



**OFFICIAL PROCEEDINGS OF
THE CITY COUNCIL
CITY OF LANSING
PROCEEDINGS OF AUGUST 3, 2009**



City Council Chambers
Lansing, Michigan

The City Council of the City of Lansing met in regular session and was called to order at 7:00 p.m. by President Quinney.

PRESENT: Councilmembers Allen, Dunbar, Hewitt, Jeffries, Kaltenbach, Quinney, Wood

ABSENT: Councilmember Robinson

Councilmember Wood asked for people to remember former Mayor Benevides' brother, who recently passed away during the moment of Meditation. The Council observed a moment of Meditation followed by the Pledge of Allegiance led by President Quinney

APPROVAL OF PRINTED COUNCIL PROCEEDINGS

By Councilmember Jeffries

To approve the printed Council Proceedings of July 27, 2009

Motion carried

COUNCILMEMBERS' COMMENTS AND CITY CLERK'S ANNOUNCEMENTS:

Councilmember Kaltenbach announced the St. Casimir Church Corn Roast.

Councilmember Wood announced several National Night Out Against Crime events and the Genesee Neighborhood Ice Cream Social. She stated that there are groups giving voters rides to the polls tomorrow.

Councilmember Allen encouraged citizens to honor those who fight for our freedoms by voting in Primary Election tomorrow.

Council President Quinney congratulated Murray Edwards who shot a hole in one at a recent charity golf outing for cancer research.

City Clerk Swope stated that due to the Public Service Department's work, a few polling locations would have signs showing accessibility to the buildings. He stated that absentee ballots must be returned by 8:00 p.m. tomorrow night at City Hall or the former Armory at 2500 S. Washington Ave. He also stated that the Capital Area Transportation Authority (CATA) would give free rides to the polls for those showing the bus drivers their voter identification cards.

SPEAKER REGISTRATION FOR PUBLIC COMMENT

Clerk Swope announced that the public comment registration form(s) for those intending to address Council on legislative or City government matters will be collected and that only those persons who have fully completed the form(s) will be permitted to speak.

MAYOR'S COMMENTS

Jerry Ambrose, Executive Assistant to Mayor Bernero, spoke about the "Complete Streets" Ordinance and the kickoff to National Night Out. He announced the OldTown JazzFest, the next Concert in the Park and the next Blues on the Square events.

PUBLIC COMMENT ON LEGISLATIVE MATTERS

- Public Comment on Legislative Matters:

Legislative Matters included the following public hearings:

1. In consideration of SLU-1-2009; 801 S. Holmes St., a request filed by Mt. Hope Church to utilize the property located at 801 S. Holmes St. for a church

Councilmember Jeffries gave a brief overview of the Public Hearing.

Harold King of 1563 N. High St. spoke about the "Complete Streets" Ordinance.

Stan Shuck of 818 Cooper Ave. stated concerns with the "Complete Streets" Ordinance.

Charlene Decker of 2711 Pleasant Grove Rd. stated concerns with the "Complete Streets" Ordinance.

Darnell E. Oldham, Sr. of 3815 Berwick Dr. stated concerns with the "Complete Streets" Ordinance.

REFERRAL OF PUBLIC HEARINGS

1. In consideration of SLU-1-2009; 801 S. Holmes St., a request filed by Mt. Hope Church to utilize the property located at 801 S. Holmes St. for a church

REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING

PUBLIC COMMENT ON CITY GOVERNMENT RELATED MATTERS:

Claude Beavers of 3010 Boston Blvd. spoke about the August 4, 2009 City Primary Election.

Russell Terry of 121 E. Mt. Hope Ave. spoke about various city matters.

Harold King of 1563 N. High St. spoke about various city matters.

Dennis Burdick of 518 N. Verlinden St. spoke about the city's taxes and budget.

Stan Shuck of 818 Cooper Ave. spoke about various city matters.

William Hubbell of 3916 Wedgewood Dr. spoke about the August 4, 2009 City Primary Election.

Frank S. Curtis X. of 1137 W. Allegan St. spoke about various city matters.

Theodore Jones of 613 E. Michigan Ave. spoke about a recent Mayoral candidate review.

Darnell E. Oldham, Sr. of 3815 Berwick Dr. spoke about various city matters.

Ammahad-Shekarakki of 902 W. Willow St. spoke about Malcolm X.

Shelton James Phoillips of 1301 Warwick Dr. spoke about various city matters.

Catherine Mercer of 4530 Sycamore St., Holt, spoke about various city matters.

Michael Mercer of 4530 Sycamore St., Holt, spoke about various city matters.

Jody Washington of 521 Nantucket Dr. spoke about various city matters.

Willy Williams of P.O. Box 11042 spoke about various city matters.

Charlene Decker of 2711 Pleasant Grove Rd. spoke about various city matters.

LEGISLATIVE MATTERS

RESOLUTIONS

RESOLUTION #2009-288

BY THE COMMITTEE ON WAYS AND MEANS
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Lansing Police Department (LPD) submitted a 100% Federally-funded multi jurisdiction grant application (#2009-F1325-MI-SB) to the U.S. Bureau of Justice Assistance for a four-year Recovery Justice Assistance Grant (JAG); and

WHEREAS, the LPD JAG application was accepted by the Bureau of Justice Assistance; and

WHEREAS, the Recovery JAG grant is a cooperative plan with Ingham County, the City of East Lansing, the Charter Township of Lansing, and the Charter Township of Meridian; and

WHEREAS, the Bureau of Justice Assistance will award \$852,033 to be split; \$652,828 to the City of Lansing, \$58,738 to the County of Ingham, \$91,967 to the City of East Lansing, \$15,607 to the Charter Township of Lansing, and \$32,893 to the Charter Township of Meridian; and

WHEREAS, the federal award of \$852,033 requires no local match from any of the local agencies; and

WHEREAS, the JAG grant will fund the development and implementation of a youth gun violence and crime prevention initiative (\$250,000), and will enlarge and upgrade law enforcement technology in all of the local agencies (\$602,033);

NOW, THEREFORE, BE IT RESOLVED, the Lansing City Council approves acceptance of the multi-agency Recovery Justice Assistance Grant in the total amount of \$852,033 (requiring no local match) for the grant period beginning July 1, 2009, and ending June 30, 2013, to fund technology enhancement and a youth gun violence and crime prevention initiative;

BE IT FINALLY RESOLVED, the Administration is authorized to create appropriate accounts and to make the necessary operating transfers for the expenditure and control of the balance of the grant funds.

By Councilmember Wood

Motion Carried

RESOLUTION #2009-289

BY THE COMMITTEE ON WAYS AND MEANS
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

That the following FY 2009 transfers be approved:

General Fund
Police

\$17,230.99 from General Fund - Fund Balance 101.0.679100.0.0
\$17,230.99 to Operating Transfer – Police 101.966010.991273.00032

(To provide for the local match funds originating in the Police Uniforms expenditure account in the FY08 General Fund city budget. The operating transfer was discovered uncompleted as it was lapsed to the fund balance at the end of the year. The grant purchase of multiple Bullet Proof Vests was accomplished in the federal FY07 project, and that project has been completed. This appropriation of the missing budget authority will allow the project accounts to be retired and removed from the IFAS accounting system, project 17791.)

By Councilmember Wood

Motion Carried

RESOLUTION #2009-290

BY THE COMMITTEE ON WAYS AND MEANS
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, approves acceptance of U. S. Department of Justice Grant and that the following FY 2009 transfer be approved:

General Fund
Police

\$17,230.99 from Central Services – Uniforms 101.343221.742600.0
\$17,230.99 to Operating Transfer – Police 101.966010.991273.00032

(To provide for the previously-unbudgeted local match for federal Bullet Proof Vest grant purchase of 55-60 vests to replace those whose warranty periods expire this year, project #17807).

