUDGET | YEAR-TO-DATE ACTUAL | % OF BUDGET USED |
| REVENUES: | | | | | | |
| USE OF (CONTRIB. TO) FUND BALANCE | (571,630) | - | 0% | (681,410) | - | 0% |
| TAXES | 3,663,280 | 3,677,483 | 100% | 3,541,640 | 3,532,041 | 100% |
| INTERGOVERNMENTAL | 1,065,710 | 161,154 | 15% | 1,050,320 | 205,282 | 20% |
| CHARGES FOR SERVICES | 21,400 | 6,861 | 32% | 62,800 | 190 | 0% |
| INTEREST AND RENT | 30,000 | 2,433 | 8% | 52,000 | 3,643 | 7% |
| OTHER REVENUE | - | - | 0% | - | - | 0% |
| TOTAL REVENUES | <u>4,208,760</u> | <u>3,847,931</u> | <u>91%</u> | <u>4,025,350</u> | <u>3,741,156</u> | <u>93%</u> |
| EXPENDITURES | <u>4,208,760</u> | <u>818,369</u> | <u>19%</u> | <u>4,025,350</u> | <u>1,138,370</u> | <u>28%</u> |

CITY OF BIRMINGHAM
 QUARTERLY BUDGET REPORT
 LAW & DRUG ENFORCEMENT FUND
 QUARTER ENDED: SEPTEMBER 30, 2021 AND SEPTEMBER 30, 2020
 % OF FISCAL YEAR COMPLETED: 25%

| | 2021-2022 | | | 2020-2021 | | |
|-----------------------------------|----------------|---------------------|------------------|----------------|---------------------|------------------|
| | AMENDED BUDGET | YEAR-TO-DATE ACTUAL | % OF BUDGET USED | AMENDED BUDGET | YEAR-TO-DATE ACTUAL | % OF BUDGET USED |
| REVENUES: | | | | | | |
| USE OF (CONTRIB. TO) FUND BALANCE | 92,590 | - | 0% | (23,460) | - | 0% |
| FINES & FORFEITURES | 25,000 | - | 0% | 25,000 | - | 0% |
| INTEREST AND RENT | 2,000 | 135 | 7% | 1,300 | 234 | 18% |
| OTHER REVENUE | - | 3,851 | 0% | - | - | 0% |
| TOTAL REVENUES | 119,590 | 3,986 | 3% | 2,840 | 234 | 8% |
| EXPENDITURES: | | | | | | |
| PUBLIC SAFETY | 2,840 | - | 0% | 2,840 | - | 0% |
| CAPITAL OUTLAY | 116,750 | - | 0% | - | - | 0% |
| TOTAL EXPENDITURES | 119,590 | - | 0% | 2,840 | - | 0% |

CITY OF BIRMINGHAM
 QUARTERLY BUDGET REPORT
 DEBT SERVICE FUND
 QUARTER ENDED: SEPTEMBER 30, 2021 AND SEPTEMBER 30, 2020
 % OF FISCAL YEAR COMPLETED: 25%

| | 2021-2022 | | | 2020-2021 | | |
|-----------------------------------|------------------|---------------------|------------------|------------------|---------------------|------------------|
| | AMENDED BUDGET | YEAR-TO-DATE ACTUAL | % OF BUDGET USED | AMENDED BUDGET | YEAR-TO-DATE ACTUAL | % OF BUDGET USED |
| REVENUES: | | | | | | |
| USE OF (CONTRIB. TO) FUND BALANCE | (5,500) | - | 0% | (5,500) | - | 0% |
| TAXES | 1,566,100 | 1,565,750 | 100% | 1,548,450 | 1,547,312 | 100% |
| INTERGOVERNMENTAL | 3,300 | 0 | 0% | 3,300 | - | 0% |
| INTEREST AND RENT | <u>3,000</u> | <u>853</u> | 28% | <u>3,000</u> | <u>75</u> | 3% |
| TOTAL REVENUES | <u>1,566,900</u> | <u>1,566,603</u> | <u>100%</u> | <u>1,549,250</u> | <u>1,547,387</u> | <u>100%</u> |
| EXPENDITURES | <u>1,566,900</u> | <u>1,437,475</u> | <u>92%</u> | <u>1,549,250</u> | <u>1,458,500</u> | <u>94%</u> |



MEMORANDUM

Finance Department

DATE: November 2, 2021
TO: Thomas M. Markus, City Manager
FROM: Mark Gerber, Director of Finance/Treasurer
SUBJECT: September 2021 Investment Report

Public Act 213 of 2007 requires investment reporting on the City's general investments to be provided to the City Commission on a quarterly basis. This information is also required to be provided annually, which the City has and will continue to include within the audited financial statements.

General investments of the City are governed by state law and the City's General Investment Policy approved by the City Commission. The services of an outside investment advisor are utilized to assist the treasurer in determining which types of investments are most appropriate and permitted under the investment policy, maximize the return on the City's investments within investment policy constraints and provide for cash flow needs.

The two primary objectives for investment of City funds are the preservation of principal and liquidity to protect against losses and provide sufficient funds to enable the City to meet all operating requirements that might be reasonably anticipated. Investment activities include all City funds except the retirement and retiree health-care funds as follows:

- General Fund
- Permanent Funds
- Special Revenue Funds
- Capital Projects Fund
- Enterprise Funds
- Debt Service Funds
- Component Unit Funds
- Internal Service Funds

Overall, the City has \$111.6 million invested in various securities according to its general investment policy as of September 30, 2021.

The City has two pooled funds (CLASS Pool and J-Fund), which are used to meet payroll, contractor and other accounts payable needs. As indicated on the attached schedule, there is approximately \$13.5 million invested in pooled funds at the end of September. A maximum of 50% of the portfolio may be invested in pooled funds that meet state guidelines. The amount currently invested in pooled funds is 12%.

The City also holds approximately \$43 million, or 39%, of its investments in treasury notes and bills, which are obligations of the United States. The maximum amount of investments that may be held in government securities is 100%.

Investments in federal agencies total approximately \$55.1 million, or 49%, of the City's investments. The maximum amount of the portfolio that may be invested in federal agencies is 75%.

The Investment Policy requires that the average maturity of the portfolio may not exceed two and one-half years. The current average maturity of the portfolio is 1.5 years.