State/Federal Programs
Bullet Proof Vest Grant
Police

\$17,230.99 from Estimated Federal Revenue 273.0.527001.17807
\$17,230.99 from GF Operating Transfer – Police 273.0.696101.17807
\$34,461.98 to Uniforms – Bullet Proof Vests 273.343221.742600.17807

(To provide for 55-60 vests to replace those whose warranty periods expire this year).

By Councilmember Wood

Motion Carried

RESOLUTION #2009-291

BY THE COMMITTEE ON WAYS & MEANS
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

That the following FY 2010 transfer be approved:

Police
CARE Donations

\$613.00 from General Fund – Fund Balance 101.0.679100.0
\$613.00 to Donations/Contributions 101.343201.741880.0

(To provide for donations to the Capital Area Response Effort (CARE) program to assist individuals victimized by domestic violence.)

By Councilmember Wood

Motion Carried

RESOLUTION #2009-292

BY THE COMMITTEE ON WAYS & MEANS
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

That the following FY 2009 transfers be approved:

Police
Administration

\$50.00 from Donations Revenue 101.0.675012.0
\$50.00 to Administration Problem-Solving Overtime 101.343201.708103.0

(To appropriate Ruth Hallman donations revenue to support Problem Solving Overtime efforts in the Lansing Police Department).

By Councilmember Kaltenbach

To place an affirmative roll on the resolution

By Councilmember Kaltenbach

To recuse Councilmember Wood for possible conflict of interest

Motion Carried

The question being the motion to place an affirmative roll on the resolution

Motion Carried (Councilmember Wood abstaining)

REPORTS FROM COUNCIL COMMITTEES

RESOLUTION #2009-293
COMMITTEE REPORT

THE COMMITTEE ON WAYS AND MEANS held a meeting on Monday, July 27, 2009, in which to consider the ordinance amendment to Chapter 292 of the City of Lansing Codified Ordinances by amending Sections 292.14, 292.155, 292.20, 292.21, 292.26, 292.35, 292.37B and Section 292.37C of Chapter 292, Employees Retirement System providing for membership in the Retirement System for those FOP 911 Operators' Division Employees who were previously members of the Defined Contribution Plan; to provide for age and service requirements; to modify employee contributions to the System and for Retirement Health Care; to modify final average salary calculation; and to provide vesting requirements for Retirement Health Care.

The Committee recommends adoption of the amendment to the City of Lansing Codified Ordinances Chapter 292 by amending Sections 292.14, 292.155, 292.20, 292.21, 292.26, 292.35, 292.37B and Section 292.37C.

By the Committee on Ways and Means

Signed: Carol Wood, Chair
Tim Kaltenbach, Vice Chair
Derrick Quinney, Member

August 3, 2009

By Councilmember Wood

To receive this Committee Report

Motion Carried

ORDINANCES FOR INTRODUCTION

INTRODUCTION OF ORDINANCE
ADD SECTION 1020.13

By Councilmember Robinson, Vice-President of the Committee of the Whole

That the Ordinance when read by its title be considered as read in its entirety

By the Committee of the Whole

By Councilmember Robinson

That:

An Ordinance of the City of Lansing to add Section 1020.13 of the Lansing Codified Ordinances to encourage the implementation of a non-motorized network plan to provide walkable-bikeable complete streets that accommodate pedestrians, public transportation passengers, bicyclists and users of all abilities

was introduced by Councilmember Robinson and read by its title

RESOLUTION #2009-294
RESOLUTION SETTING PUBLIC HEARING
By Councilmember Robinson

RESOLVED BY THE CITY COUNCIL, CITY OF LANSING, that a public hearing be set for Monday, August 10, 2009 at 7:00 P.M. in the City Council Chambers, 10th Floor Lansing City Hall, 124 W. Michigan Ave., Lansing, MI for the purpose of considering an Ordinance of the City of Lansing, Michigan to add section 1020.13 of the Lansing Codified Ordinances to encourage the implementation of a non-motorized network plan to provide walkable-bikeable complete streets that accommodate pedestrians, public transportation passengers, bicyclists and users of all abilities.

Interested Persons are invited to attend this Public Hearing

By Councilmember Jeffries

Motion Carried

ORDINANCES FOR PASSAGE

By Councilmember Wood

That the Ordinance when read by its title be considered as read in its entirety.

BY THE COMMITTEE ON WAYS AND MEANS

By Councilmember Wood

That:

An Ordinance of the City of Lansing, Michigan, to Amend Chapter 292 of the Lansing Code of Ordinances by Amending Sections 292.14, 292.155, 292.20, 292.21, 292.26, 292.35, 292.37b and Section 292.37c of Chapter 292, Employees Retirement System to provide for membership in the Retirement System for those FOP 911 Operators' Division employees who were previously members of the Defined Contribution Plan; to provide for age and service requirements; to modify employee contributions to the system and for retirement health care; to modify final average salary calculation; and to provide vesting requirements for retirement health care

be placed on order of immediate passage.

BY THE COMMITTEE ON WAYS AND MEANS

By Councilmember Wood

That:

An Ordinance of the City of Lansing, Michigan, to Amend Chapter 292 of the Lansing Code of Ordinances by Amending Sections 292.14, 292.155, 292.20, 292.21, 292.26, 292.35, 292.37b and Section 292.37c of Chapter 292, Employees Retirement System to provide for membership in the Retirement System for those FOP 911 Operators' Division employees who were previously members of the Defined Contribution Plan; to provide for age and service requirements; to modify employee contributions to the system and for retirement health care; to modify final average salary calculation; and to provide vesting requirements for retirement health care be now passed.

YEAS: Councilmembers Allen, Dunbar, Hewitt, Jeffries, Kaltenbach, Quinney and Wood

NAYS: None

ABSENT: Councilmember Robinson

By Councilmember Wood

THAT THIS ORDINANCE, BEING NECESSARY FOR THE IMMEDIATE PRESERVATION OF THE PUBLIC PEACE, HEALTH, OR SAFETY SHALL TAKE EFFECT UPON ITS PASSAGE

Motion Carried

ORDINANCE #1144

AN ORDINANCE OF THE CITY OF LANSING, MICHIGAN, TO AMEND CHAPTER 292 OF THE LANSING CODE OF ORDINANCES BY AMENDING SECTIONS 292.14, 292.155, 292.20, 292.21, 292.26, 292.35, 292.37B AND SECTION 292.37C OF CHAPTER 292, EMPLOYEES RETIREMENT SYSTEM TO PROVIDE FOR MEMBERSHIP IN THE RETIREMENT SYSTEM FOR THOSE FOP 911 OPERATORS' DIVISION EMPLOYEES WHO WERE PREVIOUSLY MEMBERS OF THE DEFINED CONTRIBUTION PLAN; TO PROVIDE FOR AGE AND SERVICE REQUIREMENTS; TO MODIFY EMPLOYEE CONTRIBUTIONS TO THE SYSTEM AND FOR RETIREMENT HEALTH CARE; TO MODIFY FINAL AVERAGE SALARY CALCULATION; AND TO PROVIDE VESTING REQUIREMENTS FOR RETIREMENT HEALTH CARE.

NOW THEREFORE, THE CITY OF LANSING ORDAINS:

Section 1. That Sections 292.14, 292.155, 292.20, 292.21, 292.26, 292.35, 292.37B and 292.37C of the Code of Ordinances of the City of Lansing, Michigan, be and is hereby amended to read as follows:

292.14. Membership in system.

(a) The membership of the retirement system shall include all employees, as defined in Section 292.01(h), and all persons who become employees, except as provided in subsection (b) hereof.