**CITY OF BIRMINGHAM
GENERAL INVESTMENT PORTFOLIO SUMMARY**

9/30/2021

| YEAR | MATURITY DATE | DESCRIPTION | % YIELD | * | ISSUER/BROKER | PAR VALUE | COST | CURRENT MARKET VALUE | YEARLY TOTAL | % OF TOTAL |
|------------|---------------|-------------|---------|---------|----------------|----------------|----------------|----------------------|----------------|------------|
| 2021 | 9/30/2021 | CLASS POOL | 0.025% | CITY | MICHIGAN CLASS | 2,158,887.02 | 2,158,887.02 | 2,158,887.02 | | |
| | 9/30/2021 | FUND | 0.011% | CITY | COMERICA BANK | 11,319,239.54 | 11,319,239.54 | 11,319,239.54 | | |
| | 10/12/2021 | AGENCY | 3.003% | INSIGHT | FHLB | 1,500,000.00 | 1,499,955.00 | 1,501,350.00 | | |
| | 11/2/2021 | AGENCY | 0.320% | INSIGHT | FHLMC | 1,500,000.00 | 1,500,000.00 | 1,499,955.00 | | |
| | 11/15/2021 | TR NOTE | 2.438% | INSIGHT | U.S. | 2,000,000.00 | 2,022,421.88 | 2,006,880.00 | | |
| | 11/26/2021 | AGENCY | 0.680% | INSIGHT | U.S. | 1,000,000.00 | 1,000,000.00 | 999,170.00 | | |
| | 12/15/2021 | TR NOTE | 2.469% | INSIGHT | U.S. | 2,000,000.00 | 2,008,444.20 | 2,010,560.00 | | |
| | 12/16/2021 | AGENCY | 0.500% | INSIGHT | FNMA | 1,000,000.00 | 1,000,000.00 | 996,770.00 | | |
| | | | | | | | | | 22,492,811.56 | 20.15% |
| | 2022 | 1/5/2022 | AGENCY | 1.533% | INSIGHT | FNMA | 2,000,000.00 | 2,021,480.00 | 2,009,760.00 | |
| 1/13/2022 | | AGENCY | 2.209% | INSIGHT | FHLMC | 1,000,000.00 | 1,011,317.20 | 1,006,550.00 | | |
| 1/13/2022 | | AGENCY | 1.655% | INSIGHT | FHLMC | 1,500,000.00 | 1,516,975.80 | 1,509,825.00 | | |
| 3/11/2022 | | AGENCY | 2.433% | INSIGHT | FHLB | 1,000,000.00 | 1,001,850.00 | 1,010,920.00 | | |
| 3/14/2022 | | AGENCY | 1.932% | INSIGHT | FFCB | 1,000,000.00 | 997,830.00 | 1,008,150.00 | | |
| 3/28/2022 | | AGENCY | 0.450% | INSIGHT | FHLMC | 1,500,000.00 | 1,500,000.00 | 1,486,170.00 | | |
| 3/31/2022 | | TR NOTE | 0.137% | INSIGHT | U.S. | 2,500,000.00 | 2,508,984.38 | 2,503,900.00 | | |
| 4/15/2022 | | TR NOTE | 0.134% | INSIGHT | U.S. | 2,000,000.00 | 2,065,241.08 | 2,023,600.00 | | |
| 5/17/2022 | | AGENCY | 0.350% | INSIGHT | FNMA | 1,000,000.00 | 999,800.00 | 999,750.00 | | |
| 6/10/2022 | | AGENCY | 1.882% | INSIGHT | FHLB | 1,500,000.00 | 1,510,635.00 | 1,526,371.00 | | |
| 6/10/2022 | | AGENCY | 1.930% | INSIGHT | FHLB | 2,000,000.00 | 2,011,248.00 | 2,023,329.00 | | |
| 8/5/2022 | | AGENCY | 1.497% | INSIGHT | FFCB | 2,000,000.00 | 2,020,180.00 | 2,030,160.00 | | |
| 8/19/2022 | | AGENCY | 0.450% | INSIGHT | FNMA | 2,000,000.00 | 1,999,500.00 | 1,999,440.00 | | |
| 9/9/2022 | | AGENCY | 1.613% | INSIGHT | FHLB | 1,500,000.00 | 1,516,588.50 | 1,526,865.00 | | |
| 10/13/2022 | | AGENCY | 1.549% | INSIGHT | FFCB | 1,500,000.00 | 1,502,076.00 | 1,523,175.00 | | |
| 10/31/2022 | | TR NOTE | 1.854% | INSIGHT | U.S. | 1,500,000.00 | 1,506,977.68 | 1,530,585.00 | | |
| 11/15/2022 | | TR NOTE | 0.124% | INSIGHT | U.S. | 3,000,000.00 | 3,050,976.56 | 3,050,400.00 | | |
| 12/15/2022 | | TR NOTE | 0.133% | INSIGHT | U.S. | 3,000,000.00 | 3,054,375.00 | 3,053,790.00 | | |
| | | | | | | | | | 31,822,740.00 | 28.51% |
| 2023 | | 1/19/2023 | AGENCY | 1.617% | INSIGHT | FNMA | 2,500,000.00 | 2,558,475.00 | 2,570,675.00 | |
| | 2/17/2023 | AGENCY | 0.192% | INSIGHT | FHLB | 1,500,000.00 | 1,542,361.50 | 1,525,125.00 | | |
| | 2/21/2023 | AGENCY | 1.491% | INSIGHT | FFCB | 2,000,000.00 | 2,004,653.94 | 2,038,080.00 | | |
| | 3/31/2023 | TR NOTE | 1.421% | INSIGHT | U.S. | 1,500,000.00 | 1,556,430.81 | 1,551,795.00 | | |
| | 4/15/2023 | TR NOTE | 0.207% | INSIGHT | U.S. | 3,000,000.00 | 3,001,992.19 | 3,001,980.00 | | |
| | 5/15/2023 | TR NOTE | 1.578% | INSIGHT | U.S. | 1,500,000.00 | 1,509,028.46 | 1,537,320.00 | | |
| | 6/19/2023 | AGENCY | 1.851% | INSIGHT | FHLMC | 1,500,000.00 | 1,550,467.50 | 1,564,365.00 | | |
| | 6/26/2023 | AGENCY | 0.233% | INSIGHT | FHLMC | 1,500,000.00 | 1,500,705.00 | 1,500,375.00 | | |
| | 9/8/2023 | AGENCY | 1.595% | INSIGHT | FHLB | 2,000,000.00 | 2,070,800.00 | 2,080,720.00 | | |
| | 9/12/2023 | AGENCY | 1.591% | INSIGHT | FNMA | 1,500,000.00 | 1,573,410.00 | 1,576,005.00 | | |
| | 10/31/2023 | TR NOTE | 1.423% | INSIGHT | U.S. | 1,500,000.00 | 1,587,954.24 | 1,579,740.00 | | |
| | 10/31/2023 | TR NOTE | 0.307% | INSIGHT | U.S. | 2,000,000.00 | 2,054,928.58 | 2,054,760.00 | | |
| | 11/15/2023 | TR NOTE | 1.572% | INSIGHT | U.S. | 1,500,000.00 | 1,570,258.93 | 1,577,220.00 | | |
| | 11/15/2023 | TR NOTE | 0.320% | INSIGHT | U.S. | 2,000,000.00 | 1,997,037.95 | 1,997,120.00 | | |
| 11/27/2023 | AGENCY | 0.202% | INSIGHT | FNMA | 500,000.00 | 500,690.00 | 499,385.00 | | | |
| | | | | | | | | 26,654,665.00 | 23.88% | |
| 2024 | 1/19/2024 | AGENCY | 0.241% | INSIGHT | FFCB | 1,000,000.00 | 999,670.00 | 995,950.00 | | |
| | 2/5/2024 | AGENCY | 1.572% | INSIGHT | FNMA | 1,500,000.00 | 1,558,201.50 | 1,575,240.00 | | |
| | 2/29/2024 | TR NOTE | 1.637% | INSIGHT | U.S. | 1,750,000.00 | 1,785,621.10 | 1,823,220.00 | | |
| | 4/15/2024 | TR NOTE | 0.434% | INSIGHT | U.S. | 3,000,000.00 | 2,995,546.88 | 2,996,250.00 | | |
| | 5/31/2024 | TR NOTE | 0.462% | INSIGHT | U.S. | 1,000,000.00 | 1,040,823.66 | 1,040,940.00 | | |
| | 6/14/2024 | FHLB | 0.377% | INSIGHT | U.S. | 1,500,000.00 | 1,556,520.00 | 1,551,000.00 | | |
| | 7/2/2024 | AGENCY | 1.719% | INSIGHT | FNMA | 1,500,000.00 | 1,502,037.00 | 1,552,350.00 | | |
| | 9/13/2024 | AGENCY | 1.729% | INSIGHT | FHLB | 1,750,000.00 | 1,843,345.00 | 1,870,505.00 | | |
| | 10/31/2024 | TR NOTE | 0.465% | INSIGHT | U.S. | 1,000,000.00 | 1,032,695.31 | 1,028,110.86 | | |
| | 10/31/2024 | TR NOTE | 0.557% | INSIGHT | U.S. | 2,000,000.00 | 2,057,741.08 | 2,059,309.14 | | |
| | 11/15/2024 | TR NOTE | 0.560% | INSIGHT | U.S. | 1,500,000.00 | 1,578,637.84 | 1,578,690.00 | | |
| | 12/30/2024 | AGENCY | 0.375% | INSIGHT | FHLMC | 1,500,000.00 | 1,499,025.00 | 1,486,530.00 | | |
| | | | | | | | | 19,558,095.00 | 17.52% | |
| 2025 | 1/7/2025 | AGENCY | 0.962% | INSIGHT | FNMA | 1,500,000.00 | 1,580,434.50 | 1,550,835.00 | | |
| | 1/28/2025 | AGENCY | 0.550% | INSIGHT | FHLB | 1,500,000.00 | 1,500,000.00 | 1,496,295.00 | | |
| | 2/12/2025 | AGENCY | 0.344% | INSIGHT | FHLMC | 1,500,000.00 | 1,575,136.50 | 1,542,720.00 | | |
| | 2/28/2025 | TR NOTE | 0.508% | INSIGHT | U.S. | 1,500,000.00 | 1,533,925.78 | 1,524,675.00 | | |
| | 3/28/2025 | AGENCY | 0.600% | INSIGHT | FHLB | 1,500,000.00 | 1,494,500.00 | 1,495,080.00 | | |
| | 3/31/2025 | TR NOTE | 0.669% | INSIGHT | U.S. | 1,500,000.00 | 1,491,215.96 | 1,491,270.00 | | |
| | 6/30/2025 | AGENCY | 0.750% | INSIGHT | FHLB | 2,000,000.00 | 2,000,000.00 | 1,998,180.00 | | |
| | | | | | | | | 11,099,055.00 | 9.94% | |
| | | | 0.924% | | | 109,978,126.56 | 111,509,254.05 | 111,627,366.56 | 111,627,366.56 | 100.00% |