- (b) The membership of the retirement system shall not include:
 - (1) Employees who are employed by the Board of Water and Light;
 - (2) Employees who are members of the Policemen's and Firemen's Retirement System, as set forth in Chapter 294;
 - (3) Except as provided in Section 292.14(d), and Section 292.14(e), AND SECTION 292.14(F) employees hired on or after the effective date of this section (Ordinance 540, passed June 25, 1979) who are retirants receiving or entitled to receive a

- (4) retirement allowance, a deferred retirement allowance or a disability retirement allowance from the Policemen's and Firemen's Retirement System; Employees of the Housing Commission who have executed a request to transfer to the Michigan Municipal Employees Retirement System and a release of the City and the retirement system from future pension claims, and any employees of the Housing Commission hired after April 16, 1988;
- (5) Employees who are employed in positions normally requiring less than 2,000 hours of work per year; and
- (6) Employees excluded from membership as provided in subsection (c) hereof.
- (c) (1) An employee, hired into a covered position on or after the covered position's effective date, who was not a member of the retirement system on the day before his or her date of hire, shall not become a member of the retirement system. An elected official, exempt or appointed employee, or executive management plan employee, who is employed in a covered position on the covered position's effective date, who was a member of the retirement system on the day before the covered position's effective date, and who elects, on or before April 1, 1991, to terminate membership, shall cease to be a member of the retirement system effective on the first day of the first calendar month which is at least 120 days after the covered position's effective date. A teamster supervisory or non-supervisory employee, or an employee of the District Court, who is employed in a covered position on the covered position's effective date, who was a member of the retirement system on the day before the covered position's effective date, and who elects on or before April 29, 1991, to terminate membership, shall cease to be a member of the retirement system effective on the first day of the first calendar month which is at least 120 days after the covered position's effective date. Any FOP 911 Operators' Division employee employed in a covered position on the covered position's effective date, who was a member of the retirement system on the day before the covered position's effective date, and who elected, on or before May 31, 1993, to terminate membership, shall cease to be a member of the retirement system effective on the first day of the first calendar month which is at least 120 days after the covered position's effective date. An employee who is transferred into a covered position on or after the covered position's effective date, from a position that was not a covered position, who was a member of the retirement system on the day before the transfer, and who elects, within ninety days of the transfer, to terminate membership, shall cease to be a member of the retirement system effective on the first day of the first calendar month which is at least 120 days after the transfer. The election to terminate membership shall be one time and irrevocable. The method of election shall be determined by the Board of Trustees. An employee who elects to terminate membership in accordance with this subsection shall waive all rights to a pension, annuity, retirement allowance or return of accumulated contributions, except as provided in Section 292.311, effective on the date of termination of membership.
- (2) An executive management plan or exempt employee of the City and a City Teamster 580 or 214 supervisory and non-supervisory employee included in Subsection 292.14(c)(1) Shall become a member

of the retirement system, beginning on October 1, 2000, if the employee elected an option, filed with the Board, to return to membership of the retirement system by September 1, 2000.

- (3) A District Court Teamster or District Court exempt employee included in Subsection 292.14(c)(1) Shall become a member of the retirement system, beginning on October 1, 2000, if the employee elected an option, filed with the Board, to return to membership of the retirement system by September 22, 2000.
- (4) A FOP 911 Operators' Division employees included in Subsection 292.14(c)(1) shall become a member of the retirement system, beginning on May 1, 2001, if the employee elected an option, filed with the Board to return to membership of the retirement system by April 20, 2001.
- (d) Effective October 1, 2003, and commencing on said date, notwithstanding anything in this chapter to the contrary, any employee in any of the following classifications who was an active member of the defined contribution plan on September 30, 2003, shall be deemed a member as of October 1, 2003; any employee hired into any of these classifications after September 30, 2003, shall be a member as of that employee's hire date:
- (1) Exempt.
 - (2) Executive management plan.
 - (3) Teamster 580.
 - (4) Teamster 214.
 - (5) Mayoral staff.
 - (6) Council staff.

The service credit vesting and multiplier calculations for these members shall be as set forth in Sections 292.20 and 292.21.

- (e) Effective December 1, 2003, and commencing on said date, notwithstanding anything in this chapter to the contrary, any employee in any of the following classifications who was an active member of the defined contribution plan on November 30, 2003, shall be deemed a member as of December 1, 2003; Any employee hired into any of these classifications after November 30, 2003, shall be a member as of that employee's hire date:
- (1) District court exempt.
 - (2) District court teamster.

The service credit vesting and multiplier calculations for these members shall be as set forth in Sections 292.20 and 292.21.

(F) EFFECTIVE MAY 1, 2004, AND COMMENCING ON SAID DATE, NOTWITHSTANDING ANYTHING IN THIS CHAPTER TO THE CONTRARY, ANY EMPLOYEE IN THE CLASSIFICATION OF FOP 911 OPERATORS' DIVISION WHO WAS AN ACTIVE MEMBER OF THE DEFINED CONTRIBUTION PLAN ON APRIL 30, 2004, SHALL BE DEEMED A MEMBER AS OF MAY 1, 2004, ANY EMPLOYEE HIRED INTO THIS CLASSIFICATION AFTER APRIL 30, 2004, SHALL BE A MEMBER AS OF THAT EMPLOYEE'S HIRE DATE. THE SERVICE CREDIT VESTING AND MULTIPLIER CALCULATIONS FOR THESE MEMBERS SHALL BE AS SET FORTH IN SECTIONS 292.20 AND 292.21.

(fG) In any case of doubt as to the retirement system membership status of any employee, the Board of Trustees shall decide the question.

292.155. Purchase of service credit.

- (a) (1) A member of the retirement system may elect to purchase service credit for prior full-time service as an employee with the City, upon request, upon verification of the employment by documentation satisfactory to the Board of Trustees and upon payment to the retirement system of an amount equal to 14.9 percent of the member's current annual rate of compensation, including longevity bonus, multiplied by each year and fraction of a year of service to be purchased.
- (2) As used in this section, "service as an employee with the City" consists of prior full-time employment with the City or its boards and commissions, or with the District Court, which employment has not already been credited to the member's service account and for which the member would not otherwise be entitled to a service credit, but for this section; "service as an employee with the City" includes periods during which the member's income from the City or its boards or commissions, or from the District Court, consisted of Workers' Compensation payments, provided the member has not already received credit for such service or is not otherwise entitled to service credit for such periods.
- (3) In order to purchase service credit pursuant to this section, a member must elect to do so in writing prior to July 16, 1988, and, within thirty days of such election, pay in one lump sum the amount required by subsection (a) hereof.
- (b) (1) An employee who elects an option to return as a member of the employees' retirement system pursuant to Subsections 292.14(c)(2) through (c)(4) may purchase service credits. Service credits purchased pursuant to this option shall be actuarially determined at 83.9 percent of the employees' retirement system's actuarially accrued liability as of October 1, 2000; except for a FOP 911 Operators' Division employee's date for determining the actuarially accrued liability shall be as of May 1, 2001. A City executive management plan employee, exempt employee, or a Teamsters 580 and 214 supervisory and non-supervisory employees shall have until September 1, 2000 to purchase service credits. A district court teamster or district court exempt employee shall have until September 22, 2000 to purchase service credits. A FOP 911 Operators' Division employee shall have until April 20, 2001 to purchase service credits.
- (2) The ceiling amount of service credits that may be purchased by these employees shall be in accordance with Section 292.01(f) and (r) including the time the employee was excluded pursuant to Section 292.14(c)(1).
- (3) An employee, who becomes a member pursuant to Section 292.14(d), ~~or~~ Section 292.14(e), OR SECTION 292.14(F) may purchase service credits in accordance with Section 292.20(a)(2).

292.20. Retirement age and service requirements.

- (a) Except as provided in subsection (b), (c) or (d) hereof, any member who either has attained or attains the age of fifty-eight years and has eight or more years of credited service, or has attained or attains the age of fifty-five years and has twenty-five or more years of credited service, may retire upon his or her

written application to the Board of Trustees setting forth at what time, neither less than thirty days nor more than ninety days, subsequent to the execution and filing thereof, such member desires to be retired. Upon retirement, the member shall receive a retirement allowance as provided in Section 292.21.

- (1) For vesting purposes of this section only, and not for purposes of service retirement allowance multiplier calculations under Section 292.21, a member, who becomes a member pursuant to Section 292.14(d), ~~or~~ Section 292.14(e), OR SECTION 292.14(E) shall receive credited service equal to the number of years and full months that the member accrued while enrolled in the defined contribution plan. For service retirement allowance multiplier calculations under Section 292.21, a member, who become a member pursuant to Section 292.14(d), ~~or~~ 292.14(e), OR SECTION 292.14(E) shall be entitled to a multiplier of zero (0) years and full months of credited service based upon longevity in the defined contribution plan unless Section 292.21 credited service allowance is purchased by the member pursuant to Section 292.20(a)(2).
- (2) A member, who becomes a member pursuant to Section 292.14(d), ~~or~~ Section 292.14(e), OR SECTION 292.14(E) may purchase service credits eligible for inclusion in Section 292.21 multiplier calculations upon the lump sum payment to the retirement system in an amount determined by the retirement system actuary for the particular member. For a Section 292.14(d) member, such payment must be made no later than December 31, 2003, or the ninetieth day after the date of mailing of the letter to the member containing the actuarial determination, whichever shall last occur. For a Section 292.14(e) member, such payment must be made no later than February 1, 2004, or the ninetieth day after the date of mailing of the letter to the member containing the actuarial determination, whichever shall last occur. FOR A SECTION 292.14(E) MEMBER, SUCH PAYMENT MUST BE MADE NO LATER THAN JULY 13, 2004, OR THE NINETIETH DAY AFTER THE DATE OF MAILING OF THE LETTER TO THE MEMBER CONTAINING THE ACTUARIAL DETERMINATION, WHICHEVER SHALL LAST OCCUR. A member may not purchase service credits for Section 292.21 purposes in excess of the credited service the member is entitled to under Section 292.20(a)(1) based upon longevity in the defined contributions plan.
- (b) Effective June 30, 1987, a member who is associated with the FOP Park Security Division and who either has attained or attains the age of fifty-eight years and has eight or more years of credited service, or has attained or attains the age of fifty years and has twenty-five or more years of credited service, may retire upon written application to the Board setting forth at what time, neither less than thirty days nor more than ninety days, subsequent to the execution and filing thereof, such member desires to be retired. Upon retirement, the member shall receive a retirement allowance, as provided in Section 292.21. Effective December 1, 1989, a member who has twenty-five years of credited service may retire regardless of his or her age.
- (c) Effective November 1, 1995, a member who is associated with United Auto Workers Local 2256 and who either has attained or attains the age of fifty-eight years and has eight or more years of credited service, or who has attained the age of fifty years and has twenty-five or more years of credited service,
- (d) A member, employed in a covered position on or after the covered position's effective date, who does not elect to terminate membership as provided in Section 292.14(c)(1) or has elected to return to the employees' retirement system as a member pursuant to Section 292.14(c)(2) through (c)(4), who has eight or more years of credited service, and whose years and full months of attained age, when added to the years and full months of credited service, equal or exceed sixty-five years, may retire upon his or her written application to the Board. Such application shall set forth at what time, neither less than thirty nor more than ninety days subsequent to the execution and filing thereof, the member desires to be retired. Upon the member's retirement, the member shall receive a retirement allowance as provided in Section 292.21. The foregoing notwithstanding, this provision shall not be operative for any FOP 911 Operators' Division employees, except as follows:
- (1) Any FOP 911 Operators' Division employee satisfying said formula between December 1, 1992, and May 31, 1993, is eligible to retire during said window of opportunity, pursuant to an Act 312 arbitration award.
- (2) Thereafter, any FOP 911 Operators' Division employee, satisfying said formula on or after August 20, 1994, shall be eligible to retire in accordance with said formula.
- (e) Further, without regard to whether they were employed in covered positions at the time of retirement, vested employees from the following employee groups are eligible for retirement in accordance with said "sixty-five point" formula, retroactive to their retirement dates:
- (1) Teamster supervisory and non-supervisory, exempt and appointed employees and executive management plan employees retiring in accordance with said "sixty-five point" formula pursuant to the terms of the early retirement incentives approved by Council on April 18, 1988; and
- (2) Any FOP Parks Security Division employee retiring in accordance with the terms of the agreement concerning the impact of layoffs on the Parks Security Division, dated June 15, 1992.
- (f) Notwithstanding any other subsection of this section, or any other section of this chapter, to the contrary, and in confirmation and ratification *nunc pro tunc* of a certain memorandum of understanding between the City and Teamsters Local 580, regarding voluntary reduction in force (ratified and accepted as a binding collective bargained agreement by Council Resolution No. 201 on April 13, 1992) and Resolution No. 382 adopted by Council on July 13, 1992, members described in Section 292.14 who were then in the following classifications: Local 580 Teamsters supervisory and clerical/technical/professional bargaining units (excluding the District Court bargaining unit), executive management plan employees, non-bargaining unit City employees and exempt District Court employees (except the District Court judges), but excluding elected City officials, and who met all of the following criteria:
- (1) Retired on or after July 1, 1992, and by January 4,

1993; and

- (2) Signed and delivered to the City not later than December 1, 1992, the requisite written notice of intent to exercise the right to receive certain early retirement incentives contained in said memorandum and Resolution No. 201; and
- (3) Without retirement incentives, had eight or more years of service credit.

Are granted the additional five years of service credit and the increased benefit multiplier of 2.75 percent as described and contained in said memorandum. Notwithstanding such increased service credit and benefit multiplier, no annual benefit payment shall exceed the limitations as prescribed by Internal Revenue Code Section 415.

- (g) The adoption of the provisions of subsection (f) hereof shall not be deemed nor construed as a waiver, release or relinquishment of any rights of the City or the Board of Trustees to pursue civil or criminal actions against any individual(s) who may have committed or participated in actions, or omissions to act, of misfeasance, malfeasance, breach of fiduciary duty, breach of public trust, negligence or any kind of wrongdoing whatsoever in connection with the implementation and/or adoption of the 1992 early retirement plan, which is being codified in certain respects by subsection (f) hereof.

The City and the Board of Trustees hereby respectively reserve the right and any claim or defense to discontinue, deny or recoup the benefits contained in subsection (f) hereof to and from any member or benefit recipient upon a finding that such member or recipient committed or participated in acts, or omissions to act, of misfeasance, malfeasance, breach of fiduciary duty, breach of public trust, negligence or any kind of wrongdoing whatsoever in connection with the implementation and/or adoption of the 1992 early retirement plan as codified in subsection (f) hereof. The City and the Board of Trustees hereby also reserve the right to deny, withhold or recoup the benefits contained in subsection (f) hereof to and from any member or recipient upon a finding that any member or recipient elected retirement under the 1992 early retirement plan with knowledge that said plan was improperly adopted by Resolution No. 201 of 1992 or otherwise improperly adopted, or elected retirement with the knowledge that said member or recipient had no legal entitlement to such early retirement benefits, or that such entitlement was significantly questionable under the City Charter, general law of the State or ordinance of the City Charter, law or ordinance.