⁸³ Call date 3/28/2022. Maturity 3/28/2025.

⁸⁴ Call Date 9/30/2022. Qrtly call. Maturity date 12/30/2024.

⁸⁵ Call date 11/17/2022. Quarterly call. Maturity 5/17/2024.

⁸⁶ Call date 11/2/2021. Annual Call. Maturity 11/2023.

⁸⁷ Call date 6/16/2021. Quarterly call. Maturity 12/16/2024.

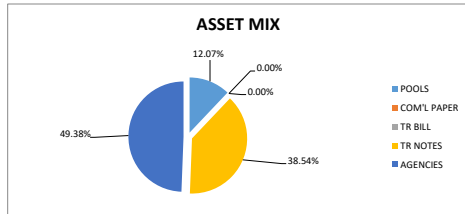
⁸⁸ Call date 7/28/2022. Maturity 1/28/2025.

⁸⁹ Call date 11/26/2021. Maturity 2/26/2025.

⁹⁰ Call date 12/30/2021. Quarterly call. Maturity 6/30/2025.

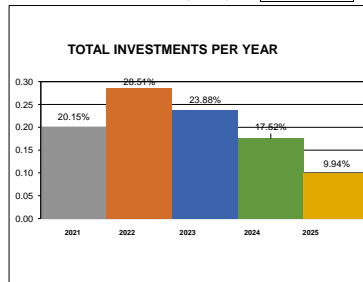
⁹¹ Call date 3/28/2022. Quarterly call. YTC 1.25; YTM 0.69. Maturity 3/28/2025.

⁹² Call date 3/28/2022. YTC 1.46. YTM 0.72. Maturity 3/28/2025.



| Category | Value | Percentage |
|-------------|------------------|------------|
| POOLS | \$13,478,126.56 | 12.07% |
| COM'L PAPER | \$0.00 | 0.00% |
| TR BILL | \$0.00 | 0.00% |
| TR NOTES | \$43,022,115.00 | 38.54% |
| AGENCIES | \$55,127,125.00 | 49.38% |
| TOTAL | \$111,627,366.56 | 100.00% |

AVERAGE MATURITY (YEARS): 1.46



| COMPARATIVE RETURNS | | | |
|---------------------|----------------|---------|---------|
| | City Portfolio | 1-Yr TR | 2-Yr TR |
| Current Month | 0.92% | 0.12% | 0.24% |
| Previous Month | 0.83% | 0.12% | 0.24% |
| 1 Year Ago | 1.23% | 0.12% | 0.12% |

| | | |
|---------------------|------------------|---------|
| * INSIGHT: | \$98,149,240.00 | 87.93% |
| * ASSIGNED TO CITY: | \$13,478,126.56 | 12.07% |
| | \$111,627,366.56 | 100.00% |



CITY MANAGER'S REPORT

November 2021

Baldwin Public Library

Phase 3: Front Entrance and Circulation Area Project

The Library Board's Building Committee continues to meet with Merritt Cieslak Design to plan the Phase 3: Front entrance and Circulation area project. The floor plan is nearly finalized and the committee will be reviewing 3D renderings of the exterior at the next meeting. Meeting minutes received to date can be read online at <https://www.baldwinlib.org/renovation/>.

Updated Library Policies

The Library Board met on November 15 and approved updates to five policies: Electronic Device, Network, and Internet Use Policy; Credit Card Policy; Unattended Children Policy; Volunteer Policy; Public Comment Policy. The policies can be viewed at <https://www.baldwinlib.org/mission/>.

Donations

The Friends of the Baldwin Public Library are now accepting donations of used books, DVDs, and CDs. Please limit your donation to two bags/boxes per week.

Strategic Plan

Director Rebekah Craft and Associate Director Jaclyn Miller are working with the Board's Strategic Planning Committee to update the Library's strategic plan. As part of the process, two virtual focus groups were held on November 9 and 13.

Objectionable Items

School libraries in Virginia, Texas, Wyoming, and elsewhere have been in the news lately as parents are requesting that objectionable items are withdrawn from library collections. Baldwin has a Collection Development Policy in place that discusses the types of items the library includes in the collection, how items are selected and de-selected, and how citizens can file a request if they are unhappy with an item in the library's collection. Because strong feelings and emotions can develop over items in the library's collection, patrons are welcome to fill out a Request for Reconsideration of Library Materials form. When this form is completed, it is given to the Library Director for response. The item will then be reviewed by the Library Director and Library Board in

accordance with the Library's Collection Development Policy, the Library Bill of Rights, and the American Library Association guidelines on intellectual freedom.

The Birmingham Museum

Birmingham Museum—Upcoming RFP for Window Restoration.

In FY 2020-2021, an RFP was issued to restore all 49 windows in the Allen House. However, due to the pandemic construction climate, and materials/labor shortages, the project was underfunded and not able to be undertaken. In addition, the project was deemed to be significantly more disruptive to the building and museum operations than previously realized if all 49 windows are simultaneously repaired and restored. Therefore, the project will be separated into two phases, focusing on the second floor windows in FY 2021-2022 and the first floor windows in 2022-2023. A December 2021 posting is anticipated for an RFP for the first phase (upper floor) window restoration, with expected project completion in the spring/summer of 2022.

Birmingham Shopping District (BSD)

BSD to Welcome New Businesses

The BSD was pleased to see an article in the Free Press on November 13th, titled "Downtown Birmingham sees surprise surge of new retailers." The article quoted extensively from the BSD's executive director and retail recruiter, and highlighted all of the new businesses coming to downtown Birmingham, including State and Liberty, Faherty, Circa Lighting, and many more!

Holiday Activities in Birmingham

Holiday activities in Downtown Birmingham kick-off on Saturday, November 27th, with Small Business Saturday, carriage rides, and Santa Walk.

This is a critical time to support small businesses and the BSD encourages everyone to spend their dollars locally on Small Business Saturday. The BSD has published the 2021 Holiday Gift Guide which features holiday gift ideas offered by downtown retailers. A [digital version of the gift guide](#) can be found on the BSD website at ALLINBirmingham.com. Free parking will be available in the parking structures.

The Santa Walk is also on November 27th. Join us as we welcome Santa to town! The event begins in the parking lot of the Surnow Building located at 320 Martin Street in downtown Birmingham, where Santa will arrive in a Birmingham fire truck at 9:30 a.m. The walk continues through downtown, with stops at various shops, before concluding at Santa House in Shain Park. The event will feature free hot chocolate, courtesy of Hazel's, from 10:00 a.m. to 3:00 p.m. at the corner of Maple and Old Woodward.

Due to overwhelming popularity this year, appointments for families to visit the Santa House in Shain Park through the holiday season are full.

The BSD will be hosting scavenger hunts in downtown Birmingham every Saturday from November 27th through December 19th. Participants have a chance to win a \$250 Birmingham Bucks e-gift card!

Lastly, downtown Birmingham's signature event, Winter Markt, will be held in Shain Park on Friday, December 3rd from 4:00 p.m. to 9:00 p.m., Saturday, December 4th from 10:00 a.m. to 9:00 p.m., and Sunday, December 5th from 10:00 a.m. to 4:00 p.m. The annual Tree Lighting will take place on opening night of the Winter Markt on Friday, December 3rd at 6:00 p.m.

Building Department

Monthly Report

The [Building Department's monthly report](#) provides an update on the following construction activity: building permits issued, building inspections conducted, trades permits issued and trades inspections conducted.

City Hall Workstation

During the partial reopening of City Hall, the Community Development Department has remained closed to the public. This has caused some challenges for the Building Department's ability to provide continuity of services. In response, the Building Department has evaluated and modified our current procedures to develop a strategy for addressing these challenges. Creating a workstation and desk on the lower level of City Hall will provide department staff with the tools and resources they need to facilitate in-person services. A plexiglass protective barrier will be installed on the desk to maintain workplace safety and a laptop will be provided with access to our record and permitting software. Because our in-person services are still limited, we will continue to provide information on our online services and encourage the use of our drop box for submissions not requiring in-person assistance.

324 Greenwood Update - Work on Private & Public Property Without Proper Permits

Building Department:

In regards to the work on private property, the owner has failed to provide all the necessary documentation for the work performed in the rear yard that we need to issue required permits. This work includes repairing and adding to an existing deck and installing impervious surfaces such as pavers and artificial turf systems. These new impervious surfaces clearly reduced the minimum open space to less than the required 40%. The property owner has been aware for over a year now of the documents he needs to provide to the Building Department in order for us to verify compliance with the City codes.

The owner did submit a deck permit application along with sketches of the proposed work, but not a detailed survey or any plans for the proposed impervious surfaces. The

survey must show all lot coverage and open space percentages so we can verify compliance with the zoning ordinance.

Staff periodically has visited the site to check on the status. While modifications that had been added on City property were being removed, a lot of the impervious surfaces including the artificial turf on the owner's private property were also taken away. This seemed to indicate an intention on the owner's part to comply with open space regulations. However, a recent inspection revealed that the artificial turf has been reinstalled. This leaves us no option other than to take further enforcement action including issuing tickets in order to achieve compliance with the City's regulations.

Department of Public Services:

Concerning the encroachment onto Park property, the property owner was asked to remove all landscaping, artificial turf, irrigation, and other items from public property. This work has been done, and the area has been regraded. The outstanding items for remediation by way of approved permit through the Department of Public Services are to pay for the restoration of the area back to a natural forest condition.

In October, we processed 386 online permit applications, bringing our total to 3,571 online permits for 2021.

City Clerk's Office

Welcome

The City Clerk's Office would like to welcome our newly appointed Deputy Clerk Christina Woods. Christina comes to Birmingham from the City of Fraser with over 20 years of experience in a variety of departments. Christina is passionate about providing excellent service to the public and city government.