292.21. Age and service retirement allowance.

- (a) Upon retirement, a member shall receive a straight life retirement allowance and shall have the right to elect to receive a retirement allowance under an option provided in Section 292.27 in lieu of a straight life retirement allowance. Such member's straight life retirement allowance shall consist of the following benefits:
 - (1) An annuity which shall be the actuarial equivalent of accumulated contributions standing to the member's credit in the employees' savings fund at the time of retirement; and
 - (2) A pension which, when added to the member's annuity, shall provide a straight life retirement allowance equal to the number of years, and fraction of a year, of the member's credited service multiplied by two percent of the member's final average compensation, except as modified by the following:
 - A. For such retirements on or after February 1, 1992, the multiplier shall be 2.5 percent for a maximum of thirty-five years of

credited service, 1.5 percent for credited service between thirty-five and forty years, and 1.0 percent for credited service between forty and forty-five years.

- B. Employees retiring under subsection 292.21(a)(2)(A) shall not earn or accrue more than forty-five years of credited service.
- C. For FOP 911 Bargaining Unit employees that retire on or after September 16, 1992, the multiplier shall be 2.5 percent for a maximum of thirty-five years of credited service, 1.5 percent for credited service between thirty-five and forty years, and 1.0 percent for credited service between forty and forty-five years, and zero percent for credited service in excess of forty-five years.
FOR FOP 911 OPERATORS' DIVISION EMPLOYEES THAT RETIRE ON OR AFTER MAY 1, 2001, THE MULTIPLIER SHALL BE 2.75 PERCENT FOR THE FIRST 35 YEARS OF SERVICE. IN NO CASE SHALL A PENSION EXCEED ONE HUNDRED PERCENT OF THEIR FINAL AVERAGE COMPENSATION EXCEPT AS ALLOWED BY LAW.
- D. For Executive Plan Exempt, Teamster 580 and 214, and District Court exempt employees that retire on or after October 1, 2002, the multiplier shall be 2.75 percent for the first 35 years of service. In no case shall a pension exceed one hundred percent of their average compensation except as allowed by law.
- E. Except as provided in Section 292.21(a)(2)(E)(i), for executive plan, exempt, Teamster 580 and Teamster 214, mayoral staff and council staff employees that retire on or after October 1, 2003, the multiplier shall be 2.8 percent for the first 35 years of service. In no case shall a pension exceed one hundred percent of their final average compensation except as allowed by law.
 - (i) Notwithstanding anything in this section to the contrary, for members who become members pursuant to Section 292.14(d) the multiplier shall be 1.6 percent. In no case shall a pension exceed one hundred percent of a member's final average compensation except as allowed by law. For purposes of the multiplier under this section only, and not for vesting purposes under Section 292.20, credited service shall be such credited service earned by the member subsequent to October 1, 2003, and any additional service

- credit purchased by a member pursuant to Section 292.20(a)(2).
- service credit purchased by a member pursuant to Section 292.20(a)(2).
- F. Except as provided in Section 292.21 (a)(2)(F)(i), for District Court exempt employees that retire on or after December 1, 2003, the multiplier shall be 2.8 percent for the first 35 years of service. In no case shall a pension exceed one hundred percent of their final average compensation except as allowed by law.
- (i) Notwithstanding anything in this section to the contrary, for members who become members pursuant to Section 292.14(e) the multiplier shall be 1.6 percent. In no case shall a pension exceed one hundred percent of a member's final average compensation except as allowed by law. For purposes of the multiplier under this section only, and not for vesting purposes under Section 292.20, credited service shall be such credited service earned by the member subsequent to December 1, 2003, and any additional service credit purchased by a member pursuant to Section 292.20(a)(2).
- G. For District Court Teamster employees that retire on or after October 1, 2000, the multiplier shall be 2.25 percent for the first 35 years of credited service. In no case shall a pension exceed one hundred percent of their final average compensation except as allowed by law.
- H. Except as provided in Section 292.21 (a)(2)(H)(i), for District Court teamster employees that retire on or after December 1, 2003, the multiplier shall be 2.3 percent. In no case shall a pension exceed one hundred percent of their final average compensation except as allowed by law.
- (i) Notwithstanding anything in this section to the contrary, for members who become members pursuant to Section 292.14(e) the multiplier shall be 1.6 percent. In no case shall a pension exceed one hundred percent of a member's final average compensation except as allowed by law. For purposes of the multiplier under this section only, and not for vesting purposes under Section 292.20, credited service shall be such credited service earned by the member subsequent to December 1, 2003, and any additional
- I. For UAW employees that retire on or after March 1, 2001, the multiplier shall be 2.75 percent for the first 35 years of service. In no case shall a pension exceed one hundred percent of their final average compensation except as allowed by law.
- J. EXCEPT AS PROVIDED IN SECTION 292.21(A)(2)(J)(I), ~~For FOP 911 Operators' Division employees that retire on or after May 1, 2001, the multiplier shall be 2.75 percent for the first 35 years of service. In no case shall a pension exceed one hundred percent of their final average compensation except as allowed by law~~ FOR FOP 911 OPERATORS' DIVISION EMPLOYEES THAT RETIRE ON OR AFTER MAY 1, 2004, THE MULTIPLIER SHALL BE 2.8 PERCENT (2.8%) FOR THE FIRST THIRTY-FIVE (35) YEARS OF CREDITED SERVICE AND 1.5 PERCENT (1.5%) FOR CREDITED SERVICE AFTER 35 YEARS. IN NO CASE SHALL A PENSION EXCEED ONE HUNDRED PERCENT (100%) OF THE MEMBER'S FINAL AVERAGE COMPENSATION, EXCEPT AS ALLOWED BY LAW.
- i. NOTWITHSTANDING ANYTHING IN THIS SECTION TO THE CONTRARY, FOR MEMBERS WHO BECOME MEMBERS PURSUANT TO SECTION 292.14(E) THE MULTIPLIER SHALL BE 1.6 PERCENT. IN NO CASE SHALL A PENSION EXCEED ONE HUNDRED PERCENT OF A MEMBER'S FINAL AVERAGE COMPENSATION, EXCEPT AS ALLOWED BY LAW. FOR PURPOSES OF THE MULTIPLIER UNDER THIS SECTION ONLY, AND NOT FOR VESTING PURPOSES UNDER SECTION 292.20, CREDITED SERVICE SHALL BE SUCH CREDITED SERVICE EARNED BY THE MEMBER SUBSEQUENT TO MAY 1, 2004, AND ANY ADDITIONAL SERVICE CREDIT PURCHASED BY A MEMBER PURSUANT TO SECTION 292.20(A)(2).
- K. Except as provided in Section 292.21(a)(2)(E)(i), for an elected and appointed employees who is a member and retires on or after July 1, 2001, the multiplier shall be 2.75 percent for the first 35 years of service.
- L. Any member or employee who hires or transfers on or after October 1, 2003, into

a position within a different bargaining unit or employee group classification of executive management plan, exempt, mayoral staff, council staff and District Court exempt, shall only receive the service credit multiplier for the new position bargaining unit or employee group classification for credited service after said transfer or hire date and shall retain the bargaining unit or employee group classification multiplier, if any, for credited service before October 1, 2003 in the bargaining unit or employee group classification from which the employee transferred.

- (3) The foregoing notwithstanding, any member of the following employee groups shall receive a pension which, when added to the member's annuity, shall provide a straight life retirement allowance equal to the number of years, and fraction of a year, of the member's credited service multiplied by 2.5 percent of the member's final average compensation:
- A. Teamster supervisory and non-supervisory, exempt and appointed employees and executive management plan employees retiring in accordance with the terms of the early retirement incentive approved by Council on April 18, 1988; and
- B. Any FOP Parks Security Division employee retiring in accordance with the terms of the agreement concerning the impact of layoff on the Parks Security Division, dated June 15, 1992.
- (b) According to such rules and regulations as the Board of Trustees may from time to time adopt, any member who retires prior to the attainment of the age of sixty-five years may elect to have his or her straight life retirement allowance actuarially equated to provide an increased retirement allowance payable to the member's attainment of the age of sixty-five years and a reduced retirement allowance payable thereafter. The member's increased retirement allowance payable to the member's attainment of the age of sixty-five years shall approximate the sum of the member's reduced retirement allowance payable after the attainment of the age of sixty-five years and the member's estimated Social Security primary insurance amount.
- (c) If a retirant dies before having received, in straight life retirement allowance payments, an aggregate amount equal to his or her accumulated contributions standing to his or her credit in the employees' savings fund at the time of his or her retirement, the difference between the member's accumulated contributions and the aggregate amount of straight life retirement allowance payments received by the member shall be paid from the retirement reserve fund to such person as the member nominates by written designation duly executed and filed with the Board. If there is no such designated person surviving the retirant, such difference, if any, shall be paid to the retirant's legal representative. No benefits shall be paid under this subsection on account of the death of a retirant if the member had elected option 1, A or B as provided in Section 292.27.
- (d) It is acknowledged that compensation, including retirement benefits, is determined for elected officials by the Lansing Elected Officers Compensation Commission (EOCC) and that the EOCC has, through its official determinations, approved

and ratified the retirement benefits of eligible elected officials as contained in this employees' retirement system chapter. When the EOCC, pursuant to its duties and authority, determines retirement benefits that become effective for eligible elected officials and those benefits are not already included but are to be a part of this chapter, this chapter shall be amended accordingly.

292.26. Increase in benefits.

- (a) The benefits calculated in Sections 292.21, 292.24 and 292.25 shall be increased as per this subsection. Effective February 1, 1984, benefits for retirant and beneficiaries whose effective date of retirement is before November 4, 1979, shall receive an increase. Such increase shall be calculated by this formula: one percent of the retirant's or beneficiary's benefit on February 1, 1984, times the number of full calendar years between the effective date of retirement and January 1, 1984.
- (b) Except as provided in subsection 292.26(c), The benefits calculated in Sections 292.21, 292.24 and 292.25 shall be increased as per this subsection. Effective February 1, 1987, benefits for retirants and beneficiaries whose effective date of retirement is before November 4, 1982, shall receive an increase. This increase shall be calculated by this formula: three percent times the retirant's or beneficiary's benefit on February 1, 1987.

Effective January 1, 1998 each retirant and beneficiary whose effective date of retirement is before January 1, 1998 and whose retirement allowance is smaller than the minimum retirement allowance provided in this subsection, shall have his or her retirement allowance increased to the minimum retirement allowance. A person affected by Subsection 292.20(f) shall not be eligible for the minimum retirement allowance. A person whose retirement allowance is based on fewer than eight years of credited service, other than persons receiving retirement allowances under Section 292.25 or Section 292.28, shall not be eligible for the minimum retirement allowance. The minimum annual retirement allowance is the product of the point value, described in this subsection, times the sum of:

The number of full years between the retirant's or beneficiary's effective date of retirement and January 1, 1998, plus one and one-half (1 ½) times the number of full years of credited service upon which the retirant's or beneficiary's retirement allowance is based. For a person receiving a retirement allowance provided in Section 292.25 or Section 292.28 a minimum of twenty years of credited service shall be used for purposes of this paragraph.

The point value is one of the following:

For a retirant who elected Option A provided in Section 292.27, or a beneficiary of such a retirant, the point value is \$100.00 times the ratio of the retirant's original Option A retirement allowance divided by the retirant's original straight life retirement allowance; or

For a retirant who elected Option B provided in Section 292.27, the point value is \$100.00 times the ratio of the retirant's original Option B retirement allowance divided by the retirant's original straight life retirement allowance; or

For the beneficiary of a retirant who elected Option B provided in Section 292.27, the point value is \$50.00 times the ratio of the retirant's original Option B retirement allowance divided by the retirant's original straight life retirement allowance; or

For all other retirant's and beneficiaries the point value is \$100.00. The cost of this minimum retirement allowance provision shall be borne by the December 31, 1997 contingency reserve in the retirement reserve fund. Effective

January 1, 1999 and each January 1 thereafter, the retirement allowance will be increased for each retirant and beneficiary who meets both of the following conditions:

The retirant's or beneficiary's effective date of retirement is at least six months prior to the January 1 increase date, and

The retirant has attained the age of sixty years as of the January 1 increase date, or, in the case of a beneficiary the deceased retirant or deceased member would have attained the age of sixty years as of the January 1 increase date.

The retirement allowance increases are cumulative but not compounded. A person affected by Subsection 292.20(f) shall have his or her cumulative retirement allowance increase under this subsection reduced by the retirement allowance increase attributable to the 2.75% benefit formula and the five additional years of credited service provided in Section 292.20(f). A person affected by any early retirement window incentive benefit provision other than the provision in Section 292.20(f) shall have his or her cumulative retirement allowance increase under this subsection reduced by the retirement allowance increase attributable to the early retirement window incentive provision. A person whose retirement allowance is based on fewer than eight years of credited service, other than persons receiving retirement allowances under Section 292.25 or Section 292.28, shall not be eligible for the retirement allowance increases under this subsection. The amount of the annual increase in retirement allowance shall be three percent of the annual retirement allowance that would be payable in the absence of this subsection. However, the maximum annual increase will be one of the following:

For a retirant who elected Option A provided in Section 292.27, or a beneficiary of such a retirant, the maximum annual retirement allowance increase is \$200.00 times the ratio of the retirant's original Option A retirement allowance divided by the retirant's original straight life retirement allowance; or

For a retirant who elected Option B provided in Section 292.27, the maximum annual retirement allowance increase is \$200.00 times the ratio of the retirant's original Option B retirement allowance divided by the retirant's original straight life retirement allowance; or

For the beneficiary of a retirant who elected Option B provided in Section 292.27, the maximum annual retirement allowance increase is \$100.00 times the ratio of the retirant's original Option B retirement allowance divided by the retirant's original straight life retirement allowance; or

For all other retirants and beneficiaries the maximum annual retirement allowance increase is \$200.00.

In no event shall the cumulative retirement allowance increase provided in this subsection exceed, on a percentage basis, the cumulative increase in the consumers price index from the effective date of retirement to the January 1 increase date. The cost of the benefits provided in this subsection shall be borne by a portion of the investment income credited to the members benefit fund. Three-eighths (3/8) of the first eight percent investment income that is credited to the members' benefit fund is earmarked for this purpose.

The actuary shall report annually on the sufficiency of the members' benefit fund, based on that report.

The Board of Trustees may from time to time increase, but not decrease. The maximum annual retirement allowance increase amount in this subsection.

- (c) Subsection 292.26(b) shall not apply to a retirant who becomes a member pursuant to Section 292.14(d), ~~or~~ Section 292.14(e), OR SECTION 292.14(F).

292.35. Employees' savings fund.

- (a) There is hereby established an employees' savings fund. In it shall be accumulated, at regular interest, the contributions deducted from the compensations of members to provide their annuities, and from it shall be made transfers and refunds of accumulated contributions, as provided in this chapter.

- (b) Until January 1, 1967, the contributions of a member to the retirement system shall be the sum of three percent of the first four thousand, two hundred dollars (\$4,200) of annual compensation plus five percent of the portion, if any, of the annual compensation which is in excess of four thousand, two hundred dollars (\$4,200). Beginning December 31, 1966, each member shall contribute to the retirement system three percent of his or her annual compensation, except as hereinafter provided:

- (1) Beginning with pay periods ending on or after July 1, 1982, each of the following shall not contribute:

- A. A member who is a part-time or full-time elected official; and
B. A member who is part of the executive pay plan.