Recognition of Staff

A BIG thank you goes out to Brendan McGaughey, Devin DeRoeck, Brad McNab, and the rest of the DPS staff who assisted with setup and break down of the voting precincts before and after Election Day.

The Clerk's Office appreciates Marshall Crawford of the Birmingham Fire Department. Marshall was a great help in the Clerk's Office with all sorts of election prep tasks for several weeks leading up to the election.

The Clerk's Office would also like to recognize and thank the 70+ election inspectors that completed training and worked on Election Day. Our amazing inspectors helped to ensure that every precinct was able to process voters in an efficient, calm, and safe manner.



Election Inspector Absentee - Ballot Processing Specialists



Precinct 6 – Baldwin Public Library



Precinct 4 – First Presbyterian Church



Precinct 7 – Pierce School



Precinct 5 – BASCC/Midvale School

On Election Day the City Clerk's Office also had additional support from:

- Cheryl Arft, happily retired from our office
- Teresa Klobucar, Finance

- Donna Casaceli, Museum & her lovely daughter



Election News

5,103 people cast votes in the city's Nov. 2, 2021, election – 64.2% of them on absent voter ballots and 35.8% of them at the polls on Election Day. That represents a 27.4% voter turnout, roughly equal to Birmingham's last local election in 2019. The Oakland County Canvassing board certified the results on Monday, Nov. 8, and these newly elected officials were sworn in at a City Commission meeting that evening:

City Commission

- Katie Schafer
- Elaine McLain
- Andrew Haig

Baldwin Public Library Board

- Melissa Mark
- Frank Pisano
- Karen Rock
- Diane Rumpfle

Recount Requested

City Commission candidate Anthony Long has requested a hand recount after losing by six votes to third-place candidate Andrew Haig. Oakland County Elections Division has set Nov. 23 at 1 p.m. as the tentative recount date.

Upcoming Special Events

- Santa House, Shain Park - Nov. 27
- Winter Markt, Shain Park -Dec. 3-5
- Menorah Lighting, Shain Park - Dec. 1
- Nativity Display, Shain Park - Nov. 29 - Dec. 31

Birmingham Board of Ethics Reviewed Anti-Defamation League Allegations

The City of Birmingham's Board of Ethics met on Tuesday, November 16 to review allegations received by the Anti-Defamation League (ADL) stating that City Commissioner Clinton Baller used language that the ADL believes may have risen to the level of antisemitism. [Follow this link](#) to review the ADL's letter, the City Manager's response letter to the ADL, the City Manager's letter to the Ethics Board, the *Plan for the City of Birmingham's Response to Incidents Involving Racial or Ethnic Conflict*, and the correspondence in question by Commissioner Baller. At the conclusion of the meeting on November 16, the Board of Ethics determined that an incident of racial or ethnic conflict did not occur. [Follow this link](#) to view a formal report from the Board of Ethics.

Greenwood Cemetery Advisory Board

Future Agenda Topics for GCAB

December 3, 2021 - Meeting in-person at City Hall

Proposed Meeting topics

- Continued discussion on updating the rules and regulations for Greenwood Cemetery
- Continued discussion on a policy for installing monuments in recognition of a person of historical significance

January 7, 2022 - Meeting in-person at City Hall

- Topics to be determined

Upcoming Board Appointments

As terms expire, notice will be given for existing members to reapply or for new applicants to apply to the following boards in November:

- Triangle District Corridor Improvement Authority
- Board of Review
- Public Arts Board
- Storm Water Utility Appeals Board

Board Vacancies Update

The following boards have open positions that were noticed and have not yet been filled:

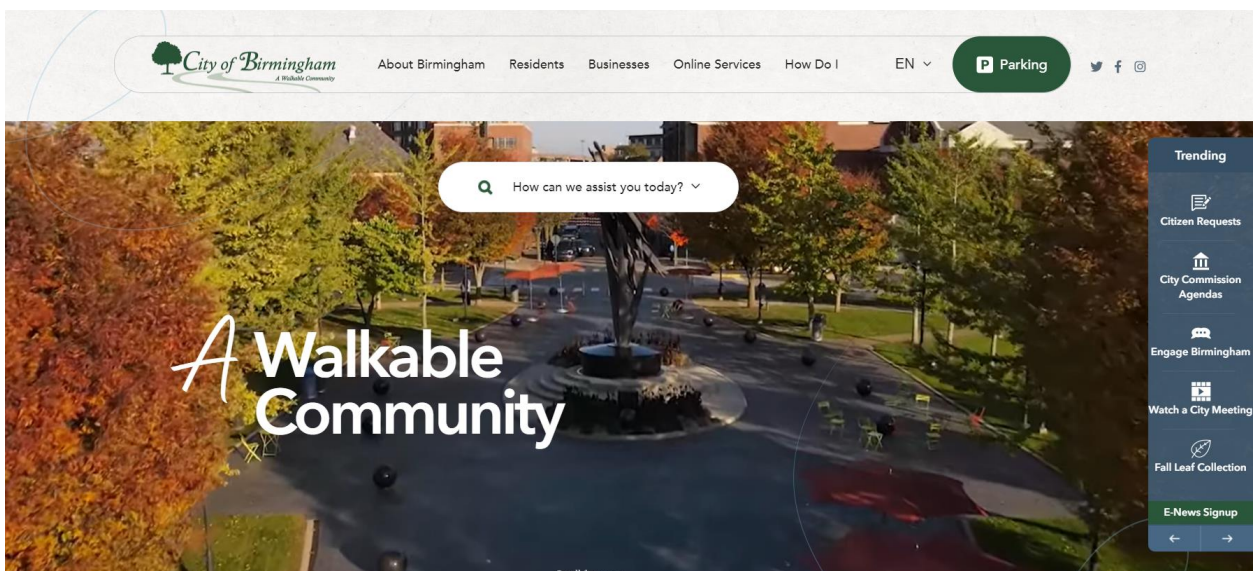
- Advisory Parking Committee
- Storm Water Utility Appeals Board
- Triangle District Corridor Improvement Authority
- Multi-Modal Transportation Board

City Manager's Office

Communications

New City Website

The City's website serves as an informational resource to residents, visitors, businesses and others in the community. The City's new and improved website, still at www.bhamgov.org, launched last week. We are pleased to invite the community to explore the site, which was developed over a period of several months in collaboration with personnel from various city departments. A special thank you to our web team members, especially Jamil Kim, Melissa Fairbairn, Erika Bassett, Carrie Laird, Eric Brunk and Caitlin Donnelly, for their time and hard work on the site. The beautiful new site features an enhanced search function, a clean and intuitive design, meeting documents and video footage located in one place for each board and committee, enhanced calendar with embedded Google maps, a user-friendly accessibility widget, and more.