- (2) Beginning with pay periods ending on or after July 1, 1982, and through all pay periods ending before July 1, 1983, each of the following shall contribute 1.5 percent of the member's annual compensation:

- A. A member who is unrepresented by a labor union, is not employed on a regular or permanent basis by the District Court, is not employed by the Housing Commission and is not described in paragraph (b)(1) hereof; and
B. A member who is represented by a union which has entered into a collective bargaining agreement providing for the contribution of not more than 1.5 percent of each member's annual compensation to the employees' savings fund.

- (3) Beginning with pay periods ending on or after July 1, 1983, each of the following shall not contribute:

- A. A member who is unrepresented by a labor union, is not employed on a regular or permanent basis by the District Court and is not described in paragraph (b)(1) hereof; and
B. A member who is represented by a union which has entered into a collective bargaining agreement which does not provide for its members to make any contribution to the employees' savings fund.

- (4) Beginning with pay periods ending on or after October 1, 1987, teamster supervisory and non-supervisory bargaining unit employees, elected officials, exempt and appointed employees and executive pay plan employees, shall contribute 2.5 percent of their wages to the employees' savings fund; effective October 1, 1988, said employees shall contribute 3.0 percent of their wages to the

- employees' savings fund; effective October 1, 1989, said employees shall contribute 4.0 percent of their wages to the employees' savings fund; effective July 1, 1992, said employees shall contribute 3.0 percent of their wages to the employees' savings fund; beginning with the pay date on or after October 1, 2000, said employees, except elected officials, shall contribute 3.25 percent of their wages to the employees' saving fund; and beginning with the pay date on or after July 1, 2001, elected officials shall contribute 3.25 percent of their wages to the employees' saving fund.
- (5) Beginning with pay periods ending on or after October 1, 1987, District Court exempt employees shall contribute 4.0 percent of their wages to the employees' savings fund; and beginning with the pay date on or after October 1, 2000, said employees shall contribute 4.25 percent of their wages to the employees' saving fund.
- (6) Beginning with the pay date on or after October 1, 2000, district court teamsters shall contribute 3.25 percent of their wages to the employees' saving fund.
- (7) Beginning with pay periods ending on or after December 1, 1989, FOP Parks Security Division employees shall contribute 3.4 percent of their wages to the employees' savings fund.
- (8) Beginning with pay periods ending on or after September 16, 1992, FOP 911 Operators' Division employees shall contribute 4.0 percent of their wages to the employees' savings fund. Effective with the pay period ending August 20, 1994, FOP 911 Operators' Division employees shall contribute 6.0 percent of their wages to the employees' savings fund. Beginning with the pay date on or after May 1, 2001, FOP 911 Operators' Division employees shall contribute 6.75 percent of their wages to the employees' saving fund.
- (9) Beginning with the pay date on or after March 1, 2001, UAW employees shall contribute 1.70 percent of their wages to the employees' saving fund.
- (10) Beginning with the first pay date on or after the stated date, every member who is an employee in the stated bargaining unit or employee group classification shall contribute as follows:
- (A) Teamster 580, if a member of the retirement system pursuant to Section 292.14(d), he or she shall contribute 5.5 percent of his or her wages to the employees' savings fund on or after October 1, 2003.
- (B) Teamster 580, if a member of the retirement system on September 30, 2003, he or she shall contribute 3.5 percent of his or her wages to the employees' savings fund on or after October 1, 2003.
- (C) Exempt, executive management plan, Teamster 214, mayoral staff and council staff, if a member of the retirement system pursuant to Section 292.14(d), he or she shall contribute 6.5 percent of his or her wages to the employees' savings fund on or after October 1, 2003.
- (D) Exempt, executive management plan, Teamster 214, mayoral staff and council staff, if a member of the retirement system on September 30, 2003, he or she shall contribute 3.50 percent of his or her wages to the employees' savings fund on or after October 1, 2003.
- (E) District Court exempt and District Court teamster, if a member of the retirement system pursuant to Section 292.14(e), he or she shall contribute 5.5 percent of his or her wages to the employees' savings fund on or after December 1, 2003.
- (F) District Court teamster, if a member of the retirement system on November 30, 2003, he or she shall contribute 3.50 percent of his or her wages to the employees' savings fund on or after December 1, 2003.
- (G) District Court exempt, if a member of the retirement system on November 30, 2003, he or she shall contribute 4.5 percent of his or her wages to the employees' savings fund on or after December 1, 2003.
- 8) FOP 911 OPERATORS' DIVISION, IF A MEMBER OF THE RETIREMENT SYSTEM PURSUANT TO SECTION 292.14(F), HE OR SHE SHALL CONTRIBUTE 6.5 PERCENT (6.5%) OF HIS OR HER WAGES TO THE EMPLOYEES' SAVINGS FUND ON OR AFTER MAY 1, 2004.
- 9) FOP 911 OPERATORS' DIVISION, IF A MEMBER ON APRIL 30, 2004, HE OR SHE SHALL CONTRIBUTE 7.25 PERCENT (7.25%) OF HIS OR HER WAGES TO THE EMPLOYEES' SAVINGS FUND ON OR AFTER MAY 1, 2004.
- (c) The Director of Finance, or other officer responsible for making the payroll, shall cause the contributions provided in subsection (b) hereof to be deducted from the compensation of each member on each and every payroll, for each and every payroll period, so long as the member remains employed by the City, the District Court or the Housing Commission.
- (d) The contributions provided for herein shall be made regardless of the fact that the minimum compensation provided by law for any member shall be changed thereby. Every member shall be deemed to consent and agree to the deductions made and provided for herein. Payment of the member's compensation less such deductions shall be a full and complete discharge and acquittance of all claims and demands whatsoever for the services rendered by such person during the period covered by such payments, except as to benefits provided under this chapter. When deducted, the contributions of each member shall be paid to the retirement system and shall be credited to the member's individual account in the employees' savings fund.
- (e) In addition to the contributions deducted from compensation of a member as hereinbefore provided, a member shall, in order to qualify for prior service credit, deposit in the employees' savings funds, by single payment or by an increased rate of contribution as determined by the Board, the accumulated contributions, if any, which the member withdrew therefrom, together with regular interest from the date of withdrawal to the date of repayment. Repayment shall be made in accordance with rules which the Board shall from time to time determine.

The rules shall not require full repayment prior to the date which is one year following the date of renewed membership, nor shall the rules permit full repayment to extend beyond the date which is four years following the date of renewed membership, or following the effective date of this amendment, whichever is later. If a member dies prior to completion of repayment and leaves a spouse, then the spouse may pay the balance due within sixty days of the member's death. In no case shall any member be given credit for service rendered prior to the date he or she withdrew the accumulated contributions, until he or she repays to the employees' savings fund all amounts due such fund by the member.

- (f) Upon the retirement of a member, his or her accumulated contributions shall be transferred from the employees' savings fund to the retirement reserve fund. At the expiration of a period of five years from and after the date an employee ceases to be a member, any balance standing to the member's credit in the employees' savings fund, unclaimed by such member or the member's legal representative, shall remain a part of the moneys of the retirement system if no retirement allowance will become payable under this chapter on account of the member's employment with the City, the District Court or the Housing Commission.

292.37B. Health insurance fund.