GovPilot

The City's new Citizen Request module and app by GovPilot was approved at the City Commission meeting on Monday, October 25, 2021. The service will make it easier than ever for the community to submit a question or concern to the City. Staff training and implementation will take approximately 60-90 days, and launch is anticipated to occur early next year.

Engage Birmingham

Engage Birmingham now has more than 1,400 participants. Last week we launched the highly anticipated Pickleball 2.0 project. Crestview Park, Kenning Park, and St. James Park are potential locations. Visit [Engage Birmingham - Pickleball 2.0](#) by November 30 to tell us where you'd like to see Pickleball! Visit the Department of Public Services section of this report to learn more.

2022 City Calendar

The communications team submitted the 2022 city calendar to the printer last week. Residents and businesses can expect to receive the calendar in late December.

Human Resources

Sensitivity Training

The Human Resources department will be conducting a review of qualified training facilities as an effort to secure training services required to greater strengthen and improve staff sensitivity. In today's climate, there is a defined business need to establish and promote an environment of inclusion and sensitivity. The City Commission will also be invited to attend, so please stay tuned for further information.

City Staff Vaccination Update

| Vaccination Card Tracking | | | |
|-----------------------------------|------------|-------------|------------|
| Department | # Received | Total Staff | Percentage |
| City Staff | 178 | 213 | 84% |
| IT | 4 | 4 | 100% |
| BSD | 4 | 5 | 80% |
| Community Development | 27 | 30 | 90% |
| Fire Dept | 35 | 38 | 92% |
| Clerks | 4 | 4 | 100% |
| Finance/Treasurer | 11 | 12 | 92% |
| Building/Maintenance | 2 | 2 | 100% |
| Museum | 3 | 3 | 100% |
| Police Dept (w/o crossing guards) | 43 | 58 | 74% |
| CM/HR | 5 | 5 | 100% |
| DPS (w/o summer seasonals) | 40 | 52 | 77% |

Employment Update

Several positions have recently been filled, including: Deputy City Clerk, City Planner, Police Dispatcher, Firefighter, two Streets Operators, and three Police Officers. We are also in the process of hiring for HR Generalist, IT Intern, part-time Dispatcher, Treasury Clerical Assistant, Clerk's Office Clerical Assistant, Parks Operator, Construction Engineer, Ice Arena Maintenance and Concessions, and Streets Technician.

Miscellaneous

SOCWA & SOCRRA Quarterly Report

Follow the corresponding links to download quarterly reports for the [Southeastern Oakland County Water Authority \(SOCWA\)](#) and [SOCRRA](#).

Iowa City – Park@201

City Manager Tom Markus recently described a mixed-use development, Park@201, located in downtown Iowa City. Park@201 is an award-winning 14-story building that does not offer onsite parking. It includes first floor and mezzanine commercial space (a clothing store on Level 1 and a hair salon on the mezzanine level); three floors of office space; and 25 residential units, including two 2-story penthouses. The building sits on a 40' x 80' lot. The City allowed the developer to purchase air rights to cantilever 4' to the north and 4' to the west over the pedestrian plaza (see photos below).

With no room for parking onsite, Iowa City agreed to make 25 parking spaces available in the nearby City ramp at market rate. They were uncertain if people would purchase these units or if it would be primarily a rental building. It turned out the lack of onsite parking was not a hindrance to sales. [Follow this link](#) to learn more about the Park@201 development.



Woodward Avenue Updates

At the City Commission meeting on October 25, 2021, representatives from the Michigan Department of Transportation (MDOT) appeared before the Commission in response to public pressure to address the urgent safety concerns at the pedestrian crossing at Woodward and Brown/Forest. As outlined in numerous letters to MDOT, Governor Whitmer and State legislators, the City requested that MDOT take immediate corrective

action at the pedestrian crossing at Woodward and Brown/Forest through the installation of pedestrian signals, LED Enhanced Warning signs, advance yield lines, positive offset lighting and/or pedestrian hybrid beacons or other safety measures. The MDOT officials present committed to the immediate installation of flashing lights for the pedestrian crossing signs to draw attention to the crosswalk, and to the installation of a new signal for northbound Woodward to stop traffic, as well as pedestrian signals for both the north and southbound lanes of Woodward in 2022.

Since the October 25, 2021 City Commission meeting, the City has received a formal commitment letter from MDOT ([follow this link to view the letter](#)) outlining MDOT's plans to address the pedestrian safety concerns at Woodward and Brown/Forest. In addition, City officials have met via Zoom to discuss the design and layout of temporary measures to install the flashing lights on the crosswalk signs on both northbound and southbound Woodward. MDOT proposes to provide power for the flashing lights using overhead lines to allow for installation of the lights immediately. MDOT advised that this is a temporary condition to allow for immediate implementation. MDOT stated that they will study running electricity underground as part of the final signal design plan. On November 17, 2021, City staff met onsite with MDOT staff and Road Commission of Oakland County ("RCOC") staff (who will be installing the flashing lights) to finalize temporary pole locations to minimize conflicts with existing trees. Finally, MDOT officials have confirmed that the new traffic and pedestrian signals are currently in the design phase, and MDOT has committed to continue to involve the City in the design and planning process. Installation of the new signals is anticipated in the fall of 2022. The City has also began the process of applying to MDOT for a "road diet" on Woodward in order to reduce the number of travel lanes for cars and to create a complete street that is accessible to all modes of transportation, for people of all ages and abilities. Currently, the City's transportation consultants are conducting all of the background research and studies to meet all of the requirements on MDOT's Road Diet Checklist. City staff will continue to work with our consultants and the Multi-Modal Transportation Board to complete all of MDOT's requirements, and finalize our application for review and approval by the City Commission early in 2022.

In addition to the intersection improvements discussed above, the City Commission also approved funding an upgrade to Woodward Avenue's median lighting located in the MDOT right-of-way. Approved upgrades included a conversion to LED lighting between Maple Road and Lincoln St., and to higher illumination LED lighting at the Woodward and Brown/Forest pedestrian crossing to enhance the safety of the crossing. DTE committed to completing the lighting improvements by the end of the year. As of November 12, 2021, DTE has completed the installation of the LED lighting approved by the City Commission on October 5, 2021. The upgraded LED lighting will enhance pedestrian safety at Woodward and Brown/Forest, and will reduce lighting costs over time.

Finally, the City Commission also directed City staff to seek approval from MODT for a pedestrian crosswalk flag system previously installed on Woodward Avenue at the Brown/Forest crossing. An application was submitted to MDOT immediately following the City Commission meeting on October 25, 2021 and was subsequently approved by MDOT. Shortly thereafter, the pedestrian flags and containers were removed by an unknown

party. Replacement equipment is on order and will be installed in the same location in accordance with MDOT's approval upon receipt.

Department of Public Services

Pickleball 2.0 Survey

In May of 2021, we provided five potential locations for Pickleball and asked the community to visit Engage Birmingham to let us know which location they liked best.

City staff, working through the Parks and Recreation Board, evaluated the feedback received and hired a local architect that specializes in athletic fields and recreational facilities, Foresite Design, to perform site evaluations.

We've narrowed it down from five locations to three potential locations, with more details to share this time around. Let us know what you think! Crestview Park, Kenning Park, and St. James Park are in the running. Visit [Engage Birmingham- Pickleball 2.0](#) by November 30 to tell us where you'd like to see Pickleball!

Springdale and Lincoln Hills Golf Courses

As of Saturday, November 20, both of our golf courses are closed for the season. It was another terrific golf season for membership sales and rounds played.

Thank you to all of the club members for your continued support and regular play during the golf season. We look forward to seeing you in 2022.

Curbed Street Leaf Collection

The collection of leaves on curbed streets ends the week of November 29. Zones 1 & 2 will be collected during this entire week. We recommend the leaves be placed at the curb by Monday morning to assure pick-up.

Yard Waste Collection Ends

The last week for yard waste collection on the scheduled trash day is the week of December 13.

Engineering Department

Quarton Lake Dam Inspection

Representatives from the State of Michigan Department of Environment, Great Lakes & Energy (EGLE), Water Resources Division, Dam Safety Unit conducted an inspection of the Quarton Lake Dam on November 9. For the purpose of hazard potential, EGLE classifies Quarton Dam as being significant, and therefore requires inspection every four years. The Quarton Dam "passed" the inspection, and EGLE representatives did not note any deficiencies or areas of immediate concern. They did caution about managing vegetation along the dam embankment, and monitoring condition of any trees located on or near the embankment. Trees planted on the dam embankment pose a potential risk to the integrity of the dam should the tree fall over, and any trees not considered to be in good condition should be removed. EGLE generally discourages planting any trees or deep-rooting vegetation along dam embankments. We will review current conditions

and EGLE observations with Parks/Forestry personnel. The EGLE report is expected by the end of December.

Construction Update

Construction season is winding down, and most projects will pause during the winter months. Exceptions to this is the Lead Water Service Replacement program and Sewer Rehabilitation program, which will continue as long as the weather conditions allow. Work on these will have to pause during periods of extreme cold weather. Final lawn restoration on Townsend will occur in April/May 2022, weather dependent. The City's sidewalk contractor and asphalt paving contractor will be returning in the spring to finish their respective projects. As part of the asphalt paving contract, new curbs are proposed at the intersections along Latham, between Saxon and Northlawn, and on Stanley, at Lincoln. We will be marking the proposed curb alignment with temporary paint markings to give a preview of what is planned to be constructed in the spring.

Finance Department

American Rescue Plan Act Funds

The City received its first allocation of America Rescue Plan Act (ARPA) funds totaling \$1,119,378, which represents 50% of the total amount to be received. Currently, these funds are designated for lead service line replacement within the City.

Fire Department

Residents Successfully Resuscitated

This October, the Birmingham Fire Department responded to two residents in cardiac arrest. The responding crews were able to successfully resuscitate both patients on scene by performing Advanced Cardiac Life Support (ACLS) procedures. The patients were stabilized and transported to William Beaumont Hospital in Royal Oak where they were able to make full recoveries and were discharged from the hospital within a couple of weeks. The Fire Department administration would like to thank all the paramedics that responded to these residents in their time of need; Lieutenant Brian Freels, Lieutenant Adam Knowles, Trevor Baker, Jason Granroth, Randy Bearden, Ryan Wiseman and Jeff Schemansky. Each crew will have a lifesaving award plaque displayed at Station 1 (Adams) commending them for their performance on their emergency scene.

Public Assistance Grants

The Fire Department leads the City's Emergency Management program. During the COVID-19 pandemic, this program, along with amazing help from the City's Finance Department, has applied for over two dozen grants for Public Assistance. Our team has successfully recouped over \$1.2 million dollars in reimbursements and has applied for an additional \$500,000 in grants that are currently pending. Recently the Fire Department, through a review and appeal process, was awarded \$63,000 in reimbursements from a previously denied claim through FEMA. The money that was retroactively awarded was a reimbursement for the City's response to help inform and mitigate the effects of the public health emergency. City workers staffed a COVID-19 Call Center in early 2020.

COVID-19 care packages of PPE, sanitizing, disinfecting products, etc. were also put together by City workers during the early months of the pandemic to help any residents in need who were unable to leave their homes or find these products. FEMA is currently reviewing remaining projects for additional denied funds that are now deemed eligible for reimbursement.

Monoclonal Antibody Infusions

The Fire Department continues to provide Monoclonal Antibody Infusions (Regeneron) to residents who are infected with COVID-19. The infusions are performed in the comfort of the resident's home. Our department is the only fire department in Southeast Michigan offering this service. During the week of November 8th, the department administered six infusions, which is the most per week to date. The local hospital systems are overwhelmed with COVID-19 infusion requests and this service allows residents to receive treatment in a timely, therapeutic manner.

Planning Department

Master Plan 2040

The Planning Board kicked off the review of the second draft of the 2040 Master Plan on November 10th with a discussion on the Introduction, Future Land Use Map, and Chapter 1 (Connecting the City). The presentation slides used by the consultant for their presentation will be available on www.thebirminghamplan.com, along with all documents relating to the 2040 Master Plan. You can also watch a recording of the meeting on the City of Birmingham's website at www.bhamgov.org/watch. Up next, the Planning Board will dive into Chapter 2 (Embrace Managed Growth). As a reminder, you can still submit comments directly to the consultant team through the aforementioned 2040 Plan website, and also submit comments to the Planning Division to be placed in the next available agenda of the Planning Board.

Planning Board

The Planning Board has continued to make progress on the comprehensive outdoor dining ordinance amendment study while also moving forward with a concurrent amendment to allow permit holding outdoor dining establishments to utilize their outdoor dining patios and platforms year-round. While the 2040 Master Plan review is underway, the comprehensive outdoor dining amendment is not currently scheduled for its next review. However, the Planning Board has set a Public Hearing to review the year-round outdoor amendment for December 8, 2021. In terms of site plan reviews, the Planning Board will be reviewing applications for the following developments in the near future:

- 460 N. Old Woodward – A new 3-story mixed-use development with ground floor retail, second floor office, and two residential units on the third floor with a rooftop use located above. The site currently contains the former Junior League of Birmingham building and associated off-street parking. The Planning Board will be reviewing the Final Site Plan and Design Review on December 16, 2021.
- 325 S. Eton St. – Phase 3 of the District Lofts development will contain first floor commercial space and 50 residential units ranging from 596 to 1,072 square feet.