The health insurance fund is hereby created as of January 1, 1998, and shall be the fund for receiving contributions for post-retirement health insurance benefits. The initial balance as of January 1, 1998, shall be \$x,xxx,xxx, which amount is equal to the December 31, 1997, asset receivable allocated to health insurance advance funding from the City's general fund. City contributions, as specified in this section, for post-retirement health insurance benefits, including dental insurance and Medicare reimbursement benefits, shall be credited to the health insurance fund. Transfers from the members benefit fund, as specified in Section 292.37A, shall be credited to the health insurance fund. Notwithstanding the provisions of Section 292.43, the health insurance fund shall be credited investment income at a rate consistent with the method used to determine the actuarial value of assets in the annual actuarial report. Premiums or charges, as specified in this section, for post-retirement health insurance benefits, including dental insurance and Medicare reimbursement benefits, shall be paid from the health insurance fund.

- (1) Beginning July 1, 1998, the City's annual contribution to the health insurance fund equal the sum of the actuarially computed normal cost for the year plus an amortization of the cumulative net actuarial gains and losses arising from the experience of active members on or after January 1, 1998, using an amortization period adopted by the Board of Trustees for this purpose. However, in no case shall the City's annual contribution to the health insurance fund exceed the limitation imposed by Internal Revenue Code Section 401(h) and the regulations thereunder. The amount, if any, by which the contribution must be reduced, in order to comply with the limitation imposed by Section 401(h), shall instead be contributed to a voluntary employees' beneficiary association established by the City for this purpose.
- (2) Beginning July 1, 1998, and each year thereafter, a portion of the premiums or charges for post-retirement health insurance benefits, including dental insurance and Medicare reimbursement benefits, may be paid from the health insurance fund on behalf of eligible retirees and beneficiaries of the retirement system in accordance with the applicable collective bargaining agreements and personnel

rules of the City. Except for retirees who become eligible pursuant to Section 292.14(d), ~~or~~ Section 292.14(e), OR SECTION 292.14(E) the portion of the premiums or charges that will be paid from the health insurance fund is a percentage of such premiums or charges paid on behalf of persons with retirement effective dates on or after January 1, 1998. The percentage shall be four percent in the fiscal year beginning July 1, 1998, increasing four percent each year thereafter until it reaches one hundred percent for fiscal years beginning on or after July 1, 2022. The amount of premiums or charges paid from the health insurance fund shall be reduced by the amount, if any, paid from a voluntary employees beneficiary association established by the City for this purpose. Notwithstanding the method specified in this subsection to compute the portion of the premiums or charges that are paid from the health insurance fund, the fund balance of the health insurance fund at any point in time is reserved to support the post retirement health insurance benefits, including dental insurance and medicare reimbursement benefits, of all eligible retirees and beneficiaries of the retirement system regardless of retirement effective date.

- (3) Notwithstanding the creation or maintenance within the retirement system of the health insurance fund, this section is not to be construed or deemed to have established or removed any benefits, financial or otherwise, subject to Article IX, Section 24 of the 1963 Constitution of the State of Michigan. Nor shall the creation and maintenance of the health insurance fund preclude the City from giving consideration to and implementing cost containment measures as provided by law. Instead, the purpose of this section is to put in place a mechanism for the advance funding of post-retirement health insurance benefits for eligible retirees, and not, apart from the advance funding obligation, to grant additional rights or to take away any rights which eligible retirees may already have.

292.37C. Retirement health care.

Employees, who are in council staff, mayoral staff, exempt, executive management plan, Teamster 580, Teamster 214, District Court teamster, ~~and~~ District Court exempt AND FOP 911 OPERATORS' DIVISION bargaining units and employee group classifications, and who become a member pursuant to Section 292.14(d), ~~or~~ Section 292.14(e), OR SECTION 292.14(E), shall be entitled to retirement health care, ~~with spousal benefits in the case of a member's death, according to the requirements and funding as set forth in Chapter 293, and~~ PURSUANT TO applicable personnel rules and collective bargaining agreements AND AS PROVIDED BY THE CITY OF LANSING VOLUNTARY EMPLOYEES' BENEFICIARY ASSOCIATION PLAN (A/K/A VEBA), WHICH IS ENTITLED CITY OF LANSING POST EMPLOYMENT HEALTH CARE PLAN AND TRUST. RETIREE'S ELIGIBILITY FOR BENEFITS AND COVERAGE OF SPOUSE AND DEPENDANTS SHALL BE AS CONTAINED IN THE VEBA. The retirement health care benefits provided may be changed from time to time to be consistent with health care plans available to active City employees in the bargaining unit or employee group classification that the member was in at the time of his or her retirement.

Section 2. All ordinances, resolutions or rules, parts of ordinances, resolutions or rules inconsistent with the provisions hereof are hereby repealed.

Section 3. Should any section, clause or phrase of this ordinance be declared to be invalid, the same shall not affect the validity

of the ordinance as a whole, or any part thereof other than the part so declared to be invalid.

Section 4. This ordinance shall take effect on the 30th day after enactment unless given immediate effect by City Council.

**REPORTS FROM CITY OFFICERS, BOARDS, AND COMMISSIONS;
COMMUNICATIONS AND PETITIONS;
AND OTHER CITY RELATED MATTERS**

By Councilmember Jeffries that all items be considered as being read in full and that President Quinney make the appropriate referrals

Motion Carried

• Reports from City Officers, Boards and Commissions:

- a. Letters from the City Clerk:
- i. Regarding the Charter requirement on the frequency of Council Meetings

REFERRED TO THE COMMITTEE OF THE WHOLE

- ii. Submitting minutes of Boards and Authorities placed on file in the City Clerk's Office

RECEIVED AND PLACED ON FILE

- b. Letters from the Mayor re:
- i. Transfer of Funds; State/Federal Programs, 2005 State Homeland Security Grant Program Mutual Aid Box Alarm System-Michigan Server Project

REFERRED TO THE COMMITTEE ON WAYS AND MEANS AND THE INTERNAL AUDITOR

- ii. Grant Acceptance; Community Oriented Police Services (COPS) Hiring Recovery Program

REFERRED TO THE COMMITTEE ON WAYS AND MEANS AND THE INTERNAL AUDITOR

• Communications and Petitions, and Other City Related Matters:

- a. Letter from the State of Michigan Department of Environmental Quality providing notice of Mary Jo Adgate of 2260 Tecumseh River Dr.'s application for a permit to construct an unattached 10 by 14 foot deck to existing 20 by 20 foot existing deck; Add two additional support posts on existing carport, and remove and replace existing concrete slab under carport; Approximately 5 cubic yards of fill material will be needed for new carport slab.

REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING

- b. Request for Recognition of Non-Profit Status in the City of Lansing submitted by Mike Dent, Team Manager of Team Diamond BMX located at 2014 Barritt St.

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

- c. Applications for Community Funding submitted by:
- i. Moores Park Neighborhood Organization for its Kids Carnival held July 31, 2009

RECEIVED AND PLACED ON FILE

- ii. Fabulous Acres Neighborhood Association for its Annual Neighborhood Block Party to be held August 15, 2009

RECEIVED AND PLACED ON FILE

- iii. Old Town Business & Arts Development Association for its 16th Annual Old Town BluesFest to be held September 18-19, 2009

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

- d. Community Funding Reporting Statement submitted by Old Town Business & Arts Development Association for its JazzFest held August 1-2, 2008 and its BluesFest held September 19-20, 2008

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

MOTION OF EXCUSED ABSENCE

By Councilmember Wood

To excuse Councilmember Robinson from tonight's proceedings

Motion Carried

REMARKS BY COUNCILMEMBERS

Councilmember Kaltenbach wished Councilmember Jeffries and his wife Ellen a happy 29th wedding anniversary.

Councilmember Jeffries stated that Councilmember Kaltenbach introduced him to his future wife Ellen.

Council President Quinney stated that there will be no Committee of the Whole meeting this Thursday.

**REMARKS BY THE MAYOR
OR EXECUTIVE ASSISTANT**

ADJOURNED TIME 8:30 P.M.

CHRIS SWOPE, CITY CLERK