With the addition of this final piece, the site itself will also receive an upgrade in circulation and pedestrian movement in the rear, as well as new plaza space and significant landscaping. Due to the projects location adjacent to the historic Grand Trunk Western Railroad Depot, the application will be going before the Historic District Commission for a review on November 17, 2021 while the Planning Board awaits the Final Site Plan and Design Review application.

Historic Preservation

Coming up shortly, the Historic District Commission will be finishing a busy year of over 20 historic design reviews with the selection of a consultant team to create a new comprehensive set of historic design guidelines. The Request for Proposal deadline for the project of November 19, 2021 is quickly approaching, and 19 consultants have now requested documents from MITN at the time of this report. The project is expected to demand a lot of staff time over the next year, but will be well worth the hard work. Additionally, the Historic District Study Committee has been given the green light by the City Commission to continue its important work of updating the 1992 Wallace Frost report titled "Wallace Frost: His Architecture in Birmingham, MI" as well as developing a proposal to reinvigorate the Heritage Home program. The first meeting is expected to be held in late November/early December.

Public Art

The Public Arts Board wrapped up its 2021 call for entries program by recommending its final two new art installations to the Parks and Recreation Board. The Parks and Recreation Board voted unanimously to move forward with "Weathered" by Helen Hirta at the Fairway Trail, but postponed consideration of the other proposal in Crestview Park to resolve the potential conflict with new pickleball courts that are being discussed as a potential addition to Crestview.

Police Department

Birmingham Officer Assists with Shutting Down Multi-State Crime Ring

Birmingham Task Force Officer (TFO) Jeff Whipple was the primary investigating officer that lead to a major arrest as part of the police department's affiliation with the FBI Financial Crimes Task Force. The case arose out of a complaint at an address on Harmon Street. TFO Whipple and the FBI did a fantastic job on this case and shut down an interstate unemployment fraud ring that all started from a tip received about a Birmingham resident (referred to as the "Source" in [this Detroit News article](#)). Congratulations to TFO Whipple and his team for this significant arrest and the dismantling of a multi-state crime ring from right here in Birmingham.

Parking Systems Update

Parking Structure Repairs

Peabody Structure

Sealant and concrete repair work at Peabody Structure is completed, while expansion joint work and column investigation work is on hold due to material lead times.

Chester Structure

With sealant and concrete repairs complete at Peabody, crews have transitioned to Chester Structure. Sealant removal and replacement as well as drain pipe replacement is being addressed.

N. Old Woodward Structure

Repairs at N. Old Woodward are ongoing with steel cleaning, coating and mesh installation.

Monthly Parking

The monthly parking waitlist has been a burden for some time. At the beginning of October, the waitlist had 1,586 total people dating back to 2014. SP+ contacted people on the list from 2014 – 2019, sending emails to determine if they are still interested in acquiring a monthly pass. At the time of this report, the waitlist is down to 969 total people. With current capacity of structures, the goal is to allow the sale of more monthly passes at each structure to significantly reduce or even eliminate the current waitlist.

Structure Capacities

Below are capacities for each structure for the month of October. Numbers are based on counts at 10 a.m. and 2 p.m. each day, Monday-Saturday.

| | |
|-----------------|-----|
| Chester Garage | 30% |
| N. Old Woodward | 45% |
| Park Garage | 45% |
| Peabody Garage | 65% |
| Pierce Garage | 65% |

Future Agenda Items

Download a summary of [future agenda items](#).

Future Workshop Items

Download a summary of [future workshop items](#).



November 11, 2021

Ms. Alexandria Bingham, Clerk
City of Birmingham
151 Martin St.
Birmingham, MI 48012-3001

RE: Important Information—Price Changes

Dear Ms. Bingham,

At Comcast, we are always committed to delivering the entertainment and services that matter most to our customers in Birmingham, as well as exciting experiences they won't find anywhere else. We are also focused on making our network stronger in order to meet our customers' current needs and future demands. As we continue to invest in our network, products, and services, the cost of doing business rises. Rising programming costs, most notably for broadcast TV and sports, continue to be the biggest factors driving price increases. While we absorb some of these costs, these fee increases affect service pricing. As a result, starting January 1, 2022, prices for certain services and fees will be increasing, including the Broadcast TV Fee and the Regional Sports Network Fee. Please see the enclosed Customer Notice for more information.

We know you may have questions about these changes. Please feel free to contact me at 734-359-2308 if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Kyle V. Mazurek".

Kyle V. Mazurek
Manager of External Affairs
Comcast, Heartland Region
41112 Concept Drive
Plymouth, MI 48170

Enclosure

INFORMATION ONLY

Important information regarding your Xfinity services and pricing

Effective January 1, 2022

| Xfinity TV | Current | New |
|---|---------|---------|
| Digital Starter | \$62.45 | \$65.45 |
| Entertainment | \$15.00 | \$17.00 |
| Choice TV Select | \$30.00 | \$32.50 |
| Choice TV Select - - with TV Box (Flex upgrade) | \$37.50 | \$41.00 |
| Broadcast TV Fee | \$14.85 | \$14.80 |
| Regional Sports Fee | \$9.10 | \$9.50 |
| Service to Additional TV | \$7.50 | \$8.50 |

| Xfinity Internet | Current | New |
|------------------|----------|----------|
| Connect | \$56.00 | \$59.00 |
| Connect More | \$76.00 | \$79.00 |
| Fast | \$86.00 | \$89.00 |
| Superfast | \$96.00 | \$99.00 |
| Ultrafast | \$106.00 | \$109.00 |
| Gigabit Extra | \$116.00 | \$119.00 |

| Xfinity Equipment | Current | New |
|-------------------|---------|--------|
| TV Box | \$7.50 | \$8.50 |

Beverly Hills, Bingham Farms, Birmingham, Bloomfield, Bloomfield Hills, Franklin, Redford

85291000 (2060, 2560, 2570, 2580, 2590, 2600, 2610)

P152AH22



November 4, 2021

Ms. Alexandria Bingham, Clerk
City of Birmingham
151 Martin St.
Birmingham, MI 48012-3001

RE: Programming Advisory

Dear Ms. Bingham:

We are committed to keeping you and our customers informed about changes to Xfinity TV services. As part of that ongoing commitment to keep you informed, we wanted to update you on the following:

Effective December 31, 2021, NBC Sports Network (NBCSN) will cease operations.

Also, pursuant to P.A. 480 of 2006, Section 9 (4), Comcast Cable's local operating entity hereby reports that Comcast does not deny access to services to any group of potential residential subscribers because of the race or income of the residents in the local area. A similar report has been filed with the Michigan Public Service Commission.

Please feel free to contact me at 734-359-2308 if you have any questions.

Sincerely,

Kyle V. Mazurek
Manager of External Affairs
Comcast, Heartland Region
41112 Concept Drive
Plymouth, MI 48170

INFORMATION ONLY